

# Utah Tech University Policy

## 303: Employment of Relatives / Nepotism



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### I. Purpose

- 1.1 To outline Utah Tech University (“the University”)’s policy regarding employment of Relatives or Household Members in compliance with Utah Code § 52-3-1 and to minimize the negative impact on productivity and job satisfaction created by nepotism or the perception of favoritism created by nepotism.

### II. Scope

- 2.1 This policy applies to all University Employees, including appointees, Chief Administrative Officers and Public Officers as defined under Utah Code § 52-3-1.

### III. Definitions

- 3.1 **Employee:** A person who holds a position that is compensated with public funds.
- 3.2 **Exemption:** A determination that an Employee is not obligated to comply with the policy.
- 3.3 **Household Member:** A person who resides in the same residence as the Employee.
- 3.4 **Relative:** A father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- 3.5 **Subordinate:** An Employee in a more junior rank or position.

- 3.6 **Supervisor:** The Employee who exercises the authority or responsibility to appoint, reappoint, promote, manage performance, assign work, administer compensation, terminate, or take other action concerning another Employee's terms and conditions of employment.
- 3.7 **Supervisee:** An Employee who works under the direction of and/or reports to the Supervisor.

#### IV. Policy

- 4.1 In compliance with Utah Code § 52-3-1, no University Employee shall appoint, employ, vote for, or recommend the appointment of a Relative or Household Member in or to any position or employment when the salary, wages, pay or compensation of the Relative or Household Member will be paid from public funds and the Relative or Household Member will be directly supervised by a Relative or Household Member. The restraint extends further in that a Subordinate Supervisor may not hire a more senior Supervisor's Relative or Household Member.
- 4.2 In compliance with Utah Code § 67-16-1 *et seq.*, no Employee shall use the Employee's position to benefit a Relative or Household Member, including hiring, promoting, supervising, voting for, or recommending for hire or promotion a Relative or Household Member.
- 4.3 An Exemption to this policy may be granted as follows:
- 4.3.1 The Relative or Household Member was employed before the Employee assumed their position, and if the Relative or Household Member's appointment does not violate the provisions of this Policy at the time of the appointment; or
  - 4.3.2 The Relative or Household Member will be employed for a period of twelve (12) weeks or less; or
  - 4.3.3 The Relative or Household Member is a Volunteer as defined by University Policy 301; or
  - 4.3.4 The President or applicable Vice President or President's direct report determines that the Relative or Household Member is the only qualified person available to fill the position for which the University is hiring or that the Supervisor is the only Employee available or the best qualified Employee to supervise the job functions and responsibilities of the person for which the Relative or Household Member is being hired.

- 4.4 In the event an Exemption is granted, the supervising Employee shall

immediately submit a complete written disclosure of the Employee's relationship with the Relative or Household Member and the granted Exemption to the University's Institutional Compliance Office, in compliance with Utah Code § 67-16-1, *et seq.*

- 4.5 In compliance with the Utah Board of Higher Education Policy R205, the President's spouse is hired as "Special Assistant to the President" to perform related duties for the University at the compensation of one dollar (\$1.00) per year.

#### 4.6 Limiting Applicant Pool

- 4.6.1 If an applicant for employment in a department is a Relative or Household Member of another departmental Employee, and the hire of the applicant will place the applicant under the supervision of a Relative or Household Member, the head of the hiring department or the search committee may omit the applicant from those being considered for the available position, noting the reason for excluding the applicant in the University's applicant tracking system.

#### 4.7 Alternative Supervision

- 4.7.1 If an appointment, reappointment, promotion, or reassignment of an Employee places the Employee in a supervisory position over a Relative or Household Member, or under the supervision of a Relative or Household Member, all actions with regard to the terms and conditions of the employment of the supervised Employee, including the annual performance evaluation, shall be the responsibility of the next senior administrative Supervisor.
- 4.7.2 The performance evaluation of the supervised Employee must be submitted for review and approval to the Executive Director of Human Resources or designee for non-faculty and non-academic administrative Employees. In the case of faculty or academic administrative employees, the performance evaluation shall be submitted for approval to the Provost and Vice President of Academic Affairs or designee.

## **V. References**

- 5.1 University Policy 301: Personnel Definitions
- 5.2 Utah Board of Higher Education Policy R205
- 5.3 Utah Code § 52-3-1

5.4 Utah Code § 67-16-1 *et seq.*

**VI. Procedures**

- 6.1 New Employees are required to disclose any Relative or Household Member relationship with existing University faculty and staff to Human Resources as part of completing new hire paperwork and/or completing application materials.
- 6.2 Existing Employees are required to disclose within 30 days if a Relative or Household Member becomes employed by the University while the Employee is employed by the University. Such relationships shall be disclosed to the Employee's Supervisor and to Human Resources.
- 6.3 If the Relative or Household Member is the Employee's direct or indirect Supervisor, the disclosure shall be made immediately to the next level of management above such Supervisor. The Executive Director of Human Resources is authorized to request review and to take action when necessary to prevent close Relatives (whether by marriage or blood) from entering into a Supervisor/Supervisee relationship with one another.
- 6.4 In the event a pre-existing relationship is discovered or a new Relative or Household Member relationship develops among Employees, a written request for an Exemption must be submitted to Human Resources by both impacted Employees, following the procedure explained in section 6.5 of this policy.
- 6.5 Any Exemption to this policy must be requested in writing and submitted to Human Resources and the applicable Vice President or President's direct report by the hiring manager, explaining:
  - 6.5.1 The family Relative or Household Member relationship to the Employee.
  - 6.5.2 The reasons for the requested Exemption.
  - 6.5.3 The relationship's potential effect on compensation and classification determination.
  - 6.5.4 How performance appraisals and promotions could be handled without creating the perception of favoritism.
  - 6.5.5 How general supervision could be accomplished without creating the perception of favoritism.
- 6.6 The request for an Exemption must be approved by Human Resources (to

ensure all proposed conflicts can be managed) and the applicable Vice President or President's direct report before the Relative or Household Member can be hired.

- 6.7 If an Exemption is approved, Human Resources will include both the written request for, and approval of the Exemption, within the Employee's personnel file, and provide a copy of the approved Exemption to the Office of Institutional Compliance.
- 6.8 Human Resources will review the Exemption for any concerns on an annual basis after the involved Employees' annual reviews to ensure the Exemption has not created a situation of favoritism.
- 6.9 The University reserves the right to modify or terminate any granted Exemption without notice if the University determines the granted Exemption has negatively impacted or may negatively impact the University or the University community.
- 6.10 Should two existing Employees marry, they may not continue to hold positions of Supervisor/Supervisee relative to one another after marriage. Every effort will be made to effect a transfer that will be mutually advantageous.

## **VII. Addenda – N/A**

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Policy Owner: Executive Director of Human Resources

Policy Steward: Executive Director of Human Resources

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