

UC Davis Policy and Procedure Manual

Chapter 380, Personnel--General

Section 13, Near Relatives and Consensual Relationships

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Responsible Department: Human Resources

Source Document: Academic Personnel Manual Section 520, Employment of Near Relatives; Personnel Policies for Staff Members Section 21, Appointment

I. Purpose

This section ~~presents UC and UCD~~ describes the policy and procedures to manage on the employment of near relatives within the same department, or consensual relationships between members of the University community where one person in the relationship has power, responsibility, or authority over the other.

II. Definitions

A. Consensual relationship—a relationship in which two individuals are involved by mutual consent in a romantic, physically intimate, or sexual relationship.

B. Near relative

1. Spouse, parent, domestic partner, child, sibling, aunt/uncle, or niece/nephew.
2. In-laws or step-relatives in one of these relationships, including a relative of a domestic partner in one of the relationships listed above.
3. Other persons residing in the same household as the employee.

~~B. Employment—any part-time or full-time academic, staff, or student appointment, except for one without salary.~~

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III. Policy

A. The hire of a near relative of a current employee is permitted when it is in the best interest of the University. Approval is required prior to employment if the near relatives would be employed in the same department and would have:

1. A direct or indirect supervisory relationship.
2. The same immediate supervisor.
3. A close working relationship.

B. Approval is also required when the familial or work relationship of two current employees changes so that the employees become near relatives in the same department. The employees ~~shall~~ must both inform their department head as soon as possible after the change.

C. Employees who are in or enter into a consensual relationship with another employee over whom they have supervisory, decision-making, oversight, evaluative, or advisory responsibilities, must notify their immediate supervisor of the consensual relationship.

~~D. Employees who are in consensual relationships or are near relatives may not~~ No employee shall take part in the process of review and decision-making on any matter concerning appointment, promotion, tenure, salary, retention, discipline, or termination of ~~a near relative~~ the other individual, whether in the same or in a different department.

E. Consensual relationships between a student and an employee who has oversight, evaluative, or advisory responsibilities over the student is prohibited.

IV. Procedures

- A. During a recruitment, each person shall be evaluated on his or her own merits with no consideration of ~~near-relative factors~~existing relationships.
- B. When a near relative is the best candidate and the hire would be in the best interests of the University, the department ~~shall~~must:
 - 1. Request approval.
 - a. Staff requests ~~should be~~are sent to the appropriate authority as described in PPSM Policy and UCD Procedure 21G, using the Near Relative Request for New Hire Employment Template (http://www.devel.hr.ucdavis.edu/Forms/All/near_relative/01).
 - b. Requests for academics should be sent as described in APM Section 520.
 - c. Requests for student employees shall be approved by the hiring authority.
 - 2. Make no hiring commitment prior to receiving approval.
 - 3. Place a copy of the letter in the personnel files of both the new hire and the near relative located at the department and at central Human Resources personnel office following approval.
- C. When the familial or work relationship of two current employees changes so that they become near relatives in the same department, the department ~~shall~~must:
 - 1. Send proposed methods of eliminating conflicts of interest to the authority described in B above, using the Near Relative Request for Change of Relationship of Employees in the Same Department Template- within 10 days of learning about the familial relationship (http://www.devel.hr.ucdavis.edu/Forms/All/near_relative/03); and ensure that possible disadvantages do not occur due to the related party relationship.
 - 2. ~~The proposal shall be sent prior to changing a work relationship, or within 10 days of learning of a change of familial relationship.~~
 - 3. Place a copy of the letter in the personnel files of the two current employees located at the department and at central Human Resources personnel office following approval.
 - 3.4. If the arrangement is not approved, revise the methods of eliminating conflicts of interest and resubmit the request for approval.
- D. When a consensual relationship exists, the individual in authority must inform their immediate supervisor of the relationship.
- E. The immediate supervisor may seek guidance from Human Resources or Academic Affairs as necessary and must take immediate steps to manage the conflict of interest which may include the following: transfer of either individual to another position; transfer of supervisory, decision-making, oversight, evaluative, or advisory responsibilities to another employee or team of employees; or providing an additional layer of oversight to the supervisory role.
- F. When a near relative or consensual relationship exists, the department shall must develop appropriate written procedures for review by a third party, to be used in evaluating performance where one near relative supervises the other.

V. **Further Information**

For further information contact Employee & Labor Relations, (530) 754-8892.

VI. **References**

- A. Academic Personnel Manual Section 520, Employment of Near Relatives (<http://manuals.ucdavis.edu/APM/apm-ec.htm>).

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- B. Personnel Policies for Staff Members Policy and UCD Procedure 21, Appointment.
~~2. Policy and UCD Procedure 82, Conflict of Interest.~~
- C. UC Davis Policy & Procedure Manual (<http://manuals.ucdavis.edu/PPM/about.htm>):

 - 1. Section 350-90, Employee-Vendor Transactions.
 - 2. Section 380-16, Conflict of Interest.
 - 3. Section 380-70, Independent Consultants.
 - 4. Section 400-20, Sexual Violence and Sexual Harassment.

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