

# **Policy 5-105: Employment or Supervision of Immediate Family**

## **I. Purpose and Scope**

To outline the university's policy toward employment, supervision, or recommendation of immediate family, regardless of time worked, in order to promote the public interest, to avoid the possibility of personal bias, and to strengthen public confidence in the integrity of the University. This policy applies to all University employees including all faculty, staff, academic staff, and administrators. This policy is effective on November 20, 1995 and applies to all appointments (including transfers) made on or after that date. This policy does not apply to employment and supervisory arrangements which were in existence and which were in accordance with applicable University policy in effect prior to the effective date of this policy. However, any future reviews or changes in employment or relationship status will be covered by this policy.

## **II. Definitions**

For the purposes of this Policy, the following words and phrases shall be defined as follows:

- A. Immediate Family is defined to include the following relatives of an employee: spouse, grandfathers, grandmothers, grandsons, granddaughters, fathers, mothers, step-fathers, step-mothers, sons, daughters, step-sons, step-daughters, brothers, sisters, uncles, aunts, nieces, nephews, first cousins, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, daughters-in-law, or sons-in-law and the spouses of any members of the employee's Immediate Family. Immediate Family also includes an individual who has certified or would meet the certification criteria as a Domestic Partner of an employee as defined in Policy 5-200. This also includes Domestic Partners' fathers, mothers, brothers, sisters, sons and daughters, and their spouses.

- B. Relevant employee definitions are defined in [Policy 5-001](#).

### III. Policy

- A. University policy prohibits any individual holding a position for which payment is made from funds administered by the University to supervise, employ, appoint, or vote for the appointment of members of the individual's immediate family, in or to any position or employment when the salary, wages, pay or compensation of such appointee is to be paid out of such funds administered by the University. Nor may an employee recommend the employment of a member of the employee's Immediate Family when that family member will be directly supervised by the employee. The restraint extends further in that a subordinate supervisor may not hire or participate in cases of a member of the Immediate Family of the subordinate supervisor's immediate supervisor. In addition, individuals may not supervise or participate in the processes (votes, meetings, or discussions) of review and decision-making on any matter concerning retention, promotion, tenure, salary, or discipline of members of their Immediate Family. (See [Policy 5-107](#))
- B. The Policy is intended to be implemented through associated University Regulations, including a University Rule or Rules, which shall describe and govern some aspects of the scope and manner of implementation.

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*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

### IV. Rules, Procedures, Guidelines, Forms and other Related Resources

- A. Exceptions to Policy 5-105 will be granted only in cases where it is determined to be in accordance with applicable law and in the best interest of the University to grant an exception.
- B. Requests for exceptions to this policy shall be submitted through the administrative chain to the cognizant vice president, or designee, who will consult on the matter with the Chief Human Resources Officer. The vice president will then forward the request accompanied by the vice president's recommendation to the President or designee for a final decision.

## V. References

- A. [Policy 1-012](#), University Non-Discrimination Policy
- B. [Policy 5-102](#), Staff Employment Policy
- C. [Policy 5-106](#), Equal Opportunity and Nondiscrimination Employment.
- D. [Policy 5-107](#), Sexual Harassment and Consensual Relationships.
- E. [Policy 5-111](#), Termination of Nonacademic Staff Employees and Disciplinary Sanctions.
- F. [Policy 5-203](#), Employment Grievances.
- G. [Policy 1-006](#), Conflicts of Interest.
- H. [Policy 6-302](#), Faculty Appointments
- I. [Policy 6-303](#), Retention, Promotion and Tenure
- J. Utah Code 52-3-1, 52-3-2, Prohibiting Employment of Relatives
- K. Utah Code 67-16-1 and following, Utah Public Officers' and Employees' Act

## VI. Contacts

The designated contact officials for this Policy are:

- A. Policy Owners (primary contact person for questions and advice): Director of Employment Services for Human Resources
- B. Policy Officers: Chief Human Resources Officer

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

*"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "*

*"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... . [and] bears the responsibility for determining -requirements of particular Policies... ." University Rule 1-001-III-B & E*

## **VII. History**

Renumbering: Renumbered as Policy 5-105 effective 9/15/2008, formerly known as PPM 2-5.

Revision history:

- A. Current version: Revision 5

Approved by Academic Senate: 4/5/2010

Approved by Board of Trustees: 4/13/2010

Editorially revised: October 11, 2011

Editorial changes were made to this document to reflect the changes in employee definitions as set forth in Policy 5-100.

Editorially revised March 23, 2022 to replace gender-specific pronouns

Editorial changes were made to this document to reflect the changes in employee definitions as set forth in [Policy 5-100](#).

B. Earlier revisions:

[Revision 4](#): effective dates June 29, 2004 to April 12, 2010

[Revision 3](#): effective dates November 20, 1995 to June 28, 2004