

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 describes the policy and procedures to manage employment of near relatives within the same division, department, program, or unit and consensual relationships between members of the University community.

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. A “near relative” of a university employee is any one of the following:
 - 1. Spouse, parent, domestic partner, child, sibling, aunt/uncle, or niece/nephew.
 - 2. An in-law or step-relative, including a relative of a domestic partner in one of the relationships listed above; or
 - 3. Any other person residing in the same household as the employee.

III. Policy

- A. The hire of a near relative of a current employee or an individual in a consensual relationship with 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 or the individuals in the consensual relationship would be employed in the same division, department, program, or unit and would have authority over, or direct or indirect supervision of the employee.
- 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 division, department, program, or unit. The employees 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 direct supervisor of the consensual relationship.
- D. Employees who are in consensual relationships or are near relatives must not take part in the process of review and decision-making on any matter concerning appointment, promotion, evaluation of performance, tenure, salary, retention, discipline, or termination of the other individual, whether in the same or in a different division, department, program, or unit.
- E. Entering into a consensual relationship with any student for whom an employee has, or should reasonably expect to have in the future, instructional, evaluative, advisory, or supervisory responsibility, is prohibited.

IV. Procedures

- A. During a recruitment, each applicant must be evaluated on his or her own merits without consideration of an existing near relative or consensual relationship with a current University employee.

- B. When a near relative is the best candidate and the hire would be in the best interests of the University, the department must:
1. Request approval.
 - a. Staff requests 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](#).
 - b. Send the request for approval for academics as described in [APM Section 520](#).
 - c. Requests for student employees must 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 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 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; and ensure that possible disadvantages do not occur due to the related party relationship.
 2. Place a copy of the letter in the personnel files of the two current employees located at the department and at the appropriate central personnel office following approval.
 3. 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 with supervisory or decision-making responsibilities (see III.C, above) must inform their immediate supervisor of the relationship within ten days of the onset.
- E. When either a near relative or consensual relationship exists, the direct supervisor must consult with Human Resources or Academic Affairs regarding immediate steps to manage the conflict of interest, which may include the following:
1. transfer of either individual to another position;
 2. transfer of supervisory, decision-making, oversight, evaluative, or advisory responsibilities to another employee or team of employees;
 3. providing an additional layer of oversight to the supervisory role.
- F. The department must develop appropriate written procedures for review by a third party, to be used in evaluating performance where one near relative or individual in a consensual relationship supervises the other.

V. Further Information

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

VI. References

- A. Academic Personnel Manual:
1. [Section 015, Procedures for Faculty Misconduct Allegations](#).
 2. [Section 520](#) and [UCD-520, Employment of Near Relatives](#).
- B. [Personnel Policies for Staff Members Policy and UCD Procedure 21, Appointment](#).

- C. [UC Davis Policy & Procedure Manual:](#)
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.