

R911-1. Purpose: To avoid conflicts of interest between work-related and family-related obligations; reduce favoritism or even the appearance of favoritism; prevent family conflicts from affecting the workplace; and limit the scope of inter-office dating, thereby decreasing the likelihood of sexual harassment in the workplace.

R911-2. References

- 2.1. Utah Code §53B-1-106 (Appointment of Commissioner's Staff)
- 2.2. Policy and Procedures R141, Duties of the Commissioner of Higher Education
- 2.3. Policy and Procedures R907, Recruitment of Staff Members
- 2.4. Policy and Procedures R910, Equal Opportunity and Nondiscrimination Employment.

R911-3. Definition

3.1. **"Relatives":** grandfathers, grandmothers, grandsons, granddaughters, fathers, mothers, step-fathers, step-mothers, husbands, wives, 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 relative. Relatives also include persons who are in a spouse-like relationship to an employee.

R911-4. Policy

4.1. **Limitations on Hiring a Relative of an Employee:** The Board of Regents, the Office of the Commissioner of Higher Education (OCHE), the Utah Higher Education Assistance Authority (UHEAA), and the Utah Educational Savings Plan (UESP) will accept employment applications from a relative of an employee. However, there are four situations in which relatives of employees shall not be hired:

- 4.1.1. If the relative and the employee would work in the same business unit, whether or not one would supervise or have disciplinary authority over the other;
- 4.1.2. If one relative would audit the work of or be in the same audit trail as the other;
- 4.1.3. If the interests of either the relative and the employee or the relatives and the Board of Regents would be in conflict;
- 4.1.4. If the hiring of the relative could result in a conflict of interest with existing vendors of the Board of Regents.

4.2. **Current Employees Who Become Relatives:** Current employees who become relatives, such that paragraph 4.1 would prohibit them from being hired into their current positions, may not continue employment with USHE, with the following exception:

¹ Adopted July 19, 1983, Amended December 14, 2007.

4.2.1. the employee(s) will be allowed 90 days to obtain a transfer to a different business unit or an alteration of assignment(s), such that they are no longer in violation of 4.1. In the event there are no vacant positions or assignments available for which the employees qualify and would satisfy the requirements of 4.1, and it becomes necessary to terminate an employee under this provision, the business unit administrative officers shall apply neutral procedures to determine which employee shall be terminated.

4.3. **Exceptions to the Policy:** Exceptions will be granted only in cases where it is determined to be in accordance with applicable law, in the best interest of USHE to retain both relatives as employees, and where proper additional procedures and safeguards are in place to mitigate adverse outcomes. Requests must be reviewed by the cognizant associate commissioner and the Director of Human Resources and approved by the Commissioner or designee. Possible reasons for an exception include:

4.3.1. the relative is the only person available, qualified, or eligible for the position;

4.3.2. the relative is a volunteer;

4.3.3. the business unit's administrative officer has determined that one of the relatives is the only person available or qualified to supervise or audit the work of the other relative.