



## **08.190 EMPLOYMENT OF RELATED PERSONS (ANTI-NEPOTISM) POLICY**

**Authority:** Chancellor

**History:** June 5, 2009; Revised August 2017

**Source of Authority:** UNC Policy Manual 300.4.2; UNC Policy Manual 300.4.2[G]; Office of State Human Resources Selection Policy

**Related Links:** [Conflict of Interests Policy](#); [Improper Relationships Policy](#); [Employment of Related Person Form](#); [NC State Human Resources Policies](#)

**Responsible Office:** Human Resources

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### **I. Purpose**

The university requires that all employees are to be judged solely on criteria relating to credentials and job performance devoid of the possibility of favoritism based on family or personal relationships. To avoid the existence or appearance of conflicts of interest and favoritism, this policy defines acceptable parameters under which related persons may work for UNCW.

### **II. Scope**

This policy applies to all individuals who are employed at UNCW. This is inclusive of all permanent, time-limited, contractual, and/or temporary university faculty or staff regardless of whether the individual is EHRA (Exempt from the Human Resources Act) or SHRA (Subject to the Human Resources Act). Adjunct and part-time faculty members are included within this scope.

### **III. Policy**

- A. No UNCW employee may occupy a position which has influence over a related person's employment, hire, appointment, evaluation, transfer or promotion, reappointment, tenure, work assignments, compensation, or other terms and conditions.
- B. Persons related to current employees may be hired if the new employee meets all job qualifications in accordance with UNCW's established recruitment and selection policies, and works in a division other than the current employee's division.
- C. If a related applicant seeks employment, appointment, transfer or promotion in the same division of a current employee, the hiring official [who cannot be related to the applicant]

must certify along with the Associate Vice Chancellor for Human Resources, Vice Provost, or appropriate Vice Chancellor that no other applicant has demonstrably superior qualifications. The related applicant may be considered for employment, appointment, transfer or promotion provided the following criteria are met:

1. The hiring would not result with an employee in the direct supervisory chain of a related person;
  2. The related employees would be assigned to different work groups within the department or would report to supervisors who are unrelated to them as described in Section VI of this policy; and
  3. The Dean or Vice Chancellor has determined that hiring the applicant would have no adverse impact on the operation of the division or department and there is no conflict of interest.
- D. If related persons are employed in the same academic department (or other comparable subdivision of employment or work unit), neither related person shall be permitted, either individually or as a member of a faculty or as a member of a committee of a faculty, to participate in the evaluation of the other related person or be involved in any manner to influence hiring, evaluation, assignments, reappointment, tenure, promotion, raises and other forms of compensation.

#### **IV. Definition of “Related Persons”**

The following relationships are sufficiently immediate to invoke the prohibitions against concurrent service of related persons:

- A. Parent and child
- B. Brothers and sisters
- C. Grandparent and grandchild
- D. Aunt and/or uncle and niece and/or nephew
- E. First cousins
- F. Stepparent and stepchild
- G. Stepbrothers and stepsisters
- H. Spouses
- I. Parents-in-law and children-in-law
- J. Brothers-in-law and sisters-in-law
- K. Guardian and ward
- L. Persons engaged in amorous relationships; an amorous relationship exists when, without the benefit of marriage, two persons voluntarily have a sexual union or are engaged in a romantic courtship that may or may not have been consummated sexually.
- M. People living in the same household, who share a relationship comparable to immediate family members, if either occupies a position which requires influence over the other's employment, promotion, salary administration or other related management or personnel considerations.

#### **V. Responsibilities**

- A. Applicants

Individuals must disclose in their application materials whether they are related to a current UNCW employee. Any misrepresentation or material omission on the application materials may result in the applicant being disqualified from further consideration or dismissed from employment if discovered after a hiring decision has been made.

#### B. Hiring Officials and Search Reviewers

Hiring Officials and Search Reviewers must document in the search summary any known relationship (as defined in this policy) between the applicant recommended for hire, transfer or promotion and a current UNCW employee and certify that neither individual will have responsibility for the direct supervision of the other related person and will not be in a position (*i.e.*, in the supervisory chain) to influence or control the terms and conditions of the other related person's employment, including promotion or transfer opportunities, rates of compensation, work assignments and evaluation of performance.

Further, completion and submission of the [Employment of Related Persons Form](#) should coincide with the submission of the hiring proposal.

#### C. Reporting

Human Resources has delegated responsibility to prepare an annual written report to the Board of Trustees listing the number cases in which this policy was invoked during the preceding year:

1. In all cases where an individual making written application for employment was denied employment because of the requirements of this policy, the circumstances shall be set forth; and
2. In all cases where concurrent employment of related persons was allowed, the justifying circumstances shall be set forth and a written management plan established.

### VI. Standards

A. Direct supervision means the immediate supervisor and may include other employees in the supervisory chain in the same division. The university shall use these standards in evaluating potential employment situations involving related persons:

1. At no time shall an employee be the immediate supervisor of a related person.
2. In the Academic Affairs Division, where a department chair is related to a faculty member in the same department, the dean shall act as the direct supervisor of the faculty member for all matters concerning appointment, reappointment, evaluations, tenure, promotion, compensation and other terms and conditions of employment.
3. In the Academic Affairs Division, where a dean is related to a faculty member in his or her school or college, the vice provost shall act as the next immediate supervisor of the faculty member after the department chair and shall fill in for the dean's role for

- all matters concerning appointment, reappointment, evaluations, tenure, promotion, compensation and other terms and conditions of employment.
4. In the Academic Affairs Division, where the provost is related to a faculty member, the chancellor shall act as the next supervisor of the faculty member after the dean for all matters concerning appointment, reappointment, evaluations, tenure, promotion, compensation and other terms and conditions of employment.
  5. In all other divisions, where related persons are employed in the same division, the subordinate, related person shall report directly to the individual in the next level of the supervisory chain, who shall be responsible for appointment, compensation, evaluations and other terms and conditions of employment.
  6. In other employment situations involving related persons that present real or perceived conflicts of interest, the responsible vice chancellor or the chancellor shall develop a formal written management plan so as to ensure compliance with this policy.
- B. In situations described above in section A, the related persons and the responsible dean or director and vice chancellor or chancellor shall develop a written management plan documenting the adjustment which shall be signed by all parties and submitted to Human Resources for review and approval. The management plans shall be retained in both related persons' personnel files.