CDU Policy I.E.00380 Near Relatives

ISSUING OFFICER: Director of Human Resources

RESPONSIBLE OFFICE: Department of Human Resources

EFFECTIVE DATE: September 1, 2004

REVISED DATE: October 29, 2010

SUPERSEDES: CDU Policy I.E.00380, dated September 1, 2004

POLICY I.E.00380 Near Relatives

REFERENCES AND RELATED POLICIES

CDU-APM I.E.00370 (Conflict of Interest)
CDU-APM I.E.00490 (Recruitment and Employment)
CDU-APM I.E.00330 (Non-Discrimination in Employment)

Consistent with Charles R. Drew’s policy on equal employment opportunity and non-discrimination in employment, the employment of near relatives in the same department shall be permitted when concurrent employment would be in the best interest of the University, however, such employment relationships are strongly discouraged and should be avoided.

A. DEFINITION OF NEAR RELATIVE

For the purpose of this policy, a near relative is defined as a spouse, domestic partner, parent, child (including the child of a domestic partner), or siblings. In-laws and step-relatives in the relationships listed, including relatives of the domestic partner who would be covered if the domestic partner were the employee’s spouse, are also defined as near relatives.

B. CONFLICT OF INTEREST

Hiring near relatives who work in the same department could lead to the appearance of an actual conflict of interest. Under no circumstance shall a supervisor-subordinate relationship exist between near relatives.

The types of work situations which require prior approval are positions in which the near relatives:

1. would have a supervisory relationship with each other;
2. would have the same immediate supervisor,
3. would have a close working relationship,
4. when two employees become near relatives (e.g., through marriage, adoption, etc.), and
5. any of the work situations identified above become relevant

The hiring authority shall request prior approval (i.e., Department Chair; Administrative Vice President; Senior Administrator; Dean of the College; or the Director of Human Resources) to make a job offer to a near relative in the case of any competitive (open-recruitment) position or extending the appointment of any current employee. All such requests seeking approval must be signed off by the Organization Head.

Applicability: All Staff Employees and Faculty

C. NON-COMPLIANCE - CONFLICT OF INTEREST

1. It is the responsibility of each person in a near relative relationship to disclose the relationship immediately by completing a Conflict of Interest Disclosure form.
2. The completed form should be promptly filed with the University Auditor.
3. Failure to disclose near relative relationships may be grounds for disciplinary action up to and including termination from the University.
4. Disciplinary action applies to the supervisor of the near relatives if s/he was aware of the relationship and failed to immediately report or remedy the situation.
5. Failure to comply with the Conflict of Interest Policy or its clarifications may be grounds for disciplinary action up to and including termination from the university for either or both of the near relatives, the supervisor, and/or the Department Chair.

D. RECRUITMENT

Refer to CDU-APM I.E.00490 (Recruitment and Employment) Section A

PROCEDURES I.E.00380 Near Relatives

1. A determination that a near relative(s) is the best candidate for an open position by a Department Chair, Vice President or Senior Administrator requires the submission of a written statement of findings and justification for the hiring/appointing of candidate(s). The written statement of findings and justifications shall be submitted to the Dean of the College or the Chief of Staff.

2. A specific and detailed plan for supervision of the new employee/faculty member(s) must be documented. The document must include the following:
   a. supervisor’s name
   b. the frequency and type of supervision
   c. monitoring activity (i.e., oversight of the responsible supervisor named
   d. a documented affirmation that a new or revised Conflict of Interest Disclosure has been completed and forwarded to the University Auditor
3. Prior to offering a position, the aforementioned detailed plan must be approved in writing by the responsible:
   a. Department Chair; Vice President; or Senior Administrator
   b. Dean of the College
   c. Director of Human Resources

4. Annually, the responsible supervisor must prepare a written annual report summarizing the:
   a. status of the near relative relationship
   b. changes to the relationship and/or near relative supervisory and monitoring practices.

5. The supervisor is responsible for submitting the annual report the Department Chair, the Dean of the College, the Vice President or the Senior Administrator for review, comment and approval.

6. The Director of Human Resources will assure that the annual written reports are reviewed and filed each year with the Department of Human Resources. The Director of Human Resources will notify the University Auditor of any exceptions to the Conflict of Interest Policy including the near relative relationship clarifications.

Applicability: All Employees and Faculty