

#### 4-OP-C-7-L Employment of Relatives (Nepotism) Policy

Responsible Executive: Finance and Administration

Approving Official: Vice President for Finance & Administration

Effective Date: ~~July 1, 2016~~

Last Revision History Date: 1/1/2014, ~~7/1/2016~~, TBD

#### I. INTRODUCTION

This policy ensures a fair and measured approach to the employment of relatives and is intended to prevent conflicts that can arise from nepotism. The objective of this policy is to emphasize that employment actions will be based on job-related qualifications.

#### II. POLICY

An individual's employment in a department or unit shall not result in a subordinate-supervisor relationship between the individual and any relative, as defined below, through any direct or indirect line of authority.

##### A. Scope and Coverage

This policy applies to all University employees (faculty, staff, and OPS) and all applicants for employment.

This policy does not apply to:

1. Any individual employed before July 1, 2016, in any department or unit where a relative of that individual holds a superior position at least one level of supervision removed from the individual in any line of authority; or
2. Exceptions approved by the Vice President for Finance and Administration (staff) or the Provost (faculty), and endorsed by the Chief Human Resources Officer as being clearly in the best interests of the University.

##### B. Definitions

For the purposes of this policy:

1. Relatives: are individuals related to each other in one of the following ways, whether by blood, adoption, marriage (in-laws/step), or other legal action: spouses; parents; grandparents; children; grandchildren; siblings; aunts/uncles; nieces/nephews or other persons residing in the same household, **including but not limited to domestic partners.**
2. Line of authority: means authority extending vertically through one or more organizational levels of supervision or management. Deans, Directors, Department Heads and Principal Investigators (PI) are responsible for ensuring that relatives (as defined above) do not control the scheduling, timekeeping, performance evaluations, disciplinary actions, reporting effort, verification of research progress or other work performance, employment, and payroll functions for employees in this category.

### C. Relationship Conflicts in Supervising Research Personnel

1. Personnel appointments on a sponsored research account are restricted to persons who are not relatives of the PI. Exceptions are limited to the appointment of personnel specified by name in proposals submitted to and approved by a funding agency, and the relationship was disclosed in the proposal.
2. When a PI believes an exception is necessary, the PI may make a request for approval of an exception to the policy. The PI shall submit the following to the appropriate Chair/Director and Dean for approval or denial:
  - a. A curriculum vitae or resume of the proposed appointee;
  - b. A statement that includes the job duties in relation to the requirements of the contract or grant, and a justification for the appointment as demonstrated by the candidate's experience and/or training; and
  - c. If the relative is a new hire, a summary of the specific steps taken to publicize the availability of the position, along with the names of interested and qualified candidates who were considered and the basis for their rejection are required.
3. All exceptions must be approved in writing by the Vice President for Research and Vice President for Finance and Administration prior to any relative beginning work on the sponsored project.
4. If the approval results in a direct or indirect line of authority relationship between the PI and a relative, an alternate reporting structure shall be established.
5. The Vice President for Research and Vice President for Finance and Administration retain the right to refuse to allow related person(s) to work on the same sponsored research project if there is a perceived, potential, or actual conflict of interest that cannot be managed, or a situation exists that may create an adverse impact on contract/grant compliance, supervision, safety, security, or morale.
6. The PI shall abide by section 112.3413(7)(a), F.S. when considering hiring a relative as a contractor or sub-recipient, or purchasing material or equipment from a relative.

### D. Administration

This policy is administered by the Vice President for Finance and Administration with the assistance of the Chief Human Resources Officer. Failure to comply with this policy may result in disciplinary action in accordance with applicable University policies.

### III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY

The President holds delegated authority from the Board of Trustees to establish personnel policies. Constitutional authority, state statutes, Florida Board of Governors, and University regulations authorize the policy:

Florida Constitutional Article IX Section 7;

Florida Statutes Section 1001.706(6)(a);

Florida Statute 1004.22(2), Divisions of Sponsored Research at State Universities

Florida Statute 112.3113(7)(a), Conflicting Employment or Contractual Relationship

National Institute of Health Grants Policy Statement, 4.1.30, Standards of Conduct

Florida Board of Governors Regulation 1.001~~(3)(e) and~~ (5)(a); and

Florida State Board of Trustees Regulation 4.001(4).

This policy shall be reviewed by the Chief Human Resources Officer every seven years for its effectiveness. The Office of Human Resources shall make recommendations to the Vice President for Finance and Administration for any modification or elimination.