**University Policy 101.4, Concurrent Employment of Related Persons**

**I. Policy Statement and Purpose**

The University supports the hiring of dual-career EHRA faculty and EHRA non-faculty employees as an important method of recruitment, retention, and inclusion of individuals of varying ages, races, ethnicities, backgrounds, identities, and abilities. However, related EHRA faculty and EHRA non-faculty employees may not serve concurrently within the University in any case where one related person (as defined in Section II below) would occupy a position having responsibility for the direct supervision of the other related person.

Consistent with the principle that University employees and prospective employees will be evaluated on the basis of individual merit, without reference to considerations of an individual’s [protected status](https://legal.charlotte.edu/policies/up-501) or any irrelevant factors not involving personal professional qualifications and performance, the following limitations, designed to avoid the possibility of favoritism based on family or personal relationship, shall be observed with respect to EHRA faculty and EHRA non-faculty employees:

* 1. Related persons may not serve concurrently within the University in any case where one such related person would occupy a position having responsibility for the direct supervision of the other related person.
	2. With respect to proposed employment decisions that would result in the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment),
		1. a person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person;
		2. any related person of any employment type who is assigned to their related person’s research protocol, whether key or non-key personnel, must have demonstrably superior professional qualifications relative to other available candidates; and
		3. a Department Head may not, in any way, evaluate any related person. If a Department Head serves in the same department as a related person, the Department Head must, in consultation with their dean, appoint a designee to act in their place as the supervisor of the related person.
	3. With respect to concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment), neither related person shall be permitted to participate in any annual review or tenure-related activities (such as tenure committee service or advising the tenure committee or chair) or attempt to influence employment-related decisions including, but not limited to, hiring, compensation, effort reporting, leave requests, travel authorizations, or expense reimbursements for the other related person.
	4. A related person may not, either individually or as a member of a search committee, recommend for promotion or reappointment, or participate in the evaluation of the other related person.
	5. Related persons must comply with applicable North Carolina General Statutes as such statutes may be implicated by the relationship, including:
		1. No employee who is involved in making or administering a contract, which includes research proposals, on behalf of UNC Charlotte may derive a direct benefit from the contract except as provided in N.C.G.S § 14-234 (Public officers or employees benefiting from public contracts; exceptions).
		2. All covered persons under [N.C.G.S §138A](https://www.ncleg.gov/Laws/GeneralStatuteSections/Chapter138A), State Government Ethics Act, and [N.C.G.S. §133-32](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_133/GS_133-32.pdf) (Gifts and favors regulated) are responsible for compliance with the applicable statute.
	6. Concurrent employment of related persons must not present non-supervisory conflicts of interest or conflicts of commitment to their University role(s). Both financial and non-financial conflicts of interest and conflict of commitment must be avoided.
	7. Student academic progression and the student experience must not be affected by the intersection of the related persons’ University duties and responsibilities.

The above limitations are not all-inclusive and may apply to any instance in which a related person acts or attempts to act in a supervisory capacity to a related person.

**II. Definition of "Related Persons"**

The following relationships, whether they are former or ongoing, are sufficiently immediate to invoke the prohibitions against concurrent service of related persons:

1. Parent and child;
2. Siblings;
3. Grandparent and grandchild;
4. Aunt and/or uncle and niece and/or nephew;
5. First cousins;
6. Step-parent and step-child;
7. Step-siblings;
8. Married persons;
9. Parents-in-law and children-in-law;
10. Siblings-in-law;
11. Guardian and ward;
12. Anyone living in the same household or whose relationship is so closely identified with another as to suggest a conflict.

**III. Procedures**

1. With regard to any relationship covered by this Policy, it is the duty of the related persons to disclose the existence of any such relationship at the time of employment or promptly if such a relationship develops at any time during employment. Disclosure must be made to the individual’s Department Head, or to the next supervisory level in the case where the Department Head is one of the related persons.
2. The Department Head should take immediate and effective action to ensure that the faculty or staff member will no longer participate in the evaluation or supervision of the related person. This action should be documented and reviewed annually by the Department Head or whenever there is a change in the disclosed relationship, and as otherwise necessary to ensure compliance with this Policy. Related persons are responsible for disclosing any such change in relationship within 30 days to the COI Officer.
3. **Sponsored Research**
	1. Within the context of sponsored research projects, relationships between faculty, professional staff or any other related person working on the project must be disclosed to (1) their Department Head(s) and (2) the Conflict of Interest Manager who will both, in accordance with this Policy, determine the appropriate management controls.
	2. Related persons working on the same sponsored research project must disclose the existence of their relationship to their Department Head(s) and Conflict of Interest Officer prior to proposal submission or whenever there is a change in status that would result in related persons working on the same project.

**IV. Employees Subject to the State Human Resources Act**

With respect to University employees who are subject to the State Human Resources Act, applicable restrictions concerning the concurrent service of related persons shall be those adopted by the State Human Resources Commission.

**V. Reporting**

The Chancellor shall report annually to the Board of Trustees, at the regular meeting falling closest to the date of commencement, concerning all specific cases during the preceding year in which the terms of this Policy were applied.

**Revision History**:

* Initially approved July 25, 1977
* Revised June 3, 1996
* Revised \_\_\_\_\_\_, 2023

**Authority**: Chancellor

**Responsible Office**: Academic Affairs

**Related Resources**:

* [Familial Relationships between Students and Faculty Members or Other University Employees (Nepotism)](https://legal.charlotte.edu/policies/up-101.25)
* [Conflicts of Interest and Commitment](https://legal.charlotte.edu/policies/up-101.24)
* [Conflict of Interest Disclosure](https://infoed.uncc.edu/EnableWeb/Portal/Home) [UNC System Policy 300.4.2](http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=328&added=1)
* [UNC Policy Manual, 300.2.2 and 300.2.2.2 [R], Conflicts of Interest and Commitment](http://www.northcarolina.edu/apps/policy/index.php?pg=toc&id=s232)
* [N.C.G.S. §14-234, Public Officers or Employees Benefiting from Public Contracts](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_14/GS_14-234.pdf)
* [N.C.G.S. § 138A, State Government Ethics Act](https://www.ncleg.gov/Laws/GeneralStatuteSections/Chapter138A)
* [N.C.G.S. § 133-32, Gifts and Favors Regulated](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_133/GS_133-32.pdf)