

Workplace Expectations and Conduct: Relationships in the Workplace

Subject: University Human Resources

Policy: Relationships in the Workplace

Effective Date: January 1, 2019

Revised:

Review Date: Three (3) years from the Effective Date above

Responsible Party: University Human Resources and Office of Research Compliance

Applicability: This policy applies to all employees and governs the hiring of all employees, including temporary/hourly and student employees, and any selection of contractors or vendors, regardless of the funding source

1. INTRODUCTION AND PURPOSE

The university strives to be a family-friendly workplace and is committed to maintaining an environment in which members of the university community can work together to further education, research, and service to the university community and to the state. However, the university recognizes that the employment of, or contracting with, a family member may create a conflict of interest and raise concerns about favoritism or disparate treatment among the other employees.

The university further recognizes that there may be compelling circumstances in which such employment relationships are in the best interest of the university. This policy provides guidance for family and personal relationships in the workplace.

2. DEFINITIONS

For purposes of this policy, the following definitions apply:

- a. *Family* includes:
 - i. A spouse, domestic partner, or fiancé(e);

- ii. A child, grandchild, parent, grandparent, sibling, uncle or aunt, nephew or niece, cousin, or the spouse, domestic partner, or fiancé(e) of any such person;
 - iii. A person having a step-relationship described in (ii) above;
 - iv. A parent-in-law or a brother- or sister-in-law;
 - v. Any other person who resides in the same household as the employee; or
 - vi. Any other person as to whom it would reasonably appear the employee has a relationship involving an interest in such person comparable to the preceding.
- b. *Partner* includes a person who has a business or personal relationship with the employee.
 - c. *Favoritism* is making decisions regarding hiring, selection, promotion, wages, hours, or other conditions of employment based on relationship rather than on objective standards and the needs of the university.
 - d. *Work unit* includes any sub-unit of a department or any office in which the family member or partner may be required to interact with one another on a regular basis while performing their employment duties.

3. GENERAL PRINCIPLES

No employee of the university may participate in, or attempt to influence, other employees regarding any action that would provide direct benefit or detriment or otherwise would affect the financial interests or terms and conditions of employment of their family member or partner. Examples of such activities may include: acting as hiring authority; serving on a search committee; awarding a contract; participating in the recruitment, appointment, retention, promotion, or disciplinary action; making decisions regarding assignment, transfer, salary, leave, training, or development opportunities; and conducting performance evaluations.

Family members and partners of employees whose qualifications merit selection for a position may be employed if appropriate steps can be taken to remove the related employee from having any influence over future personnel actions regarding the family member or partner, if hired.

4. REFERRAL TO CHRO

All recruitment and hiring that may result in the hiring of a family member or partner into the same work unit, or that may involve a family member or partner as hiring authority, reference, or member of a search committee, will be referred to the Chief Human Resources Officer (CHRO) to assure compliance with this policy, including dual career, spouse/partner accommodations, or any other appointment of a family member or relative.

5. FAMILY OR PARTNER RELATIONSHIP CREATED BETWEEN TWO EMPLOYEES

There are occasions, such as reorganizations or marriage, in which an employee becomes a supervisor of a family member or partner. In such cases, the individuals involved should

contact the CHRO and [report any potential conflict of interest](#) to the [Office of Research Compliance](#). The CHRO and the Office of Research Compliance are responsible for ensuring compliance with this policy and the conflict of interest policy of the university.

6. FEDERAL GRANTS AND CONTRACTS REQUIREMENTS

Federal regulation ([2 CFR 200.318 \(c\)\(1\)](#)) states:

"No employee, officer, or agent may participate in the selection, award, or administration of a [contract](#) supported by a Federal award if he or she has a real or apparent conflict of interest.

Such a conflict of interest would arise if an employee participates in the recruitment, selection, or hiring process of a family member or partner. Therefore, no employee may offer employment or a contract with a family member, partner, or any entity described in the regulation cited above. Any proposed employment of, or a contract with, a family member or partner must be approved, in advance, by the Office of Research Compliance and the CHRO. Although the above cited regulation applies to federal funding, it is also a conflict of interest for an employee to participate in the recruitment, selection, or hiring process of a family member or partner regardless of the source of funding. [See, also, Section 2-2-303, MCA.](#)

7. PROCUREMENT

No employee may participate in the procurement of goods or services from:

1. A family member or partner,
2. An organization which employs, or is about to employ, a family member or partner, or
3. An organization the employee, or employee family member or partner, has a financial or other interest in or will receive a tangible personal benefit from. See, [2 CFR 200.318\(c\)\(1\)](#).

Any questions regarding the interpretation of this policy should be directed to [MSU Legal Counsel](#).

Resources:

[Office of Research Compliance](#)

[University Human Resources](#)

[Reporting and Compliance Hotline](#)