

07.05 Nepotism

Revised [April 19, 2018](#) (MO -2018)
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Click to view [Revision History](#).



Policy Summary

A member of the Board of Regents (board) or an employee of The Texas A&M University System (system) may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if the individual is a covered relative of the board member or employee as provided in this policy. This prohibition for any system employee with authority to make or confirm appointments includes the supervision or authority over any term or condition of a covered relative's employment. All system positions of employment are covered by this policy, including graduate assistant and student worker positions.

Definitions

Click to view [Definitions](#).

Policy

1. BOARD MEMBER COVERED RELATIVES

- 1.1 According to state nepotism laws, a public official, including a member of the system board, may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds if the individual is related to the board member within the third degree by consanguinity (blood) or the second degree by affinity (marriage). Individuals within the prohibited degrees of relation are referenced as "covered relative" in this policy, and the Appendix provides a listing of these relatives.
- 1.2 The nepotism prohibition does not apply to a board member's appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of a covered relative if the relative is employed in the position immediately before the appointment of the board member, and such prior employment is continuous for at least 30 days. However, if the board member's covered relative continues in such a position, the board member may not participate in any deliberation or voting on the covered relative's appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or

dismissal if that action applies only to that relative and is not taken regarding a bona fide class or category of employees.

2. EMPLOYEE COVERED RELATIVES

2.1 Although the definition of “public official” in state nepotism laws does not include employees of institutions of higher education, it is the policy of the system that employees who have authority to make or confirm appointments be held to the standard described in Section 1 of this policy. Therefore, a system employee shall not approve or confirm a covered relative’s appointment, reappointment, employment, reemployment, change in status, compensation, or discipline, including dismissal.

2.2 A member may employ an employee’s covered relative or two covered relatives (see Appendix) provided that:

- (a) neither relative has responsibility for direct or indirect supervision of the other, or authority over any term or condition of the other’s employment, including salary or wages as provided in Section 2.2.1; and
- (b) the member’s chief executive officer (CEO) or designee has authorized the employment in writing, including a determination that the covered relatives’ supervision complies with this policy.

2.2.1 The supervision of covered relatives shall meet one of the following conditions: (a) each relative must be outside the other’s reporting structure; or (b) each relative must be supervised by an employee at an equivalent or higher, more senior level than either relative. For covered relatives within the same reporting structure, this supervision requirement can be satisfied through a primary or secondary supervisory relationship. A secondary supervisory relationship means that a covered employee’s primary supervisor reports to a secondary supervisor meeting the requirements of this subsection for all matters relating to the covered employee’s employment. Examples of primary and secondary supervisory relationships that comply with this policy are found in the Appendix.

2.2.2 The written authorization of a covered relative’s employment and supervision and the details of the covered employee’s supervision must be maintained in both relatives’ personnel files.

2.3 The conditions described in Section 2.2 apply to both initial appointment and continuation of employment.

2.4 A member’s employment of a covered relative of the CEO is not permitted unless authorized in writing by the chancellor in accordance with Section 2.2(b).

3. REPORTING POTENTIAL CONFLICTS OF INTEREST

A system employee shall promptly report in writing to his or her supervisor any situation involving a covered relative or any other family member that could create the appearance of a conflict of interest for the employee in his or her official capacity.

4. OTHER EMPLOYEE CONSENSUAL RELATIONSHIPS

A system employee's consensual relationship with an individual who is not the employee's spouse is addressed by System Regulation *07.05.01, Improper Consensual Relationships*, rather than this policy.

Related Statutes, Policies, or Requirements

[Tex. Gov't Code Ch. 573](#)

System Regulation [07.05.01, Improper Consensual Relationships](#)

Prior to the April 19, 2018 version, this policy was published as System Policy *33.03, Nepotism*.

Appendix

[Degrees of Relationship Listing](#)

[Primary and Secondary Supervisory Relationships Examples](#)

Member Rule Requirements

A rule is not required to supplement this policy.

Contact Office

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