

33.03 Nepotism

Approved February 27, 1995 (MO 44-95)
Revised September 26, 1997 (MO 181-97)
Revised December 7, 2001 (MO 270-2001)
Revised December 5, 2008 (MO 415-2008)
Next Scheduled Review: February 15, 2014



Policy Statement

Public officials 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 for public funds or fees of office if the individual is related to a member of the Board of Regents (board) of The Texas A&M University System (system). It is the policy of the system that employees who have authority to make or confirm appointments be held to this same standard.

Reason for Policy

This policy provides that public officials and employees who have authority to make or confirm appointments may not make or confirm the appointment of an individual if the individual is related to the official or employee.

Procedures and Responsibilities

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).
 - 1.1 The following persons are relatives of the board member within the third degree by consanguinity (blood):
 - Parent
 - Child
 - Brother
 - Sister
 - Grandparent
 - Grandchild
 - Great-grandparent

- Great-grandchild
- Aunt (sister of parent)
- Uncle (brother of parent)
- Nephew (son of brother or sister)
- Niece (daughter of brother or sister)

1.2 The following persons are relatives of the board member within the second degree by affinity (marriage):

- Spouse
- Spouse's child
- Spouse's mother or father
- Spouse's brother or sister
- Spouse's grandparent
- Spouse's grandchild
- Child's spouse
- Parent's spouse
- Brother or sister's spouse
- Grandparent's spouse
- Grandchild's spouse

1.3 For purposes of state nepotism laws, an adopted child is treated as the natural child of the adoptive parents.

2. The nepotism prohibition does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual if the individual is employed in the position immediately before the appointment of the board member to whom the individual is related in a prohibited degree, and such prior employment is continuous for at least thirty (30) days. However, if the person related to a board member continues in such a position, the board member may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the related individual if that action applies only to that individual and is not taken regarding a bona fide class or category of employees.
3. 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.

4. SUPERVISION OF RELATIVES

4.1 Departments or comparable administrative units may employ individuals who are related as spouse, as parent-child, or as sibling provided that 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.

- 4.2 The conditions described in Section 4.1 apply to both initial appointment and continuation of employment.
- 4.3 If either of the conditions listed in Section 4.1 exist, employment may be authorized by the chief executive officer of the system member involved.
-

Related Statutes, Policies, or Requirements

[Texas Government Code Chapter 573](#)

Definitions

Affinity – Two individuals are related to each other by affinity if (1) they are married to each other; or (2) the spouse of one of the individuals is related by consanguinity to the other individual. The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives. (See Texas Government Code § 573.024.)

Consanguinity – Two individuals are related to each other by consanguinity if (1) one is the descendant of the other; or (2) they share a common ancestor. An adopted child is considered to be a child of the adoptive parent for this purpose. (See Texas Government Code § 573.022.)

Contact Office

Office of General Counsel
(979) 458-6120