

## 33.03 Nepotism

Reviewed [January 27, 2017](#)  
Next Scheduled Review: January 27, 2022  
Click to view [Revision History](#).



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### Policy Statement

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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.

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### Reason for Policy

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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.

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### Definitions

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Click to view [Definitions](#).

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### Procedures and Responsibilities

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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.

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## **Related Statutes, Policies, or Requirements**

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

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## **Member Rule Requirements**

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A rule is not required to supplement this policy.

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## **Contact Office**

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System Office of General Counsel  
(979) 458-6120