[Minor revisions: March 17, 2015]

Angelo State University
Operating Policy and Procedure

OP 52.26: **Nepotism**

DATE: March 17, 2015

PURPOSE: The purpose of this OP is to establish procedures to implement university policy on nepotism (employment of relatives) in accordance with the *Texas Government Code*, § 573, and Section 03.01.11, of the Texas Tech University *Regents' Rules.*

REVIEW: This OP will be reviewed in March every three years, or as needed, by the director of human resources with recommended revisions forwarded through the vice president for finance and administration to the president by April 15th of the same year.

POLICY/PROCEDURE

1. General Policy

a. All appointments shall be made on the basis of qualifications and suitability of the appointee, subject to applicable statutes and the provisions of Section 03.01.11, *Regents' Rules*.

b. Prohibition Applicable to TTU System and System Component Officials

No person related to any member of the board of regents, to the TTU, TTUHSC, or ASU president, or to the Texas Tech University System Chancellor within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) shall be eligible for appointment to any position in the TTU System.

1) The above does not apply to any employee who has been continuously employed for thirty or more days prior to the appointment of a member to the board, a president, or the chancellor who is related to the employee within a prohibited degree, and it does not apply to honorary or non-remunerative positions.

2) Any employee who has been continuously employed for less than thirty days prior to the appointment of a member to the board, a president, or the chancellor who is related within a prohibited degree will be removed from the individual's position.

3) When good cause exists, the board may grant an exception to this prohibition.

c. Prohibition Applicable to Administrators, Supervisors, and Others

No person related to an administrator at Angelo State University within a prohibited degree shall be eligible for initial appointment to a position in an area of responsibility over which an administrator has appointive authority, in whole or in part, regardless of

the source of funds from which the position's salary is to be paid. Exceptions to this restriction on the initial appointment of an individual may be made only by the board upon recommendations of the president and the chancellor and, then, only when the administrator in question does not directly supervise the person to be appointed.

d. No employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, or supervision of an individual related to the employee within a prohibited degree.

e. If the appointment, reappointment, reclassification, or promotion of an employee places the employee under an administrative supervisor who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the employee shall become the responsibility of the next higher administrative supervisor.

f. If the appointment, reappointment, reclassification, or promotion of an employee makes the employee an administrative supervisor over an employee who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the subordinate employee shall become the responsibility of the next higher administrative supervisor.

g. The provisions of subsections e and f shall apply to situations where two employees marry and one spouse is the administrative supervisor of the other.

h. All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree will be reported to the board as an information item.

i. Exception: The provisions of the policy do not apply to the appointment or employment of a personal attendant by any member of the board, a president, the chancellor, or an employee for attendance on the officer or employee who, because of physical infirmities, is required to have a personal attendant.

j. Enforcement: Suspected violations of this policy will be investigated by the director of human resources and the appropriate vice president. An individual who is appointed in violation of this policy shall be removed from the individual's position.

k. The director of human resources is responsible for interpreting the nepotism policy.

2. Definitions

Persons related within the prohibited degrees are identified in the following definitions:

a. Affinity (Marriage)

(1) The first degree of affinity includes the employee's spouse, the spouse's children and parents, and the spouses of the employee's children and parents.

(2) The second degree of affinity includes the brothers, sisters, grandparents, and grandchildren of the employee's spouse, as well as the spouses of the employee's brothers, sisters, grandparents, or grandchildren.

b. Consanguinity (Blood)

(1) The first degree of consanguinity includes the employee's parents and children.

(2) The second degree includes the employee's brothers, sisters, grandparents, and grandchildren.

(3) The third degree includes the employee's great-grandparents, great-grandchildren, aunts, uncles, nephews, and nieces.

3. Procedures

a. All new employees are required, at the time of new employee on-boarding, to acknowledge they have read and understood the nepotism laws and procedures associated with Angelo State and the TTU System.

b. The name and relationship of all university employees to whom a new employee is related within the third degree by consanguinity (blood) or the second degree by affinity (marriage) will be listed on the new employee's Employee Acknowledgement and Certification form at the time of on-boarding.

c. If an individual is appointed to the same department in which a relative (as defined in this policy) is appointed, the director of human resources may request a memorandum from the department head/chair to confirm that there is no area of responsibility over which the relative has appointive authority, either in whole or in part.

d. The initial appointment of an individual related to an administrator within a prohibited degree to a position in an area of responsibility over which the administrator has appointive authority, in whole or in part, will require the approval of the Board of Regents. In order to secure that approval, the administrator must complete Application for Waiver of Nepotism and submit it through administrative channels to the president and the chancellor for their recommendation so it can be submitted to the Board of Regents for approval. Any employment offer made to an individual related to the hiring administrator within a prohibited degree will be contingent upon the Board of Regents' approval.

e. In the event an employee's marriage, reappointment, reclassification, promotion, or reassignment places the employee under an administrative supervisor who is related within a prohibited degree, or makes the employee an administrative supervisor over an employee who is related within a prohibited degree, the employee's administrator must complete an *Application for Waiver of Nepotism* and submit it through administrative channels to the president and the chancellor for their approval so it can be reported to the Board of Regents as an information item.

f. Administrative officers are responsible for ensuring that no appointment is made in their area of responsibility in violation of this policy.

4. Fines and Penalties (in accordance with Texas Government Code, Section 573)

Violation of the nepotism statutes is a misdemeanor involving official misconduct and subjects the violators, including the hiring administrator and the appointed employee, to a

fine of not less than $100 or more than $1,000 each and removal from Angelo State University's employment.