

D.2.4.1 (Procedure) Nepotism

Responsible Department: Human Resources

Based on Board Policy: [D.2.4](#) - Nepotism, Conflicts of Interest

Approved: 4-28-09

Last Amended: 11-9-16

DEFINITIONS

Related

In this procedure, an employee is “related” to another employee if the employees are related within the third degree of consanguinity, the second degree of affinity, or if they live in the same household.

Consanguinity and Affinity

The College District follows provisions of Chapter 573 of the Texas Government Code related to degrees of consanguinity and affinity, which are defined as follows:

Consanguinity within the third degree:

An individual’s relatives within the third degree by consanguinity (computed by civil law method) are:

1. First degree: the individual’s parent or child (an adopted child is considered to be the child of the adoptive parents);
2. Second degree: the individual’s brother, sister, grandparent or grandchild;
3. Third degree: the individual’s great-grandparent, great-grandchild, aunt, who is the sister of a parent, uncle who is the brother of a parent, nephew who is the child of a brother or sister, or niece who is a child of a brother or sister.

There is no distinction in the nepotism statutes between half-blood and full-blood relations. Half-blood relations fall within the same degree as those of the full blood.

Affinity within the second degree:

“Affinity” refers to a relationship created by marriage. Two individuals are related by affinity if they are married to each other or if the spouse of one of the individuals is a blood relative of the other. An individual’s relatives within the second degree by affinity are:

1. The person’s spouse;
2. Anyone related by consanguinity to the individual’s spouse within the first or second degrees; or
3. The spouse of anyone related to the individual by consanguinity within the first or second degrees.

Household

Household includes individuals regularly sharing the same residence.

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The following charts depict consanguinity and affinity:

CONSANGUINITY: One of the individuals is the other's:

(Blood) Kinship

First Degree	Parent	Child
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Second Degree	Grandparent	Grandchild	Sister/Brother
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Third Degree	Great-Grandparent	Great-Grandchild	Aunt/Uncle	Niece/Nephew
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AFFINITY: (1) The individuals are married to each other

OR

(2) One individual's spouse is the other individual's:

(Marriage) Kinship

First Degree	Parent	Child
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Second Degree	Grandparent	Grandchild	Sister/Brother
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*NOTE: The spouses of two persons related by blood are not by that fact related.
The affinity chart supposes only one affinity relationship between the individuals through either of their spouses.*

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Supervision

Employees shall not directly or indirectly supervise any employee to whom they are related within the third degree of consanguinity, the second degree of affinity, or who are living in the same household.

For the purpose of this procedure, a supervisory/subordinate relationship exists between employees when one employee participates in, directly or indirectly, decisions that may have a direct impact on (e.g., initial employment or appointment, employee evaluation, retention, promotion, salary, course of work assignments, research funds, leave of absences, approval of employee actions, etc.) or has authority over the terms or conditions of employment of the other.

Transfer of Employee

When two employees become related as defined in this procedure while working in a supervisory/subordinate role, within three months one of the parties shall be transferred to another position for which he/she is qualified if such position is available within the College District. The determination of which employee will be transferred shall be made by the Chancellor in consultation with the Employee Services department and the individuals involved. In the event such a position is not available, one of the individuals shall be deemed to have resigned his/her employment effective as of the date of the beginning of the relationship. The decision shall be based on the business needs of the department or the College District, and will be made by the Chancellor, in consultation with the Employee Services department and the individuals involved. Contractual employees to whom this paragraph applies may be permitted to complete the contract term.

Failure to Report

Employees must disclose to their supervisors within three business days if they become related, as defined in this procedure, to an employee whom they directly or indirectly supervise, or who directly or indirectly supervises them.

The consequences for an individual who fails to report to the appropriate supervisor a relationship as defined by this procedure may result in disciplinary action up to and including termination.

Legal Reference - TACC Policy Reference Manual

DBE(LEGAL) - Employment Requirements and Restrictions: Nepotism

DBE(EXHIBIT) - Employment Requirements and Restrictions: Nepotism