**Nepotism and Related Employment UPPS No. 04.04.07**

**Issue No. 10**

**Effective Date: 03/03/2023**

**Next Review Date: 10/01/2026 (E3Y)**

**Sr. Reviewer: Director of Talent Acquisition**

**POLICY STATEMENT**

*Texas State University prohibits the preferential treatment or perceived preferential treatment of an individual based on a familial relationship.*

1. **SCOPE**

01.01 This document explains the nepotism and related employment policies of Texas State University. It conforms to the policy set forth in [The Texas State University System (TSUS) Rules and Regulations](https://gato-docs.its.txstate.edu/jcr%3Afe4852f4-5dfe-4e6a-837d-750ac9621db9/TSUS_Rules_and_Regs_thru_02-07-19.pdf).

1. **TEXAS STATE UNIVERSITY SYSTEM RULES AND REGULATIONS REGULATING THIS POLICY**

02.01 The university will appoint each employee, whether full-time or part-time, solely with regard to the special fitness of the appointee subject to applicable statutes, the provisions of this policy, and [Chapter V, Section 2.2, TSUS Rules and Regulations](https://gato-docs.its.txstate.edu/jcr%3Afe4852f4-5dfe-4e6a-837d-750ac9621db9/TSUS_Rules_and_Regs_thru_02-07-19.pdf).

02.02 In accordance with the prohibition of [Government Code Ch. 573](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.573.htm), no person related to any member of the TSUS Board of Regents within the second degree of affinity or within the third degree of consanguinity, as described in Section 03.05, is eligible for appointment to any position with the university when that person’s compensation is paid from public funds.

1. [Government Code Ch. 573](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.573.htm) does not prohibit the reappointment or continued employment of any person continuously employed in any such office, position, employment, or duty for a period of one year prior to the appointment of the member of the TSUS Board of Regents related to such person within the prohibited degree, nor does it prohibit honorary or non-remunerative positions.
2. The university may not waive the prohibition of [Government Code Ch. 573](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.573.htm) as it applies to all programs administered under the TSUS Board of Regents.
3. When the university allows a person to continue employment under the exception specified in Section 02.02 a., the [TSUS Rules and Regulations](https://gato-docs.its.txstate.edu/jcr%3Afe4852f4-5dfe-4e6a-837d-750ac9621db9/TSUS_Rules_and_Regs_thru_02-07-19.pdf) require that the related board member shall not participate in the deliberation of, or vote on, any employment matter for that person, if the action applies only to that person and not to a *bona fide* employee class or category.

02.03 Even though [Government Code Ch. 573](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.573.htm) does not prohibit a person’s appointment, the president must approve in advance the employment of a person related within the second degree of affinity or the third degree of consanguinity to another employee if 1) such employment causes one relative to have a direct supervisory relationship over the other relative; or 2) such employment causes one relative to have authority over the salary or other terms of employment of the other.

1. This policy does not prohibit the reappointment or continued employment of a person related to another within either of the prohibited degrees if hired by the university before this policy’s adoption. However, no university employee may approve, recommend, or otherwise act with regard to the appointment, promotion, or salary of any person related within either of the prohibited degrees.

b. The president must approve, in writing, an appointment if it places the person under the direct or indirect supervision of an administrative supervisor related within the specified degree. Additionally, if the appointment, reappointment, or continued employment of a person places such person under an administrative supervisor related within the above-specified degree, all subsequent actions with regard to appointment, reappointment, promotion, or salary are the responsibility of the next highest administrative supervisor. It is also the responsibility of the next highest administrator to make a written review of the work performance of such employee at least annually and submit each review for approval or disapproval by the appropriate vice president in the case of classified employees or the president in the case of faculty, administrative, or unclassified employees.

c. The annual president’s report to the TSUS Board of Regents, generated each May, shall report all situations covered by Section 02.03 b.

* 1. A department may not employ:
	2. an individual enrolled in high school pursuing a diploma; or
	3. any individual as a student worker if that individual is related within the second degree of affinity or third degree of consanguinity to any employee in that department.
1. **PROCEDURES FOR ENFORCING THIS POLICY**

03.01 The following individuals will ensure that all individuals hired at Texas State meet the university’s nepotism policy requirements:

 Responsible Administrator Category of Employee

 Provost and Vice President for Faculty

 Academic Affairs

 Talent Acquisition Director of Non-faculty, except

 students

 Department Chair or Director Faculty, non-faculty, students

03.02 Department heads must ensure that employee promotions, reclassifications, transfers, marriages, or other status changes do not violate this policy.

03.03 The director of Talent Acquisition is responsible for interpreting the Texas State nepotism policy.

03.04 Employees may appeal the director of Talent Acquisition’s decisions to the assistant vice president of Talent Strategy & Engagement. The assistant vice president’s decision is final.

03.05 The following describe the degrees of consanguinity and affinity referred to in this policy:

1. Consanguinity
2. Individuals are related to each other by consanguinity when one descended from another or they share a common ancestor.
3. The university considers an adopted child the adoptive parent’s natural child.
4. With the employee as a starting point, the following describe degrees of consanguinity for the purposes of this policy:
5. First degree – parents, son, daughter
6. Second degree – grandparents, grandchildren, brother, sister
7. Third degree – great-grandparents, great-grandchildren, uncle, aunt, nephew, niece.
8. Affinity

1) Persons are related by affinity to the employee if they are:

1. married to the employee;
2. related by consanguinity to the spouse of the employee; or
3. married to a person who is related by consanguinity to the employee.

2) 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.

3) With the employee as a starting point, the following describe degrees of affinity for the purposes of this policy:

1. First degree: spouse and spouse's parents, son, daughter; and
2. Second degree: spouse's grandparents, grandchildren, brother, sister.

03.06 The university encourages department heads to consult the [Consanguinity and Affinity Chart](http://gato-docs.its.txstate.edu/jcr%3Aa90734d3-1580-405d-bde6-ea14126aefc6/Nepotism%20Chart.pdf) when examining their departments for nepotism and to avoid hiring that would violate the university’s nepotism policy and state law.

03.07 All employees are required to report persons in their own division who are related within the second degree of affinity or the third degree of consanguinity using the SAP Portal self-service application. Reporting is required upon initial employment and as any changes occur.

**04. REVIEWERS OF THIS UPPS**

04.01 Reviewers of this UPPS include the following:

 Position Date

 Assistant Vice President, October 1 E3Y

 Talent Strategy & Engagement

 Director of Talent Acquisition October 1 E3Y

Chair, Faculty Senate October 1 E3Y

Chair, Staff Council October 1 E3Y

**05. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represent Texas State policy and procedure from the date of this document until superseded.

Director of Talent Acquisition**;** senior reviewer of this UPPS

Assistant Vice President Talent Strategy & Engagement

Executive Vice President for Operations and Chief Financial Officer

President