

Institutional Handbook of Operating Procedures
Policy 03.03.06

Section: Human Resources	Responsible Vice President: Vice President and Chief Human Resource Officer
Subject: Employment	Responsible Entity: Human Resources

I. Title

Employment of Relatives (Nepotism)

II. Policy

The University of Texas Medical Branch (UTMB) may not hire into the same supervisory chain employees who are related within the second degree by affinity or the third degree by consanguinity (see attached chart for description of degrees). If reorganization, promotion or other administrative action places two employees related in the above specified degree in the same supervisory chain, one may not supervise the other. The Vice President of Human Resources or designee must ensure that personnel transactions are in compliance with the Regents' Rules and Regulations and assist with reporting of any exceptions annually via the institutional docket or the annual operating budget.

III. Guidelines for Hiring of Relatives

Whenever an appointment is made, either on a full-time or part-time basis, it shall be made solely with regard to the qualifications of the appointee, subject to applicable statutes; and subject also to the employment of relatives (i.e., nepotism) provisions set forth in Regents' Rules 30106.

Even though the appointment of a person would not be prohibited by the Texas Government Code, no supervisor may approve, recommend, or otherwise act with regard to the appointment, reappointment, promotion, or salary of any person related to such officer, official, or employee who is related within the second degree by affinity, or the third degree by consanguinity regardless of the source of funds for payment of salary.

1. If reorganization, promotion or other administrative act places a relative within the above specified degree under such supervisor or places a relative in a supervisory position over such employee, all further administrative actions shall be the responsibility of the next highest administrative supervisor.
2. This also applies when two employees marry, and one spouse is the administrative supervisor of the other. In situations such as those described in the preceding paragraph, the next highest administrative supervisor shall prepare a written performance appraisal at least annually. The appraisal for classified employees must be submitted for approval or disapproval to the Vice President of Human Resources, and the appraisal for faculty or non-classified employees (i.e., A&P and non-teaching) must be submitted for approval or disapproval to the President.
3. The Vice President of Human Resources will maintain a list of all situations covered by this policy.
4. Each year, the Vice President of Human Resources will submit this list with the annual operating budget.
5. The State of Texas Attorney General has issued an opinion letter that nepotism law is also applied to individuals hired as private contractors.

IV. Guidelines for Supervisors who are Related

Employees or groups of employees who are managed by supervisors who are related are entitled to an unbiased review of their performance or alleged misconduct without perceived interference by the related supervisors. Any allegations of misconduct or performance related issues must be managed by the next highest administrative manager in the supervisory chain. For example, Supervisor A manages group A, and Supervisor B manages group B. Supervisor A and Supervisor B are related. Any allegations by group A employees regarding group B supervisor must be determined by each manager of both Supervisor A and B to ensure that the employee receives an unbiased review.

V. Guidelines for Certain Relatives of Board of Regents Members

No person related to any member of the Board of Regents within the second degree by affinity (relationship by marriage) or within the third degree by consanguinity (blood relationship) shall be eligible for an appointment to any office, position, employment, or duty with UTMB when the salary, fee, or compensation of such appointee is to be paid, either directly or indirectly, out of public funds of any kind.

This does not prohibit the reappointment or continued employment of any person who shall have been continuously employed in any such office, position, employment, or duty for a period of 30 days prior to the appointment of the member of the Board of Regents related to such person within the prohibited degree, nor does it apply to prohibit honorary or non-remunerative positions, provided that when such person is reappointed or continued in employment, the member of the Board of Regents who is related in the prohibited degree shall not participate in the deliberation or voting upon the reappointment, continuation of employment, change in status, compensation or dismissal of such person, if such action applies only to such person and not to a bona fide class or category of employees.

VI. Relevant Federal and State Statutes

[Texas Government Code, §573.001](#) et seq.

VII. Relevant System Policies and Procedures

Regents' Rules and Regulations, [30106: Nepotism](#)

VIII. Additional References

Vernon's Texas Civil Statutes, Article 5996

[Opinion, State of Texas Attorney General, No. DM-76 \(1992\)](#)

IX. Dates Approved or Amended

<i>Originated: 04/01/1990</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
10/03/2012	03/27/2019
	01/20/2023

X. Contact Information

Human Resources – Employee Relations
(409)772-8696

Degree of Nepotism	Consanguinity (Blood) Employee's	Affinity (Marriage) Spouse's
First Degree	Father Mother Son Daughter	Father Mother Son Daughter
Second Degree	Brother Sister Grandfather Grandmother Grandson Granddaughter	Brother Sister Grandfather Grandmother Grandson Granddaughter
Third Degree	Great Grandfather Great Grandmother Uncle* Aunt* Nephew** Niece** Great Grandson Great Granddaughter	
* who is a sister/brother of the officer's/employee's parent ** who is a child of the sister/brother of the officer/employee		