

#### **D.2.4 (Policy) Nepotism, Conflicts of Interest**

Responsible Department: Human Resources, Legal

Board Adoption: 4-28-09

Last Board Action: 1-13-10

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##### **Nepotism**

The College District shall not employ an individual who is related to a member of the Board of Trustees by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree, as defined by the state nepotism laws, Chapter 573, Texas Government Code, or who is living in the same household as the board member.

A College District employee shall not directly or indirectly supervise any employee to whom he/she is related within the third degree of consanguinity or second degree of affinity as defined by the state nepotism statutes, or who is living in the same household.

An applicant, whether internal or external, shall not be hired by the College District in any full-time, part-time, or temporary position or as an independent contractor when the applicant would directly or indirectly be supervised by, or be supervisory to, a current College District employee who is related to the applicant within the third degree of consanguinity or second degree of affinity as defined by the state nepotism statutes, or who is living in the same household as the applicant.

For the purpose of this policy, “direct or indirect” supervision exists between two employees when one employee would, under an existing policy or procedure, be required to approve an employee action, participate in an employee evaluation, or would otherwise have authority over the terms or conditions of employment of the other as set forth in D.2.4.1.

##### **Conflicts of Interest**

College District employees shall not have a personal financial interest, a business interest, or other obligation - including outside employment - that in any way creates a substantial conflict with the proper discharge of assigned duties and responsibilities or that creates a conflict with the best interest of the College District. College District employees who believe they may have a conflict of interest shall disclose that interest to the college President or designee, or Vice Chancellor or designee, who shall take any action necessary to ensure the College District’s best interests are protected.

College District employees shall not provide or seek to provide services to the College District for compensation outside the scope of College District employment or supplemental service assignments (see D.2.5.1) or act or seek to act as a vendor to the College District.

The following shall not provide or seek to provide services to the College District for compensation outside the scope of College District employment or supplemental service assignments (see D.2.5.1) or act or seek to act as a vendor to the College District, unless the goods or services are procured through formal competitive procurement process:

- a. Members of a College District employee’s immediate family (spouse, parent, son, daughter, brother or sister);
- b. Persons living in the same household as a College District employee; or

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- c. A business entity in which a College District employee or any person under (a) or (b) above owns 10% or more of the voting stock, shares, or fair market value of the business entity, or \$15,000 or more of the fair market value of the business entity.

No College District employee shall participate in the selection of goods or services if the employee, a member of the employee's immediate family, or anyone living in the same household as the employee:

1. is seeking to provide the goods or services;
2. owns 10% or more of the voting stock, shares, or fair market value, or \$15,000 of the fair market value of;
3. is an employee, partner, officer, director, trustee, or consultant for;
4. is eligible to receive support for travel, or has received honoraria from;
5. was involved in establishing or incorporating; or
6. has a right to receive royalties from

an entity that submits a bid or proposal or otherwise seeks to provide goods or services to the College District.

It is the employee's responsibility to disclose all such relationships to the College District prior to the beginning of the selection process. Failure to disclose such relationships described above may result in disciplinary action against the employee and termination of any contract or other relationship with the College District involving persons or entities described above.

Procedure D.2.4.1 Nepotism

Procedure D.2.4.2 Conflicts of Interest

Form D.2.4.2.F Conflict of Interest Affidavits

Procedure D.2.4.3 Outside Employment

*Legal Reference - TACC Policy Reference Manual*

DBD(LEGAL) - Employment Requirements and Restrictions: Conflict of Interest

DBE(LEGAL) - Employment Requirements and Restrictions: Nepotism