

Policies of the University of North Texas Health Science Center	Chapter 05
05.505 Employee Ethics & Standards of Conduct	Human Resources

Policy Statement.

It is of the highest importance that the people of the State of Texas have complete confidence in the integrity of their public servants. This need is especially critical in the area of state-supported higher education. The responsibility for educating and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles. It is for this reason that this statement of ethical principles and its accompanying guidelines are promulgated by the Board of Regents of the University of North Texas System for the University of North Texas Health Science Center at Fort Worth (UNTHSC-FW). These principles and guidelines shall apply to all persons employed by any department, program, or service of UNTHSC-FW regardless of rank or position.^{1,2} If a topic has also been addressed in other policy statements or manuals, the procedures and statements contained therein are hereby reaffirmed and made a part hereof for all purposes. ³

Application of Policy.

Faculty and Staff

Definitions.

Procedures and Responsibilities.

Procedure / Duty

Responsible Party

1. Standards of Conduct

Faculty and Staff

a.) Faculty and staff shall not accept or solicit any gift, favor, or service that might reasonably tend to influence them in the discharge of their official duties, or that they know, or should know, is being offered them with intent to influence their official conduct.

2. Faculty and staff shall not accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by reason of their official position.

c.) Faculty and staff shall not accept other employment or compensation that could reasonably be expected to impair their independence of judgment in the performance of their official duties.

d.) Faculty and staff shall not make personal investments that could reasonably be expected to create a substantial conflict between their

private interest and the public interest.

e.) Faculty and staff shall not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised their official powers or performed their official duties in favor of another.

f.) Faculty and staff shall not hold financial interests that are in conflict with the conscientious performance of their official duties and responsibilities.

g.) Faculty and staff shall put forth honest effort in the performance of their duties.

h.) Only faculty and staff authorized by the Board of Regents shall make authorized commitments or promises of any kind purporting to bind UNTHSC-FW.

i.) Faculty and staff shall not use their public offices for private gain.

j.) Faculty and staff shall act impartially and not give preferential treatment to any private or public organization or individual.

11. Faculty and staff shall protect and conserve public property and shall not use it for other than authorized activities.

11. Faculty and staff shall promptly disclose waste, fraud, abuse, and corruption to appropriate authorities.

11. Faculty and staff shall adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, or disability.

n.) Faculty, staff and students shall not sexually harass any guests and visitors to the campus or any member of the university community including faculty, staff, students and candidates for university positions. (See Policy 05.205, Sexual Harassment.)

o.) Faculty and staff shall endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of UNTHSC-FW.

p.) Faculty and staff shall not knowingly or intentionally violate

policies of UNTHSC-FW or State or Federal law regarding their employment.

q.) Failure of faculty and staff of UNTHSC-FW to comply with one or more of the foregoing standards of conduct which apply to them shall constitute grounds for disciplinary action up to and including discharge. Disciplinary action shall follow established UNTHSC-FW policies and procedures.

2. Conflicts of Interest:

Faculty and Staff

a.) Ethics Commission Financial Disclosure Statement: The President is required to file a financial statement with the Texas Ethics Commission annually.⁴ Forms prescribed by the commission shall be utilized.⁵

b.) Disclosure of Interest in Property to be Acquired: The President, vice presidents, and associate or assistant vice presidents are required to disclose any legal or equitable interest in property that is to be acquired with public funds.⁶ Such disclosure shall be made by filing an affidavit containing the following information: the disclosing officer's name and title; a full description of the property, and the nature, type and amount of interest in the property; the date when the officer acquired the interest; a verification swearing to the correctness of the information in the affidavit; and an acknowledgment of the type required for recording a deed in the records of the county. The affidavit must be filed with the county clerk of the county in which the individual resides and the county clerk of each county in which the property is located.⁷ Such filing must be completed within 10 days before the date on which the property is to be acquired by purchase or condemnation.⁸ "Public funds" includes only funds collected by or through a government.⁹

3. Travel: The following statements represent a summary of travel provisions and, unless otherwise indicated, are not intended to repeal such policies.

Faculty and Staff

a.) Improper Travel Reimbursement: When a UNTHSC-FW faculty or staff member engages in travel where the compensation is to be received from any source other than institutional funds, the faculty or staff member shall not submit a claim under the provisions of the health science center's travel regulations.¹⁰ A faculty or staff member who receives an overpayment for a travel expense shall reimburse the institution for the overpayment.¹¹

b.) "Official Business" for Purpose of Travel: To qualify for travel

reimbursements and use of State vehicles, the purpose of a trip must be "State business" or "official business" of the institution. State or official business is the accomplishment of an assigned governmental function including the reasonably necessary means and methods to accomplish the function.¹²

c.) Per Diem for Faculty and Staff Travel Under Contracts & Grants: Faculty and staff traveling under contracts and grants (federal, state, private) shall be reimbursed for travel expenses and allowances on the same basis as other faculty and staff, except in those instances where the terms of the contract or grant specify travel guidelines and reimbursement rates which differ from State of Texas reimbursement rates.¹³

d.) Travel Bonus (Frequent Flyer) Awards: Faculty and staff who earn credit with airlines, hotels, car rental companies, etc. for official travel are not required to account for such credit or use such for official travel only. ¹⁴

e.) State Credit Cards: Faculty and staff may not use State credit cards for personal expenses. State credit cards may only be used for legitimate State business expenses.¹⁵ Payment of charges on individual cards is the sole responsibility of the individual faculty or staff member. UNTHSC-FW shall not be responsible for the charges, regardless of the type of charge. ¹⁶ Faculty and staff may use State credit cards to charge for items that, while they qualify as official business, are not fully reimbursable under State and/or institutional guidelines for reimbursement.¹⁷

The Texas Ethics Commission has ruled that State credit cards may only be used for official expenses. However, they may also be used for expenses that, while they were incurred on official business, may not be fully reimbursed. This would include payment for a hotel room that is billed at more than the maximum allowable per diem, but the employee chooses to pay the difference out of his/her own pocket.

f.) Official Travel by Spouses and Relatives of Faculty and Staff: Spouses and other relatives of faculty and staff may qualify to have travel expenses paid by UNTHSC-FW if their presence at a function or on a trip is for an official purpose benefiting the institution and/or the State of Texas. In making a determination of whether the presence of a spouse or relative is for an official purpose, the factors to be considered are: the nature and duties of the faculty or staff member's office; the traditional role, if any, of the faculty or staff member's spouse or relative; the purpose of the particular trip; and the spouse or relative's connection with that purpose.¹⁸ Travel by other relatives of UNTHSC-FW faculty and staff shall be evaluated using the same criteria. Requests for reimbursement of expenses or

for direct departmental payment of travel expenses for such persons must be approved in writing by the President. In the case of the President, official travel reimbursement must be approved in writing by the Chancellor.

g.) Foreign Travel: Requests for travel outside of the United States must be approved by the governor in advance if the source of funding is money other than gift funds or contracts and grants.¹⁹ Forms and procedures prescribed by the Office of the Governor shall be utilized.

4. **Benefits, Gifts and Honoraria:**

Faculty and
Staff

a.) Bribery: No faculty or staff member may solicit, offer, or accept any benefit in exchange for his/her decision, opinion, recommendation, vote, or other exercise of official power or discretion.²⁰ A "benefit" is "anything reasonably regarded as pecuniary gain or pecuniary advantage."²¹ A benefit that is otherwise allowed by UNTHSC-FW policy is nevertheless prohibited if it is offered in exchange for official action, as described above.

b.) Prohibited Benefits: Faculty and staff who exercise discretion in connection with contracts, purchases, payments, claims, and other pecuniary transactions of government may not solicit, accept, or agree to accept any benefit from any person the faculty or staff member knows is interested in or is likely to become interested in any contract, purchase, payment claim, or transaction involving the faculty or staff member's discretion.²² This prohibition does not apply to: (1) gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of his/her employment status²³, (2) a fee prescribed by law to be received by the faculty or staff member or any other benefit to which the faculty or staff member is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as a faculty or staff member²⁴, (3) a gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305 of the Government Code; and (4) items having a value of less than \$50 not including cash or negotiable instruments.²⁵ A faculty or staff member who receives an unsolicited benefit that he or she is prohibited from accepting by law may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.²⁶

c.) Food, Lodging, Transportation, and Entertainment Received as a Guest: A faculty or staff member may accept food, lodging, transportation, or entertainment from persons or entities he or she knows or reasonably should know are interested in or likely to become interested in a contract, purchase, payment, claim, decision, or transaction involving the exercise of the faculty or staff member's discretion only if the faculty or staff member

is a "guest" as defined by Texas law.²⁷ A faculty or staff member is a "guest" if the person or a representative of the entity providing the food, lodging, transportation, or entertainment is present at the time the food, lodging, transportation, or the entertainment is received or enjoyed by the faculty or staff member. ²⁸ The President is required to report any such benefits valued at over \$250 on his annual disclosure statement filed with the Texas Ethics Commission.²⁹

d.) Gift Items: Faculty and staff members shall disclose to the President through their respective chairs/department heads gifts received in the course of official business having a value of more than \$250. The President shall make such disclosures to the Board of Regents.

e.) From Friends, Relatives, and Associates: Faculty and staff may accept benefits from personal friends, relatives, or business associates with whom they have a relationship independent of their official status, so long as the benefit is not offered in exchange for official action or decision. ³⁰

f.) Awards: Faculty and staff may accept plaques and similar recognition awards. ³¹

g.) Honoraria: Faculty and staff may not solicit, accept, or agree to accept an honorarium in consideration for services they would not have been asked to provide, but for their official position or duties.³² This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services.³³ However, they may accept the direct provision of or reimbursement for expenses for transportation and lodging incurred in connection with a speaking engagement at a conference or similar event.³⁴ Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted.³⁵ Participation by the faculty or staff member must be more than merely perfunctory.

5. **Public Officials and Political Activities:**

Faculty and Staff

a.) Entertainment: The legal prohibitions against acceptance of benefits apply to an official who accepts benefits from UNTHSC-FW. The "guest" exception to these prohibitions would permit officials to accept certain benefits from UNTHSC-FW, including tickets to athletic and entertainment events. If an officer or faculty or staff member provides tickets to a public official to allow the officials and/or guests to attend an event, an officer or faculty or staff member will serve as host to the official, and will attend the event.³⁶

b.) Perishable Food Items: Public officials may receive small, infrequent gifts of perishable food items delivered to their offices and these will not be considered to be "benefits" for purposes of the provisions of the Texas Penal Code prohibiting such. ³⁷

c.) Expenses for Public Officials: UNTHSC-FW departments, programs, and services may pay expenses in order to furnish information to State officials relevant to their official position, including presentations about the programs and services of the institution.³⁸

d.) Use of Official Authority Prohibited: Employees of the State of Texas have the rights of freedom of association and political participation guaranteed by the State and Federal Constitutions, except as limited by valid State laws.³⁹ No faculty or staff member may use his or her official authority or influence, or permit the use of a program administered by UNTHSC-FW to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. ⁴⁰ No faculty or staff member may coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose. ⁴¹ Any faculty or staff member who violates either of these provisions is subject to immediate termination of employment, in accordance with the Texas Government Code.⁴²

e.) Use of Institutional Funds or Property: No faculty or staff member shall expend or authorize the expenditure of any institutional funds for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure.⁴³ This prohibition shall not be construed to prevent any official or employee of the State from furnishing to any Member of the Legislature or committee upon request, or to any other state official or employee or to any citizen information in the hands of the employee or official not considered under law to be confidential information. No institutional funds may be expended for the payment of full salary of any faculty or staff member who is also the paid lobbyist of any individual, firm, association, or corporation. ⁴⁴ UNTHSC-FW facilities may be used as polling places for local, state, and national elections.

f.) Voting: Faculty and staff shall be allowed sufficient time off to vote in public elections without a deduction from pay or from accrued leave time. ⁴⁵

g.) Faculty and Staff as Candidates and Officeholders: Faculty and staff may run for election and serve as members of the governing bodies of school districts, cities, towns, or other local governing districts.⁴⁶ No campaign activities may be conducted during official business hours unless the faculty or staff member has requested and received permission to use leave time for such purpose. Any faculty

or staff member elected to such a position may not receive any salary for serving as a member of such governing bodies.⁴⁷ Any faculty and staff member who intends to be a candidate for any public office, other than local offices for which no emolument of any kind is received, must resign unconditionally from employment prior to announcing his/her candidacy.

h.) Political Contributions from Faculty and Staff: Except as otherwise restricted by State law, faculty and staff may make personal contributions to candidates for office and political organizations. State law provides that no State employee may contribute personal services, money, or goods of value to a candidate campaigning for Speaker of the Texas House of Representatives.⁴⁸

i.) Political Aid and Legislative Influence Prohibited: Except as authorized by law, funds appropriated shall not be expended for payment of membership dues to an organization on behalf of the agency or an employee of an agency if the organization pays all or part of the salary of a person required to register under Chapter 305, Government Code.⁴⁹

6. Dual Office Holding:

Faculty and Staff

a.) Non-elective State or Federal Office: Faculty and staff may hold non-elective offices with boards, commissions, and other state and federal entities provided that the holding of such office: (1) is of benefit to the State of Texas, or is required by state or federal law, and (2) is not in conflict with the faculty or staff member's position.⁵⁰ Such appointments must be approved by the President. Prior to the President accepting an invitation to serve in an additional State or Federal non-elective office, the Board of Regents must determine that the appointment meets the two requirements stated above.⁵¹ The Board must also make an official record of any compensation to be received by the President from such appointment, including salary, bonus, per diem or other types of compensation.⁵²

b.) Positions of Employment with Government Agencies: Faculty and staff may hold other positions of employment with agencies, boards, commissions, or other entities of government so long as the holding of such positions is consistent with the prohibitions against dual office holding in the Texas Constitution and is approved by the head of the department.⁵³ Consulting arrangements with federal, state, or local governmental agencies of a detached and independent advisory nature are not considered to be appointments with such agencies.⁵⁴

7. UNTHSC-FW Property and Services:

Faculty and Staff

a.) Misuse of Authority: It is a violation of State law for faculty and staff members, acting with the intent to obtain a benefit or with intent to harm another, to intentionally or knowingly misapply anything of value belonging to the government that comes into their custody or possession by virtue of their office or employment. ⁵⁵

b.) Misuse of Official Information: It is a violation of State law if a faculty or staff member, in reliance on information to which he or she has access in his or her official capacity and which has not been made public, (1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; or, (2) speculates or aids another to speculate on the basis of the information. ⁵⁶

c.) Telephones: From time to time faculty and staff may need to make personal telephone calls during working hours. Normally, such use does not result in additional costs or damage and generally will not hinder the day-to-day operation of an office. The incidental use of institutional telephones during working hours by faculty and staff for local calls is not considered a misapplication of State property, and is permissible so long as it does not unduly interfere with the faculty or staff member's assigned responsibilities or the normal functioning of an office.⁵⁷ Use of telephones is considered to be a misapplication of State equipment if it results in additional costs being incurred or damage to the equipment.

d.) Other Institutional Equipment: No faculty or staff member shall entrust State property to any State official or faculty or staff member or to anyone else to be used for other than State purposes. ⁵⁸ Faculty and staff shall not use institutional equipment or property for their own benefit or pleasure unless, (1) suitable arrangements have been made in advance for payment of the agreed-upon value of the use of such property, or (2) the property consists of books from the library, recreational facilities and/or other such items of well-established usage that are authorized for such use by the President. ⁵⁹

e.) State Vehicles: No faculty or staff member shall use any vehicle owned by the State of Texas for any purpose other than official business. Faculty and staff may not use such vehicles in connection with any political campaign or for any personal or recreational activity. ⁶⁰

8. Employment:

Faculty and Staff

a.) Supplementary Pay and Perquisites: Compensation for the President shall be a fixed amount of money as determined by the Board of Regents. The President may not receive any emolument, supplement, perquisite, or other benefit from the institution without specific approval of the Board of

Regents. Salary supplements, as authorized by the Appropriations Act for the President, shall be reflected in the annual operating budgets by listing the amount of such supplementation and the source of funding.⁶¹

b.) Outside Employment and Consulting: Faculty and staff members are expected to devote their time and talents to their assigned duties and responsibilities.⁶² Outside employment may be authorized as provided by policies provided that the following conditions are met:

i. It does not interfere with the regular work of the faculty or staff member.

ii. It is reasonable in amount.

iii. It avoids unfair competition with legitimate private enterprises.

iv. The official connection of the faculty or staff member is not used in connection with the employment.

v. It is approved in advance by the appropriate official, and all reports required by policy are properly filed.

vi. The standards of conduct prescribed by law for State employees are observed.⁶³

Any request for employment which is permanent or semi-permanent in character (such as consulting service with a specific firm on an annual basis) or any employment which will be considered other than temporary will be submitted by the appropriate chair/department head.⁶⁴

c.) Nepotism: State law prohibits the employment of persons related within the second degree by affinity (marriage) or within the third degree of consanguinity (blood) to any officer or member of any board making, voting for, or confirming the employment. Whenever an appointment is made, either on a full-time or a part-time basis, it shall be made solely with regard to the qualifications of the appointee, subject to Tex. Govt. Code 573.041. and subject to the provisions of this policy.

No person shall be employed, appointed, promoted or transferred, if related within the second degree by affinity or within the third degree of consanguinity to any person employed by UNTHSC-FW whose duty would involve acting in any official capacity upon such an employment, promotion, or transfer, regardless of the source of funds for payment of salary; nor shall any person be employed if either person would come under the administrative supervision of the other; or if either would have any official voice in recommending salary increases or promotion in rank for the other.

Where employed in the same college or department, neither shall any person related within the second degree by affinity or within the third

degree of consanguinity to the other person serve on those committees whose purpose it shall be to recommend compensation, promotion, or tenure for the other. Relationships shall not affect honorary positions or non-remunerative positions. 65,66,67,68

d.) Faculty, staff and students are expected to conduct themselves with appropriate professional demeanor in their daily interactions and encounters creating an environment of mutual trust and respect. Discourteous treatment of the public or of other employees or students; abusive, unruly, indecent or obscene conduct, or behavior that causes discredit or embarrassment to the health science center is a violation of this policy.

e.) Oath of Office and Employee Affidavit: All faculty and staff are required to take the oath of office prescribed by law for faculty and staff of tax-supported institutions of higher education.⁶⁹ Faculty and staff are also required to execute an Employee's Affidavit indicating their compliance with laws on State employment.⁷⁰

References and Cross-references.

1. References to "UNTHSC-FW faculty and staff" throughout these documents include all persons employed by the University of North Texas Health Science Center at Fort Worth. Any exceptions to this rule will be noted in the text.

2. Abbreviations used in the footnotes are as follows:

Govt code--Texas Government Code

PP-- UNTHSC-FW Personnel Policies and Procedures.

Ed. Code--Texas Education Code

AA--Appropriations Act

Op.Tex Att'y Gen.--Texas Attorney General Opinion

EAO--Ethics Advisory Opinion (issued by the Texas Ethics Commission)

PC--Texas Penal Code

FR-- UNTHSC-FW Fiscal Regulations

TX Const.--Texas Constitution

T.A.C.--Texas Administrative Code

3. The following standards are derived from the Principles of Ethical Conduct established for federal employees, Ex. Or. No. 12674 of April 12, 1989, 54 Fed. Reg. 15159; Ex. Or. No. 12731 of Oct. 17, 1990, 55 Fed. Reg. 42547, and Sec. 572.051, Texas Government Code, PP 5.5, 1-5.

4. Govt Code 572.021; EAO 28
5. Govt Code 572.030(a), (b)
6. Govt Code 553.002
7. Govt Code 553.002(c)
8. Govt Code 553.002
9. Govt Code 553.001(1)
10. AA V(20); Govt Code 660.049; FR Section IX, E. 3.
11. Govt Code 660.048; FR Section IX, E.2.
12. Op. Tex Att'y Gen. H-1089; FR Section IX, E.5.
13. Govt Code 660.004
14. PC 39.02(d)
15. EAO 95, EAO 147; PC 39.01
16. Ibid
17. EAO 147
18. Op. Tex Att'y Gen. O-4167, H-1089, MW-93, and MW-206; FR Section XLIII
19. Govt Code 660.024; Memo to State Agency Heads and Institutions of Higher Education from Dale K. Craymer, Director, Governor's Office of Budget and Planning, February 1, 1994
20. PC 36.02; EAO 130
21. PC 36.01(5)
22. PC 36.08(d)
23. PC 36.10(a)(2)
24. PC 36.10(a)(1)
25. PC 36.10 (a)(6)
26. PC 36.08(i)
27. PC 36.08(d); PC 36.10(b); EAO 130
28. PC 36.10(b); EAO 130
29. PC 36.10(b); EAO 130
30. PC 36.10(a)(2); EAO 130
31. EAO 36
32. PC 36.07; EAO 17,19
33. PC 36.07; EAO 19

34. EAO 17
35. EAO 17; EAO 54
36. PC 36.10; EAO 69
37. EAO 62; EAO 118
38. EAO 88; AA (V)5
39. Govt Code 556.003
40. Govt Code 556.004(a)(1)
41. Govt Code 556.004(a)(2)
42. Govt Code 556.005
43. AA V(5), V(80); EAO 45
44. AA V(5)
45. AA V(7)(4); PP 8.5
46. TX Const. Art. 16, Sec 40; PP 5.6, 4.3
47. PP 5.6
48. Govt Code 302.018; EAO 24
49. AA, 75th Legislature
50. PP 5.6
31. Govt Code 574.001; TX Const. Art. 16, Sec 40
52. Govt Code 574.002
53. TX Const. Art. 16, Sec. 40
54. PP 5.6, 4.1
55. PC 39.01(a)(2); EAO 134
56. PC 39.03(a)
57. EAO 134
58. AA V(80); FR Section XII, F. 1.
59. AA V(80); EAO 172; FR Section XII F.
60. AA V(5); PP 5.6, 4.4, 5.5, 4
61. PP 5.6, 1
62. PP 5.6, 3
63. PP 5.6, 2
64. PP 5.7; Govt Code 573.041(1)

65. PP 5.7

66. Govt Code 573.023, 573.025

67. Govt Code 573.062

68. TX Const. Art. 16, Sec 1; Ed Code 2.06

69. PP 5.2, 1

70. Ibid

05.205 Sexual Harrassment Policy

Forms and Tools. (optional)

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