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TTU SYSTEM COMMUNITY CONDUCT

Section 03.02, Regents’ Rule

03.02.1 **Breach of trust.**

Institutions of higher education that are tax supported must function in accordance with the public trust and the actions by faculty, staff and students within them must be consistent with the execution of that trust. A breach of trust includes, but will not be limited to the following:

a) academic dishonesty;
b) plagiarism;
c) forgery, alteration or unauthorized use of TTU system documents, records, or identification materials;
d) knowingly furnishing false information to the TTU system whether by words or by conduct, by false or misleading allegations, or by concealment or omission of that which should have been disclosed;
e) the use of force or violence or other methods of obstructing the functions of the TTU system, which include teaching, research, administration, public service, presentations by guest lecturers and speakers, and other authorized activities;
f) physical abuse of any person TTU system-owned or controlled property or at TTU system-sponsored or supervised functions or conduct which threatens or endangers the health and safety of any such person;
g) theft or damage to the tangible property of the TTU system or of a member of the TTU system community or campus visitor;
h) unauthorized entry to or use of TTU system facilities;
i) unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, or any substance the possession or distribution of which is regulated by federal or Texas law, except where the manufacture, distribution, dispensing, possession or use are in accordance with laws of each;
j) lewd, indecent, or obscene conduct on TTU system-owned or controlled property or at a TTU system-sponsored or supervised function;
k) failure to comply with the lawful directions of TTU system officials where such directions are issued in the performance of their duties;
l) violation of other laws or promulgated TTU system policies or rules;
m) unauthorized release or removal of any information from university records, including but not limited to patient, student, financial and personnel records;
n) behavior or activity, on or off campus, that is of such a nature to cause discredit or embarrassment to the university;
o) commission of an act of moral turpitude, on or off campus, including but not limited to, sexual harassment, sexual assault, fraud and/or theft;
p) criminal or unethical conduct, on or off campus, (including a change in driving status when driving is an essential job function), or employee’s failure to report his or her criminal or unethical conduct, that the university could reasonably construe as having an adverse impact in the employee’s work performance or work environment, or that would cause discredit or embarrassment to the university.

03.02.2 **Conviction notification.**

Each faculty, staff and/or student employee is required to notify the TTU system of any felony conviction, conviction of a Class A misdemeanor, or any drug, assault or theft conviction no later than five days after such conviction.

03.02.3 **Determination of a violation.**

Determination of a violation of the standards established in this policy shall result in the assessment of a penalty ranging from an oral reprimand to the separation from the TTU system.
INTELLECTUAL PROPERTY RIGHTS

Chapter 10 – Regents’ Rules

10.01.1 Statement of Basic Philosophy and Objectives

It is recognized that research and scholarship on the part of TTUS faculty, staff, and students will result in patentable and non-patentable inventions, such as biological and other proprietary materials, plants, manuscripts, computer software, trade secrets, medical treatments, devices, pharmaceuticals and products that are potentially marketable.

It is the policy of the board to encourage scholarly activity without regard to potential gains from royalties and other forms of income. In all cases, however, the affected individuals are subject to individual or TTUS obligations under grants, contracts, or research agreements with governmental agencies and sponsors. All TTUS policies will provide adequate recognition and incentives to sponsors, assignees, and creators and will serve the public interest.

10.01.2 General Policy

This intellectual property policy, as adopted, shall apply prospectively to all persons employed by TTUS, to all students of TTUS, and to anyone using TTUS facilities or under the supervision of TTUS personnel. Every employee, faculty member, staff member, or student is expected to be aware of the TTUS policies regarding intellectual property and agrees to accept and abide by them as a condition of employment or enrollment. All intellectual property disclosures made prior to the date of this policy shall be governed by the prior established policy.

Unless otherwise specified, copyrightable works are considered intellectual property and shall be governed by the general intellectual property policies set forth herein.

It is the intent of this policy to foster the traditional freedoms of the TTUS faculty, staff, and students in matters of publication and invention, through a fair and reasonable balance of the equities among creators, sponsors, and TTUS. The purpose of the policy is to outline the respective rights that members of the faculty, staff, and students have in intellectual materials created while they are affiliated with TTUS.

As a public institution, TTUS is entrusted with the responsibility to facilitate application of scientific, technical, artistic, and intellectual endeavors of its faculty and staff for public use and to provide for an equitable disposition of interests among the creators (authors and inventors), TTUS, and, where applicable, the sponsoring or contracting funding source.

10.02 Definitions

10.02.1 Creator

A creator is an individual subject to this policy who invents, develops, or authors intellectual property as defined below.

10.02.2 Invention

A process, method, discovery, device, plant, composition of matter, or other invention that reasonably appears to qualify for protection under United States patent law, Chip Design Protection law or plant protection schemes, whether or not actually patentable. An invention may be the product of a single inventor or a group of inventors who have collaborated on a project.
10.02.3 **Copyrightable Work**

An original work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, including but not limited to, books, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, and pictorial and graphical works. A copyrightable work may be the product of a single author or a group of authors who have collaborated on a project.

10.02.4 **Trademark (including Service Mark)**

A distinctive word, design, or graphic symbol, or combination word and design that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs.

10.02.5 **Tangible Research Property**

Tangible items produced in the course of research including such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of tangible research property may be associated with one or more intangible properties, such as inventions, copyrightable works and trademarks. An item of tangible research property may be the product of a single creator or a group of individuals who have collaborated on a project.

10.02.6 **Intellectual Property**

Collectively, all forms of intellectual property including but not limited to inventions, innovations, discoveries, improvements, biological materials, proprietary materials, plants, copyrightable works, trademarks, and tangible research property.

10.02.7 **Intellectual Property Committees**

Standing committees of component institutions, whose purpose is to provide a forum for discussion of policies and procedures affecting intellectual property and to advise the Office of Research Commercialization regarding intellectual property matters when called upon, including comment on disputes that may arise regarding the handling of intellectual property and technology transfer and suggestions for policy or procedure changes with respect to this policy. The TTU vice president for research will appoint members of the TTU committee; the TTUHSC executive vice president for academic affairs will appoint members of the TTUHSC committee; the TTUHSC El Paso executive vice president for academic affairs will appoint members of the TTUHSC El Paso committee; the ASU provost and vice president for academic and student affairs will appoint members of the ASU committee. The majority of members of each committee will be faculty members. Each committee will meet at least twice each year, or more often as called by the appropriate vice president.

10.02.8 **The Office of Research Commercialization**

The mission of the Office of Research Commercialization is to promote the transfer of TTUS technologies for society’s use and benefit while generating unrestricted income to support research and education. The Office of Research Commercialization is responsible for administration and implementation of TTUS's intellectual property program, and for assisting and advising TTUS's faculty and staff. The Office of Research Commercialization is managed by an associate vice president, who reports to the TTU vice president for research.
In recent years, the United States Patent and Trademark Office has determined that software which meets certain technical and legal criteria may be patentable. In the case that software originally disclosed as a copyrightable work subsequently is determined to be patentable subject matter, and TTUS chooses to seek patent protection for the software, then such software shall be managed under this regulation as an invention.

10.03 Ownership

10.03.1 Ownership Defined

In general, intellectual property made with the use of TTUS facilities or during the course of regularly assigned duties of the faculty and staff are automatically owned by TTUS. Those who are subject to this policy must, and do hereby, assign their rights in all applicable intellectual property to TTUS, except intellectual property which might be owned by third parties pursuant to sponsored research agreements and intellectual property resulting from independent work or approved consulting activities not utilizing TTUS facilities.

10.03.2 Ownership Further Defined

(a) An invention or tangible research property resulting from activities related to an individual’s employment responsibilities and/or with support from TTUS funds, facilities or personnel is owned by TTUS.

(b) An invention or tangible research property unrelated to an individual’s employment responsibilities that is developed on his or her own time without TTUS support or use of TTUS’s facilities is not owned by TTUS.

(c) Ownership of an invention or tangible research property developed in the course of or resulting from research supported by a grant or contract within the federal government (or an agency thereof), a state agency or a nonprofit or for-profit non-governmental entity, shall be determined in accordance with the terms of the sponsored grant or contract, or in the absence of such terms, is owned by TTUS.

10.03.3 Ownership of Copyrightable Works

TTUS encourages the preparation and publication of copyrightable works that result from teaching, research, scholarly and artistic endeavors by members of the faculty, staff and student body of TTUS. Authors shall be permitted maximum freedom with respect to their copyrightable works, consistent with the obligations to TTUS. Copyrightable works may be created under a variety of circumstances which impact the ownership and subsequent management thereof, as follows:

(a) Books, Articles, and Similar Works

In keeping with academic tradition, and except to the extent required by the terms of any funding agreement, TTUS does not claim ownership to pedagogical, scholarly or artistic works, regardless of their form of expression. Such works include but are not limited to faculty-prepared works such as textbooks, course materials and refereed literature. Such works include those of students created in the course of their education, such as dissertations, papers and journal articles. Furthermore, TTUS claims no ownership in popular nonfiction, novels, poems, musical compositions or other works of artistic imagination that are not works for hire. If title to copyright in works defined within this section vests in TTUS by law, TTUS will, upon request and to the extent consistent with its legal obligations, convey copyright to the authors of such copyrightable works.
(b) **Institutional Works or “Works for Hire”**

TTUS shall retain ownership of copyrightable works created for institutional purposes in the course of the creator’s employment, including but not limited to simultaneous or sequential contributions over time by numerous faculty, staff or students. For instance, work assigned to programmers is institutional work or "work for hire" as defined by law, as is software developed for TTUS purposes by staff working collaboratively. Brochures, training programs, digital media, videos, and manuals for which staff members are hired to develop are other examples of institutional works, or work for hire. TTUS owns all right, title and interest in such institutional works.

(c) **Works Developed with Significant Use of Resources**

Copyrightable works that are not works for hire but are works that are developed with integral and significant use of funds, space, hardware, or facilities administered by TTUS, where use was essential and substantial rather than incidental, shall be owned by TTUS. Furthermore, copyrightable works that are not works for hire (see Section 10.03.3b above) but are works that are developed in the course of or resulting from research supported by a grant or contract with the federal government (or an agency thereof), a state agency or a non-profit or for-profit nongovernmental entity, or by a private gift or grant to TTUS, shall be determined in accordance with the terms of the sponsored grant or contract, or in the absence of such terms and to the extent consistent with copyright law, shall be owned by TTUS. TTUS recognizes and affirms the traditional academic freedom of its faculty and staff to publish pedagogical, scholarly or artistic works without restriction. In keeping with this philosophy, TTUS will not construe the provision of offices or library facilities as constituting significant use of TTUS resources, except for those instances where the resources were furnished specifically to support the development of such copyrightable works. Nothing in this section is intended to change the traditional manner in which TTUS faculty, staff and employees assign the copyright ownership of works intended for publication in scholarly journals.

(d) **Hybrid Works**

Changing technology can give rise to creative efforts that fall into more than one category, for example, a book (traditionally owned by the author) coupled with an interactive digital media (perhaps software in which TTUS may have rights to under this policy). Such hybrid works should be brought to the attention of the Office of Research Commercialization which shall negotiate a reasonable sharing arrangement or release as may be appropriate. Should the Office of Research Commercialization and the creator be unable to agree, the matter shall be finally resolved by the president of the applicable institution.

(e) **Copyrightable Works Not Owned by TTUS**

Authors of copyrightable works that are not owned by TTUS own the copyrights in their works and are free to publish them, register the copyright, and to receive any revenues which may result there from.

Copyrightable works to which TTU has no ownership rights (see Section 10.03.3 a-d) where conditions for TTU ownership are defined) may still be submitted for publication and published by TTUS. Upon TTUS publication acceptance, the independent author shall agree to transfer copyright of the work by contract to the specific TTUS publication. A transfer agreement obtained from the Office of Research Commercialization shall be executed and maintained in the Office of Research Commercialization.
10.04 **Research Involving Third Party**

In research sponsored by or involving third parties, provisions for the control of and compensation for patents should normally be consistent with the general policy stated herein. However, nothing in this policy shall preclude acceptance of a contract, grant or agreement which provides for ownership of intellectual property by the sponsor with appropriate compensation.

10.05 **Disclosure of Intellectual Property**

All intellectual property shall be promptly disclosed to the Office of Research Commercialization. Disclosure shall be made on a disclosure form prescribed by and available from the Office of Research Commercialization. Creators shall cooperate with TTUS and the Office of Research Commercialization in protecting intellectual property rights in the invention. At least once a year, coincidental with a regular board meeting, the Office of Research Commercialization associate vice president shall prepare for the chancellor and the board a report listing the titles and a brief description of each disclosure received since the last report.

10.06 **Intellectual Property Administration**

When TTUS elects to protect intellectual property in its name, it shall award to the creator a reasonable share (as defined hereinafter) of net proceeds from royalties or other income or value after deduction of the directly assignable costs of patenting, marketing, licensing and protection of intellectual property rights.

10.07 **Determinations by the Office of Research Commercialization**

The Office of Research Commercialization shall make determinations as to:

10.07.1 the potential value of the intellectual property to TTUS;

10.07.2 the rights and equities of the creator, TTUS and any third parties; and

10.07.3 the required actions to maximize the benefits of any intellectual property to the public, TTUS, and the creator

10.08 **Implementation**

The following guidelines shall be applicable to license agreements with private entities including those formed primarily for the purpose of developing and/or commercializing intellectual property created at TTUS subject to the terms of sponsored research agreements which may have led to the creation of such intellectual property:

10.08.1 No entity shall be granted the exclusive rights to the development and/or commercialization of all intellectual property created at TTUS. Agreements should grant rights only on a specific project basis.

10.08.2 If an entity is granted the exclusive rights with respect to a particular invention, product, process or other item of intellectual property, the agreement should provide that such rights will revert to TTUS in the event the entity fails to diligently develop and commercialize the property within a specified period of time that is appropriate to the particular circumstances.

10.08.3 An entity that is granted exclusive rights to develop or commercialize intellectual property that is patentable should be required to reimburse TTUS for all expenses incurred by TTUS in obtaining a patent or, if a patent has not been obtained, should be required to prosecute and bear
the expense of obtaining patent protection for the benefit of TTUS and, in either event, the entity should be required to take all actions necessary, including litigation, to protect and preserve such patented rights from infringement.

10.08.4 TTUS and its officers and employees should be protected and indemnified from all liability arising from the development, marketing, or use of the particular intellectual property.

10.08.5 Restrictions on use by the component institution for research and teaching purposes and the publication rights of researchers should be minimized.

10.08.6 If the entity fails to develop and commercialize the property, any and all rights the entity has been granted in TTUS’s property shall be returned and granted back to TTUS so that another entity may be offered the right to develop and commercialize the technology.

10.08.7 The entity should be required to comply with all applicable federal, state, and local laws and regulations, particularly those concerning use of animals, biological materials and necessary testing, human subject protection and approval by the Federal Drug Administration or other relevant federal or state agency.

10.08.8 The entity should be required to maintain confidentiality with regard to any unpatented technology or know-how.

10.08.9 An entity that grants a license or sublicense to some other entity for property or technology that is in whole or in part derived from or based on that which is licensed to the entity by TTUS, should be required to share with TTUS: at least 40% of any royalty received by the entity and at least 40% of any equity position to which the entity may be entitled. An entity that participates in additional research and development of property or technology that is licensed may be entitled to a reduction from the above restriction per recommendation by the Office of Research Commercialization associate vice president and approval from the president of the respective institution. Such participation means specifically: sponsored research into TTUS, bundling TTUS intellectual property with the entity’s existing intellectual property to form joint intellectual property, and/or a specified product development period of over one year with mutually agreed upon milestones.

10.08.10 License agreements should contain such other provisions as may be determined by the Office of Research Commercialization and the Office of General Counsel to be in the best interest of TTUS.

10.08.11 The Office of Research Commercialization is authorized to negotiate, and the TTU vice president for research or designee is authorized to execute, TTUS license agreements, preludes to license agreements (including option agreements and memorandums of understanding), inter-institutional agreements, assignments of intellectual property related to inter-institutional agreements, powers of attorney for patent filings, non-disclosure agreements related to the Office of Research Commercialization business, and patent and copyright documents. The authority to execute such documents that involve a commitment of funds or resources is restricted to documents that have been:

(a) approved by the vice president for research (or the equivalent of that position) of the institution at which the creator is employed; and
(b) approved as to form, law, and compliance with the Regents’ Rules and applicable polices by the vice chancellor and general counsel.

10.09 Reports to the Board

Updated 05-22-15
The chancellor shall report annually to the board concerning the status of license agreements, including the distribution of revenues earned from such agreements. The chancellor will inform the board at the first meeting following the end of each calendar quarter of any license agreements entered into by the TTUS Office of Research Commercialization and not previously reported.

10.10 Reports to the State of Texas

In compliance with Section 51.912, *Texas Education Code*, the Board of Regents must file a report identifying all employees who have an equity interest in or serve as employees, officers, or members of the board of directors of business entities that have agreements with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest. The report will be filed in accordance with the requirements of Section 51.005, *Texas Education Code*. The Office of Research Commercialization will submit the report through the chancellor or his/her designee to the board. The secretary will obtain the signature of the chair and will transmit the report to the Governor’s office and other required entities.

10.11 Board Approval of Employee Participation in Business Entities

10.11.1 For the purposes of this section, the following definitions apply:

(a) “Creator/inventor” means: an employee of TTUS who conceives, creates, discovers, invents, or develops intellectual property for which TTUS has entered into an intellectually property agreement with an IPA entity.

(b) “Intellectual property agreement” or “IPA” means: an agreement relating to the research, development, licensing, or exploitation of intellectual property in which TTUS has an ownership interest.

(c) “IPA entity” means: a business entity that has an intellectual property agreement with the State of Texas or a political subdivision of the State, including but not limited to TTUS.

10.11.2 Employee who is not the Creator/Inventor

A TTUS employee who is not the creator/inventor shall not participate as an employee, officer, or member of the governing board of an IPA entity.

10.11.3 Employee who is the Creator/Inventor

(a) Subject to all applicable policies relating to ethics, conflict of interest, consulting or outside employment, and disclosure provided in Chapters 03 and 10, *Regents’ Rules*, and in institutional operating policies, a creator/inventor who wishes to participate as an employee, officer or member of the governing board of an IPA entity that utilizes intellectual property produced by the creator/inventor may do so only if approved by the board in advance.

(b) After a creator/inventor has received the approval of the board under Section 10.11.3a, the creator/inventor must report to the Office of Research Commercialization associate vice president and the vice president for research (or the equivalent of that position) of the institution at which the creator/inventor is employed the following:

(1) the name of the IPA entity and the position or positions in which the creator/inventor participates as an employee, officer, or member of the governing board; and

(2) within 30 days of the event, any change in the status of the creator/inventor’s participation as an employee, officer, or member of the governing board.
10.11.4 **Attending or Monitoring Meetings of the Governing Board of an IPA Entity**

To the extent authorized by the agreement between TTUS and the IPA entity, the chancellor, or the designee of the chancellor, may attend or monitor meetings of the governing board of the IPA entity. In such event, the chancellor, or the chancellor’s designee, shall act solely as the representative of TTUS and shall not accept any compensation or expense reimbursement from the IPA entity.

10.12 **Assignment and Protection**

10.12.1 Creators shall execute appropriate assignment and/or other documents required to set forth effectively the ownership and rights to inventions and tangible research property. Assignment agreements are prescribed by and available from the Office of Research Commercialization.

10.12.2 The Office of Research Commercialization will determine whether TTUS desires to commit funding to obtain protection for the invention, and shall so notify the creators of the decision. In many cases, before making a final decision, the Office of Research Commercialization will identify one or more licensees who will bear the cost of obtaining patent protection.

10.12.3 In those instances where the creator perceives that delay would jeopardize obtaining the appropriate protection for the invention, the creator may request that TTUS expedite its decision. If TTUS has not acted within six months after a request to expedite, and the creator has cooperated in good faith, TTUS will release its rights and Section 10.19 shall apply.

10.12.4 **Copyrightable Works**

Agreements permitting a party to use, develop, or otherwise commercialize copyrightable works owned by TTUS are encouraged. The Office of Research Commercialization has primary responsibility for negotiating with third parties having an interest in using, developing or otherwise commercializing copyrightable works.

10.13 **Obligations to Sponsors**

The Office of Research Commercialization, in cooperation with the respective Office of Research Services or Office of Sponsored Programs, shall coordinate reporting requirements and other obligations to research sponsors regarding inventions or economically significant tangible research property developed under a research contract or grant, including but not limited to obligations to the United States Government under 37CFR Part 401.

10.14 **Distribution of Income from Commercialization and Licensing**

10.14.1 Where TTUS has an ownership interest in the intellectual property pursuant to this policy, the following provisions will govern the distribution of royalties and other income, including, but not limited to license fees, prepaid royalties, minimum royalties, running royalties, milestone payments, and sublicense payments, after TTUS has recouped all direct costs associated with the processing of the patent or copyright application and marketing and licensing the technology:
<table>
<thead>
<tr>
<th>Net Royalty and Other Income</th>
<th>Creator(s)</th>
<th>TTUS</th>
<th>Department*</th>
<th>Unit**</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 - $100,000</td>
<td>50%</td>
<td>30%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>$100,001 - $500,000</td>
<td>$50,000 plus 40% of amount over $100,000</td>
<td>30%</td>
<td>15%</td>
<td>15%</td>
</tr>
<tr>
<td>$500,000 – up</td>
<td>$210,000 plus 30% of amount over $500,000</td>
<td>30%</td>
<td>As set by Board of Regents</td>
<td>As set by Board of Regents</td>
</tr>
</tbody>
</table>

* Department, center or institute
** College or school

Net royalties and other income are to be paid according to the above schedule as the net royalties are earned; that is, the individual will receive 50% of the first $100,000, and 30% of all net royalties over $100,000. Funds received by the department and college will be placed in unrestricted accounts under their control. Such funds will not be used to substitute for funds budgeted for expenditure in the routine annual operating budget which is approved by the board.

10.14.2 This policy recognizes that in addition to the traditional academic units such as departments and colleges, research, and specifically interdisciplinary research, can be sponsored by other academic units, such as centers and institutes. Because of the many different combinations that may occur, this policy cannot specify how the royalties are to be allocated. It is, however, the general policy of Chapter 10, Regents’ Rules, to allocate royalties to the units which have provided the substantial level of indirect support that triggers TTUS’s ownership of the intellectual property. The policy encourages voluntary agreements between such units prior to the development of intellectual property (to allocate the percentage of royalty share that is appropriate for each unit). In the event that no agreement can be reached prior to the generation of royalties, the president of the applicable institution(s) will resolve the allocation question.

The division of net royalties and other income from patents and copyrights managed by a patent or copyright agent will be controlled by TTUS agreement with such agent, as approved by the TTUS board. Any deviation from this rule requires the prior approval of the TTUS board.

10.14.3 Copyrightable Works

All monetary proceeds from commercialization of copyrightable works, including royalties, equity interests, and dividends, are the property of the TTUS component from which the work emerged. Income received from commercialization of copyrightable works will be distributed as follows:

(a) Institutional Works: TTUS shall be entitled to all income from distribution or commercialization of institutional works.

(b) Works Developed with Significant Use of Resources: In cases where the Office of Research Commercialization conducts the commercialization or distribution of the copyrightable work on behalf of TTUS, the distribution of income shall be made in accordance with steps outlined in Section 10.14.1. In cases where the TTUS unit conducts the commercialization or distribution of the copyrightable work, the distribution of net income after expenses of creation and distribution shall be as follows: 50% to the TTUS unit and 50% to the author.

(c) In the event of multiple authors, the authors will agree among themselves as to the distribution of the income accruing to the authors; distribution of the author’s share shall be made only upon receipt of a signed agreement between the authors.
10.15 **Equity and Other Non-monetary Returns**

10.15.1 TTUS may negotiate, but shall not be obligated to negotiate, for equity interests in lieu of or in addition to royalty and/or monetary consideration as a part of an agreement relating to intellectual property.

10.15.2 Creators may receive up to 50% of any equity or other non-monetary consideration (or, in TTUS's discretion, its monetary equivalent) received by TTUS or its components under this section. However, TTUS may choose to receive the consideration under terms that restrict its ability to sell, distribute or otherwise deal with the equity interests. In such cases, any restrictions on TTUS's interest shall be equally applicable to the interest of the creator, unless waived or varied in writing and signed by the Office of Research Commercialization associate vice president and the creator.

10.15.3 TTUS does not act as a fiduciary for any person concerning equity or other consideration received under the terms of this regulation.

10.15.4 The division of net royalties and other income from patents and copyrights and marketing and licensing the technology managed by a patent or copyright agent will be controlled by TTUS agreement with such agent, as approved by the board. Any deviation from this rule requires the prior approval of the board.

10.16 **Equity Ownership**

This policy allows equity ownership and business participation by TTUS faculty, staff, and students consistent with state law as presently stated in Section 51.912, *Texas Education Code*, or any other future statutory provision relating to the subject matter of this intellectual property policy.

10.17 **Trademarks**

In most situations, a trademark identifies an item of intellectual property, such as a computer program or a plant variety. In other situations, a trademark identifies an educational, service, public relations, research or training program of TTUS. TTUS, or the applicable TTUS component, owns all right, title and interest in trademarks related to an item of intellectual property owned by TTUS or its [institutions], or to a program of education, service, public relations, research or training program of TTUS or its components. All income from the licensing of a trademark shall belong to TTUS, or the TTUS component, as applicable.

10.18 **Tangible Research Property**

10.18.1 TTUS owns all right, title and interest in tangible research property related to an individual’s employment responsibilities and/or developed with support from TTUS-administered funds, facilities, equipment or personnel.

10.18.2 For purposes of management of the asset, tangible research property shall be managed as an invention, with distribution of income from the distribution or commercialization of such tangible research property made in accordance with Section 10.14.

10.19 **Provisions for Release of Rights to Creators**

Absent a contractual obligation to a research sponsor, TTUS may release ownership rights to a creator, with the following provisions.

10.19.1 TTUS shall retain a perpetual, royalty-free license to use the invention or copyrightable work, and any corresponding patents or copyrights, for research, education and service purposes.
10.19.2 TTUS shall receive a share of all proceeds generated from commercialization of the invention or copyrightable work after the creator has recovered documented out-of-pocket costs for obtaining legal protection for the invention or copyrightable work, the amount of such share to be negotiated at the time of the release. Should the Office of Research Commercialization and the creator be unable to agree, the matter shall be finally resolved by the president of the applicable institution.

10.19.3 In the case of release of rights to the creator, the creator shall not be entitled to a share of proceeds received by TTUS under Section 10.19.2.

10.20 **Offers of Intellectual Property**

10.20.1 If an individual chooses to offer to TTUS certain intellectual property in which TTUS has no claim, TTUS may accept ownership of the intellectual property provided that:

(a) the individual makes the offer to TTUS as if the intellectual property had been created within TTUS;
(b) the individual agrees to all provisions (including distribution of income provisions) of this policy;
(c) the individual warrants that he or she owns all rights, title, and interests to the intellectual property, and that to the best of his or her knowledge, the intellectual property does not infringe upon any existing copyright or other legal rights.

10.20.2 The Office of Research Commercialization will decide whether to accept or reject such offers.

10.20.3 Should TTUS agree to accept the offer of intellectual property, the individual will execute an Office of Research Commercialization assignment agreement transferring all right, title, and interest in the intellectual property to TTUS, and acknowledging that the individual agrees to all provisions of this policy. In cases in which the individual has already expended funds toward obtaining patent or other legal protection for the invention, the individual and TTUS may negotiate terms to allow recovery of legal and/or patent expenses from license fees and/or royalty income. Such an agreement would modify normal royalty sharing provisions until such expenses are recovered by the party entitled to recovery of the expenses.

10.20.4 TTUS may accept charitable donations of intellectual property from governmental or private organizations. Upon the transfer of title in the intellectual property to TTUS, the intellectual property will be managed in accordance with this policy.

10.21 **Compliant Procedure**

10.21.1 The purpose of these procedures is to address complaints of individuals covered by this policy related to the actions or decisions of the Office of Research Commercialization associate vice president and to provide a mechanism for resolving them. Each member of the TTUS faculty and staff shall have the right to a hearing for redress of complaints through established channels.

After the complaint is presented to the Office of Research Commercialization associate vice president, the time periods for action prescribed in these procedures are guidelines only but should be followed unless a request for extension is granted for good cause by the vice president for research of the applicable institution. Consideration should be given for TTUS holidays and agreement of the parties.
10.21.2 **Complaint Initiation.**

The complainant will present a written description of the complaint and proposed resolution to the Office of Research Commercialization associate vice president within 21 calendar days after the complainant becomes aware of the action constituting the complaint. The complainant and Office of Research Commercialization associate vice president will meet within 21 calendar days of receipt by the Office of Research Commercialization associate vice president and attempt resolution of the complaint. If resolution is not reached, the Office of Research Commercialization associate vice president’s written decision will be provided to the complainant within 10 calendar days after the meeting. If the decision is not acceptable to the complainant, or if the Office of Research Commercialization associate vice president does not render a written decision within 10 working days, the complainant may proceed as set forth below.

10.21.3 **Mediation.**

The complainant or the Office of Research Commercialization associate vice president may request mediation of the dispute within 10 calendar days of the Office of Research Commercialization associate vice president’s written decision provided under section 10.21.2. If the Office of Research Commercialization associate vice president and complainant agree, a person acceptable to both parties will mediate the complaint. If the parties are unable to agree upon a mediator within 10 calendar days of the request to mediate, the vice president for research of the applicable institution, or designate, will select a member of the TTUS community, familiar with the area in dispute, to serve as mediator. The complaint will be presented for mediation within 21 calendar days after the mediator has been selected.

(a) If the mediation is successful, the complaint process shall end.
(b) If the mediation fails to resolve the complaint, the Office of Research Commercialization associate vice president will provide a written decision to the complainant within 10 calendar days after the mediation is concluded. If the Office of Research Commercialization associate vice president’s decision is not acceptable to the complainant, the complainant may proceed as set forth below.

10.21.4 **Appeal to the President**

(a) The appeal procedure is initiated by the complainant providing a written request to the president asking that the decision of the Office of Research Commercialization associate vice president be reviewed.

The appeal to the president shall be filed within 15 calendar days of the complainant’s receipt, or lack thereof, of the written decision of the Office of Research Commercialization associate vice president.

The president of the applicable institution, in consultation with the Intellectual Property Committee of the applicable institution, will select three (3) members of the institution’s community to serve on an appeal committee.

Persons selected for service on the committee will be allowed to present to the president reasons why they should be recused from the process.

Following the selection of the three (3) person appeal committee, the president will convene the committee, give the committee its charge, and supply the committee with all relevant documents furnished by the Office of Research Commercialization associate vice president and the complainant.
(b) The president may appoint a faculty member with expertise in the relevant area of intellectual property to serve as a non-voting facilitator to assist the committee in its deliberations.

10.21.5 **Hearing Committee Process**

(a) Within 21 days of receipt of the request from the president, the hearing committee will hold its hearing. The committee will, prior to the hearing, elect its own chairperson. The chairperson’s notice of scheduling a time and place for the hearing will be delivered to the involved parties at least seven calendar days prior to the hearing.

(b) The hearing will be non-adversarial in nature and conducted in accordance with the procedures established by the committee. The complainant and the Office of Research Commercialization associate vice president will be given the opportunity to present each party’s position, including the right to present information, written or oral, considered relevant or material to the complaint as determined by the committee. The committee may call such witnesses as it considers appropriate.

(c) At the conclusion of the hearing, the committee will meet and consider the matter. The majority opinion will constitute the committee’s recommendations to the president. A minority opinion may also be submitted to the president. The committee’s recommendations to the president shall be advisory in nature.

If the president has appointed a non-voting faculty facilitator as permitted above, the facilitator may attend the hearing and, subject to the will of the committee, may or may not be present during the committee’s deliberations.

10.21.6 **President’s Decision.**

The president will consider all material submitted and the recommendation of the committee and render a written decision, with copies to the committee, within 15 calendar days of receipt of the committee’s recommendations. The president’s decision is final.

10.21.7 **Resolution by the Parties.**

The Office of Research Commercialization associate vice president and complainant may agree to a resolution of complaint at any time from institution of the complaint until receipt of the president’s decision.

**EXERPTS FROM THE STATE GOVERNMENT CODE**

*Chapter 556. Political Activities by State Agencies and Employees*

*556.004. Prohibited Acts of Agencies and Individuals*

(a) A state agency may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.

(b) A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).

(c) A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.

(d) A state employee may not 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
(e) For purposes of Subsection (c), a state officer or employee does not interfere with or affect the results of an election or nomination if the individual’s conduct is permitted by a law relating to the individual’s office or employment and is not otherwise unlawful.

556.005. Employment of Lobbyist

(a) A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist. Except for an institution of higher education as defined by Section 61.003, Education Code, a state agency may not use any money under its control to employ or contract with an individual who is required by Chapter 305 to register as a lobbyist.

(b) A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 to register as a lobbyist. This subsection does not apply to the payment by a state agency of membership fees under Chapter 81.

(c) A state agency that violates Subsection (a) is subject to a reduction of amounts appropriated for administration by the General Appropriations Act for the biennium following the biennium in which the violation occurs in an amount not to exceed $100,000 for each violation.

(d) A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter 305 to register as a lobbyist.

556.0055. Restrictions on Lobbying Expenditures

(a) A political subdivision or private entity that receives state funds may not use the funds to pay:
   (1) lobbying expenses incurred by the recipient of the funds;
   (2) a person or entity that is required to register with the Texas Ethics Commission under Chapter 305;
   (3) any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2); or
   (4) a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies

(b) A political subdivision or private entity that violates Subsection (a) is not eligible to receive additional state funds.

556.006. Legislative Lobbying

(a) A state agency may not use appropriate money to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.

556.007. Termination of Employment

(a) A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 556.006 (b) or who violates Section 556.004 (c) or (d) is subject to immediate termination of employment.

556.008. Compensation Prohibition

(a) A state agency may not use appropriate money to compensate a state office or employee who violates Section 556.004 (a), (b), or (c) or Section 556.005 or 556.006 (a), or who is subject to termination under Section 556.007.
Chapter 572. Personal Financial Disclosures, Standards of Conduct, and Conflict of Interest

572.051. Standards of Conduct

(a) A state officer or employee should not:
   (1) Accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer’s or employee’s official conduct;
   (2) Accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
   (3) Accept other employment or compensation that could reasonably be expected to impair the officer’s or employee’s independence of judgment in the performance of the officer’s or employee’s official duties;
   (4) Make personal investments that could reasonably be expected to create a substantial conflict between the officer’s or employee’s private interest and the public interest; or
   (5) Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer’s or employee’s official powers or performed the officer’s or employee’s official duties in favor of another.

Chapter 2113. Use of Appropriate Money

2113.014. Employee Standards of Conduct

(a) A state agency may not use appropriated money to compensate a state employee who violates a standard of conduct described by Section 572.051.
(b) A state agency shall provide each state employee it employs a copy of this section and the standards of conduct described by Section 572.051 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.
(c) A state agency shall maintain receipts collected from current state employees under this section in a manner accessible for public inspection.

Chapter 667. Multiple Employments with State

667.001. General Provisions

(a) This chapter applies to a person who is or may become employed by more than one state agency or institution of higher education.
(b) A person who is employed by more than one state agency or institution of higher education may not receive benefits from the state that exceed the benefits provided for one full-time employee.
(c) The person must be informed of the requirements of this chapter before the person is employed by more than one agency or institution.

667.002. Separate Records Required

Separate vacation and sick leave records must be maintained for each employment.

667.003. Transfer of Leave Balances Prohibited

If the person separates from one employment, the person’s leave balances that were accrued under that employment may not be transferred to the remaining employees.

667.004. Accrual of State Service Credit

The person accrues state service credit for all purposes as if the person had only one employment.
667.005. Group Insurance Contribution

The total state contribution toward the person’s group insurance is limited to the amount specified in the General Appropriations Act for a full-time active employee.

667.006. Overtime Compensation

(a) Overtime compensation accrues for each employment independently of every other employment, except as provided by Subsection (b).

(b) If the person is subject to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) in an employment, the employing agencies and institutions of higher education shall ensure that the person is compensated for all combined time actually worked that exceeds 40 hours per week in accordance with the overtime provisions of the federal law. The agencies and institutions shall cooperate to determine which agency or institution is responsible for ensuring that the employee is properly compensated according to those provisions.

(c) An employing agency or institution may not use multiple employments of an employee within the same agency or institution for the purpose of:

(1) Paying the employee for working more than 40 hours in a week instead of earning compensatory time in accordance with state law; or

(2) Paying the employee a greater salary than is allowed for either of the employee’s positions.

667.007. Informing Employer about Multiple Employment

The person must inform the person’s employing state agencies or institutions of higher education before accepting an additional employment with another agency or institution.

667.008. Special Provisions for Legislative Agencies

If a person's multiple employment involves only legislative agencies and all employments are less than full-time, the person may use paid leave from leave balances in all employments, and on separating from one employment, leave balances accrued under that employment will be transferred to the remaining employments.

667.009. Special Provisions for University Systems

(a) A university system as defined by Section 61.003, Education Code, may establish a policy that defines a person’s employment as the total hours the person is assigned:

(1) To one component of the system; or

(2) To all components of the system.

(b) The policy may apply to a person only if the person is employed by more than one institution of higher education and all the employing institutions are within the same university system.

Chapter 403. Comptroller of Public Accounts

Subchapter L. Property Accounting

403.271. Property Accounting System

(a) This subchapter applies to:

(1) All personal property belonging to the state; and

(2) Real and personal property acquired by or otherwise under the jurisdiction of the state under 40 U.S.C. Section 483c, 484(j), or 484(k), and Subchapter F, Chapter 2175.

(b) The comptroller shall administer the property accounting system and maintain centralized records based on information supplied by state agencies and the uniform statewide accounting system. The comptroller shall adopt necessary rules for the implementation of the property accounting system, including setting the dollar value amount for capital assets and authorizing exemptions from reporting.
(c) The property accounting system shall constitute, to the extent possible, the fixed asset component of
the uniform statewide accounting system.
(d) The comptroller may authorize a state agency to keep property accounting records at the agency's
principal office if the agency maintains complete, accurate, and detailed records. When the comptroller
makes such a finding, it shall keep summary records of the property held by that agency. The agency shall
maintain detailed records in the manner prescribed by the comptroller and shall furnish reports at the time
and in the form directed by the comptroller.
(e) A state agency shall mark and identify state property in its possession. The agency shall follow the rules
issued by the comptroller in marking state property.

403.272. Responsibility for Property Accounting

(a) A state agency must comply with this subchapter and maintain the property records required.
(b) All personal property owned by the state shall be accounted for by the agency that possesses the
property. The comptroller shall define personal property by rule for the purposes of this subchapter.
In adopting rules, the comptroller shall consider the value of the property, its expected useful life,
and the cost of recordkeeping.

403.273. Property Manager; Property Inventory

(a) The head of each state agency is responsible for the custody and care of property in the agency's possession.
(b) The head of each state agency shall designate a property manager and inform the comptroller of the
designation. Subject to comptroller approval, more than one property manager may be designated.
(c) The property manager of a state agency shall maintain the records required and be the custodian of
all property possessed by the agency.
(d) When a state agency's property is entrusted to a person other than the agency's property manager, the
person to whom the property is entrusted shall provide a written receipt to the manager. A state
agency may lend its property to another state agency only if the head of the agency lending the property
provides written authorization for the lending. The head of the agency to which the property is lent must
execute a written receipt.
(e) A state agency shall conduct an annual physical inventory of all property in its possession. The
comptroller may specify the date on which the inventory must be conducted.
(f) Not later than the date prescribed by the comptroller, the head of a state agency shall submit to the
comptroller:
   (1) a signed statement describing the methods used to conduct the agency's annual physical
       inventory under Subsection (e);
   (2) a copy of the results of the inventory; and
   (3) any other information concerning the inventory that the comptroller requires.
(g) At all times, the property records of a state agency must accurately reflect the property possessed by
the agency. Property may be deleted from the agency's records only in accordance with rules adopted by
the comptroller.
(h) The state auditor, based on a risk assessment and subject to the legislative audit committee’s approval of
including the examination in the audit plan under Section 321.013, may periodically examine property
records or inventory as necessary to determine if controls are adequate to safeguard state property.

403.274. Change of Agency Head or Property Manager

When the head or property manager of a state agency changes, the outgoing head of the agency or property manager
shall complete the form required by the comptroller about property in the agency's possession. The outgoing
head of the agency or property manager shall deliver the form to the incoming head of the agency or property
manager. After verifying the information on and signing the form, the incoming head of the agency or property
manager shall submit a copy of the form to the comptroller.
403.275. Liability for Property Loss

The liability prescribed by this section may attach on a joint and several bases to more than one person in a particular instance. A person is pecuniarily liable for the loss sustained by the state if:

(a) agency property disappears, as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care for its safekeeping;
(b) agency property deteriorates as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care to maintain and service the property; or
(c) agency property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee

403.276. Reporting to Comptroller and Attorney General

(a) If the head or property manager of a state agency has reasonable cause to believe that any property in the agency's possession has been lost, destroyed, or damaged through the negligence of any state official or employee, the head of the agency or property manager shall report the loss, destruction, or damage to the comptroller and the attorney general not later than the date established by the comptroller. If the head or property manager of a state agency has reasonable cause to believe that any property in the agency's possession has been stolen, the head of the agency or property manager shall report the theft to the comptroller, the attorney general, and the appropriate law enforcement agency not later than the date established by the comptroller.
(b) The attorney general may investigate a report received under Subsection (a).
(c) If an investigation by the attorney general under Subsection (b) reveals that a property loss has been sustained through the negligence of a state official or employee, the attorney general shall make written demand on the official or employee for reimbursement of the loss.
(d) If the demand made by the attorney general under Subsection (c) is refused or disregarded, the attorney general may take legal action to recover the value of the property as the attorney general deems necessary.
(e) Venue for all suits instituted under this section against a state official or employee is in a court of appropriate jurisdiction of Travis County.

403.277. Failure to Keep Records

If a state agency fails to keep the records or fails to take the annual physical inventory required by this subchapter, the comptroller may refuse to draw warrants or initiate electronic funds transfers on behalf of the agency.

403.278. Transfer of Personal Property

(a) A state agency may transfer any personal property of the state in its possession to another state agency with or without reimbursement between the agencies.
(b) When personal property in the possession of one state agency is transferred to the possession of another state agency, the transfers must be reported immediately to the comptroller by the transferor and the transferee on the forms prescribed.

EXERPTS FROM THE GENERAL APPROPRIATIONS ACT

ARTICLE IX


4.03 Grants for Political Polling Prohibited.

None of the funds appropriated by the Act may be granted to or expended by any entity which performs political...
polling. This prohibition regarding political polling does not apply to a poll conducted by an academic institution as a part of the institution's academic mission that is not conducted for the benefit of a particular candidate or party.

Part 6. General Limitations on Expenditures

6.03 Excess Obligations Prohibited.

(a) An agency specified in this Act may not incur an obligation in excess of the amounts appropriated to it for the respective objects or purposes named.
(b) As a specific exception to Subsection (a) the Comptroller of Public Accounts may determine that a proposed installment purchase arrangement is cost effective and certify this finding in response to an agency request.
(c) A determination made by the Comptroller of Public Accounts under Subsection (b) may be made for obligations incurred for the purchase or lease of automated information system equipment only if the agency has on file with the Legislative Budget Board a Biennial Operating Plan, including any amendments to the Biennial Operating Plan, and the plan has been approved by the Legislative Budget Board.
(d) If this section is violated, the State Auditor shall certify the fact of the violation and the amount of over-obligation to the Comptroller, and the Comptroller shall deduct an amount equivalent to the over-obligation from the salary or other compensation due the responsible disbursing or requisitioning officer or employee, and apply the amount to the payment of the obligation.
(e) This provision is specified pursuant to Section 10, Article XVI, Texas Constitution.

If there is a discrepancy between the official TTUS Board of Regents’ Rules, the State Government Code, the General Appropriations Act and the wording in this document, the official TTUS Board of Regents’ Rules, the State Government Code, and the General Appropriations Act prevail.