



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 10.11: Ethics Policy

DATE: February 29, 2008

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to publish the ethics policy for faculty and staff as required by the Texas State Legislature and adopted by the Board of Regents at the August 11, 1995 meeting. The principles and guidelines contained in this policy apply to all persons employed by Texas Tech University without regard to rank or position, length of service, or past performance.

REVIEW: This OP will be reviewed in June of even-numbered years by the vice chancellor/general counsel with recommended revisions forwarded to the president.

1. Introduction

It is important 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 education and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles. The principles and guidelines contained in this policy shall apply to all persons employed by any component institution, agency, or service of TTU regardless of rank or position. If a topic also has been addressed in other policy statements or manuals of TTU, the procedures and statements contained therein are hereby reaffirmed and made a part hereof for all purposes. Specifically, TTU OPs should be referenced for further information and/or greater specifics. References of the term "TTU employees" throughout these documents include all persons employed by TTU.

2. Standards of Conduct

TTU officers and employees should not:

* **Government Code 572.051**

- a. 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;
- b. Accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of the official position;
- c. Accept other appointments or any employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of official duties;
- d. 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

- e. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed official duties in favor of another.

3. **Principles of Ethical Behavior**

** Regents' Rules, 03.01.2*

TTU officers and employees shall:

- a. Put forth honest effort in the performance of their duties;
- b. Not make unauthorized commitments or promises of any kind purporting to bind TTU or any component institution of the TTU System;
- c. Not use their public offices for private gain;
- d. Act impartially and not give preferential treatment to any private or public organization or individual;
- e. Protect and conserve public property and shall not use it for anything other than authorized activities;
- f. Promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;
- g. Adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, physical or mental disability, Vietnam-era, or special disabled veteran status; and
- h. Endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the TTU system.

4. **Conflict of Interest**

** Government Code 572.001(a); Regents' Rules, 03.01.3*

It is the policy of the state of Texas that state officers and employees may not have direct or indirect interests, including financial and other interests, engage in business transactions or professional activities, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officer's or employee's duties in the public interest.

5. **Travel**

** TTU OP 79.01*

A state agency (TTU) may pay or reimburse a travel expense only if the purpose of the travel clearly involves state business and is consistent with the agency's legal authority. The travel voucher must specify the nature of the official state business conducted, including the persons contacted, if applicable, and specify the benefit that the state gained from the travel.

A state agency shall minimize the amount of travel expenses paid or reimbursed by the agency. The agency shall ensure that each travel arrangement, including meals, lodging, transportation and incidental expenses, is the most cost-effective considering all relevant circumstances. To reduce travel expenditures, an agency shall use interactive television, videoconference technology and telephone conferences to the greatest extent possible.

A state agency shall instruct its state employees about the State of Texas Travel Allowance Guide, the Travel Regulations Act, and the travel provisions of the General Appropriations Act. A state agency's failure or inability to instruct a state employee, however, does not excuse or justify the employee's failure to comply with applicable laws or rules.

Trips off campus for employees shall be made only after obtaining appropriate approval by the appropriate designated administrative officials, in accordance with established procedures and when the trip contributes to the mission of the university.

Employee travel may not interfere with the primary academic or administrative responsibilities of the traveler.

6. **Benefits, Gifts, and Honoraria**

***Texas Penal Code, as amended through the 78th Legislative Session (2003), and Ethics Advisory Opinion (issued by the Texas Ethics Commission)**

A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare a TTU employee has a direct and substantial interest [PC 36.01(3)].

- a. Bribery: No TTU officer or employee may solicit, offer, or accept any benefit in exchange for their decision, opinion, recommendation, vote, or other exercise of official power or discretion (PC 36.02; EAO 130). A benefit that is otherwise allowed by TTU policy is nevertheless prohibited if it is offered in exchange for official action.
- b. Prohibited Benefits: A public servant who exercises discretion in connection with contracts, purchases, payments, claims, and other pecuniary transactions of government commits an offense if he or she solicits, accepts, or agrees to accept any benefit from any person against any person the public servant knows is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving a TTU officer or employee's discretion [PC 36.08(d)]. The prohibition does not apply to:
 - (1) Gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient [PC 36.10(a) (2)];
 - (2) A fee prescribed by law to be received by a public servant or any other benefit to which he or she is lawfully entitled or for which he or she gives legitimate consideration in capacity other than as a public servant [PC 36.10(a) (1)];
 - (3) A gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 572 of the Government Code [PC 36.10(a) (5)]; and
 - (4) Items having a value of less than \$50, not including cash or negotiable instruments [PC 36.10(a) (6)]. A TTU officer or employee 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 [PC 36.08(i) PC 36.08(d); PC 36.10(b); EAO 130].
- c. Food, Lodging, Transportation, and Entertainment Received as a Guest: A public servant 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 public servant's discretion only if the public servant is a "guest" as defined by Texas law [PC 36.10(b)]. A public servant 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 entertainment is received or enjoyed by the public servant [PC 36.10(b); EAO 130]. Public servants are required to report any such benefits valued at over \$250 on their annual disclosure statements filed with the Texas Ethics Commission [PC 36.10(b); EAO 130].
- d. **Benefits from Friends, Relatives, and Associates:** Public servants 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 [PC 36.10(a) (2); EAO 130].
 - e. **Awards:** Public servants may accept plaques and similar recognition awards. *Ethics Advisory Opinion 36 issued by the Texas Ethics Commission.
 - f. **Honoraria:** Public servants 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 [PC 36.07(a); EAO 17, 19]. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services [PC 36.07; EAO 19]. 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 [EAO 17]. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted [EAO 17]. Participation by a public servant must be more than merely perfunctory [PC 36.07(b)].

7. **Political Activities**

*** Appropriations Act as passed by the 78th Legislature (2003) and Texas Government Code, as amended through the 78th 2003 Legislative Session**

- a. **Use of TTU Funds or Property**
* **TTU OP 65.06, 70.31**

No public servant shall expend or authorize the expenditure of any TTU funds for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure.

- b. **Political Contributions**

Unless prohibited by state law, public servants may make personal contributions to candidates for office and political organizations.

8. **Use of Authority**

*** Texas Penal Code, as amended through the 78th Legislative Session (2003)**

- a. **Misapplication of Property**

It is a violation of state law for a public servant, acting with the intent to obtain a benefit or with intent to harm another, to intentionally or knowingly misapply any thing of value belonging to the government that comes into a public servant's custody or possession by virtue of his or her office [PC 39.02(a)(2)].

b. **Misuse of Official Information**

It is a violation of state law for a public servant if, in reliance on information to which he or she has access in an official capacity and which has not been made public, he or she (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 (PC 39.06).

9. **Sexual Harassment**

* **TTU OPs 10.09 and 70.31; 42 United States Code § 2000e-2**

- a. It is the policy of the public servant to maintain a workplace environment that is free of sexual harassment and intimidation.
- b. It is a violation of Title VII of the Civil Rights Act of 1964 to engage in sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, participation in a university-sponsored educational program or activity, or in return for a grade or other consideration;
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for an academic or employment decision affecting such individual; or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive working or educational environment.

10. **Nepotism**

* **Government Code 573.041; TTU OP 70.08**

Employees are prohibited from employing, hiring as an independent contractor, appointing, voting for, or confirming the appointment of any person related to such employee within the third degree by consanguinity (blood) or within the second degree by affinity (marriage) when the salary or compensation for such person is to be paid from public funds.

Relatives within the third degree by consanguinity include the employee's parent, child, sibling, grandparent, grandchild, great grandparent, great grandchild, aunt, uncle, nephew, and niece. Relatives within the second degree by affinity include the employee's spouse; the spouse's child parent, sibling, grandparent, and grandchild; and the spouses of the employee's child, parent, sibling, grandparent, and grandchild. In addition, employees may not take such action on behalf of any individual who is related to any employee within such degrees. These prohibitions do not apply if the person who is related to the employee has been continuously employed in the office or position for at least 30 days prior to appointment or employment of the employee [Government Code 573.062(2)(A)]. If the related person continues in such a position, the employee may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the related individual if that action applies only to that individual and is not taken regarding a bona fide class or category of employees [Government Code 573.062(b)].

11. Affirmative Action*** TTU OP 40.01**

TTU officers and employees will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, physical or mental disability, Vietnam-era, or special disabled veteran status. TTU personnel will take affirmative action to provide a nondiscriminatory application process. Such action shall include, but not be limited to the following employment transactions: upgrading, demotion, or transfer; recruitment or recruitment advertising; lay-off or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship.

12. Private Use of University Facilities, Equipment, Supplies, and Services Prohibited***TTU OPs 48.04, 61.01, 61.02, 61.39, 63.08, 67.01, 70.31, and 80.07**

- a. It is the intent of the Texas Constitution and the Board of Regents that university facilities, equipment, supplies, and services are to be used only for duly authorized university purposes. Accordingly, the use of university-owned resources or resources for which the university has acquired stewardship responsibilities in which title is vested to others including, but not limited to, buildings, equipment, materials, supplies, telephones, utilities, and services of university personnel for personal purposes, is prohibited. Furthermore, equipment the university owns or is responsible for shall not be removed from the university premises.

See OPs 61.01 and 63.08 for procedures for the removal of an item of university equipment from university property to an employee's personal residence or other like property to accomplish university work on business at home.

- b. Services of Personnel
*** TTU OP 61.01**

The use of university personnel for personal work is strictly prohibited. This work includes, but is not limited to, typing and secretarial services on personal and/or private consulting correspondence, running personal errands, and other like personal services.

13. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.
