

Section VI PERSONNEL AND LITIGATION

61 PERSONNEL

61.01 Code of Ethics

61.01.1 All members of the board and all employees of the university shall adhere to the highest ethical standards of conduct reflected in state law and board policies, including, but not limited to the University's Ethics and Conflicts of Interest Policy – MAPP 02.05.05

61.01.2 The university code of ethics is comprised of the following components:

A. Statutory Standards of Conduct for State Employees, Section 572.051, Texas Government Code;

B. the following board policies:

- a) Academic Freedom (21.03)
- b) Sexual Harassment (29.02)
- c) Governmental Appearances (33.01)
- d) Consulting and Paid Professional Service (61.02)
- e) Dual Employment (61.04)
- f) Nepotism (61.07)
- g) Conflicts of Interest (61.08)

61.01.3 All members of the board and employees of the university shall be furnished a copy of the laws and policies comprising the code of ethics at the time of employment or commencement of service and at the start of each academic year.

61.02 Consulting and Paid Professional Services

Full-time members of the faculty and professional or administrative staff may engage in external consultation or other paid professional services, provided such activities benefit the university and contribute to the professional development of the individual. This privilege is subject in all instances to the conditions set forth below. Failure to comply with this policy may subject an employee to disciplinary action in accordance with the University's Discipline and Termination Policy –MAPP 02.05.03, and relevant portions of the University Faculty Manual, including reprimand, suspension, or termination.

61.02.1 The first responsibility of the individual is to the university, and outside professional commitments should not interfere with the person's fulltime responsibility to the university.

61.02.2 No outside obligation should result in any conflict of interest involving the individual's responsibilities to the university or to its programs, policies, and objectives. Consulting and other professional agreements that represent actual or potential conflicts of interest must be avoided.

61.02.3 Use of university facilities, space, equipment, or support staff for consulting or other paid professional activities is permitted only if a financial arrangement has been concluded between the individual and the administration prior to the employee's beginning the outside consulting or other paid professional service.

61.02.4 Individuals may not represent themselves as acting in the capacity of university employees when conducting consulting or other paid professional activities. The university bears no responsibility for any actual or implied obligations or liabilities incurred by the individual resulting from a consulting or other paid professional agreement or activity.

61.02.5 Faculty who wish to arrange consulting or other paid professional activities must provide prior written notification to their dean. Review by their dean of such activities will include consideration of any real or apparent conflict of interest and the benefit of the proposed service to the university. Each faculty member who engages in consulting or other paid professional service, including teaching on a temporary basis at other institutions, must ensure that such activities do not require commitments of time averaging more than one day per calendar week, and must arrange such activities so as not to interfere with regular scheduled classes.

61.02.6 Professional or administrative staff who wish to arrange consulting or other paid professional activities must obtain prior written approval from the appropriate supervisor. While consulting is a recognized aspect of faculty

activities with the limitations noted in this document, consulting by professional or administrative staff must be justified on an individual basis by clear and direct benefit to the university.

61.02.7 When any of an individual's salary is paid from fund for externally sponsored activities, the time allowable for consultation or other paid professional activities must comply with sponsor requirements.

The president will establish a process for monitoring outside paid professional activities of their faculty and staff in order to ensure that such activities are consistent with the above policy and also serve university purposes. The president will report to the board annually on such activities.

61.03 Equal Employment Opportunity

Texas Southern University shall provide equal opportunity for employment to all person regardless of race, color, religion, sex, national origin, disability, age or veteran status, and shall strive to achieve full and equal employment opportunity for faculty and staff employees.

61.04 Dual Employment

The board must give its approval before any officer of the university may hold other nonelective state or federal office or position of honor, trust or profit. Approval must include formal findings that the dual office holding is of benefit to the state or required by state or federal law, and creates no conflict of interest. The board delegates to the president the authority to approve such dual office holding by any university employee who is not an officer of the university.

61.05 Outside Employment of General Officers

The president and vice presidents of the university shall not become members of any board of directors, trustees, regents, or of any corporation or institution's governing body by whatever name except with the specific prior approval of the board.

61.06 Leaves of Absence

The board delegates to the president or his or her designee the authority to grant extended leaves of absence to employees of the university. Leaves may be granted for such purposes as research and writing, education, other personal development, or extended illness, according to university guidelines. Leaves will be limited in duration to twelve months.

61.07 Nepotism

Relatives of members of the board shall not be employed by the university unless the employment took place at least one year prior to the appointment of the board member. Relatives of other university employees shall not be employed by the university in positions where the employee has the official authority to hire or recommend or approve the hiring, salary, or promotions of the relative.

Relatives shall not be employed in the direct supervisory-subordinate relationship even if it results from marriage after the employment relationship was formed. The provisions of this policy apply to all programs regardless of funding source.

For the purposes of this policy, the term “relative” is defined as anyone related to the employee within the second degree of affinity or the third degree of consanguinity and includes the employee’s spouse and the employee’s of the spouses’ parents, grandparents, great grandparents, brothers, sisters half brother and sisters, children, grandchildren, great grandchildren, aunts, uncles, nieces, nephews, first cousins, second cousins and persons married to them.

61.08 Conflict of Interest

All members of the board and employees of the university shall adhere to and be furnished a copy of the Statutory Standards of Conduct for State Employees, Section 572.051, Texas Government Code, and shall avoid conflicts of interest, generally described as the use of one’s university employment or position to obtain unauthorized privileges, benefits, or things of value for oneself or others, including the following:

61.08.1 (61.08.1 *Added - 2/19/2016*) Each Board member or employee who is involved in procurement or in contract management shall disclose to the agency any potential conflict of interest specified by state law or University policy that is known by the Board member or employee with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor with the University.

61.08.2 No board member or employee shall solicit, engage, or agree to accept any privilege, benefit or thing of value for the exercise of his or her discretion, influence, or powers as an employee or regent, except as is allowed by law.

61.08.3 No board member or employee shall accept any privilege, benefit, or thing of value that might influence him or her in the discharge of his or her duties as an employee or regent.

61.08.4 No board member or employee shall use his or her position to secure special privileges or exemptions for himself or others, except as is allowed by law.

61.08.5 No board member or employee may be an officer, agent, employee, or member of, or own an interest in a professional activity that foreseeably might require or induce him or her to disclose confidential information acquired by reason of his or her university position.

61.08.6 No board member or employee shall accept employment or engage in any business or professional activity that foreseeably might require or induce him or her to disclose confidential information acquired by reason of his or her university position.

61.08.7 No board members or employee shall disclose confidential information gained by reason of his or her university position, nor shall he or she otherwise use such information for his or her personal gain or benefit.

61.08.8 (61.08.8 *Amended - 2/19/2016*) No board member or employee shall transact any business for the university with any entity of which he or she is an officer, agent, employee, or member.

The University may not enter into a contract for the purchase of goods or services with a private vendor with whom a board member president general counsel, chief procurement officer or procurement director or family member of any of them related within the second degree of affinity or consanguinity owns or controls at least one percent in the vendor or could reasonably foresee that a contract with the vendor could result in a financial benefit to the board member, president, general counsel, chief procurement officer or procurement director, or related family member.

61.08.9 No board member or employee shall make personal investments in any enterprise that foreseeably might create a substantial conflict between his or her private interests and the university's interests.

61.08.10 No board member or employee shall accept other employment that might impair his or her independence of judgment in the performance of his or her university duties.

61.08.11 No board member or employee shall receive any compensation for his her services to the university from any source other than the State of Texas except as is allowed duties.

61.08.12 No board member or employee who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions shall solicit, accept, or agree to accept any benefit from a person or entity the employee knows or should know or should know is or is likely to become financially interested in such transactions.

Failure of any employee to comply with the foregoing shall constitute grounds for discharge or other disciplinary action.

61.08.13 (61.08.13 *Added - 2/19/2016*) No board member or employee shall act as an agent for another person in the negotiation of the terms of an agreement relating to the provision of money services or property to the University.

61.08.14 (61.08.14 *Added - 2/19/2016*) The resources of the University shall be used only in accordance with University policies and applicable law.

61.09 Sick Leave Pool

The board delegates to the president the authority and responsibility to adopt and implement a program within the university to allow employees voluntarily to transfer sick leave time earned by the employee to a sick leave pool, administered by the president or his or her designee, for the benefit of eligible employees suffering from catastrophic illnesses or injuries.

61.10 Executive Management Employees

All executive management employee appointments shall be approved by the board upon the recommendation of the president. The board delegates to the president, or his or her designee, the authority to approve all other faculty, professional, and administrative actions. Executive management employees are considered administrative employees, and conditions of service are governed by policies relating to administrative employees.

61.10.1 Executive management employees include persons serving in the following positions: President, Vice President, General Counsel, Dean (Academic) Director of Internal Auditing, and their equivalents (e.g., an

administrative head of a recognized department reporting directly to the president).

61.10.2 Executive management employment agreements will contain the following elements, where applicable:

Period of Service, Base Salary, Benefits, Deferred Compensation, Perquisites, Separation, Appointments of Tenured Faculty Members, and Performance Incentives.

61.10.3 For those executive management employees who also hold tenured faculty positions, the following additional provisions apply:

A. the determination of the *administrative rate* to be paid to an executive management employee is based on the traditional criteria of scope of responsibility, marketplace, and individual qualification, provided, however, that the rate falls within the salary range paid to individuals holding comparable positions at similar institutions. In addition to the administrative rate, an *academic rate* is also determined for a tenured faculty member who serves in an executive management position, to be used as the original basis for establishing the salary of the individual at the time he or she returns to his or her regular faculty position. This academic rate is based on an assessment of current salary rates for comparably ranked faculty in the faculty member's discipline and the relative qualifications of the faculty member within that discipline. Though the academic rate is initially set at the time of the appointment to the executive management position, it is subject to adjustment based on the length of time the individual serves in the executive management position, and will reflect an increment not less than the average increment of the faculty members in his or her discipline and at his or her rank.

B. If provided in the employment agreement, a tenured faculty member may be eligible for a paid leave assignment for a period of up to one year in order to prepare to return to academic duties. The duration of the paid leave assignment should be reasonably related to the length of time that the individual has served in administrative position(s) and therefore removed from normal academic responsibilities. Eligibility for the paid leave assignment is contingent upon an expressed intention to resume academic duties and is grounded in recognition of the need to support an individual during the time he or she is retooling for the purpose of returning to faculty duties. A faculty member terminated for cause from an executive management

position is not eligible for a paid leave assignment. If a faculty member accepts other employment during the period of the paid leave assignment, all salary entitlement will cease.

61.10.4 This policy is effective for all appointments made to executive management positions after the time of approval of the policy, date .

62 LEGAL

62.01 Litigation

The board will be promptly and thoroughly informed by the general counsel with regard to all lawsuits filed against the university or a component university, and any employees or agents for the system or component universities in their official capacities. The general counsel is responsible for providing the board with litigation status reports at each board meeting, and for keeping the board fully informed of the outcome of all litigation.

69 PERSONNEL AND LITIGATION MISCELLANEOUS