



TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Employee Relations

Policy 02.05.05

SUBJECT: Ethics & Conflicts of Interest Policy

I. PURPOSE AND SCOPE

As public servants, Texas Southern University (“University”) employees owe a responsibility to the people of Texas in the performance of their official duties. The University’s Ethics Policy sets out the laws and guidelines that govern each employee’s conduct as a public servant, and is written to promote principled and ethical conduct, including the ethical handling of actual or apparent conflicts between the employee’s private interests and the University’s and/or the public’s interest. As you read this policy, you should bear in mind that ethical conduct involves more than merely following the law. As a public servant, you should act fairly and honestly and avoid creating even the appearance of impropriety. The University’s Ethics Policy requires that any ethics violations and potential conflicts of interest be reported to and reviewed by the appropriate University officials identified herein. This policy is written to promote accountability for adherence to the ethical principles and guidelines set forth. These principles and guidelines apply to all University faculty, staff and administrators regardless of rank or position. This policy is designated to augment other policies and not replace or preclude them. Other policies containing related information include the University’s Discipline and Termination Policy (MAPP 02.05.03), the Training Policy (MAPP 02.05.16) and the Fraud Policy (MAPP 02.05.06).

II. POLICY PROVISIONS

- A. In addition to the principles and guidelines established in this policy, all Executive Level employees and all employees who are authorized to execute contracts on behalf of the University or who exercise discretion with regard to the investment or management of the University’s funds, shall adhere to the University’s “Disclosure of Interest for Senior Officials and Conflict of Interest Statement” (“Statement”), and shall sign the Statement by September 30th of each year and return it to the Office of Institutional Compliance (“Compliance”).
- B. All University employees shall abide by the provisions set forth in Chapter 572 of the Texas Government Code pertaining to conflict of interest.
- C. In the event of a conflict between the terms of this policy and any existing policy, this policy will control. If a topic has also been addressed in other policy statements or manuals, the procedures and statements contained therein are hereby reaffirmed and made a part hereof for all purposes.

- D. University employees shall participate in the Business Ethics Training and Conflict of Interest Certification annually at the beginning of each fiscal year (between August 1 and September 30). Business ethics is a mandatory training required by the University; and non-compliance with mandatory training and certification requirements may be subject to employee disciplinary action up to and including dismissal from employment.

III. STANDARDS OF ETHICAL CONDUCT

- A. Employees shall put forth honest effort in the performance of their duties.
- B. Employees shall not use their public offices for private gain.
- C. Employees shall adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, disability, or military status.
- D. Employees shall act impartially and not give preferential treatment to any private or public organization or individual.
- E. Employees shall protect and conserve public property and shall not use it for other than authorized activities.
- F. Employees shall not make unauthorized commitments or promises of any kind that try to bind the University.
- G. Employees shall avoid any actions that violate or would create the appearance that they are violating the law or the ethical standards of Texas Southern University.
- H. Employees shall not disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act (Tex. Gov't Ann. Ch. 552), or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position.

IV. CONFLICTS OF INTEREST

The term "conflict of interest" means the use of one's Texas Southern University employment to obtain unauthorized privileges, benefits, exemptions, or things of value for oneself or others. It may occur where there is a divergence between the employee's professional obligations to the University and the employee's personal interests, such that an independent observer might question whether the employee's decisions or actions are determined by considerations of private gain to the University's and/or the public's detriment.

- A. All employees are expected to obey all federal, state, and local laws and are subject to disciplinary action for a violation of those laws.
- B. All employees involved in procurement or contract management must disclose any potential conflict of interest with respect to any contract with a private vendor or bid for purchase of goods or services from a private vendor with the University.
- C. The primary responsibility of all employees is to accomplish the duties and responsibilities assigned to the employee's position. All employees are prohibited from engaging in activities outside the University that interfere with the employees' duties and responsibilities to the University.
- D. No employee shall solicit accept or agree to accept any gift, favor, or service that could reasonably influence the employee in the performance of his or her job or that the employee knows or reasonably should know is being offered with the intent to influence the employee's conduct.
- E. No employee shall accept other employment or engage in a business or professional activity that the employee might reasonably expect would require or persuade the employee to disclose confidential information obtained through the employee's official position.
- F. No employee shall accept other employment or compensation that could reasonably be expected to impair the employee's independent judgment in the performance of the employee's official job duties.
- G. No employee shall make personal investments that could reasonably be expected to create a substantial conflict between the employee's personal interests and the University's and/or public's interest.
- H. No employee shall intentionally or knowingly solicit, accept, or agree to accept any unauthorized benefit for having exercised official power or having performed the employee's official job duties in favor of another.
- I. No employee shall have a direct or indirect financial or other interest, shall engage in a business transaction or professional activity, or shall incur any obligation that is in substantial conflict with the employee's duties and responsibilities to the University.
- J. No employee shall use the employee's position to secure special privileges or exemptions for the employee or for others.
- K. No employee shall transact business for the University with any entity of which the employee is an officer, agent, employee, or member, or in which the employee has a direct or indirect financial or other interest.
- L. No employee who exercises discretion in connection with contracts, purchases, payments, claims and other financial transactions the University may solicit,

accept, or agree to accept any benefit from any person the employee reasonably knows is interested in or is likely to become interested in any contract, purchase, payment, claim or transaction involving the employees discretion. This prohibition applies regardless of whether the donor of the benefit is requesting something in return, except as provided for in section V.B herein.

- M. No 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.
- N. The resources of the University shall be used only in accordance with University policies and applicable law.
- O. The University may not enter into a contract for the purchase of goods or services with a private vendor with whom the 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 president, general counsel, chief procurement officer or procurement director, or related family member.

V. TRANSPORTATION, MEALS AND LODGING

- A. Official Business for Purpose of Travel: To qualify for travel reimbursements and use of University vehicles, the purpose of a trip must be University "state business" or "official business". State or official business is the performance of duties entrusted to the University by the legislature, including the reasonably necessary means and methods to accomplish that function.
- B. Per Diem for Employees Traveling Under Contracts and Grants: Employees traveling under contracts and grants (federal, state, private) shall be reimbursed for travel expenses and allowances on the same basis as other University employees, except in those instances where the terms of the contract or grant specify travel guidelines and reimbursement rates which differ from State of Texas reimbursement rates.
- C. Travel Bonus (Frequent Flyer) Awards: Employees who earn credit with airlines, hotels, car rental companies, etc., for official travel are not required to account for such credit or to use such for official travel only.
- D. State Credit Cards: You may not use state credit cards for personal expenses. State credit cards may only be used for legitimate University business expenses. Payment of charges on individual cards is your sole responsibility; University is not responsible for the charges, regardless of the type of charge. You may not use state credit cards to charge items that, while they qualify as official business, are not fully reimbursable under State and/or University guidelines for reimbursement.

- E. Improper Travel Reimbursement: If you receive compensation for job-related travel from any source other than University funds, you shall not submit a claim under the provisions of the University's travel regulations. An employee who receives an overpayment for a travel expense shall reimburse the University for the overpayment.

VI. BENEFITS, GIFTS AND HONORARIA

A benefit is anything reasonably regarded as a financial gain or financial advantage, including a benefit to any other person in whose welfare an employee has a direct and substantial interest.

- A. Prohibited Benefits: Employees who exercise discretion in connection with contracts, purchases, payments, claims, and other financial transactions of government may not solicit, accept, or agree to accept any benefit from any person the employee knows is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving the employee's discretion. This prohibition does not apply to:
1. Gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of the employee's status as a TSU employee;
 2. A fee prescribed by law to be received by the employee or any other benefit to which the employee is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as a TSU employee;
 3. A gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305 of the Government Code; and
 4. Items having a value of less than \$50, not including cash or negotiable instruments; an 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.
- B. Gift Items: Employees shall disclose to their respective supervisors any gift received in the course of official business having a value of more than \$250. The President shall make such disclosures to the Board of Regents. Employees 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.
- C. Awards: Employees may accept plaques and similar recognition awards, including achievement and recognition awards from the University.
- D. Honoraria: Employees 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. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. 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. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted. Participation by the employee must be more than merely perfunctory.

- E. Entertainment: An employee who provides tickets to a public official to allow the official and/or his guests to attend a University event must serve as host to the official and must attend the event.
- F. Perishable Food Items: Employees may provide public officials with small, infrequent gifts of perishable food items delivered to their offices. These are not considered to be "benefits" for purposes of the provisions of the Penal Code prohibiting such.
- G. Expenses for Public Officials: Employees may pay expenses in order to furnish information to state officials relevant to their official position, including presentations about the University's programs and services.
- H. Use of University Funds or Property: No employee shall expend or authorize the expenditure of any University funds, services or supplies for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure. No University funds may be expended for the payment of full or partial salary of any employee who is also the paid lobbyist of any individual, firm, association, or corporation. University facilities may be used as polling places for local, state, and national elections.

VII. PUBLIC OFFICIALS AND POLITICAL ACTIVITY

- A. Voting and Political Participation: As employees of the State of Texas, employees have the rights of freedom of association and political participation guaranteed by the state and federal constitutions, except as limited by valid state laws. Employees shall be allowed sufficient time off to vote in public elections without a deduction from pay or from accrued leave time.
- B. Political Campaign Events on University Property: The President shall be responsible for implementing rules for the regulation of political campaign meetings or speeches and other activities relating to political campaigns on property under University control. Such rules shall be implemented by the President after approval by the Board of Regents.
- C. Employees as Candidates and Officeholders:
 - 1. Employees may run for election and serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts. No campaign activities may be conducted during official business hours unless the

employee has requested and received permission to use leave time for such purpose. Any employee elected to such a position may not receive any salary for serving as a member of such governing bodies.

2. If an employee wishes to announce as a candidate and seek election to other than a local office, the employee must seek approval to be granted an unpaid leave of absence until the final election is over. If the employee is elected, a resignation from employment is deemed to be automatic and the employment ends when the person assumes office. If the President is not willing to grant a leave of absence for the election process, the employee must choose between the position of employment and the desire to be elected to another position.

D. Political Contributions from Employees: Employees may make personal contributions to candidates for office and political organizations, with the exception that no state employee may contribute personal services, money, or goods of value to a candidate campaigning for Speaker of the Texas House of Representatives.

E. Use of Official Authority Prohibited: No employee may use his or her official authority or influence to permit the use of a program administered by the University to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. No employee may use his or her official authority to interfere with the results of an election. Any employee who violates either of these provisions is subject to immediate termination of employment, in accordance with the Texas Government Code.

VIII. DUAL OFFICE HOLDING

A. Nonselective State or Federal Office: Employees may hold non-elective offices with boards, commissions, and other state and federal entities provided that the holding of such office:

1. is of benefit to the State of Texas, or is required by state or federal law, and
2. is not in conflict with the employee's position within TSU.

Such appointments must be approved by the President. Prior to the President accepting an invitation to serve in an additional non-elective office, the Board of Regents must determine that the appointment meets the two requirements stated above. The Board must also make an official record of any compensation to be received by the President from such appointment, including salary, bonus, per diem or other types of compensation.

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

IX. UNIVERSITY PROPERTY AND SERVICES

- A. Misuse of Authority: It is a violation of state law for employees acting with the intent to obtain a benefit or with intent to harm another, to intentionally or knowingly misapply anything of value belonging to the government that comes into their custody or possession by virtue of their office or employment.
- B. Misuse of Official Information: It is a violation of state law if an employee, in reliance on information to which he or she has access in his or her official capacity and which has not been made public:
1. Acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; or
 2. Speculates or aids another to speculate on the basis of the information.
- C. Telephones and Other Communications Equipment: From time to time, employees may need to make personal telephone calls during working hours. Normally, such use does not result in additional costs or damage to the University and generally will not hinder the day-to-day operation of an office. Incidental use of University telephones during working hours by employees for local calls is not considered to be a misapplication of state property, and is permissible so long as it does not unduly interfere with the employee's assigned responsibilities or the normal functioning of an office. Use of telephones, facsimile machines, electronic mail, and other means of communication is considered to be a misapplication of state equipment if it results in additional costs being incurred by the University, including long distance charges, or damage to the equipment.
- D. Other University Equipment: No employee shall entrust state property to any state official or employee or to anyone else to be used for other than state purposes. Employees shall not use University equipment or property for their own benefit unless:
1. it also benefits the University and has been approved by the President or designee(s) in advance and suitable arrangements have been made in advance for payment of the agreed upon value of the use of such property, or
 2. the property consists of books from the library, recreational facilities and other such items of well-established usage that are authorized for such use by the President.
- E. University Vehicles: No employee shall use any vehicle owned by the University for any purpose other than official University business. Employees may not use such vehicles in connection with any political campaign or for any personal or recreational activity including transportation to and from work on a daily basis; however, a vehicle may be driven to an employee's home and retained overnight on specific occasions when doing so allows the employee to effect significant time or cost savings or meet a specific out-of-town appointment to conduct University business.

X. OUTSIDE EMPLOYMENT

A. Outside Employment and Consulting: Full-time employees are expected to devote their time and efforts on a full-time basis to their assigned duties and responsibilities. Members of the faculty of the University should not be discouraged from providing consultation or other professional services on a private basis outside the University. (Reference is made to Section 5.13 of the faculty manual) Outside employment may be authorized as provided by University policies provided that the following conditions are met:

1. It does not interfere with the quality of performance of the employee;
2. It is reasonable in amount of time taken for outside employment and its related activities;
3. It avoids unfair competition with legitimate private enterprises;
4. It does not bring an employee into conflict with the interests of the State of Texas;
5. The official connection of the employee is not used in connection with the employment;
6. It is approved in advance by the appropriate University official and all reports required by policy are properly filed;
7. The standards of conduct prescribed by law for state employees are observed;
8. Any research done in connection with such outside employment is conducted in an objective and scientific manner, and in accordance with the highest ethical standards of the employee's profession.; and
9. Any request for employment which is permanent or semi-permanent in character (such as consulting service with a specific firm on an annual basis) or any employment which will be considered other than temporary must be approved by the President.

Additional information regarding outside employment and consulting can be found in MAPP 02.02.08 – Consulting and Outside Employment – Exempt Staff.

XI. NEPOTISM

- A. All employees who exercise hiring and appointive power are prohibited from hiring, appointing, voting for, or confirming the appointment of any person related to such officer or 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.
- B. Relatives within the third degree by consanguinity include an officer or employee's parent, child, grandparent, sibling, grandchild, great-grandparent, uncle, aunt, nephew, niece, and great-grandchild.
- C. Relatives within the second degree by affinity include the officer or employee's spouse; the spouse's parents, grandparents, and siblings; the officer or employee's son- or daughter-in-law; and, the officer or employee's grandchild's spouse.

- D. These prohibitions do not apply if the person who is related to the employee exercising appointive power has been continuously employed in the office or position for at least thirty days prior to appointment or employment of the officer or employee. If the related person continues in such a position, the appointive 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.
- E. Departments or comparable administrative units may employ individuals who are related as spouse, as parent-child, or as sibling provided such employment does not cause one such relative to:
1. have responsibility for the direct or indirect supervision of the other relative; or
 2. have authority over the salary received or other terms and conditions of employment of the other relative.
- F. These conditions apply to the continuation of employment as well as the initial appointment.

XII. SEXUAL HARASSMENT/TITLE IX

All employees are expected to comply with the provisions of the University's Sexual Harassment Policy (MAPP 02.05.11) and Title IX Grievance Procedure (02.05.09) and their reporting requirement. The employment and educational environment throughout the University shall be free from all forms of sexual discrimination, sexual harassment, sexual assault, domestic violence, dating violence and stalking. Conduct constituting sexual discrimination, sexual harassment, sexual assault, domestic violence, dating violence and stalking is specifically prohibited and will result in appropriate disciplinary action, up to and including termination of employment. In addition, harassment based on race, color, religion, national origin, age, disability, sexual orientation and military status is also prohibited.

XIII. REPORTING ETHICAL VIOLATIONS AND CONFLICTS OF INTEREST

All employees must promptly report ethics violations and potential conflicts of interest to the employee's supervisor. If the report involves the employee's supervisor then the employee must report to the University's Office of Internal Audit, Office of Institutional Compliance or the Executive Director Human Resources. Retaliation against employees who report potential conflicts of interest is prohibited. Each report shall be reviewed and the appropriate administrative action will be taken to ensure that the violation is corrected. Violations may also be reported to the anonymous hotline at 1.866.588.3344.

XIV. CONFIDENTIALITY AND ACCOUNTABILITY

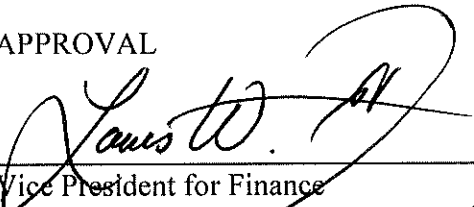
All University employees are expected to abide by the University Confidentiality Policy. (MAPP 02.05.02) The agreement requires all employees to safeguard the confidentiality of any information that they may come in contact with regarding Texas Southern University and/or its employees, students, or regents. Any violation of the Confidentiality Policy and/or this policy shall constitute grounds for disciplinary action up to and including dismissal. Any disciplinary action shall be dispensed in accordance with the University's Discipline & Termination policy. (MAPP 02.05.03) Notwithstanding the above, an employee who violates this policy is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

XV. REVIEW AND RESPONSIBILITIES

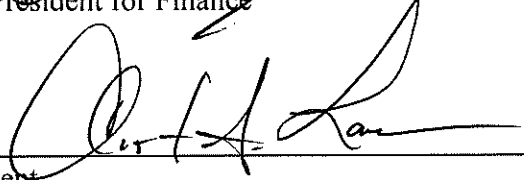
Responsible Party: Executive Director of Human Resources

Review: Every three years, on or before September 1

XVI. APPROVAL



Vice President for Finance



President

11/2/2016
Effective Date

11/2/2016
Date of Policy Revision