

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Ethics Policy for Employees

**Regulation and Procedure
Number: URP: 01.210**

Policy Owner: Office of General Counsel

POLICY STATEMENT

TWU seeks to enable its officers and employees to perform their duties and responsibilities in accordance with the highest ethical standards and in compliance with federal and state laws and regulations. These ethical principles and guidelines shall apply to all persons employed in any capacity by Texas Woman's University ("TWU") regardless of rank or position.

APPLICABILITY

This policy is applicable to TWU Faculty and Staff.

DEFINITIONS

1. "Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit of any other person in whose welfare the officer or employee has a direct and substantial interest.
2. "Employee" means an individual who is employed part-time, full-time, or in a temporary capacity as faculty, staff, or who is required to be a student as a condition of employment, undergraduate or graduate.
3. "Financial Interest" means an interest—other than a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than one percent in a corporation—where the officer or employee or officer's or employee's family member:
 - a. Owns or controls, directly or indirectly, an ownership interest of at least one percent, including the right to share in profits, proceeds, or capital gains, in an entity that provides goods or services; or
 - b. Could reasonably foresee that a contract with an entity that provides goods or services could result in financial benefit to the officer or employee or the officer's or employee's family member.

4. "Potential Conflict of Interest" means the situation that exists when an officer or employee involved in procurement or contract management or a family member of the officer or employee has a financial interest in a private vendor that is a party to a purchasing card transaction, contract or bid for a purchase of goods or services involving the System or institution.

REGULATION AND PROCEDURE

I. Principles of Ethical Conduct

The principles of ethical conduct are as follows

- A. TWU employees shall put forth an honest effort in the performance of their duties.
- B. TWU employees shall not use their public positions for private gain.
- C. TWU employees shall make no unauthorized commitments or promises of any kind purporting to bind TWU or any of its components.
- D. TWU employees shall not hold financial interests that are in conflict with the conscientious performance of their official duties and responsibilities.
- E. TWU employees shall not engage in any financial transaction in order to further any private interest using non-public information which they obtain in the course of their employment.
- F. TWU employees shall protect and conserve public property and shall not use it for other than authorized activities.
- G. TWU employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official duties and responsibilities.
- H. TWU employees shall promptly disclose waste, fraud, abuse, and corruption to appropriate authorities. TWU employees shall not make personal investments that could reasonably be expected to create a substantial conflict between the employee's private interests and the public interest.
- I. TWU employees shall adhere to laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, sexual orientation, national or ethnic origin, age, veteran's status, or disability, except as provided by law.
- J. TWU Employees shall report suspected child abuse or neglect to the Texas Department of Family and Protective Services or the state or local law enforcement.

- K. All TWU employees are expected to obey all federal, state, and local laws and are subject to disciplinary action for a violation of those laws.

II. Conflicts of Interest

- A. Ethics Commission Financial Disclosure Statements: The Chancellor and President (“Chancellor”) of TWU is required to file a financial statement with the Texas Ethics Commission annually. Forms prescribed by the Commission shall be utilized.
- B. Disclosure Obligation for Employees and Officials Involved in Procurement or Contract Management: Employees and officials involved in procurement or contract management for TWU are required to immediately disclose potential conflicts of interest with respect to contracts or bids for the purchase of goods or services from a private vendor that are known by the employee or official at any time during the procurement process, from the initial request for bids for the purchase of goods or services until the completed final delivery, or during the term of the contract with the private vendor. Disclosures shall be made using a form prescribed by the Chancellor and shall be submitted to employee or official’s immediate supervisor.
- C. Disclosure of Interest in Property to be Acquired: As an officer of government, the Chancellor is required to disclose any legal or equitable interest in property that is to be acquired with public funds. Such disclosure shall be made by filing an affidavit containing specific information as required by statute. The affidavit must be filed with the county clerk of the county in which the individual resides and the county clerk of each county in which the property is located. Such filing must be completed within 10 days before the date on which the property is to be acquired by purchase or condemnation. “Public funds” include only funds collected by or through a government.
- D. Nepotism: Employment of relatives shall be addressed in accordance with TWU policy and procedures. (See URP 05.215: Nepotism- Employment of Relatives)
- E. Agent by Proxy: No TWU 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 TWU.

III. Travel

Copies of the TWU and State of Texas travel regulations may be obtained from the TWU Controller's Office.

- A. Transportation, Meals, and Lodging: All TWU employees will abide by the TWU and State of Texas travel regulations in regard to transportation, meals, and lodging requirements.
- B. "Official Business" for Purpose of Travel: To qualify for travel reimbursements and use of TWU vehicles, the purpose of a trip must be "state business" or "official business" of TWU. State or official business is the accomplishment of a government function directly entrusted to TWU or one of its components, including the reasonably necessary means and methods to accomplish that function.
- C. Reimbursement for Employees Who Travel 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 TWU 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.
- D. Travel Bonus (Frequent Flyer) Awards: TWU 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.
- E. State Credit Cards: TWU employees may not use state credit cards for personal expenses. State credit cards may only be used for legitimate TWU business expenses. Payment of charges on individual cards is the sole responsibility of the individual employee. TWU shall not be responsible for the charges, regardless of the type of charge. Employees may use state credit cards to charge for items that, while they qualify as official business, are not fully reimbursable under state and/or TWU guidelines for reimbursement.
- F. Foreign Travel: Requests for travel outside of the United States for which reimbursement is sought must be approved by the Chancellor or the Chancellor's designee, in writing and in advance.

IV. Benefits, Gifts, and Honoraria

- A. Bribery: No TWU employee may solicit, offer, or accept any benefit in exchange for their decision, opinion, recommendation, vote, or other exercise of official power or discretion or accept any benefit for performing the employee's official duties in favor of another. A benefit that is otherwise allowed by TWU policy is nevertheless prohibited if it is offered in exchange for official action, as described above.
- B. Prohibited Benefits: TWU employees who exercise discretion in connection with contracts, purchases, payments, claims and other pecuniary

transactions of government may not solicit, accept or agree to accept any benefit, gift, or service in the discharge of official duties from any person the employee knows or should know is interested in or is likely to become interested in any contract, purchase, payment, claim or transaction involving the employee's discretion.

C. Exceptions to Prohibited Benefits

The following are exceptions to the Prohibited Benefits:

1. A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which they give legitimate consideration in a capacity other than as a public servant;
2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the employee's status as a TWU employee;
3. A benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
 - a. The benefit and the source of any benefit in excess of \$50 is reported in the statement; and
 - b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
4. A gift, award, or memento to a member of the legislative or executive branch that is required to be reported under Chapter 305, Government Code;
5. An item with a value of less than \$50, excluding cash or a negotiable instrument as described by Section 3.104, Business & Commerce Code;
6. An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity; or
7. Transportation, lodging, and meals described by Section 36.07(b).

- D. Donation of Benefit: An employee who receives an unsolicited benefit that they are 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 education, religious, or scientific purposes.
- E. Gift Items: TWU employees shall disclose to the Chancellor any gift received in the course of official business having a value of more than \$250. The Chancellor shall disclose to the Board of Regents any gift received in the course of official business having a value of more than \$250.
- F. Awards: TWU employees may accept plaques and similar recognition awards, including achievement and recognition awards from TWU.
- G. Honoraria: TWU 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.

V. Public Officials and Political Activities

- A. Entertainment: The legal prohibitions against acceptance of benefits apply to an official who accepts benefits from TWU. The "guest" exception to these prohibitions permit officials to accept certain benefits from TWU including tickets to athletic and entertainment events. If a TWU employee provides tickets to a public official to allow the official and/or their guests to attend an event, an officer of TWU will serve as host to the official and must attend the event.
- B. Perishable Food Items: TWU 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.
- C. Expenses for Public Officials: TWU may pay expenses in order to furnish information to state officials relevant to their official position, including presentations about the programs and services of TWU.
- D. Use of Official Authority Prohibited: No TWU employee may use their official authority or influence or permit the use of a program administered by TWU

to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. No TWU employee may do any act or attempt to interfere with anyone who seeks to pay, lend, or contribute private funds or private property to a person or political organization for political purposes. Any TWU employee who violates either of these provisions is subject to immediate termination of employment in accordance with the Texas Government Code.

- E. Use of TWU Funds or Property: No TWU employee shall expend or authorize the expenditure of any TWU funds for the purpose of influencing the outcome of any election or the passage or defeat of any legislative measure. 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. Further, a TWU employee may not use a TWU-owned or TWU-leased motor vehicle to 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
- F. Voting and Political Participation: As employees of the State of Texas, TWU employees have the right of freedom of association and political participation guaranteed by the state and federal constitutions, except as limited by valid state laws. TWU employees shall be allowed sufficient time off to vote in public elections without a deduction from pay or from accrued leave time.
- G. Employees as Candidates and Officeholders: TWU employees who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not State officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts. TWU employees may not receive a salary for serving as members of such governing bodies.
- H. Political Contributions from Employees: TWU 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.

VI. University Property and Services

- A. Misuse of Authority: It is a violation of state law for TWU employees acting with the intent to obtain a benefit or with intent to harm another to intentionally or knowingly (1) violate a law relating to the employee's employment, or (2) 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 a TWU employee, in reliance on information to which they have access in their 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: TWU employees may need to make personal telephone calls from time-to-time during working hours. Normally, such use does not result in additional costs or damage to TWU and generally will not hinder the day-to-day operation of an office. Incidental use of TWU telephones during working hours by TWU 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 is considered to be a misapplication of state equipment if it results in additional costs being incurred by TWU, including long distance charges or damage to the equipment.
- D. Other TWU Equipment: No TWU employee shall entrust state property to any state official or employee or to anyone else to be used for other than state purposes. TWU employees shall not use TWU equipment or property for their own benefit or pleasure unless 1) suitable arrangements have been made in advance for payment of the agreed upon value of the use of such property or 2) the property consists of books from the library, recreational facilities, and other such items of well-established usage that are authorized for such use by TWU.
- E. TWU Vehicles: No TWU employee shall use any vehicle owned or leased by TWU for any purpose other than official business or activities of TWU. Employees may not use such vehicles in connection with any political campaign or for any personal or recreational activity.

VII. Outside Employment and Consulting

- A. The primary responsibility of TWU employees is the full and complete performance of all assigned duties and professional obligations. If additional employment should become necessary, such employment must not detract from the usefulness and performance of the employee. Outside employment may be allowed provided the following conditions are met:
 - 1. It does not interfere with the regular work of the employee;

2. It is reasonable in amount of time taken for outside employment and its related activities;
3. It does not require or induce the disclosure of confidential information acquired by reason of one's official position;
4. It or other compensation could not reasonably be expected to impair the employee's independence or judgment in the performance of the employee's official duties; and
5. The official connection of the employee is not used in connection with the employment.

B. Disclosures shall be made annually using the Annual Request for Outside Employment and Consulting Form. The form must describe the nature and extent of the outside employment, and must be submitted to employee or official's immediate supervisor.

C. The immediate supervisor will review the form and then determine whether the contemplated employment would interfere with full-time obligations or create a conflict of interest or the appearance of a conflict of interest between these outside commitments and the employee's responsibilities to TWU. The supervisor will provide written notice to the employee of either approval or disapproval of the employee's request.

D. When an employee is no longer engaged in outside employment, the employee must notify its immediate supervisor of the termination of employment. If an employee is to continue in an outside employment or consulting position, they must submit a new request for at the beginning of each academic year.

VIII. Dual Office Holding

Dual employment with the State of Texas must be disclosed to both TWU and the other state agency prior to the acceptance of the additional employment with the state and must be consistent with the prohibitions against dual office holding in the Texas Constitution. Those engaged in dual employment with the state must abide by all laws and regulations of TWU, the State of Texas, and the federal government. Disclosures shall be made using a form prescribed by the Chancellor and shall be submitted to employee or official's immediate supervisor.

IX. Oath of Office

All TWU employees are required to take the oath of office prescribed by law for employees of tax-supported institutions of higher education.

X. Results of Violations

A TWU employee who violates this Ethics Policy is subject to termination of the employee's TWU employment or another employment-related sanction. (URP 05.600: Staff Standards of Conduct and Disciplinary Process, URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes). In addition, such employee is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

XI. Reporting Fraud, Waste, Abuse, and Corruption

- A. Policy and procedures for reporting fraud and fraudulent activities can be found in URP 01.215: Fraud and Fraudulent Activities.
- B. If anonymity is required when disclosing waste, fraud, abuse, and corruption to appropriate authorities, TWU employees may use the TWU's [Ethics and Compliance Hotline](#).

XII. Training of Employees

All TWU Employees must annually complete State Mandated Ethics Training. This presentation will provide training on TWU's policies governing conflict of interest, conflict of commitment and outside activities, governing the use of institutional resources, prohibiting officers and employees from acting as agents, and general standards of conduct. Employees may contact the Human Resources Manager of Employee Development and Communications to register for this training.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

Tex. Const., Article XVI. §§1.40

Tex. Gov't Code Chapter 302, 553, 556, 572, 660, 661, and 226

Tex. Educ. Code Chapter 51

Texas Penal Code Chapter 36 and 39

Ethics Advisory Opinion No. 95 (1992)

Ethics Advisory Opinion No. 147 (1993)

Ethics Advisory Opinion No. 36 (1992)

Ethics Advisory Opinion No. 19 (1992)

Ethics Advisory Opinion No. 17 (1992)

Ethics Advisory Opinion No. 69 (1992)

Ethics Advisory Opinion No. 62 (1992)

Ethics Advisory Opinion No. 118 (1993)

Ethics Advisory Opinion No. 88 (1992)

Ethics Advisory Opinion No. 45 (1992)

Ethics Advisory Opinion No. 24 (1992)

Ethics Advisory Opinion No. 134 (1993)

Ethics Advisory Opinion No. 172 (1993)

[URP 01.215: Fraud and Fraudulent Activities](#)

[URP 05.215: Nepotism- Employment of Relatives](#)

[Regent Policy E.50200: Signature Authority for Contracts & Agreements](#)

[URP 05.600: Staff Standards of Conduct and Disciplinary Process](#)

[URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary](#)

[Processes](#)

[TWU's Ethics and Compliance Hotline](#)

FORMS AND TOOLS

[Ethics Commission Financial Disclosure Statements](#)

[TWU Dual or Outside Employment Form](#)

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