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Owner: Kimberly Ashley: Exe Dir Of Univ & Comm Affair
Policy Area: Governance
References:

Ethics and Standards of Conduct

Scope

All employees of The University of Texas Health Science Center at Tyler (the "University").

Purpose

To establish ethical principles and standards of conduct expected of and required to be acknowledged by all employees.

POLICY

The mission of the University is to serve Northeast Texas and beyond through excellent patient care and community health, comprehensive education, and innovative research. In support of that mission, we value and are committed to maintaining high standards of excellence, integrity, and accountability in our conduct.

The University expects all employees to follow the highest standards of personal conduct as established by institutional policy and federal, state and local laws. This policy is intended to enhance the ability of employees to act ethically in accordance with those values and with the law, and to fulfill our obligation to be good stewards of the resources that have been entrusted to us.

As a condition of employment with the University, all employees are required to acknowledge receipt of a copy of: this policy; Texas Government Code § 572, Subchapter C *Standards of Conduct and Conflict of Interest Provisions* (§ 572.051 – §572.061) (**Attachment A**); Texas Government Code § 2113.014, *Employee Standards of Conduct* (**Attachment B**); and Texas Government Code §556.004 – §556.008, *Political and Legislative Activities* (**Attachment C**), not later than the third (3rd) business day after the date employment begins.

The University reserves the right to take appropriate disciplinary measures against any employee who fails to comply with, or fails to report suspected noncompliance with, policies and procedures of the institution, federal health care program requirements, or other applicable state or federal laws or regulations.

Employees who encounter situations they believe violate provisions of the University's Institutional Handbook of Operating Procedures (IHOP), federal health care program requirements, or other applicable state or federal laws or regulations, are expected to immediately consult their supervisors, another member of management in their area, or the Chief Compliance Officer. Employees may also call the Compliance Hotline at (877) 507-7316 in confidence and anonymity. Any person with a concern regarding a breach of ethics or a possible compliance matter should notify the University's Ethics Officer or Chief Compliance Officer.

Retaliation

The University encourages its employees to make good faith disclosures of institution-related misconduct. The University will not tolerate retaliation or threat of retaliation against those who make disclosures of actual or perceived misconduct. Acts or threats of retaliation in response to such disclosures may subject the person retaliating to disciplinary action, up to and including termination. Persons making disclosures with reckless disregard for the truth or in willful ignorance of the facts may be subjected to disciplinary action. Refer to IHOP Protection from Retaliation for Reporting Suspected Wrongdoing.

Use of State Resources

The Law:

State officers or employees commit a criminal offense if they intentionally or knowingly misapply any "thing of value" belonging to the government that is in their custody or possession as a result of their state employment in order to obtain a benefit or to harm another person.

Information Resources:

The use of information resources, such as telephones, faxes, email, and the Internet, must comply with the acceptable use policy. In general, the acceptable use policy allows the limited incidental personal use of information resources, but the use may not result in direct costs to the University or expose the University to unnecessary risks. Only properly licensed software may be loaded on institutional computers. Personal mail should not be received on campus. As with other mail received on campus, University telephone logs, email, and certain text messages such as those created in connection with the transaction of official governmental business are public property and are subject to public information requests.

Equipment and Supplies:

State-issued machines, office supplies, and other equipment are to be used for institutional purposes, not for personal or private purposes.

University Vehicles:

No University employee shall use any University vehicle or vehicle rented for University activity for any purpose other than official business of the institution.

Employee Time:

Employee work time is a "thing of value" belonging to the state. Employees may not use work time for personal business.

Political Campaigns and Legislation:

An employee shall not use institutional time, funds, equipment, or other resources to work on a political campaign or to influence the passage or defeat of legislation. In this area, incidental personal use is not permissible.

Expense Claims:

Vouchers for travel expenses must be accurate and requested only for expenses related to official business.

Liability for Property Loss:

When institutional property disappears, whether through theft or other cause, as a result of an employee failing to exercise reasonable care for its safekeeping, such person shall be liable for the loss sustained by the institution.

Institutional Credit and Travel Cards:

Employees shall not use credit or travel cards issued by the institution for personal expenses unrelated to institutional business.

Purchases From/By Employees:

Purchases are not permitted from an employee unless approved by the President and the cost is less than from any other known source.

Confidential Information and Sexual Harassment and Misconduct

Confidential Information:

No employee shall disclose confidential information or use such information for his/her personal benefit.

Sexual Harassment/Sexual Misconduct:

Sexual misconduct and sexual harassment are unacceptable behaviors. Such unacceptable behavior includes verbal or physical conduct of a sexual nature. Incidents of sexual misconduct or sexual harassment should be reported to the office charged with reviewing such complaints where the incident occurred. Refer to IHOP Sexual Harassment/Sexual Misconduct for the institutional policy on this topic.

Conflict of Interest and Conflicts of Commitment:

The primary responsibility of employees of the University is the accomplishment of the duties and responsibilities assigned to their position. University employees may not have a direct or indirect interest, financial or otherwise, or engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of their duties for the University.

Activities on behalf of outside entities or individuals must not interfere with a University employee's fulfillment of his/her duties and responsibilities to the University. Such conflicts of commitment may arise regardless of the location of these activities (on or off campus), the type of outside entity (individual, for-profit, not-for-profit), or the level of compensation (compensated or non-compensated).

Refer to IHOP Conflicts of Interest and Conflicts of Commitment; Disclosure of Significant Financial Interest and Management and Reporting of Financial Conflicts of Interest in Research; Outside Activity: All Employees, Excluding Executive Officers and Employees Involved in Procurement Activities or Contract Management; and Outside Activity: Executive Officers and Employees Involved in Procurement Activities or Contract

Management.

Gifts:

There are two standards under Texas law governing gifts: (1) a general standard of conduct that applies to all employees; and (2) a criminal standard that applies only to those persons who make recommendations or decisions about contracts and other financial transactions.

Under the general standard, you should not accept or solicit any gift, favor, or service that might reasonably tend to influence you in the discharge of official duties or that you know or should know is being offered with the intent to influence official conduct. This standard applies even though the donor is not asking you to do something in exchange for the gift. A gift is *anything of value*, including tickets to entertainment or sporting events, expenses for a trip, and food. Acceptance or solicitation of a gift in violation of this standard is not a criminal offense, but is grounds for discipline, including termination.

Criminal penalties may apply to persons who make recommendations or decisions about University financial transactions. If those are your job duties, you may not accept a gift from an individual or entity that is interested in or likely to become interested in that transaction, with limited exceptions. Under those exceptions, it is not a criminal offense to accept the following type of gift if the gift is not given in exchange for your official action (it is *never* lawful to accept a gift in exchange for official action):

- Non-cash items worth less than \$50.
- A gift from a person such as a relative, friend, or business associate with whom you have a relationship independent of your official status, if the gift is given on account of that relationship rather than your official status.
- Food, lodging, transportation, or entertainment in any amount if you accept them as a "guest," which means the donor must be present. [1]

Note that even though you may accept a gift described above without committing a crime, acceptance of the gift may still violate the general standard of conduct and constitute grounds for discipline.

Additional restrictions apply if the gift is from a student loan lender. The definition of "student loan lender" is very broad and covers entities that may not traditionally be thought of as student loan lenders.

It is important to remember that even though the acceptance of a gift may not constitute a crime, it may appear to the public that a gift has influenced you in performing your job. You should not accept any gift that could appear to influence your official conduct, even if the gift is technically legal.

Summary: Do not accept any gift that could appear to influence your official conduct.

Honoraria:

Texas law prohibits the receipt of an honorarium by an employee if the honorarium would not have been received but for the employee's official position or duties. However, receipt of an honorarium that is given as a result of the employee's expertise in a particular academic discipline or other area of expertise is not prohibited by Texas law. For example, a departmental administrative official would be prohibited from receiving an honorarium if the invitation to speak was because he or she was a University official. However, the prohibition would not apply if the individual was invited because of the employee's special expertise and not because of the employee's position with the University. It is permissible to accept food, transportation, and lodging in connection with a speech or other service performed in the employee's official capacity, as long as the speech or service is more than perfunctory or superficial, and as long as the applicable vice president approves the

acceptance.

Summary: Do not accept an honorarium for services you would not have been asked to provide but for your official position or duties.

Making Required Disclosures:

Familiarize yourself with any disclosures required by law, rule, or policy. Complete and file any required disclosures in a timely fashion. If you have any questions regarding disclosures, contact the University COI Official.

Summary: Be aware of any disclosure you are required to make and be sure to file them timely.

Consequences for Violations:

There are consequences for failing to comply with conflict of interest laws, rules, or policies. The law provides that appropriated money may not be used to compensate an employee who violates the standards of conduct. Failure to comply is grounds for disciplinary action by the University, including termination of employment. Additionally, civil and criminal penalties may apply under certain circumstances.

Summary: You may be subject to disciplinary action or civil or criminal penalties for violating a conflict of interest law, rule, or policy.

Application of Other Conflicts of Interest Policies, Contract Provisions, Agreements, Laws or Rules:

This policy does not rescind any other policy provided by UT System or the University, any departmental policy, any contract provision, or any law or rule that is more specific or more restrictive concerning conflicts of interest or conflicts of commitment. You are required to comply with the more specific or restrictive policy, contract provision, agreement, law, or rule.

Questions:

If you have questions about an actual or potential conflict of interest or conflict of commitment, you may ask your supervisor. Additionally, you may always contact the University Conflict of Interest Official with any conflict of interest questions at (903) 877-7704.

[1] The law provides additional prohibitions if the donor is a lobbyist registered with the Texas Ethics Commission. It is advisable to consult the University's Office of Legal Affairs before accepting a gift from a lobbyist.

Acknowledgment: *I acknowledge that I have received a copy of, read, and agree to abide by IHOP Ethics and Standards of Conduct; Texas Government Code § 572, Subchapter C Standards of Conduct and Conflict of Interest Provisions (§ 572.051 – §572.061) (Attachment A); Texas Government Code § 2113.014, Employee Standards of Conduct (Attachment B); and Texas Government Code §556.004 – §556.008, Political and Legislative Activities (Attachment C).*

References

A: Standards of Conduct and Conflict of Interest Provisions

B: Employee Standards of Conduct

C: Political and Legislative Activities

Attachments:

A: Standards of Conduct and Conflict of Interest Provisions

B: Employee Standards of Conduct

C: Political and Legislative Activities

Approval Signatures

Step Description	Approver	Date
	Kirk Calhoun: President/Prof of Medicine	04/2018
Executive Cabinet	Carol Davis: Executive Assistant Senior	04/2018
Office of Legal Affairs	Terry Witter: VP Legal Affairs/ChiefLegalOf	03/2018
Faculty Senate	Vijaya Lella: Prof Of Biochemistry	03/2018
	Kimberly Ashley: Exe Dir Of Univ & Comm Affair	02/2018

Applicability

UTHealth

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