

Chapter 03 -- Personnel

Date last revised: 08-05-2021

[see last page for list of amendments adopted]

03.00 Definitions . For the purposes of this chapter, the following definitions are assigned:

03.00.1 "Officers and employees" shall mean: The officers and employees of the TTU system, including members of the board.

03.01 Ethics policy. It is important that the people of Texas have complete confidence in the integrity of public servants. This need is especially critical in the area of state-supported higher education. The responsibility for educating 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 officers and employees regardless of rank or position to ensure that the primary responsibility of the TTU system officers and employees is to accomplish the duties and responsibilities assigned to their position. Each component institution's operating manuals should be referenced for further information and/or greater specifics not in conflict with the Regents' Rules.

03.01.1 Conduct. Officers and employees shall not:

- a. accept or solicit any gift, favor, or service that might reasonably tend to influence officers or employees in the discharge of official duties or that officers or employees know, or should know, is being offered with the intent to influence the officers' or employees' official conduct;
- c. accept other appointments or any employment or compensation that could reasonably be expected to impair officers' or

employees' independent judgment in the performance of official duties;

- d. make personal investments or engage in other activities, including having a direct or indirect financial or other interest, engaging in a business transaction or professional activity, or incurring any obligation that could reasonably be expected to create a substantial conflict with the proper discharge of the officers' or employees' duties related to the public interest;
- e. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised their official powers or performed official duties in favor of another; or
- f. act as an agent for another person or entity in the negotiation of the terms of an agreement relating to the provision of money, services, or property to the TTU system.

03.01.2 Ethical behavior. Officers and employees shall:

- a. obey all federal, state, and local laws or be subject to disciplinary action for a violation of those laws;
- b. put forth honest effort in the performance of their duties;
- c. not make unauthorized commitments or promises of any kind purporting to bind the TTU system or any of its components;
- d. not use their public offices for private gain;
- e. act impartially and not give preferential treatment to any private or public organization or individual;
- f. protect and conserve public property, including all institutional resources, and shall not use it for anything other than authorized activities;
- g. promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;

- h. adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of sex, sexual orientation, gender identity, race, national origin, religion, age, disability, status as a covered veteran, genetic information, or other legally protected categories, classes, or characteristics
- i. endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the TTU system;
- j. if involved in procurement or contract management for the TTU system, disclose to the TTU system in the manner prescribed by the applicable contract management handbook or institutional operating policy any actual or potential conflict of interest that is known by the employee or official with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor by the TTU system at any time during: (i) the procurement process, from the initial request for bids for the purchase of goods or services from the private vendor until the completed final delivery of the goods or services, or (ii) the term of the contract with a private vendor; however, for a contract for the purchase of goods or services solicited through a purchase order, this subsection only applies if the amount of the purchase order exceeds \$25,000; and
- k. participate in regular training concerning ethics policies of the TTU system.

03.01.3 Conflict of interest – generally. It is state policy 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 officers' or employees' duties in the public interest. (See also Section 03.03, Regents' Rules regarding a specific conflict of interest policy that applies to the board, and Section 03.04, Regents' Rules

Officers or employees who receive an unsolicited benefit that they are prohibited by law from accepting 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.

- c. Food, lodging, transportation, and entertainment received as a guest.
 - (1) Subject to the first paragraph of Section 03.01.4 herein, officers and employees, other than those referenced in Section 03.01.4.b, may accept food, lodging, transportation, or entertainment from persons or entities they know 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 officers' or employees' discretion only if the officers or employees are "guests" as defined by the state laws. Officers and employees are "guests" 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 officers or employees. Any such acceptance of food, lodging, transportation, or entertainment must be for the benefit of the TTU system.
 - (2) Officers and employees who are subject to Chapter 572, Texas Government Code, are required to report any such benefits valued at over \$250 on their annual disclosure statements filed with the Texas Ethics Commission.
- d. Benefits from friends, relatives, and associates. Officers and 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.
- e. Awards. Officers and employees may accept plaques and similar recognition.

f.

not detract from the effectiveness and performance of the employee.

- (2) Clinical faculty. Full-time clinical faculty at TTUHSC

all times protect the best interests of the TTU system pertaining to the assets of the TTU system.

- a. Misapplication of property. It is a violation of state law for officers or employees, 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 their custody or possession by virtue of their office as stated in state law.
- b. Misuse of official information. It is a violation of state law for officers or employees if, in reliance on information that they have access to in an official capacity and that has not been made public, they:
 - (1) acquire or aid another to acquire a financial interest in any property, transaction, or enterprise that may be affected by the information; or
 - (2) speculate or aid another to speculate on the basis of the information as stated in state laws.
- c. Misuse of official time. Official time shall be used by TTU system employees to perform TTU system duties and responsibilities. TTU system employees shall not encourage, direct, coerce, or request a subordinate to use TTU system time to perform personal activities for the supervisor or for activities other than those required in furtherance of the TTU system.

03.01.8 Discriminatory conduct prohibited.

- a. The TTU system shall not tolerate discrimination or harassment of employees and applicants based on or related to sex, sexual orientation, gender identity, race, national origin, religion, age, disability, status as a covered veteran, genetic information, or other legally protected categories, classes, or characteristics. E

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within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) shall be eligible for appointment to any position in the TTU system.

- (1) The above does not apply to any employee who has been continuously employed for thirty or more days prior to the appointment of a member to the board, a president, or the chancellor who is related to the employee within a prohibited degree, and it does not apply to honorary or non-remunerative positions.
 - (2) Any employee who has been continuously employed for less than thirty days prior to the appointment of a member to the board, a president, or the chancellor who is related within a prohibited degree shall be removed from the individual's position.
 - (3) When good cause exists, the board may grant an exception to this prohibition.
- c. Prohibition applicable to administrators, supervisors, and others. No person related to an administrator within a prohibited degree shall be eligible for initial appointment to a position in an area of responsibility over which an administrator has appointive authority, in whole or in part, regardless of the source of funds from which the position's salary is to be paid. Exceptions to this restriction on the initial appointment of an individual may be made only by the board upon recommendation.

employee shall become the responsibility of the next higher administrative supervisor. If the next higher administrative supervisor is in the same department, college or administrative unit, arrangements shall be made to shift the supervisory responsibility to another department, college or administrative unit.

- f. If the appointment, reappointment, reclassification, or promotion of an employee makes the employee an administrative supervisor over an employee who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the subordinate employee shall become the responsibility of the next higher administrative supervisor. If the next higher administrative supervisor is in the same department, college or administrative unit, arrangements shall be made to shift the supervisory responsibility to another department, college or administrative unit.
- g. The provisions of subsections e. and f. shall apply to situations where two employees marry and one spouse is the administrative supervisor of the other.
- h. All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree shall be reported to the board as an information item.
- i. Exception. The provisions of the policy do not apply to the appointment or employment of a personal attendant by any member of the board, a president, the chancellor, or an employee for attendance on the officer or employee who, because of physical infirmities, is required to have a personal attendant.
- j. Enforcement. An individual who is appointed in violation of this policy shall be removed from the individual's position.
- k. Persons related within the prohibited degrees are indicated in the Affinity Kinship/Consanguinity Kinship Chart displayed below.

- b. plagiarism;
- c. forgery, alteration or unauthorized use of T TU system documents, records, or identification materials;
- d. knowingly furnishing false information to the TTU system , whether by words or by conduct, by false or misleading allegations, or by concealment or omission of that which should have been disclosed;
- e. the use of force or violence or other methods of obstructing the functions of the TTU system, which include teaching, research, administration, public service, presentations by guest lecturers and speakers, and other authorized activities;
- f. physical abuse of any person on TTU system owned or controlled property or at TTU system -sponsored or supervised functions or conduct which threatens or endangers the health or safety of any such person;
- g. theft of or damage to the tangible property of the TTU system or of a member of the TTU system community or campus visitor;
- h. unauthorized entry to or use of TTU system facilities;
- i. unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, or any substance the possession or distribution of which is regulated by federal or Texas law, except where the manufacture, distribution, dispensing, possession or use are in accordance with the laws of each;
- j.

- l. violation of other laws or promulgated TTU system policies or rules;
- m. unauthorized release or removal of any information from university records, including but not limited to patient, student, financial and personnel records;
- n.

duty and the provisions of Chapter 572, Texas Government Code and in particular with the standards of conduct set out in

- (2) disclose all business entities in which a board member, or a board member's family member, has a financial interest; and
- (3) acknowledge by his or her signature that he or she is in compliance with the letter and spirit of this policy.

d. For the purposes of Sec. 03.03, Regents' Rules, "business entity" means: any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust.

03.03.2 Conflict of interest. A conflict of interest arises when the TTU system has or is considering a transaction or other business relationship with a board member or a board member's family member (defined to include family members within the first degree of affinity or consanguinity and dependent relatives or household members). For this reason, any transaction or other business relationship between the TTU system and a board member or board member's family member is prohibited, except as permitted by Section 03.03.5.a herein

03.03.3 Presumed conflict of interest.

- a. A conflict of interest is presumed to arise when the TTU system has or is considering a transaction or other business relationship with a business entity in which the board member or the board member's family member has a substantial financial interest. A financial interest is presumed to be substantial if it entails:
 - (1) Any ownership or investment interest in a business entity (including stock, options, a partnership interest, or any other ownership or investment interest) valued at \$15,000 or more, except equity in a company amounting to less than 1% ownership interest in the company;
 - (2) Receipt of funds from the business entity that exceed 1% of the board member's or the board member's family

member's gross income for the previous year, or the expectation of the receipt of such funds in the future;

(3) Any ownership interest in real property, personal property, intellectual property or any other interest valued at \$15,000 or more;

(4)

member involved. If the Audit Committee determines that a conflict of interest exists, the Audit Committee shall so advise the board member involved and the board, and the board

influence administrative decisions with respect to an individual's admission, employment, discipline, and similar matters. However, this subsection does not prohibit letters of recommendation or requests for information about the status of an individual's admission, employment, discipline, and similar matters .

- 03.03.10 Appropriation of TTU system opportunities. If a board member becomes aware of a business, investment, or other financially valuable opportunity that rightfully belongs to the TTU system and not to the board member individually or another entity with which the board member is affiliated, the board member shall bring the opportunity to the attention of the board.

- 03.03.11 Confidentiality. Board members may not use confidential information acquired as a result of service to the TTU system for any purpose unrelated to TTU system business

ers as designated by the president of the institution that employs the executive administrator). This policy statement shall serve as a guide for executive administrators in fulfilling their positions of significant responsibility. Executive administra-

ty that employs the executive administrator are made aware of situations that involve personal, familial, or business relationships that c

the intent to influence the executive administrator's conduct or which might reasonably:

- a. affect the exercise of the executive administrator's judgment on behalf of the TTU system;
- b. tend to influence the executive administrator in the discharge of the executive administrator's duties;
- c. tend to impair confidence in the TTU system; or
- d. create the appearance of impropriety.

03.04.7 Use of office for personal gain. Executive administrators shall not use the authority, title, prestige or other attribute of his or her office or position for personal benefit or gain for themselves or for any relative. Executive administrators specifically are prohibited from procuring or being a party in any way to procuring the appointment of a relative to a position of trust or profit connected with the TTU system.

03.04.8 Favored treatment. An executive administrator shall not use the authority, title, prestige or other attribute of his or her office or position to obtain consideration, treatment, or favor for any person beyond that which is generally available to the public.

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participation as a member of the governing board of a business entity that has an agreement with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest. Such situations shall be governed by the provisions of Section 10.16.2 Regents' Rules.

- (3) An executive administrator subject to this section who wishes to accept a position on the governing board of an outside entity must advise the vice chancellor and general counsel, who shall evaluate whether an actual or apparent conflict of interest would result from the service of the executive administrator on the governing board of the outside entity. The vice chancellor and general counsel shall report the results of the evaluation to the chair, the chancellor, and the designated approval authority, if different.
- (4) An approval to serve on the governing board of an outside entity as provided by this section shall take into consideration the evaluation by the vice chancellor and general counsel, and approval shall not be granted if the designated approval authority determines that such service would result in an actual or apparent conflict of interest.

b. Designated approval authority.

<u>Person Seeking Approval</u>	<u>Approval Authority</u>
Chancellor, president, or vice chancellor and general counsel.....	Board
TTUSA: other executive administrator subject to Section 03.04, Regents' Rules.....	Chancellor
TTUS component: other executive administrator subject to Section 03.04, Regents' Rules.....	President of the institution

Dates Approved or Amended:

- Comprehensive review of chapter.....10-11-2013 amendments throughout
- Technical adjustment.....10-10-2014 to 03.01.5.b(2)
- Amendments.....10-09-2015 revised 03.01.2.e to conform to changes in
state contracting laws
technical adjustments to 03.07.2.a(2)
- Amendments.....05-20-2016 updated various sections relative to 2015
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