

Policies of The University of North Texas at Dallas	Chapter 5.000
5.007 Employee Ethics and Standards of Employee Conduct	Human Resources

Policy Statement. It is of the highest importance that the people of the State of Texas have complete confidence in the integrity of their public servants. This need is especially critical in the area of higher education where the responsibility for educating and training the future leaders of the state and nation carries the duty to adhere to the highest ethical standards and principles. It is for this reason that employees of the University of North Texas at Dallas are expected to adhere to the standards of conduct and ethical behavior set out in this policy.

Application of Policy. This policy applies to all employees.

Procedures and Responsibilities.

1. Standards and Principles of Ethical Conduct.

- 1.01. No employee shall accept or solicit any gift, favor, or service that might reasonably tend to influence him or her in the discharge of official duties, or that the employee knows or should know is being offered with the intent to influence his or her official conduct.
- 1.02. No employee shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.
- 1.03. No employee shall accept employment, including self-employment, or engage in any business, charity, nonprofit organization, or professional activity that the employee might reasonably expect will require or induce him or her to disclose confidential information, information excepted from public disclosure under the Texas Public Information Act, or information that has been ordered sealed by a court that was acquired by reason of his or her official position.
- 1.04. No employee shall accept other employment, including self-employment, or compensation or engage in a business, charity, nonprofit organization, or professional activity that reasonably can be expected to impair the employee's independence of judgment in the performance of his or her official duties.
- 1.05. No employee shall make personal investments or have a personal or financial interests that could reasonably be expected to create a substantial conflict between the employee's private interest and public

Interest, except that nothing in this policy shall prohibit an employee from owning or being awarded an equity interest from participating in a business enterprise as permitted in section 51.912 of the Texas Education Code.

- 1.06. Employees shall put forth honest effort in the performance of their duties and perform his or her official duties in a lawful, professional, and ethical manner benefitting the state and University.
- 1.07. No employee shall make commitments or promises of any kind purporting to bind the University unless specifically authorized in accordance with Regents Rules.
- 1.08. No employee shall use his or her official position or state issued items such as identification card for private gain, obtaining privileges, or avoiding consequences of illegal acts.
- 1.09. Employees shall act impartially and not give preferential treatment to any private or public organization or individual.
- 1.10. Employees shall protect and conserve public property and shall not use it for other than authorized activities.
- 1.11. Employees shall promptly disclose waste, fraud, abuse, corruption, and noncompliance with federal and state laws to appropriate authorities, and, shall report any conduct or activity that he or she believes to be in violation of this policy to the University Human Resources department.
- 1.12. 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 veteran status.
- 1.13. No employees shall sexually harass any guests or visitors to the campus or any member of the University community including faculty, staff, students and candidates for University positions.
- 1.14. Employees shall endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the University.
- 1.15. No employees shall knowingly or intentionally violate policies of the University, or state or federal laws regarding their employment.

- 1.16 No employee shall knowingly make misleading statements, either oral or written, or provide false information when conducting official University business.
- 1.17. No employee shall engage in any political activity while on University time or utilize University resources for any political activity.
- 1.18. Failure of any employee of the University to comply with the foregoing standards of conduct and ethical principles shall constitute grounds for disciplinary action, including termination of employment.

Responsible Party: Employees

2. **Conflicts of Interest.**

- 2.01. Ethics Commission Financial Disclosure Statement. The President is required to file a financial statement with the Texas Ethics Commission annually. Forms prescribed by the commission shall be utilized and filed by the deadlines established by state law.

Responsible Party: President

- 2.02. Disclosure of Interest in Property to be Acquired. The President, Provost, and Associate/Assistant Provosts are 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 the following information: the disclosing officer's name and title; a full description of the property, and the nature, type and amount of interest in the property including the percentage of ownership interest; the date when the officer acquired an interest in the property; a verification swearing to the completeness and correctness of the information in the affidavit; and an acknowledgement of the type required for recording a deed in the records of the county. The affidavit must be filed with the county clerk in which the individual resides and the county clerk of each county in which the property is located. Such filing must be completed within ten (10) days before the date on which the property is to be acquired by purchase or condemnation. "Public funds" includes only funds collected by or through a government entity.

Responsible Party: President, Vice Presidents, Associate Vice Presidents, and Assistant Vice Presidents

3. Travel.

- 3.01. Improper Travel Reimbursement. When an employee engages in travel where the full reimbursement is to be received from any source other than University funds, the employee 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.
- 3.02. "Official Business" for Purpose of Travel. To qualify for travel reimbursements and use of University vehicles, the purpose of a trip must be "State business" or "official business" of the University. State or official business is the accomplishment of a governmental function directly entrusted to the University including the reasonably necessary means and methods to accomplish the function.
- 3.03. Per Diem for Employees' Travel Under Contract 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 members, 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.
- 3.04. Travel Bonus (Frequent Traveler) Awards: Employees who earn credit with airlines, hotels, car rental companies, etc., for official travel are not required to account for such credit or use it for official travel.
- 3.05. State Credit Cards. Employees may not use State credit cards for personal expenses. State credit cards may only be used for legitimate state business expenses. Payment of charges on individual cards is the sole responsibility of the individual employee. The University shall not be responsible for the charges, regardless of the type of charge. Individuals may use State credit cards to charge for items that qualify as official business but are not fully reimbursable under State or University guidelines for reimbursement.
- 3.06. Official Travel by Spouses and Relatives of Employees. Spouses and other relatives of employees may qualify to have travel expenses paid by the University if their presence at a function or on a trip is for an official purpose benefiting the University and/or the State of Texas. In making a determination of whether the presence of a spouse or relative is for an official purpose, the factors to be considered are the nature and duties of the employee's office, the traditional role, if any, of the employee's spouse or relative, the purpose of the particular trip, and the spouse or relative's

connection with that purpose. Travel by other relatives of the University employee shall be evaluated using the same criteria. Requests for reimbursement of expenses or for direct departmental payment of travel expenses for such persons must be approved in writing by the President.

- 3.07. Foreign Travel. Travel outside of the United States other than to Mexico, Canada or a destination that is a possession of the United States, must be approved in advance by the President or his/her designee, if a travel advance is requested or reimbursement will be claimed. A copy of the written approval must be submitted with any request for reimbursement of travel expenses.

Responsible Party: Employees

4. **Benefits, Gifts, and Honoraria**.

- 4.01. Bribery. No employee may solicit, offer, or accept any benefit in exchange for his/her decision, opinion, recommendation, vote, or other exercise of official power or discretion. A “benefit” is anything reasonably regarded as pecuniary gain or pecuniary advantage. A benefit that is otherwise allowed by University policy is nevertheless prohibited if it is offered in exchange for official action.

- 4.02. Prohibited Benefits. 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 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. 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. This prohibition does not apply to:

- i. Gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of the employee’s employment status;
- ii. 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 an employee;

- iii. A gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305 of the Texas Government Code; and
 - iv. Items having a value of less than \$50, not including cash or negotiable instruments.
- 4.03. Food, Lodging, Transportation, and Entertainment Received as a Guest: An employee may accept food, lodging, transportation, or entertainment from persons or entities he or she knows 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 employee's discretion only if the employee is a "guest" as defined by Texas law. A member is a "guest" 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 member. The President is required to report any such benefits valued at over \$250 on his annual disclosure statement filed with the Texas Ethics Commission.
- 4.04. Gift Items. Employees shall disclose to the President through, their supervisors, any gift having a value of more than \$250 received in the course of official business. The President shall make such disclosures to the Board of Regents.
- 4.05. From Friends, Relatives, and Associates. 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.
- 4.06. Awards. Employees may accept plaques and similar recognition awards.
- 4.07. 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, employees 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 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.

Responsible Party: Employees

5. **Public Officials and Political Activities.**

- 5.01. Entertainment. The legal prohibitions against acceptance of benefits apply to an official who accepts benefits from the University. The “guest” exception to these prohibitions permits officials to accept certain benefits from the University including tickets to athletic and entertainment events. If a University officer or employee provides tickets to a public official to allow the officials and/or guests to attend an event, an officer or employee of the University will serve as host to the official, and must attend the event.
- 5.02. Perishable Food Items. Public officials may receive small, infrequent gifts of perishable food items delivered to their offices and these will not be considered to be “benefits” for purposes of the provisions of the Penal Code prohibiting such.
- 5.03. Expenses for Public Officials. The University departments, programs, and services may pay expenses in order to furnish information to State officials relevant to their official position, including presentations about the programs and services of the University.
- 5.04. Use of Official Authority Prohibited. Employees of the State of Texas have the rights of freedom of association and political participation guaranteed by the State and Federal Constitutions, except as limited by valid State laws. No employee may use his or her official authority or influence, or 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 coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose. Any employee who violates either of these provisions is subject to immediate termination of employment, in accordance with the Texas Government Code.
- 5.05. Use of University Funds or Property. No employee shall expend or authorize the expenditure of any University funds for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition shall not be construed to prevent any

official or employee of the State from furnishing to any member of the legislature or committee upon request, or to any other State official or employee or to any citizen information in the hands of the employee or official not considered under law to be confidential. Furthermore, this prohibition shall not be construed as preventing employees from communicating with any member of the legislature during non-working hours, when such communication does not disclose or intentionally indicate he or she has information of a confidential nature which was obtained by virtue of his or her employment, or when such communication does not otherwise violate this policy. No University funds may be expended for the payment of full 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.

- 5.06. Voting. Employees shall be allowed sufficient time off to vote in public elections without a deduction from pay or from accrued leave time.
- 5.07. Employees as Candidates and Officeholders. Employees may run for election and serve as members of the governing bodies of school districts, cities, towns, or other local governing 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. Candidates and officeholders may not use state computers or personnel to prepare campaign reports. Any employee elected to such a position may not receive any salary for serving as a member of such governing bodies. Any employee who intends to be a candidate for any public office, other than local offices for which no emolument of any kind is received, shall take a leave of absence during the period of campaign and must resign unconditionally from employment prior to taking office.
- 5.08. Political Contributions from Employees. Except as otherwise restricted by State law, employees may make personal contributions to candidates for office and political organizations. State law provides 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.
- 5.09. Political Mail and Advertisement. An officer or employee of the University may not knowingly use or authorize the use of the intercampus mail system for the distribution of political advertising. This provision does not prohibit individuals from distributing or routing political advertising that is delivered to the University through the United States Postal Service.

Responsible Party: Employees

6. **Dual Office Holding.**

- 6.01. Non-Elective 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. Such appointments must be approved by the President and in accordance with Regents Rule 5.800 if applicable. Prior to the President accepting an invitation to serve in an additional state or federal 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.
- 6.02. Position 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 and is approved in advance by the President.

Responsible Party: Employees, President, and the Board of Regents

7. **System Property and Services.**

- 7.01. 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.
- 7.02. 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.

7.03. **Telephones**. 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 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 individual'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 or damage to the equipment.

7.04. **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 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 the President.

7.05. **State Vehicles**. No employee shall use any vehicle owned by the State of Texas for any purpose other than official business. Employees may not use such vehicles in connection with any political campaign or for any personal or recreational activity.

8. **Employment**.

8.01. **Supplementary Pay and Perquisites**. Compensation for the President shall be a fixed amount of money as determined by the Board of Regents. The President may not receive any emolument, supplement, perquisite, or other benefit from the University without specific approval of the Board of Regents. Salary supplements as authorized by the Appropriations Act for the President shall be reflected in the annual operating budgets by listing the amount of such supplementation and the source of funding.

8.02. **Outside Employment and Consulting**. Employees are expected to devote their time and talents to their assigned duties and responsibilities. Outside employment may be authorized by the President or his/her designee provided that the following conditions are met:

- i. It does not interfere with the regular work of the employee.
- ii. It is a reasonable amount of time.

- iii. It avoids unfair competition with legitimate private enterprises.
 - iv. It does not come in conflict with the interest of the University.
 - v. The official connection of the employee is not used in connection with the employment.
 - vi. It is approved in advance by the appropriate University official and all reports required by policy are properly filed.
 - vii. The standards of conduct prescribed by law for State employees are observed. This policy is not intended and shall not be interpreted to restrict an employee's First Amendment rights of free speech and association except as specifically permitted by law.
- 8.03. Nepotism. State law prohibits the employment: of persons related within the second degree by affinity (marriage) or within the third degree of consanguinity (blood) to any officer or member of the Board of Regents, voting for, or confirming the employment. Regents Rule 05.301 extends this prohibition to persons related to the Chancellor and President. Whenever an appointment is made, whether on a regular, temporary, full-time, or a part-time basis, it shall be made solely with regard to the qualifications of the appointee. No employee may approve, recommend, or otherwise act with regard to the appointment, reappointment, hiring, promotion, salary, or supervision of any person related to the employee within the second degree of affinity or the third degree of consanguinity, including individuals hired as private contractors, unless an exception allowing the employee to do so is made by the President.
- 8.04. Oath of Office and Employee Affidavit. All employees are required to take an oath of office prescribed by law for employees of tax supported institutions of higher education. University employees are required to execute an employee's affidavit as a condition of employment.
- 8.05. Limitations on Contracts with Previous Employees. No employee may enter into a contract for consulting or professional services or into an employment contract, with any person previously employed by the University within the past twelve (12) months if the source of funding is money other than gift funds or contracts and grants.

Responsible Party: Employees, President and the Board of Regents

8.06. Reporting Ethical Violations. All UNT Dallas employees must report suspected ethical violations as provided for in UNT Dallas Policy 4.012 Reporting Suspected Wrongdoing.

8.07. Training. All UNT Dallas employees will receive regular training on ethical obligations and this ethics policy.

References and Cross-references.

The following principles are derived from the Principles of Ethical Conduct established for federal employees, Executive Order 12674 of April 12, 1989 (as modified by EO 12731), 54 Fed. Reg. 15159; Executive Order 12731 of Oct. 17, 1990, 55 Fed. Reg. 42547; and, Texas Government Code, §572.051

Ethics Advisory Opinions 17, 19, 24, 28, 36, 45, 54, 62, 69, 88, 95, 118, 130, 134, 147, 172, 386

Texas Administrative Code §125.9

Texas Attorney General Opinion O-4167, H-1089, MW-93, and MW-206, JM-93 (1983), 96-109 (1996)

Texas Constitution, Article 16, Section 1

Texas Constitution, Article 16, Section 40

Texas Election Code, §255.0031

Texas Election Code, §276.004

Texas Government Code, §302.018

Texas Government Code, §553, 556, 572, 573, 574, 660

Texas Government Code, §661.914

Texas Government Code, §2203.004

Texas Government Code, §2252.901

Texas Penal Code, § 36

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