

Policies of the University of North Texas	Chapter 4
1.2.9 Ethics Policy	Administration

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 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. It is for this reason that this statement of standards of conduct and ethical principles and its accompanying guidelines are promulgated by the Board of Regents of the University of North Texas (UNT). These standards, principles and guidelines shall apply to all persons employed by any department, program, or service of UNT regardless of rank or position.^{1,2} If a topic has also been addressed in other policy statements or manuals of UNT, the procedures and statements contained therein are hereby reaffirmed and made a part hereof for all purposes.

Application of Policy.

All Faculty and Staff

Definitions.

1. **Spouse.** “Spouse” means a person in a legally recognized union of two individuals in a marital relationship, including a common law marriage as recognized by the law of the State of Texas.
- 2.

Procedures and Responsibilities.

1.0 **Standards and Principles of Ethical Conduct³.**

- 1.1 No faculty or staff member 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 faculty or staff member knows or should know is being offered with intent to influence his or her official conduct.
- 1.2 No faculty or staff member shall accept employment or engage in any business or professional activity that the faculty or staff member might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of his or her official position.

- 1.3 No faculty or staff member shall accept other employment or compensation which could reasonably be expected to impair the faculty or staff member's independence of judgment in the performance of his or her official duties.
- 1.4 No faculty or staff member shall make personal investments that could reasonably be expected to create a substantial conflict between the faculty or staff member's private interest and the public interest.
- 1.5 No faculty or staff member 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.
- 1.6 No faculty or staff member shall hold financial interests that are in conflict with the conscientious performance of his or her official duties and responsibilities.
- 1.7 Faculty and staff members shall put forth honest effort in the performance of their duties.
- 1.8 Only faculty and staff members authorized by the Board of Regents shall make commitments or promises of any kind purporting to bind UNT.
- 1.9 No faculty or staff member shall use his or her public office or position for private gain.
- 1.10 A faculty or staff member shall act impartially and not give preferential treatment to any private or public organization or individual.
- 1.11 Faculty and staff members shall protect and conserve public property and shall not use it for other than authorized activities.
- 1.12 Faculty and staff members shall promptly disclose waste, fraud, abuse, corruption, and noncompliance with federal and state laws to appropriate authorities.
- 1.13 Faculty and staff members shall adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, or disability.
- 1.14 Faculty and staff members shall not sexually harass any guests and visitors to the campus or any member of the University community including faculty, staff, students and candidates for University positions.
- 1.15 Faculty and staff members shall endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of UNT.

- 1.16 Faculty and staff members shall not knowingly or intentionally violate policies of the University or state or federal laws regarding their employment.
- 1.17 Failure of any faculty or staff member of the University to comply with one or more of the foregoing standards of conduct and ethical principles which apply to him or her, shall constitute grounds for removal from office, or for disciplinary action, including suspension or discharge, whichever is applicable. Disciplinary actions shall follow established University policies and procedures.

2.0 Conflicts of Interest.

- 2.1 Ethics Commission Financial Disclosure Statement. The President is required to file a financial statement with the Texas Ethics Commission annually.⁴ Forms prescribed by the commission shall be utilized and filed by the deadlines established by state law.⁵
- 2.2 Disclosure of Interest in Property to be Acquired. The President, Vice Presidents, and Associate/Assistant Vice Presidents are required to disclose any legal or equitable interest in property that is to be acquired with public funds.⁶ 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 acknowledgment 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.⁷ Such filing must be completed within 10 days before the date on which the property is to be acquired by purchase or condemnation.⁸ "Public funds" includes only funds collected by or through a government.⁹

3.0 Travel.

- 3.1 Improper Travel Reimbursement. When a faculty or staff member engages in travel where the full reimbursement is to be received from any source other than University funds, the faculty or staff member shall not submit a claim under the provisions of the University's travel regulations.¹⁰ A faculty or staff member who receives an overpayment for a travel expense shall reimburse the University for the overpayment.¹¹
- 3.2 "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 UNT. State or official business is the accomplishment of a governmental function directly entrusted to UNT including the reasonably necessary means and methods to accomplish the function.¹²

- 3.3 Per Diem for Faculty and Staff Members' Travel under Contracts & Grants. Faculty and staff members traveling under contracts and grants (federal, state, private) shall be reimbursed for travel expenses and allowances on the same basis as other UNT 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.¹³
- 3.4 Travel Bonus (Frequent Flyer) Awards. Faculty and staff members who earn credit with airlines, hotels, car rental companies, etc. for official travel are not required to account for such credit or use such for official travel.¹⁴
- 3.5 State Credit Cards. Faculty and staff members may not use State credit cards for personal expenses. State credit cards may only be used for legitimate state business expenses.¹⁵ Payment of charges on individual cards is the sole responsibility of the individual faculty or staff member. UNT shall not be responsible for the charges, regardless of the type of charge.¹⁶ Individuals may use State credit cards to charge for items that qualify as official business but are not fully reimbursable under State or UNT guidelines for reimbursement.¹⁷
- 3.6 Official Travel by Spouses and Relatives of Faculty and Staff Members. Spouses and other relatives of faculty and staff members may qualify to have travel expenses paid by UNT if their presence at a function or on a trip is for an official purpose benefiting UNT 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 faculty or staff member's office, the traditional role, if any, of the faculty or staff member's spouse or relative, the purpose of the particular trip, and the spouse or relative's connection with that purpose.¹⁸ Travel by other relatives of UNT faculty or staff members 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.
- 3.7 Foreign Travel. Requests for travel outside of the United States other than to Mexico, Canada or a destination that is a possession of the United States, must be given advance written approval by the President or his/her designee, if reimbursement for travel expenses is to be claimed or an advance for travel expenses to be incurred is sought.¹⁹ A copy of the written approval must be submitted with any request for reimbursement of travel expenses.

4.0 Benefits, Gifts, and Honoraria.

- 4.1 Bribery. No faculty or staff member may solicit, offer, or accept any benefit in exchange for his/her decision, opinion, recommendation, vote, or other exercise of official power or discretion.²⁰ A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage.²¹ A benefit that is otherwise allowed by University policy is nevertheless prohibited if it is offered in exchange for official action, as described above.
- 4.2 Prohibited Benefits. Faculty and staff members 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.²² 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 his or her employment status²³;
 - 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 employee²⁴;
 - iii. a gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305 of the Government Code²⁵; and
 - iv. items having a value of less than \$50, not including cash or negotiable instruments.²⁶ 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.²⁷
- 4.3 Food, Lodging, Transportation, and Entertainment Received as a Guest. A faculty or staff member 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 faculty or staff member is a "guest" as defined by Texas law.²⁸ 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.²⁹ The President is required to report any such benefits valued at over \$250 on his annual disclosure statement filed with the Texas Ethics Commission.³⁰

- 4.4 Gift Items. Faculty and staff members shall disclose to the President through their chairs/department heads any gifts 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.
- 4.5 From Friends, Relatives, and Associates. Faculty and staff members 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.³¹
- 4.6 Awards. Faculty and staff members may accept plaques and similar recognition awards.³²
- 4.7 Honoraria. Faculty and staff members 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.³³ This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services.³⁴ 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.³⁵ Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted.³⁶ Participation by the faculty or staff member must be more than merely perfunctory.

5.0 Public Officials and Political Activities.

- 5.1 Entertainment. The legal prohibitions against acceptance of benefits apply to an official who accepts benefits from the University. The "guest" exception to these prohibitions permit 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.³⁷
- 5.2 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.³⁸

- 5.3 Expenses for Public Officials. University of North Texas 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.³⁹
- 5.4 Use of Official Authority Prohibited. Faculty and staff members 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.⁴⁰ No faculty or staff member 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.⁴¹ No faculty or staff member 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.⁴² Any faculty or staff member who violates either of these provisions is subject to immediate termination of employment, in accordance with the Government Code.⁴³
- 5.5 Use of University Funds or Property. No faculty or staff member 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.⁴⁴ 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 faculty or staff members 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.⁴⁵ 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.⁴⁶ University facilities may be used as polling places for local, state, and national elections.
- 5.6 Voting. Faculty and staff members shall be allowed sufficient time off to vote in public elections without a deduction from pay or from accrued leave time.⁴⁷
- 5.7 Faculty and Staff Members as Candidates and Officeholders. Faculty and staff members may run for election and serve as members of the governing bodies of school districts, cities, towns, or other local governing districts.⁴⁸ 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.⁴⁹ Any faculty or staff member elected to such a position may not receive any salary for serving as a member of such governing bodies.⁵⁰ Any faculty and staff members who intend to be candidates for any public office, other than local offices for which no emolument of any kind is received, must resign unconditionally from employment prior to announcing their candidacy.

- 5.8 Political Contributions from Employees. Except as otherwise restricted by State law, faculty and staff members 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.⁵¹
- 5.9 Political Mail and Advertisements. 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.⁵²

6.0 Dual Office Holding:

- 6.1 Non-elective State or Federal Office. Faculty and staff members may hold non-elective offices with boards, commissions, and other state and federal entities provided that the holding of such office:
- i. is of benefit to the State of Texas, or is required by state or federal law; and
 - ii. is not in conflict with the employee's position.⁵³

Such appointments must be approved by the President. 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.⁵⁴ 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.⁵⁵

- 6.2 Position of Employment with Government Agencies. Faculty and staff members 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 head of the department (Dean, Director, Vice President or the President).⁵⁶

7.0 System Property and Services:

- 7.1 Misuse of Authority. It is a violation of State law for faculty and staff members, 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.⁵⁷
- 7.2 Misuse of Official Information. It is a violation of State law if a faculty or staff member, in reliance on information to which he or she has access in his or her official capacity and which has not been made public:
- i. acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; or,
 - ii. speculates or aids another to speculate on the basis of the information.⁵⁸
- 7.3 Telephones. From time to time faculty and staff members 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.⁵⁹ 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 (see [UNT Policy 8.5, Use of University Phones, Cell Phones, Phone Lines, Fax Machines and Personal Computing Devices](#)).
- 7.4 Other University Equipment. No faculty or staff member shall entrust State property to any State official or employee or to anyone else to be used for other than State purposes.⁶⁰ Faculty and staff members shall not use University equipment or property for their own benefit or pleasure unless,
- i. suitable arrangements have been made in advance for payment of the agreed upon value of the use of such property; or
 - ii. 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.⁶¹

See [UNT Policy 8.5, Use of University Phones, Cell Phones, Phone Lines, Fax Machines and Personal Computing Devices](#).

7.5 State Vehicles. No faculty or staff member 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.⁶²

8.0 Employment:

8.1 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.

8.2 Outside Employment and Consulting. Faculty and staff members are expected to devote their time and talents to their assigned duties and responsibilities. Outside employment may be authorized by the appropriate University official (i.e. Department Chair, Director or Dean, unless otherwise directed by the Vice President and/or President) provided that the following conditions are met:

- i. it does not interfere with the regular work of the employee;
- ii. it is reasonable in amount;
- 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 UNT 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. For more detail on this subject, see [UNT Policy 1.2.2, Dual Employment and Other Activities](#).

- 8.3 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 any board making, voting for, or confirming the employment.⁶³ 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, subject to Section 573.041, Texas Government Code; and subject to the provisions of the [UNT Policy 1.2.6, Employment of Relatives \(Nepotism Rule\)](#).

No person shall be employed, appointed, promoted or transferred, if related within the second degree by affinity or within the third degree of consanguinity to any person employed by the University of North Texas, whose duty would involve acting in any official capacity upon such an employment, promotion, or transfer, regardless of the source of funds for payment of salary; nor shall any person be employed if either person would come under the administrative supervision of the other; or if either would have any official voice in recommending salary increases or promotion in rank for the other.

Where employed in the same college or department, neither shall any person related within the second degree by affinity or within the third degree of consanguinity to the other person serve on those committees whose purpose it shall be to recommend compensation, promotion, or tenure for the other.

- 8.4 Oath of Office and Employee Affidavit: All faculty and staff members are required to take an oath of office prescribed by law for employees of tax supported institutions of higher education.⁶⁴ University of North Texas faculty and staff members are required to execute an employee's affidavit indicating compliance with laws on state employment.⁶⁵
- 8.5 Limitations on Contracts with Previous Employees. No faculty or staff 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 months if the source of funding is money other than gift funds or contracts and grants.⁶⁶

Responsible Party. Office of Institutional Compliance

References and Cross-references.

[UNT Policy 1.2.2, Dual Employment and Other Activities](#)

[UNT Policy 1.2.6, Employment of Relatives \(Nepotism Rule\)](#)

[UNT Policy 8.5, Use of University Phones, Cell Phones, Phone Lines, Fax Machines and Personal Computing Devices](#)

References to the "UNT employees" throughout these documents include all persons employed by the University of North Texas. Any exceptions to this rule will be noted in the text.

² Abbreviations used in the footnotes are as follows:

GC-- Texas Government Code, as amended through the 78th Legislative Session (2003)

PP -- UNT Personnel Policies and Procedures

Ed. Code -- Texas Education Code, as amended through 78th Legislative Session (2003)

AA -- Appropriations Act as passed by the 78th Legislative Session (2003)

Op.Tex Att'y Gen. -- Texas Attorney General Opinion

EC-Election Code

EAO -- Ethics Advisory Opinion (issued by the Texas Ethics Commission)

PC -- Texas Penal Code, as amended through 78th Legislative Session (2003)

T.A.C -- Texas Administrative Code

TX Const. -- Texas Constitution, as amended through the 78th Legislative Session (2003)

³ The following principles are derived from the Principles of Ethical Conduct established for federal employees, Executive Order (EO) 12674 of April 12, 1989 (as modified by EO 12731), 54 Red. Reg. 15159; EO 12731 of Oct. 17, 1990, 55 Fed. Reg. 42547, and Sec. 572.051, Texas Government Code

⁴ GC 572.021; EAO 28

⁵ GC 572.030(a), (b)

⁶ GC 553.002

⁷ GC 553.002(c)

⁸ GC 553.002

⁹ GC 553.001(1)

¹⁰ GC 660.018

¹¹ GC 660.017

¹² Op. Tex Att'y Gen. H-1089

¹³ GC 660.004

¹⁴ PC 39.02(d)

¹⁵ EAO 95, EAO 147; PC 39.01, 1 T.A.C. §125.9

¹⁶ Ibid

¹⁷ EAO 147

¹⁸ Op. Tex Att'y Gen. O-4167, H-1089, MW-93, and MW-206

¹⁹ GC 660.024;

²⁰ PC 36.02; EAO 130

²¹ PC 36.01(3)

²² PC 36.08(d)

²³ PC 36.10(a)(2)

²⁴ PC 36.10(a)(1)

²⁵ PC 36 (a)(5)

²⁶ PC 36.10(a)(6)

²⁷ PC 36.08(i)

²⁸ PC 36.08(d); PC 36.10(b); EAO 130

²⁹ PC 36.10(b); EAO 130

³⁰ PC 36.10(b); EAO 130

³¹ PC 36.10(a)(2); EAO 130

³² EAO 36

³³ PC 36.07; EAO 17,19

³⁴ PC 36.07; EAO 19

³⁵ EAO 17

³⁶ EAO 17; EAO 54

³⁷ PC 36.10; EAO 69

³⁸ EAO 62; EAO 118

³⁹ EAO 88

⁴⁰ GC 556.003

⁴¹ GC 556.004(c)(1)

⁴² GC 556.004(d)(2)

⁴³ GC 556.007

⁴⁴ GC 556.006; EAO 45

⁴⁵ GC 556.003

⁴⁶ GC 556.005

⁴⁷ GC 661.914; EC 276.004

⁴⁸ EAO 386

⁴⁹ TX Const. Art. 16, Sec 40

⁵⁰ TX Const. Art. 16, Sec 40

⁵¹ GC 302.018; EAO24

⁵² EC 255.0031

⁵³ TX Const. Art. 16, Sec 40(c)

⁵⁴ GC 574.001; TX Const. Art. 16, Sec 40

⁵⁵ GC 574.002

⁵⁶ TX Const. Art. 16, Sec 40(b)

⁵⁷ PC 39.02(a)(2); EAO 134

⁵⁸ PC 39.06(a)

⁵⁹ EAO 134

⁶⁰ EAO 172; GC 2203.004

⁶¹ EAO 172; GC 2203.004

⁶² GC 556.004

⁶³ GC 573.041(1); PP 1.2.6(1.)

⁶⁴ TX Const. Act. 16, Sec 1; No §2.06

⁶⁵ PP 1.2.3

⁶⁶ GC 2252.901

Forms and Tools:

N/A

Approved: 2/95

Effective:

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