

Annual Policy Distribution – October 2020

Board of Regents, University of Houston System and University of Houston policies require that the following policies are distributed to each employee annually. All University of Houston employees (faculty, staff and student workers) should read and follow the policies and guidelines outlined below.

Texas Government Code § 572.051 Standards of Conduct; State Agency Ethics Policy

- a. A state officer or employee should not:
 1. accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;
 2. accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
 3. accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
 4. make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or
 5. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.
- b. A state employee who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's state employment or another employment-related sanction. Notwithstanding this subsection, a state officer or employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

- c. Each state agency shall:
 - 1. adopt a written ethics policy for the agency's employees consistent with the standards prescribed by Subsection (a) and other provisions of this subchapter; and
 - 2. distribute a copy of the ethics policy and this subchapter to:
 - 1. each new employee not later than the third business day after the date the person begins employment with the agency; and
 - 2. each new officer not later than the third business day after the date the person qualifies for office.
- d. The office of the attorney general shall develop, in coordination with the commission, and distribute a model policy that state agencies may use in adopting an agency ethics policy under Subsection (c). A state agency is not required to adopt the model policy developed under this subsection.
- e. Subchapters E and F, Chapter 571, do not apply to a violation of this section.
- f. Notwithstanding Subsection (e), if a person with knowledge of a violation of an agency ethics policy adopted under Subsection (c) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, the prosecuting attorney shall notify the commission of the status of the prosecuting attorney's investigation of the alleged violation. The commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation. This subsection does not apply to an alleged violation by a member or employee of the commission.

Board of Regents Ethics Policies

57.01 Code of Ethics

- 57.1.1 All members of the Board and all employees of the System and its component universities shall adhere to the highest ethical standards of conduct reflected in state law and Board policies.
- 57.1.2 The System code of ethics is comprised of the following components:

1. Statutory Standards of Conduct for State Employees, Section 572.051, Texas Government Code;
2. the following Board policies
 1. Academic Freedom (21.03)
 2. Sexual Harassment (29.02)
 3. Governmental Appearances (81.01)
 4. Consulting and Paid Professional Service (57.02)
 5. Dual Office Holding (57.04)
 6. Nepotism (57.07)
 7. Conflicts of Interest (57.08)

57.1.3 All members of the Board and employees of the System and its component universities shall be furnished a copy of the laws and policies comprising the code of ethics at the time of employment or commencement of service and at the start of each academic year and shall receive training on such laws and policies.

57.1.4 All members of the Board shall annually sign conflict of interest certification statements affirming their compliance with their official oath and specific provisions of Texas statutes related to ethical behavior.

57.1.5 Each officer or employee of the System and of the component universities is expected to obey all federal, state, and local laws and is subject to disciplinary action for a violation of those laws.

21.03 Academic Freedom

To establish and clarify the rights and responsibilities of the faculty pursuant to academic freedom, the Board adopts the following policy:

21.3.1 The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of the faculty member's other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the component University.

- 21.3.2 The faculty member is entitled to freedom in the classroom in discussing the subject matter, but the faculty member should be careful not to introduce into the teaching controversial matter which has no close relation to the subject.
- 21.3.3 The faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, the faculty member shall be free from institutional censorship or discipline, but the faculty member's special position in the community imposes special obligations. As a person of learning and an educational officer, the faculty member should remember that the public may judge the profession and the institution by the faculty member's verbal or written comments. Hence the faculty member should at all times strive for accuracy, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that the faculty member is not speaking for the institution.

29.02 Sexual Harassment

The Board, the System, and the component universities are committed to providing a professional working and learning environment free from sexual harassment. Sexual harassment is a form of sex discrimination and is illegal. Neither the Board, nor the System, nor any component University will tolerate any form of sexual harassment. Furthermore, the Board, the System, and the component universities are committed to providing the training to educate staff, faculty, and students about sexual harassment issues.

The component universities and the System administration shall adopt policies consistent with this policy. The rights of claimants and respondents will be protected by the procedures developed by the institutions.

81.01 Governmental Appearances

All System and component University employees appearing before Congress, the Texas Legislature, City, County, or governmental body, or their agencies, committees, or members to offer testimony, opinions, or commentary in regard to

existing or potential laws, rules, or regulations, not expressly authorized to do so by the Board or the Chancellor, must clearly state in advance that they are appearing in their individual capacities and that their testimony, opinions, and commentary are not authorized by, and must not be construed as reflecting on, the position of the System.

57.02 Consulting and Paid Professional Service

Full-time members of the faculty and professional or administrative staff may engage in external consultation or other paid professional services, provided such activities benefit the System and contribute to the professional development of the individual.

This privilege is subject in all instances to the conditions set forth below. Failure to comply with this policy may subject an employee to disciplinary action including reprimand, suspension, or termination.

- 57.2.1 The first responsibility of the individual is to the System, and outside professional commitments must not interfere with the person's full-time responsibility to the System.
- 57.2.2 No outside obligation should result in any conflict of interest or conflict of commitment involving the individual's responsibilities to the System or to its programs, policies, and objectives. Consulting and other professional agreements that represent actual or potential conflicts of interest or commitment must be avoided.
- 57.2.3 Use of System facilities, space, equipment, or support staff for consulting or other paid professional activities is permitted only if a financial arrangement has been concluded between the individual and the administration prior to the employee's beginning the outside consulting or other paid professional service.
- 57.2.4 Individuals may not represent themselves as acting in the capacity of System employees when conducting consulting or other paid professional activities. The

System bears no responsibility for any actual or implied obligations or liabilities incurred by the individual resulting from a consulting or other paid professional agreement or activity.

- 57.2.5 Faculty who wish to arrange consulting or other paid professional activities must provide prior written notification to their dean. Review by their dean of such activities will include consideration of any real or apparent conflict of interest and the benefit of the proposed service to the System and the component University. Each faculty member who engages in consulting or other paid professional service, including teaching on a temporary basis at other institutions, must ensure that such activities do not require commitments of time averaging more than one day per calendar week, and must arrange such activities so as not to interfere with regularly scheduled classes.
- 57.2.6 Professional or administrative staff who wish to arrange consulting or other paid professional activities must obtain prior written approval from the appropriate supervisor. While consulting is a recognized aspect of faculty activities with the limitations noted in this document, consulting by professional or administrative staff must be justified on an individual basis by clear and direct benefit to the System.
- 57.2.7 When any of an individual's salary is paid from funds for externally sponsored activities, the time allowable for consultation or other paid professional activities must comply with sponsor requirements. Unpaid public service is not included in this policy, nor is occasional lectures that include fees, unless these activities require significant amounts of time or otherwise conflict with regular System obligations. Each President and the Chancellor will establish a process for monitoring outside paid professional activities of their faculty and staff in order to ensure that such activities are consistent with the above policy and also serve System purposes. The Chancellor will report to the Board annually on such activities.

57.04 Dual Office Holding

The Board must give its approval before the Chancellor or a President of any component institution may hold other non-elective state or federal office or position of honor, trust, or profit. Approval must include formal findings that the dual office holding is of benefit to the state or required by state or federal law, and creates no conflict of interest or conflict of commitment.

57.07 Nepotism

Relatives of members of the Board shall not be employed by the System unless the employment took place at least one year prior to the appointment of the Board member.

Relatives of other System employees shall not be employed by the System in positions where the employee has the official authority to hire or recommend or approve the hiring, salary, or promotions of the relative. Relatives shall not be employed in the supervisory-subordinate relationship even if it results from marriage after the employment relationship was formed. The provisions of this policy apply to all System programs regardless of funding source.

57.08 Conflicts of Interest

All members of the Board and employees of the System and its component Universities shall adhere to and be furnished a copy of the Statutory Standards of Conduct for State Employees, Section 572.051, Texas Government Code, and shall avoid conflicts of interest, generally described as the use of one's University employment or position to obtain unauthorized privileges, benefits, or things of value for oneself or others, including the following:

- 57.8.1 No Board member or employee shall solicit, engage, or agree to accept any privilege, benefit or thing of value for the exercise of his/her discretion, influence, or powers as an employee or regent, except as is allowed by law.
- 57.8.2 No Board member or employee shall accept any privilege, benefit, or thing of value that might tend to influence him or her in the discharge of his/her duties as an employee or regent.

- 57.8.3 No Board member or employee shall use his/her position to secure special privileges or exemptions for himself or herself or others, except as is allowed by law.
- 57.8.4 No Board member or employee may be an officer, agent, employee, or member of, or own an interest in a professional activity that foreseeable might require or induce him or her to disclose confidential information acquired by reason of his/her System position.
- 57.8.5 No Board member or employee shall accept employment or engage in any business or professional activity that foreseeable might require or induce him or her to disclose confidential information acquired by reason of his/her System position.
- 57.8.6 No Board member or employee shall disclose confidential information gained by reason of his/her System position, nor shall he/she otherwise use such information for his/her personal gain or benefit.
- 57.8.7 No Board member or employee shall transact any business for the System with any entity of which he/she is an officer, agent, employee, or member, or in which he/she has a direct or indirect financial or other interest.
- 57.8.9 No Board member or employee shall make personal investments in any enterprise that foreseeable might create a substantial conflict between his/her private interests and the System's interests.
- 57.8.10 No Board member or employee shall accept other employment that might impair his/her independence of judgment in the performance of his/her System duties.
- 57.8.10 No Board member or employee shall receive any compensation for his/her services to the System from any source other than the State of Texas except as is allowed by law.
- 57.8.11 No Board member or employee who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions shall solicit, accept, or agree to accept any benefit from a person or entity the employee knows or should know is or is likely to become financially interested in such transactions.

- 57.8.12 The University shall not accept a gift, grant, donation, or other consideration to be used as a salary supplement without the prior written approval of the recipient's immediate superior, the office of general counsel and the president, and written authorization of the internal auditor, who shall report the necessary information to the State Auditor.
- 57.8.13 No Board member or employee shall knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.
- 57.8.14 Each Board member or employee who is involved in procurement or in contract management shall disclose to the agency any potential conflict of interest specific by state law or University policy that is known by the Board member or employee with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor with the University.
- 57.8.15 No employee shall have a direct or indirect financial or other interest, shall engage in a business transaction or professional activity, or shall incur any obligation that is in substantial conflict with the proper discharge of the employee's duties for the institution.
- 57.8.16 No Board member or 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 the institution.
- 57.8.17 The resources of the University shall be used only in accordance with University policies and applicable law.
Failure of any employee to comply with the foregoing shall constitute grounds for discharge or other disciplinary action.

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