

CHAPTER III

Sec. 4. Ethics Policy.

Officers, faculty, and employees of the U. T. System may not have a direct or indirect interest, financial or otherwise, of any nature that is in conflict with the proper discharge of the officer's or employee's duties. Officers, faculty, and employees shall timely furnish such written disclosures as may be required by State and federal authorities or by System requirement. All officers, faculty, and employees shall adhere to the laws, rules, regulations and policies of applicable governmental and institutional authorities and the following standards of conduct. The failure to do so may be grounds for disciplinary action, up to and including termination of employment.

4.1 No employee shall accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of his or her official duties or that the employee knows or should know is being offered with the intent to influence his or her official conduct.

4.2 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.

4.3 No employee shall accept employment or engage in any business or professional activity which the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of his or her official position.

4.4 No employee shall disclose confidential information gained by reason of his or her official position or otherwise use such information for his or her personal gain or benefit.

4.5 No employee shall transact any business in his or her official capacity with any business entity of which the employee is an officer, agent, or member, or in which the employee owns a substantial interest. (1)

4.6 No employee shall make personal investments which could reasonably be expected to create a substantial conflict (1) between the employee's private interest and the public interest.

(1) Section 572.005, Texas Government Code, "Determination of Substantial Interest" may be helpful in defining and identifying such matters.

4.7 No employee shall accept other employment or compensation which could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's public duties.

4.8 Sexual Harassment and Misconduct: The educational and working environments of the System and its component institutions should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are unprofessional and unacceptable. The components of the U. T. System shall adopt policies prohibiting sexual harassment and sexual misconduct and procedures for review of complaints. These policies and procedures shall be reviewed by the Executive Vice Chancellor for Health Affairs or the Executive Vice Chancellor for Academic Affairs, as appropriate, and shall be published in the Handbook of Operating Procedures of each component. The System has a series of policies concerning ethical and legal standards of conduct for employees of System Administration and component institutions. Pertinent materials are contained in the Standards of Conduct Digest and should be referenced in the instance of possible conflicts of interest, ethics questions, and compliance with related laws.

Sec. 5. Appointment of Relatives (Nepotism Rule).

5.1 Whenever an appointment is made, either on a full-time or part-time basis, it shall be made solely with regard to the special fitness of the appointee, subject to applicable statutes; and subject also to the provisions of this Section of the Regents' Rules and Regulations.

5.2 In accordance with the prohibition of Section 573.001 et seq. , Texas Government Code , no person related to any member of the Board of Regents within the second degree by affinity or within the third degree by consanguinity shall be eligible for appointment to any office, position, employment, or duty with The University of Texas System or any component institution thereof, when the salary, fee, or compensation of such appointee is to be paid, either directly or indirectly, out of public funds of any kind.

5.21 Section 573.001 et seq., Texas Government Code, does not prohibit the reappointment or continued employment of any person who shall have been continuously employed in any such office, position, employment, or duty for a period of 30 days prior to the appointment of the member of the Board of Regents related to such person within the prohibited degree, nor does it apply to prohibit honorary or nonremunerative positions; provided that when such person is reappointed or continued in employment the member of the Board of Regents who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the reappointment, continuation of employment, change in status, compensation or dismissal of such person, if such action applies only to such person and not to a bona fide class or category of employees.

5.22 Those persons related within the prohibited degrees are indicated on the charts displayed in this Section as Table 1.

5.23 The statutory prohibition applies to all programs administered under the Board of Regents and may not be waived.

5.3 Even though the appointment of a person would not be prohibited by the Texas Government Code, no officer, official or employee of The University of Texas System may approve, recommend, or otherwise act with regard to the appointment, reappointment, promotion, or salary of any person related to such officer, official, or employee within the second degree by affinity or the third degree by consanguinity regardless of the source of funds for payment of salary.

5.31 If the appointment, reappointment, or promotion of a person places him or her under an administrative supervisor related within the above specified degree, all subsequent actions with regard to reappointment, promotion, or salary shall be the responsibility of the next highest administrative supervisor. It shall also be the responsibility of the next highest administrator to make a written review of the work performance of such employee at least annually and submit each review for approval or disapproval by the component institution's Director of Human Resources/Personnel in the case of classified employees or the chief administrative officer in the case of faculty or nonclassified employees.

5.32 If the appointment, reappointment, or promotion of a person places him or her in an administrative or supervisory position with responsibility to approve, recommend or otherwise act with regard to the appointment, promotion, or salary of a person who is, related to them within the degree prohibited by the Texas Government Code, all subsequent actions regarding the reappointment, promotion, or salary of such person shall be made by the next highest administrator or supervisor at the component institution or The University of Texas System.

5.33 It shall be the responsibility of the administrator or supervisor acting pursuant to Subdivisions 5.31 or 5.32 to make a written review of the work performance of such person at least annually and to submit such review to the next highest administrator or supervisor at the component institution or The University of Texas System.

5.34 The provisions of Subdivision 5.31 shall apply to situations where two employees of the System marry and one spouse is the administrative supervisor of the other.

5.35 All situations covered by Subdivision 5.31 shall be reported annually through the institution's docket or with the annual operating budget.