



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSC OP: 52.06, Standards of Conduct and Ethics Guide

PURPOSE: The purpose of this Health Sciences Center operating policy (OP) is to support the TTUHSC EP Institutional Compliance Plan (HSC OP 52.01) which is based upon federal and state laws and regulations, including Texas Executive Order RP36 and the Rules and Regulations of the Board of Regents of the Texas Tech System ("TTUS" or "Regents' Rules) and Texas Tech University Health Sciences Center (TTUHSC EP) operating policies.

This policy does NOT replace Regents' Rules or other TTUHSC operating policies and procedures, but offers general guidance only. This is a summary of legal and ethical standards for TTUHSC employees to use as a resource when conducting activities on behalf of TTUHSC. All relevant policies may not be listed in this OP. See the actual policies for final approved language.

REVIEW: This HSC OP will be reviewed on May 1 every year (EY) by the Institutional Compliance Working Committee, with recommendations for revision forwarded to the Institutional Compliance Committee by June 1.

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POLICY/PROCEDURE:

1. Introduction

In support of TTUHSC EP's commitment to promote ethical, honest and lawful conduct by its employees within the workplace, each new TTUHSC EP employee shall receive a copy of this Standards of Conduct, [Sections 3.01 and 3.02, Regents' Rules](#), and Texas Government Code 572.051. This policy will also be posted on the Institutional Compliance website at <http://www.ttuhscep.edu/compliance>.

2. Reporting Violations, Compliance Hotline and Non-Retaliation

TTUHSC EP employees are required to report fraud ([Section 07.03](#) and [Section 03.01.2.f, Regents' Rules](#)), violations of law or TTUHSC EP policies. There are various reporting resources available, including these administrative channels: a supervisor, an appropriate administrator or TTUHSC EP Institutional Compliance Office, or the Office of Audit Services (OAS) or Texas Tech police department. Alternatively reports can be made using the confidential and anonymous hotlines:

- **TTUS Compliance Hotline** at ethicspoint.com, or by the toll-free telephone number, 1-866-294-9352
- **Texas State Auditor's Office Fraud Hotline** at the toll-free telephone number, 1-800-TX-AUDIT (1-800-892-8348); on-line report form at sao.fraud.state.tx.us/Hotline.aspx, or by mail at:

State Auditor's Office
ATTN: SIU
P.O. Box 12067
Austin, TX 78711-2067

No TTUHSC EP employee shall retaliate or take adverse action against any person, including whistleblowers (See section 3.b below), who in good faith, report suspected fraud, violation of law and/or TTUHSC EP policy.

Relevant Policies:

[HSC OP 52.03, Compliance Hotline](#); and [HSC OP 52.04, Report & TTUHSC EP Internal Investigation of Alleged Violation and Non-Retaliation](#)

3. Preventing Fraud, Waste and Abuse

- a. TTUS Fraud Policy. Fraudulent activity of any kind, including for the benefit of the TTUS, including TTUHSC EP, is expressly prohibited. The Board of Regents defines fraud as:

An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Any kind of artifice employed by one person to deceive another.

TTUHSC EP employees are required to report suspected or known fraudulent activity. See Section 2 above. The TTUS Fraud Policy located in [Chapter 07 of the Regents' Rules](#) provides detailed information about individual responsibilities and actions to prevent minimize and report fraud.

- b. Fraud, Waste and Abuse in Health Care. As a health care provider, TTUHSC EP is required by law to provide certain information to its employees, agents and contractors

regarding the federal and state false claims acts, the federal false claims and statement law, and protections for those reporting violations of these laws (i.e., whistleblower protections) – See Section 2 above. Under the federal law, the term “knowing or knowingly” includes actual knowledge or acting with deliberate ignorance or in reckless disregard of the truth or falsity of the information contained in the claim or statement. 31 U.S. 3729(b). The term “knowing” under Texas law is similar to the federal definition, except that it includes “conscious indifference” to the truth or falsity of the information instead of “deliberate ignorance”. TX. Human Resources Code §36.0011

- 1) *Federal False Claims and Statement Law.* As summarized from 31 U.S.C. §3802, it is illegal to knowingly make, present, submit or cause to be made, presented or submitted to the federal government, a false, fictitious or fraudulent claim or written statement. This includes, but is not limited to, the omission of material facts that a person has a duty to disclose which makes the claim or statement false, fictitious or fraudulent, and submitting claims for payment of services not provided. A violation of this law can result in civil penalties of up to \$5,000 per claim and possible exclusion from participation in any federal health care program, such as Medicare, Medicaid, TriCare and the Veterans Administration. Violations can also result in exclusion from federal health care programs for the organization and/or individuals.
- 2) *Federal False Claims Act.* Under 31 U.S.C. §3729(a)(7), civil penalties of between \$5,500 to \$11,000 per claim, plus two or three times the amount of any payment made by the government, can be imposed against any person who knowingly:
 - Presents a false or fraudulent claim to a federal health care payer for payment or approval;
 - Makes, or causes to be made or used a false record or statement to get a false claim paid or to avoid or decrease an obligation to pay money to the government, such as failure to refund known overpayments; or
 - Conspire to defraud the government by getting a false or fraudulent claim paid or allowed.

In addition, 31 U.S.C. §3730 allows private citizens, known as whistleblowers, to file a civil lawsuit against persons who violate this law.

- 3) *Texas False Claims Act.* The Texas law, similar to the Federal False Claims Act described above, applies to Medicaid claims and payment with civil penalties that range from \$10,000 to \$15,000 per false claim plus two times the amount of any payment. In addition, a person is subject to civil penalties under the Texas False Claims Act for submitting claims for payment by Medicaid for services provided by an unlicensed individual or that were not ordered by a health care provider. Similar to the Federal False Claims Act, private individuals can file a civil lawsuit against any person who violates this law. Texas Human Resources Code, Chapter 36

4. **Texas Public Information Act – Records Requests.**

Any documents generated or created by or on behalf of TTUHSC EP, unless protected by law, are subject to release upon written request. All written requests for documents generated in the regular course of business of TTUHSC EP are to be forwarded to the Office of General Counsel for review. Under the Public Information Act, there are exceptions to requests for disclosure, which include, but are not limited to, information made confidential by law, certain commercial information and trade secrets. The Texas Attorney General's Office makes the final determination whether or not requested information is to be disclosed, on a case by case basis, after reviewing the materials and assertions against disclosure.

Relevant Policy:

[HSC OP 01.03, Custodian of Public Records](#)

5. Investigations

- a. Office of Audit Services. The TTUS Office of Audit Services (OAS) is an independent body that reports directly to the Audit Committee of the TTUS Board of Regents. Its mission is to assist the Board of Regents and other units of TTUS and its components, including TTUHSC EP, in identifying, avoiding and mitigating risks. No TTUHSC EP employees shall interfere with an OAS audit or investigation.
- b. Government Investigators. TTUHSC EP shall cooperate in any government investigation of TTUHSC EP and/or its employees subject to the legal rights of TTUHSC EP and its employees. If a TTUHSC EP employee at any time receives a subpoena, search warrant or other legal document from an outside government agency that is related to TTUHSC EP business, the TTUHSC EP employee shall immediately notify his/her supervisor and the Office of General Counsel (806-743-2986). If an employee chooses to talk with a governmental agent, he/she must respond truthfully. An employee has the right to hire an attorney at any time during a government investigation.

6. Media Requests

All media related questions and concerns should be directed to the Office of Marketing and Communications.

Relevant Policy:

[HSC OP 67.02, Communications, Advertising, and News Media](#)

7. Ethical Conduct

Texas Government Code 572.051 requires each state agency to adopt an ethics policy consistent with the standards of conduct outlined in the law. The State of Texas and TTUS Board of Regents have defined ethical standards and conduct that apply to TTUHSC EP employees. The most complete and current source of information on ethical standards and conduct applicable to TTUHSC EP employees is located in Regents Rules 03.01 and 03.02. Each TTUHSC EP employee is expected to know and comply with these ethical standards.

[Section 03.01, Regents' Rule](#), in part, prohibits or restricts certain activities that can create a conflict of interest. For example, acceptance of gifts or benefits from third parties, honoraria, outside employment, or personal financial interests can create a conflict where private interests may overcome the best interests of TTUHSC EP, compromising the public trust. Section 03.02 *Regents' Rule*, provides a non-exclusive list of prohibited conduct that constitutes a breach of trust. A violation of these ethical standards can result in disciplinary action, up to and including termination of employment from TTUHSC EP. Guidance on Texas ethics rules is available at the Texas Ethics Commission's, ["A Guide to Ethics Laws for State Officers and Employees"](#).

TTUHSC EP employees shall not knowingly provide false information to TTUHSC EP. TTUHSC EP employees are expected to comply with all lawful directives of TTUHSC EP officials where such directives are issued in the performance of their duties.

Relevant Policies:

[Section 03.01 and 03.02, Regents' Rule](#)

8. Political Activities

TTUHSC EP employees shall not participate in political activities during work hours or otherwise spend TTUHSC EP funds, or use TTUHSC EP property in support of any political activities, including, but not limited to influencing the outcome of any election or the defeat or passage of any legislative matter. Unless prohibited by law, TTUHSC EP employees may contribute their personal funds to political organizations or campaigns.

Relevant Policies:

9. **Clinical Health Care Compliance**

It is TTUHSC EP's policy to follow federal and state laws, regulations, policies and procedures, as well as private payer contractual obligations in providing and billing for health care services and items. TTUHSC EP has established a Billing Compliance Plan, [HSC OP 52.07](#), which provides oversight of all TTUHSC EP health care billing to minimize the risk of fraud, waste and abuse.

Failure to properly document and/or bill for health care services/items can constitute fraud, waste and abuse, resulting in possible loss of professional license, institutional and/or individual civil fines, criminal penalties and/or exclusion from participation in federal or state health care programs.

Relevant Policies:

[HSC OP 52.07, Billing Compliance Plan](#) [Billing Compliance Policies & Procedures](#)

10. **Information Technology/Security**

All information technology resources at TTUHSC EP (including, but not limited to, computers and other electronic devices) are owned by the State of Texas and administered by the TTUHSC EP Information Technology Division. The purpose of implementing Information Technology (I.T.) policies and standards is to establish a common framework for adopting and deploying Information Technology resources within the TTUHSC EP environment.

These policies and standards have been established in order to:

- provide constituents with an integrated I.T. environment that supports the mission of TTUHSC EP;
- provide visual, developmental, and security guidelines and standards for web publishing that comply with state and federal laws;
- define all TTUHSC EP user responsibilities and conduct standards related to information technology;
- safeguard the privacy, confidentiality, and reliability of data;
- protect and maximize TTUHSC EP's investments in I.T. resources;
- reduce TTUHSC EP's business and legal risks; and
- define the requirements for the use of I.T. resources within the TTUHSC EP environment.

TTUHSC EP information technology resources shall only be used for official TTUHSC EP business.

Relevant Policies

[HSC OP 56.01, Use of Information Technology Resources](#) and [TTUHSC EP IT Policies](#)

11. **Confidential Information**

Information about TTUHSC EP's students, employees, patients, alumni, and donors is a valuable asset, most of which is confidential and protected under various federal and state laws, and/or TTUHSC EP policies. Confidential information, includes, but is not limited to:

- Employee personal data that is not designated directory information;
- Student information protected under the Federal Educational Rights and Privacy Act (FERPA). For more information go to [HSC OP 77.13, Student Education Records](#).
- Patient information protected under the Health Insurance Portability and Accountability Act (HIPAA) and Health Information Technology for Economic and Clinical Health (HITECH) Act; for more information go to [HSC OP 52.02, Privacy and Security of Health Information](#).
- Financial information, including information protected under the Gramm-Leach-Bliley (GLB) Act.
- Medical Committee and Medical Peer Review Committee documents generated by or created for the purposes of fulfilling Committee duties are confidential and privileged

under the Texas Health and Safety Code, Chapter 161, and the Texas Occupations Code, Chapter 151; and

- Alumni and donor data maintained in the TTUHSC EP ADVANCE system.

It is illegal for a TTUHSC EP employee to use confidential information for the personal benefit/gain of himself/herself or another or to harm another person. TTUHSC EP employees are expected to know and follow applicable laws, regulations, policies and contracts about the collection, use, disclosure and protection of confidential information related to their job responsibilities for TTUHSC EP and shall sign a Confidentiality Agreement at the time of employment and when requested by institutional administration as part of the yearly evaluation process.

Relevant Policies

[Section 03.02.1.m, Section 03.02.2 and Section 03.09.2, Regents' Rule](#); [HSC OP 52.09, Confidential Information](#); [HSC OP 52.08, Social Security Number Policy](#); [TTUHSC EP Privacy Policies](#); and [HSC OP 02.05, Confidentiality of Information on ADVANCE system](#)

12. **Workplace Conditions**

To meet TTUHSC EP's commitment of providing a safe, healthy and environmentally responsible work environment, health, safety and environmental protection responsibilities are shared by various departments and campuses within TTUHSC EP, and supported by the Department of Safety Services in these key areas:

- *Environmental Protection.* Oversees disposal of hazardous wastes, responds to hazardous materials incidents, and is responsible for indoor air quality monitoring and the Integrated Pest Management program.
- *Laboratory Safety.* Provides oversight of safety in TTUHSC EP laboratories, working closely with the TTUHSC EP Institutional Biohazard Committee and Institutional Animal Care and Use Committee.
- *Fire and Life Safety.* Assures that life safety requirements meet currently acceptable codes and standards for existing and new buildings.
- *Occupational Safety.* Responsibilities include incident/injury investigation and hazard report investigation.
- *Radiation Protection.* Implements policies and procedures of the Radiation Safety Committee and oversight of radioactive material, ionizing and non-ionizing radiation machines.

TTUHSC EP employees are expected to know and follow federal and state laws, standards, guidelines and TTUHSC EP policies regarding safe workplace practices, including, but not limited to, participation in mandatory educational sessions, use of personal protective equipment, proper disposal of hazardous materials and waste, and reporting accidents and unsafe working conditions.

Relevant Policies:

[HSC OP 75.01, TTUHSC EP Safety Programs](#); [HSC OP 75.03, Hazardous Materials Incidents](#); [HSC OP 75.04, Codes and Standards, Compliance with National Fire Protection Association \(NFPA\) and other State-adopted Requirements](#); [HSC OP 75.09, General Laboratory Use Policy](#); [HSC OP 75.12, TTUHSC EP Guidelines for Using N-95 Respirators](#); and [HSC OP 75.16, TTUHSC EP Fire and Life Safety Policy](#)

13. **Human Resources and Work Environment**

TTUHSC EP strives to provide an environment where employees, students, patients, agents, volunteers and visitors are treated fairly and with respect.

- a. *Violence and Weapons Free Workplace.* TTUHSC EP prohibits personal harassment, abusive behavior or violence against persons lawfully on TTUHSC EP-owned or controlled property or while at TTUHSC EP sponsored or supervised functions. TTUHSC EP employees are responsible to immediately report any threats received, communicated to them, or witnessed to his/her supervisor, the Texas Tech Police or any TTUHSC EP administrator. TTUHSC EP

employees shall not use force or violence or other methods that obstruct the functions of TTUHSC EP, including, which include, but not limited to, teaching, research, administration, public service, presentations by guest lecturers and speakers and other authorized activities.

Firearms, ammunition, explosive weapons, illegal knives and other deadly weapons are prohibited on TTUHSC EP property except as specifically authorized by law. [HSC OP 10.30 Regulations for the carrying of concealed handguns by license holders.](#)

Relevant Policies

[Section 03.02.1, Regents' Rule; HSC OP 76.08, Violence and Workplace Threats; HSC OP 61.07, Use of TTUHSC EP Premises and Amplification Equipment; and HSC OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#)

- b. Diversity and Equal Opportunity. TTUHSC EP is an equal employment/affirmative action employer. TTUHSC EP prohibits discrimination and harassment and provides equal opportunity in employment and all business operations to its community members and applicants regardless of race, color, religion, sex, national origin, age, disability, or military or veteran status. TTUHSC EP provides a non-discriminatory employment environment, and training related to non-discrimination and non-harassment. Additional information can be found in the policies listed below.

Relevant Policies

[Section 03.01, Regents' Rule; HSC 10.15, Americans with Disabilities Act HSC OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan; HSC OP 70.31, Employee Conduct, Discipline, and Separation of Employees; and HSC OP 70.46, HIV/AIDS Policy for the Workplace](#)

- c. Sexual Harassment. TTUHSC EP maintains a workplace environment that is free of sexual harassment and intimidation. It is a violation of federal and state law, as well as TTUHSC EP policies to engage in sexual harassment. Sexual advances, requests for favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - (2) submission to or rejection of such conduct is used as the basis for employment; or
 - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Relevant Policies:

[Section 03.01.07, Regents' Rule; HSC OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws; HSC OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure and HSC OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#)

- d. Nepotism (Employment of Relatives). Employment decisions at TTUHSC EP shall be made on the basis of an appointee's or applicant's qualifications and suitability in accordance with applicable statutes and provisions of TTUHSC EP policies. No TTUHSC EP employee shall directly supervise any relative within the degrees prohibited by TTUHSC EP policy.

Relevant Policies:

[Section 03.01.08, Regents Rule; HSC OP 70.08, Nepotism; HSC OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#)

- e. Drug, Alcohol and Tobacco Free Campus. TTUHSC EP employees shall report for work and perform their assigned duties free from the effects of alcohol and drugs.
- Contractors conducting business or providing services on a TTUHSC EP campus are required to maintain and enforce a drug free workplace policy for their employees. TTUHSC EP prohibits the unlawful possession, use, distribution, dispensing or manufacture of alcohol or illegal drugs on

TTUHSC EP property or as part of any officially sanctioned TTUHSC EP activity. (Alcohol may be permitted by the Board of Regents and in accordance with law.) Any TTUHSC EP employee who is aware of drug or alcohol abuse by another individual in the workplace is expected to report this to their immediate supervisor or Human Resources. Use of tobacco in any form is prohibited in a TTUHSC EP facility or anywhere on TTUHSC EP grounds. See [HSC OP 72.16, Official Functions, Business Meetings and Entertainment](#), regarding acceptable use of alcohol for entertainment purposes.

Relevant Policies:

[Section 03.02.1, Regents Rule](#); [HSC OP 10.03, Alcohol and Illegal Drugs](#); [HSC OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#); [HSC OP 70.39, Drug Free Workplace Policy](#); and [HSC OP 10.19, Tobacco Free Environment Policy](#)

- f. Work Hours. TTUHSC EP employees shall accurately report their work hours and leave time in accordance with TTUHSC EP policies. Sick time shall not be taken in order to work for another employer. Non-exempt employees are entitled to overtime and/or compensatory time in accordance with the Fair Labor Standards Act and TTUHSC EP policies. Overtime must be specifically approved before it is worked.

Relevant Policies:

[HSC OP 70.06, Employee Working Hours and Holidays](#); [HSC OP 70.17, Overtime Payment](#); [HSC OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#)

- g. Family Medical Leave Act (FMLA). A TTUHSC EP employee who meets the eligibility requirements of service with TTUHSC EP may request (in writing) and may be entitled to, paid or unpaid, time off from work for up to twelve (12) weeks during each 12 month period for pregnancy, adoption or other qualifying family and/or medical reasons.

Relevant Policy:

[HSC OP 70.32, Family and Medical Leave \(FML\)](#).

- h. Outside Employment. TTUHSC EP faculty and staff's primary employment responsibility is to TTUHSC EP. According to TTUS Regents Rules, TTUHSC EP employees should not accept other employment, appointments, compensation, or engage in a business or professional activity that creates a conflict of interest with the employee's duties and obligations to TTUHSC EP or that induces the employee to disclose confidential information of TTUHSC EP.

Relevant Policies:

[Section 03.01.01, Regents' Rule](#); and [HSC OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#)

- i. Conviction Notification. Each faculty, staff and/or student employee is required to notify TTUHSC EP of any conviction of a Class A misdemeanor, or any drug, assault or theft conviction no later than five days after such conviction.

Relevant Policies:

[Section 03.02.02, Regents' Rule](#) and [HSC OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#)

- j. Complaint and Grievance Procedures. Non-faculty employees who have complaints or grievances related to their employment at TTUHSC EP should either seek resolution through their supervisor or the procedures outlined in [HSC OP 70.10, Non-Faculty Employee Complaint Procedures](#) and [HSC OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#); [HSC OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#). Faculty should follow the procedures published in the Faculty Handbook of their respective School to address employment related complaints or grievances.

14. **Research Activity**

TTUHSC EP researchers, including faculty, staff, residents and students, have a legal and ethical obligation to TTUHSC EP and the larger community when conducting research and shall comply with all applicable laws, regulations and TTUHSC EP policies concerning research activity.

- a. Human Subjects Research. No research involving people shall be conducted without the prior review and approval of the TTUHSC EP Institutional Review Board (IRB) which has oversight responsibility of research involving people (human subjects research).

Relevant Policy:

[HSC OP 73.06, Research Involving Human Subjects](#)

- b. Animal Research. No research involving animals shall be conducted without the prior review and approval of the TTUHSC EP Institutional Animal Care and Use Committee (IACUC) which has oversight responsibility of research involving animals conducted at or through TTUHSC EP.

Relevant Policy:

[HSC OP 73.03, Animal Care and Usage](#)

- c. Grant or Contract Funding. Only true, accurate and allowable costs shall be submitted for reimbursement. Principal investigators are responsible for ensuring that costs charged to their individual grants and contracts comply with the applicable regulations and conditions of each grant or contract. Externally funded projects must be handled through the Sponsored Programs Office or Division of Clinical Research (for clinical trials). Pursuant to [HSC OP 73.14, Research Integrity Office Grant Compliance](#), the Research Integrity Office (RIO) monitors compliance with applicable laws, regulations and TTUHSC EP policies related to grants compliance.
- d. Research with Radioactive and Hazardous Materials. Research involving hazardous materials, such as infectious agents, select agents/toxins, recombinant DNA, and radioactive material is subject to oversight by institutional committees and must be approved by that oversight committee before research begins.

Relevant Policies:

[HSC OP 73.05, Research Involving Hazardous Chemical and Biological Materials, and Recombinant Synthetic Nucleic Acid Molecules](#); [HSC OP 73.10, Faculty Laboratory Space Check-Out Procedures](#); [HSC OP 73.11, Research Involving Radioactive Material](#); and [HSC OP 73.12, Possession and Use of Exempt Quantities of CDC Select Agent Toxins](#)

- e. Research Conflicts of Interest and Research Misconduct. TTUHSC EP is committed to protecting the integrity of its research. Researchers are required to disclose potential or actual research related conflicts of interest in accordance with applicable laws and TTUHSC EP policies. TTUHSC EP will investigate allegations of research misconduct, including, but not limited to falsification, fabrication and/or plagiarism in accordance with Public Health Service regulations and TTUHSC EP policies.

Relevant Policies:

[HSC OP 73.09, Financial Conflicts of Interest in Research](#); and [HSC OP 73.07, Honesty in Research and Allegations of Scientific Misconduct](#)

15. **Conflicts of Interest**

TTUHSC EP employees shall act impartially and not give preferential treatment to any private or public organization or individual. A TTUHSC EP employee shall not accept or seek any gift, favor or service that might reasonably tend to influence his/her discharge of official duties or that the employee knows or should know is being offered with the intent to influence official conduct. Health care vendor interactions with TTUHSC EP health care providers who are in a position to prescribe order or refer health care items or services is subject to certain restrictions as outlined

in TTUHSC EP policies.

TTUHSC EP employees shall not have a direct or indirect interest, including financial and other interest, 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 employee's duties in the public interest. TTUHSC EP employees shall not make personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest or use their public offices for private gain.

The sale of textbooks and other educational material used in an instructional setting at TTUHSC EP, including use of a textbook authored by a faculty member, shall be in accordance with the procedures outlined in [HSC 50.31, Adoption and Sale of Textbooks and Related Materials](#).

Relevant Policies:

[Section 03.01.01-03, Regents' Rule](#); [HSC OP 52.16, Health Care Vendor Interactions](#); and [HSC OP 73.09, Financial Conflicts of Interest in Research](#)

16. **Benefits, Gifts and Honoraria**

The Texas Penal Code 36.01(3) defines a "benefit" as anything reasonably regarded as pecuniary gain or advantage, including benefit to any other person in whose welfare a TTUHSC EP employee has a direct and substantial interest.

- a. Bribery. Under Texas Penal Code 36.02, no TTUHSC EP 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 that is otherwise allowed by TTUHSC EP policy is nevertheless prohibited if it is offered in exchange for official action.
- b. Prohibited Benefits. A TTUHSC EP employee who exercises discretion in connection with contracts, purchases, payments, claims, and other pecuniary transactions of government shall not seek, accept or agree to accept any benefit from any person that he/she knows is interested in or is likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of that employee's discretion. This prohibition does not apply to items having a value of less than \$50.00, excluding cash or negotiable instruments.
- c. Food, Lodging, Transportation, and Entertainment Received as a Guest. A TTUHSC EP employee may accept food, lodging, transportation, or entertainment from persons or entities he/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 as a "guest". A TTUHSC EP employee is a "guest" when the person or entity's representative is present at the time the food, lodging, transportation, or entertainment is received or enjoyed by the TTUHSC EP employee.
- d. Honoraria. A TTUHSC EP employee shall not seek, accept or agree to accept an honorarium for services he/she would not have been asked to provide but for their official position or duties for TTUHSC EP. This does not prevent a TTUHSC EP employee from accepting meals or reimbursement for expenses of meals, transportation and lodging incurred in connection with a speaking engagement at a conference or similar event. Honoraria from vendors of health care items/services must be in accordance with TTUHSC EP policies.

Relevant Policies:

[Section 03.01.04, Regents' Rule](#); and [HSC OP 52.16, Health Care Vendor Interactions](#)

17. **Contracts and Purchasing**

- a. Contracting Authority. No person has the authority to commit TTUHSC EP resources for any purpose except as authorized in Regents Rules and TTUHSC EP policies. Written

contracts shall be executed whenever TTUHSC EP enters into a binding agreement with any public or private party. Contracts include, but are not limited to agreements, cooperative agreements, memorandums of understanding, interagency contracts, grants, loans, easements, licenses, leases, permits and restrictions on acceptances of gifts and bequests. No officer or administrator is authorized to sign contracts or agreements with an external agency unless that authority has been delegated in accordance with Regents' Rules or TTUHSC EP Operating Policies and Procedures.

Relevant Policies:

[Section 07.12, Regents' Rule](#); [HSC OP 10.11, Delegation of Authority by the President](#); [HSC OP 54.01, Contracting Authority and Policy](#); [HSC OP 54.02, Contracting Procedures](#); and [HSC OP 54.04, Professional Services – Contracting](#)

- b. Purchases of Supplies, Equipment and Services. Supplies, equipment and services shall only be purchased by persons with authority to make those purchases and in accordance with TTUHSC EP policies and procedures, including those concerning Historically Underutilized Businesses. Contact the TTUHSC EP Director of Purchasing for questions regarding TTUHSC EP's purchasing policies.

Relevant Policies:

[HSC OP 72.01, Purchasing Supplies, Equipment and Services](#); [HSC OP 72.03, Direct Pay Expenditures](#); and [HSC OP 72.13, Historically Underutilized Businesses](#)

18. Intellectual Property

- a. Intellectual Property Rights & Disclosures. TTUS Office of Technology Commercialization (OTC) has responsibility for administration and implementation of TTUS' intellectual property program in accordance with [Chapter 10, Regents' Rules](#) and advising TTUHSC EP employees and students regarding TTUS' intellectual property policies. Intellectual property includes, but is not limited to inventions, innovations, discoveries, improvements, biological material, proprietary materials, plants, copyrightable works, trademarks and tangible research property. Generally, intellectual property made with the use of TTUS/TTUHSC EP facilities or during the course of an employee's regularly assigned duties for TTUHSC EP is the property of the Texas Tech University System. All intellectual property shall be promptly disclosed to the (OTC).

Relevant Policy:

[Chapter 10, Regents' Rules](#)

- b. Copyright and Fair Use. Although materials may not contain the copyright notice symbol ©, the material may still be protected. Generally, material published after March 1, 1989 does not require a copyright notice and should therefore be presumed to be under copyright protection unless it is published by the federal government or otherwise in the public domain. TTUHSC EP recognizes the doctrine of "Fair Use" for education purposes which allows legal copying of copyrighted materials in certain situations without the need for obtaining permission or payment of a fee for use of the material. The concept of copyright protection and the "Fair Use Doctrine" are more fully explained in [TTUHSC EP OP 57.02, Guidelines for the Educational Use of Copyrighted Works](#).

19. Protecting University Resources

TTUHSC EP employees shall protect and conserve public property and shall not use it for anything other than authorized activities. TTUHSC EP employees shall be subject to discipline for theft or damage to the tangible property of TTUHSC EP or TTUHSC EP students, employees, patients, or visitors.

- a. Private use of State Property and Services of TTUHSC EP Employees Prohibited. Use of TTUHSC EP property, services, or personnel for personal benefit or to harm another is prohibited. TTUHSC EP facilities, equipment, supplies and services are to be used

only for duly authorized University purposes. Equipment TTUHSC EP owns or for which it is responsible shall not be removed from the University premises, except in accordance with TTUHSC EP policies.

The use of TTUHSC EP employees for personal work is strictly prohibited. This includes, but is not limited to, typing and secretarial services on personal and/or private consulting correspondence, running personal errands, and other like personal services.

Relevant Policy:

[HSC OP 61.01, Use of TTUHSC EP Facilities, Equipment, Supplies and Services for Private Purpose Prohibited](#)

- b. Travel. All official travel must be for the use and benefit of TTUHSC. TTUHSC EP employees are responsible for knowing the travel rules and policies applicable to state employees prior to traveling. Travel (including meals, lodging, transportation and incidental expenses) shall be planned so as to achieve maximum savings and efficiency. Reimbursement for travel expenses shall only be made in accordance with state law and TTUHSC EP policies.

Relevant Policy:

[HSC OP 79 Section, Travel](#)

20. **Records Management**

- a. Financial Reporting. All TTUHSC EP accounts, financial reports, tax returns, expense reimbursements, time sheets and other documents, including those submitted to government agencies must be accurate, clear and complete.
- b. Accuracy of Records. TTUHSC EP employees shall not falsify, alter or use without authority, TTUHSC EP documents, records or identification materials.

Relevant Policy

[Section 03.02, Regents' Rules](#)

- c. Retention and Maintenance. TTUHSC EP documents and records and electronic data shall be retained and maintained in accordance with TTUHSC EP policies.

Relevant Policy:

[HSC OP 10.09, Records Retention](#)

21. **Right to Change Policy**

TTUHSC EP reserves the right to interpret, change, modify, amend or rescind this policy in whole or in part at any time without the consent of employees.