



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 52.06, **Standards of Conduct and Ethics Guide**

PURPOSE: The purpose of this Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) Operating Policy (HSCEP OP) is to support the TTUHSC El Paso Institutional compliance plan ([HSCEP 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](#) (TTU System or *Regents' Rules*) and HSCEP OPs.

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

REVIEW: This HSCEP OP will be reviewed by June 1 every year (EY) by the Institutional Compliance Committee

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POLICY/PROCEDURE:

I. Introduction

In support of TTUHSC El Paso's commitment to promote ethical, honest and lawful conduct by its employees within the workplace, each TTUHSC El Paso employee will be required to review the standards of conduct through the online training system. This policy will also be posted on the institutional compliance website at <http://elpaso.ttuhs.edu/compliance/>.

II. Violation Reporting, Compliance Hotline and Non-Retaliation

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

- **TTU System Fraud and Misconduct Hotline** at www.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 <https://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 El Paso employee shall retaliate or take adverse action against any person, including whistleblowers (See section III.B below), who in good faith, report suspected fraud, violation of law and/or TTUHSC El Paso policy.

Relevant Policies:

[HSCEP OP 52.03, Fraud and Misconduct Hotline](#); and
[HSCEP OP 52.04, Report & TTUHSC El Paso Internal Investigation of Alleged Violation and Non-Retaliation](#)

III. Preventing Fraud, Waste and Abuse

A. Texas Tech University (TTU) System Fraud Policy. Fraudulent activity of any kind, including for the benefit of the TTU System or TTUHSC El Paso is expressly prohibited. The Board of Regents defines fraud as:

1. An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him/her or to surrender a legal right.
2. 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/she shall act upon it to his/her legal injury.
3. Any kind of artifice employed by one person to deceive another.

TTUHSC El Paso employees are required to report suspected or known fraudulent activity. See Section II above. The TTU System 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 El Paso 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 II 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.C. §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 three times the amount of any payment made by the government, can be imposed against any person who knowingly:

- a) Presents a false or fraudulent claim to a federal health care payer for payment or approval;
- b) 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
- c) 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

IV. Texas Public Information Act – Records Requests.

Any documents generated or created by or on behalf of TTUHSC El Paso, 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 El Paso 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:

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

V. Investigations

- A. Office of Audit Services. The TTU System OAS is an independent body that reports directly to the Audit Committee of the TTU System Board of Regents. Its mission is to assist the Board of Regents and other units of TTU System and its components, including TTUHSC El Paso, in identifying, avoiding and mitigating risks. No TTUHSC El Paso employees shall interfere with an OAS audit or investigation.
- B. Government Investigators. TTUHSC El Paso shall cooperate in any government investigation of TTUHSC El Paso and/or its employees subject to the legal rights of TTUHSC El Paso and its employees. If a TTUHSC El Paso employee at any time receives a subpoena, search warrant or other legal document from an outside government agency that is related to TTUHSC El Paso business, the TTUHSC El Paso employee shall immediately notify his/her supervisor and the Office of General Counsel (915-215-4556). 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.

VI. Media Requests

All media related questions and concerns will be directed to the **Office of Institutional Advancement**.

Relevant Policy:

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

VII. 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 TTU System Board of Regents have defined ethical standards and conduct that apply to TTUHSC El Paso employees. The most complete and current source of information on ethical standards and conduct applicable to TTUHSC El Paso employees is located in Regents Rules 03.01 and 03.02. Each TTUHSC El Paso 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 El Paso, 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 El Paso. Guidance on Texas ethics rules is available at

the Texas Ethics Commission's, "[A Guide to Ethics Laws for State Officers and Employees](#)".

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

Relevant Policies:

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

VIII. Political Activities

TTUHSC El Paso employees shall not participate in political activities during work hours or otherwise spend TTUHSC El Paso funds, or use TTUHSC El Paso 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 El Paso employees may contribute their personal funds to political organizations or campaigns.

Relevant Policies:

[Section 03.01.5, Regents' Rule](#) and
[HSCEP OP 61.03, Posting of Notices on HSCEP Property](#)

IX. Clinical Health Care Compliance

It is TTUHSC El Paso'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 El Paso has established a Billing Compliance Plan, [HSCEP OP 52.07](#), which provides oversight of all TTUHSC El Paso 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 Policy:

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

X. Information Technology/Security

All information technology resources at TTUHSC El Paso (including, but not limited to, computers and other electronic devices) are owned by the State of Texas and administered by TTUHSC El Paso Information Technology (I.T.). The purpose of implementing I.T. policies and standards is to establish a common framework for adopting and deploying I.T. resources within the TTUHSC El Paso 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 El Paso;
- Provide visual, developmental, and security guidelines and standards for web publishing that comply with state and federal laws;
- Define all TTUHSC El Paso user responsibilities and conduct standards related to I.T.;
- Safeguard the privacy, confidentiality, and reliability of data;
- Protect and maximize TTUHSC El Paso's investments in I.T. resources;
- Reduce TTUHSC El Paso's business and legal risks; and
- Define the requirements for the use of I.T. resources within the TTUHSC El Paso environment.

TTUHSC El Paso I.T. resources shall only be used for official TTUHSC El Paso business.

Relevant Policies

[HSCEP OP 56.01, Use of Information Technology Resources](#); and
[TTUHSC El Paso IT Policies](#)

XI. Confidential Information

Information about TTUHSC El Paso'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 El Paso 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 [HSCEP 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 [HSCEP 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 El Paso database (i.e., ADVANCE system).

It is illegal for a TTUHSC El Paso employee to use confidential information for the personal benefit/gain of himself/herself or another or to harm another person. TTUHSC El Paso 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 El Paso 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](#);
[HSCEP OP 52.09, Confidential Information](#);
[HSCEP OP 52.08, Social Security Number Policy](#);
[TTUHSC El Paso Privacy Policies](#); and
[HSCEP OP 02.05, Confidentiality of Information on ADVANCE System](#)

XII. Workplace Conditions

To meet TTUHSC El Paso'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 El Paso, 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 El Paso laboratories, working closely with the TTUHSC El Paso 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 El Paso employees are expected to know and follow federal and state laws, standards, guidelines and TTUHSC El Paso 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:

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

XIII. Human Resources and Work Environment

TTUHSC El Paso 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 El Paso prohibits personal harassment, abusive behavior or violence against persons lawfully on TTUHSC El Paso owned or controlled property or while at TTUHSC El Paso sponsored or supervised functions. TTUHSC El Paso 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 El Paso administrator. TTUHSC El Paso employees shall not use force or violence or other methods that obstruct the functions of TTUHSC El Paso, including, 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 El Paso property except as specifically authorized by law and university policy. [HSCEP OP 10.30, Regulations for the carrying of concealed handguns by license holders.](#)

Relevant Policies

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

- B. Diversity and Equal Opportunity. TTUHSC El Paso is an equal employment/affirmative action employer. TTUHSC El Paso 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 El Paso 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](#);
[HSCEP OP 10.15, Americans with Disabilities Act](#);

[HSCEP OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan](#); [HSCEP OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#); and [HSCEP OP 70.46, HIV/AIDS Policy for the Workplace](#)

- C. Sexual Harassment. TTUHSC El Paso 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 El Paso 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](#); [HSCEP OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#); [HSCEP OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#); and [HSCEP OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#)

- D. Nepotism (Employment of Relatives). Employment decisions at TTUHSC El Paso 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 El Paso policies. No TTUHSC El Paso employee shall directly supervise any relative within the degrees prohibited by TTUHSC El Paso policy.

Relevant Policies:

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

- E. Drug, Alcohol and Tobacco Free Campus. TTUHSC El Paso 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 El Paso campus are required to maintain and enforce a drug free workplace policy for their employees. TTUHSC El Paso prohibits the unlawful possession, use, distribution, dispensing or manufacture of alcohol or illegal drugs on TTUHSC El Paso property or as part of any officially sanctioned TTUHSC El Paso activity. (Alcohol may be permitted by the Board of Regents and in accordance with law.) Any TTUHSC El Paso 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 El Paso facility or anywhere on TTUHSC El Paso grounds. See [HSCEP 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](#); [HSCEP OP 10.03, Alcohol and Illegal Drugs](#);

[HSCEP OP 70.31, Employee Conduct, Discipline, and Separation of Employees](#);
[HSCEP OP 70.39, Drug Free Workplace Policy](#); and
[HSCEP OP 10.19, Tobacco Free Environment Policy](#)

- F. Work Hours. TTUHSC El Paso employees shall accurately report their work hours and leave time in accordance with TTUHSC El Paso 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 El Paso policies. Overtime must be specifically approved before it is worked.

Relevant Policies:

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

- G. Family Medical Leave Act (FMLA). A TTUHSC El Paso employee who meets the eligibility requirements of service with TTUHSC El Paso 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:

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

- H. Outside Employment. TTUHSC El Paso faculty and staff's primary employment responsibility is to TTUHSC El Paso. According to TTU System Regents Rules, TTUHSC El Paso 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 El Paso or that induces the employee to disclose confidential information of TTUHSC El Paso.

Relevant Policies:

[Section 03.01.01, Regents' Rule](#); and
[HSCEP 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 El Paso 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
[HSCEP 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 El Paso should either seek resolution through their supervisor or the procedures outlined in [HSCEP OP 70.10, Non-Faculty Employee Complaint Procedures](#); [HSCEP OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#); and [HSCEP 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.

XIV. Research Activity

TTUHSC El Paso researchers, including faculty, staff, residents and students, have a legal and

ethical obligation to TTUHSC El Paso and the larger community when conducting research and shall comply with all applicable laws, regulations and TTUHSC El Paso policies concerning research activity.

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

Relevant Policy:

[HSCEP 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 El Paso Institutional Animal Care and Use Committee which has oversight responsibility of research involving animals conducted at or through TTUHSC El Paso.

Relevant Policy:

[HSCEP 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 Office of Sponsored Programs or Division of Clinical Research (for clinical trials). Pursuant to [HSCEP OP 73.14, Research Integrity Office Grant Compliance](#), the Research Integrity Office (RIO) monitors compliance with applicable laws, regulations and TTUHSC El Paso 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 the Biosafety Committee before research begins.

Relevant Policies:

[HSCEP OP 73.05, Research Involving Hazardous Materials, and Recombinant or Synthetic Nucleic Acid Molecules](#);

[HSCEP OP 73.10, Faculty Laboratory Space Check-Out Procedures](#);

[HSCEP OP 73.11, Research Involving Radioactive Material](#); and

[HSCEP OP 73.12, Possession and Use of Exempt Quantities of CDC Select Agent Toxins](#)

- E. Research Conflicts of Interest and Research Misconduct. TTUHSC El Paso 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 El Paso policies. TTUHSC El Paso 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 El Paso policies.

Relevant Policies:

[HSCEP OP 73.09, Financial Conflicts of Interest in Research](#); and

[HSCEP OP 73.07, Honesty in Research and Allegations of Scientific Misconduct](#)

XV. Conflicts of Interest

TTUHSC El Paso employees shall act impartially and not give preferential treatment to any private or public organization or individual. A TTUHSC El Paso 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 El Paso 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 El Paso policies.

TTUHSC El Paso 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 El Paso 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 El Paso, including use of a textbook authored by a faculty member, shall be in accordance with the procedures outlined in [HSCEP 50.31, Adoption and Sale of Textbooks and Related Materials](#).

Relevant Policies:

[Section 03.01.01-03, Regents' Rule](#);

[HSCEP OP 52.16, Health Care Vendor Interactions](#); and

[HSCEP OP 73.09, Financial Conflicts of Interest in Research](#)

XVI. 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 El Paso employee has a direct and substantial interest.

- A. Bribery. Under Texas Penal Code 36.02, no TTUHSC El Paso 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 El Paso policy is nevertheless prohibited if it is offered in exchange for official action.
- B. Prohibited Benefits. A TTUHSC El Paso 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.
- C. Food, Lodging, Transportation, and Entertainment Received as a Guest. A TTUHSC El Paso 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 El Paso 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 El Paso employee.
- D. Honoraria. A TTUHSC El Paso 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 El Paso. This does not prevent a TTUHSC El Paso 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 when the employee is presenting their own materials. Honoraria from vendors of health care items/services must be in accordance with TTUHSC El Paso policies.

Relevant Policies:

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

XVII. Contracts and Purchasing

- A. Contracting Authority. No person has the authority to commit TTUHSC El Paso resources for any purpose except as authorized in Regents Rules and TTUHSC El Paso policies. Written contracts shall be executed whenever TTUHSC El Paso 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 HSCEP OPs.

Relevant Policies:

[Section 07.12, Regents' Rule](#);
[HSCEP OP 10.11, Delegation of Authority by the President](#);
[HSCEP OP 54.01, Contracting Authority and Policy](#);
[HSCEP OP 54.02, Contracting Procedures](#); and
[HSCEP 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 HSCEP OPs, including those concerning historically underutilized businesses. Contact the TTUHSC El Paso director of purchasing for questions regarding TTUHSC El Paso's purchasing policies.

Relevant Policies:

[HSCEP OP 72.01, Purchasing Supplies, Equipment and Services](#);
[HSCEP OP 72.13, Historically Underutilized Businesses](#)

XVIII. Intellectual Property

- A. Intellectual Property Rights & Disclosures. TTU System Office of Technology Commercialization (OTC) has responsibility for administration and implementation of TTU System's intellectual property program in accordance with [Chapter 10, Regents' Rules](#) and advising TTUHSC El Paso employees and students regarding TTU System's 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 TTU System/TTUHSC El Paso facilities or during the course of an employee's regularly assigned duties for TTUHSC El Paso is the property of the TTU 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 El Paso 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 HSCEP OP 57.02, Guidelines for the Educational Use of Copyrighted Works.

XIX. Protecting University Resources

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

- A. Private Use of State Property and Services of TTUHSC El Paso Employees Prohibited. Use of TTUHSC El Paso property, services, or personnel for personal benefit or to harm another is prohibited. TTUHSC El Paso facilities, equipment, supplies and services are to be used only for duly authorized university purposes. Equipment TTUHSC El Paso owns or for which it is responsible shall not be removed from the university premises, except in accordance with TTUHSC El Paso policies.

The use of TTUHSC El Paso 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:

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

- B. Travel. All official travel must be for the use and benefit of TTUHSC El Paso. TTUHSC El Paso 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 El Paso policies.

Relevant Policy:

[HSCEP OP 79 Section, Travel](#)

XX. Records Management

- A. Financial Reporting. All TTUHSC El Paso 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 El Paso employees shall not falsify, alter or use without authority, TTUHSC El Paso documents, records or identification materials.

Relevant Policy

[Section 03.02, Regents' Rules](#)

- C. Retention and Maintenance. TTUHSC El Paso documents, records and electronic data shall be retained and maintained in accordance with TTUHSC El Paso policies.

Relevant Policy:
[HSCEP OP 10.09, Records Retention](#)

XXI. Right to Change Policy

TTUHSC El Paso 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.

XXII. The Texas Tech University System Code of Ethical Conduct

TTU System and its component institutions, TTU, TTUHSC, Angelo State University, and TTUHSC El Paso (collectively, "TTUS") expect all members of the TTUS community to behave in a way that allows TTUS institutions to accomplish their respective missions in accordance with the principles set forth below. The following Code of Ethical Conduct ("Code"), which applies to every member of the TTUS community whether employee, student, or external constituent, is intended to support a culture and environment of honesty, integrity, fairness, transparency, conservation, ethical scholarship, diversity, and respect for others and the law. This Code applies to all aspects of your life as a member of the TTUS community.

Honesty. Be honest. Demonstrate honesty by being truthful, trustworthy, and fair.

Integrity. Act ethically. Do the right thing even if no one is watching. TTUS is committed to achieving excellence and expects a high standard of professionalism through ethical behavior.

Fairness. Be fair. Hold yourself accountable. Take personal responsibility for your actions. Before you act (or fail to act), carefully consider the consequences, both intended and unintended.

Transparency. Be transparent in all activities, including governance, operations, research, and academics. Promptly and openly identify and disclose conflicts of interest and conflicts of commitment. Take appropriate steps to either eliminate such conflicts or ensure that they do not compromise TTUS procedures and values or violate the law. Do not exploit your professional relationships or TTUS position for personal gain.

Conservation. Protect and conserve all TTUS resources, tangible and intangible – our people, our land, our property, our time, our ideas, and our ideals. Don't disclose confidential information. Put forth your best effort to make TTUS the best it can be.

Ethical Scholarship. Don't cheat. Embrace ethical practices with regard to the acquisition, use, and dissemination of knowledge and research. Uphold scientific standards.

Diversity. Stop seeing differences. Start seeing strengths. TTUS values cultural and intellectual diversity because it enriches our lives and the community as a whole, promoting access, equity, and excellence. Create an environment of mutual respect, appreciation, and tolerance for differing values, beliefs, and backgrounds. Do not discriminate against each other or those whom we serve, and promptly report discrimination.

Respect for Others. Treat everyone with respect and dignity. Do not infringe on the rights or personal values of others. Create an environment that is free of bullying, harassment, and retaliation, and report those who do bully, harass, or retaliate. While TTUS encourages -- and indeed expects -- the free expression of views, address differences in viewpoints in a professional and civil manner. Personal attacks on or insults of individuals have no place in the TTUS environment.

Respect for the Law. Obey the letter and spirit of the law.