



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

**HSCEP OP: 10.05, Conflict of Interest and Commitment Policy**

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) Operating Policy and Procedure (HSCEP OP) is to provide guidelines on Texas Tech University (TTU) System and TTUHSC El Paso conflict of interest policies and to protect the ethical and civic responsibilities of the university and its mission.

**REVIEW:** This HSCEP OP will be reviewed during the first quarter of every year (EY) by the Vice President for Human Resources, TTU System Office of Equal Opportunity (OEO), TTUHSC El Paso Institutional Compliance Officer and the General Counsel with recommendation for revisions submitted to the President by May 30.

### **POLICY/PROCEDURE**

#### **POLICY STATEMENT:**

Employees of TTUHSC El Paso are entrusted with protecting the safety and welfare of the public's trust. It is state law that TTUHSC El Paso's employees may not have direct or indirect interests, including financial and other interests, 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 to TTUHSC El Paso or the public interest. Employees shall avoid acts which are improper or give the appearance of impropriety. The principles and guidelines contained in this policy shall apply to TTUHSC El Paso's employees, regardless of rank or position. (See [Texas Government Code Chapter 572](#) and [Regents' Rule 03.01 and 3.02.](#))

All employees are expected to (i) abide by TTUHSC El Paso's conflict of interest and commitment policies and standards, (ii) fully and continually disclose professional and relevant personal activities and relationships that create a conflict of interest or commitment or have the appearance of creating a conflict of interest or commitment, (iii) remedy conflicts of interest or commitment and/or comply with any management or monitoring plan prescribed by TTUHSC El Paso, (iv) remain aware of the potential for conflicts of interest and commitment, and (v) take initiative to manage, disclose, or resolve conflicts of interest or commitment as appropriate.

All senior administrators have the responsibility to understand and implement this policy, including, as necessary, the adoption of specific procedures for their respective schools and departments in furtherance of and in accordance with this policy.

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### DEFINITIONS:

**Benefit:** A benefit is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare a TTUHSC El Paso employee has a direct and substantial interest. ([Regents’ Rule 03.01.4](#)) Pecuniary gain or advantage includes monetary, financial or economic gain or advantage.

**Business:** Any company or corporation, any partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, trust (business, real estate, estate planning, or otherwise), enterprise, or any other legal entity whether organized for profit or not-for-profit, including any entity controlled by, controlling, or under common control with any such entity, but excluding TTU System or any of its constituent entities.

**Conflict of Interest:** A conflict of interest refers to a situation in which an employee’s financial, professional, or other personal considerations may directly or indirectly affect, or have the appearance of affecting, the employee’s judgment in exercising any duty or responsibility, including the conduct or reporting of research, owed to TTUHSC El Paso.

**Conflict of Commitment:** A conflict of commitment refers to a situation where an employee engages in external activities, either paid or unpaid, that interfere with his/her obligation and commitment to TTUHSC El Paso. Employees should evaluate and arrange their

external interests in order to avoid compromising their ability to carry out their obligations to TTUHSC El Paso. A conflict of commitment occurs whenever an employee's outside activities exceed the permitted limits or whenever an employee's professional loyalty is not to TTUHSC El Paso.

**Consensual Relationship:** A consensual relationship is a mutually acceptable, intimate, romantic or sexual relationship between two or more employees and/or students.

**Employee:** An employee is anyone who receives a W-2 from TTUHSC El Paso, including temporary, part-time or full-time faculty, residents and staff who receive payment from TTUHSC El Paso.

**Family Member:** For purposes of this policy, it includes the employee's:

- Spouse, step-children, spouse's parents, children's spouses and step-parents (degree within the 1st degree of affinity - marriage);
- Spouse's siblings, grandparents, grandchildren, sibling's spouse, step-grandparents and grandchild's spouses (1st degree within the 2nd degree of affinity marriage);
- Parent, or child (1st degree within the three degrees of consanguinity – blood);
- Siblings, grandparents and grandchildren (2nd degree of consanguinity – blood);
- Great-grandparents, great-grandchildren, uncle, aunt, nephew and niece (3rd degree of consanguinity– blood); and
- Household members.

Relationship of Consanguinity			
	1st Degree	2nd Degree	3rd Degree*
Person	child or parent	grandchild, sister, brother or grand-parent	great-grandchild, niece, nephew, aunt,* uncle* or great-grandparent
	<b>1st Degree</b>	<b>2nd Degree</b>	
Person	spouse, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepmother or stepfather	brother-in-law, sister-in-law, spouse's grandparent, spouse's grandchild, grandchild's spouse or spouse of grandparent	
* An aunt, uncle, great aunt or great uncle is related to a person by consanguinity only if he or she is the sibling of the person's parent or grandparent.			

See [HSCEP OP 70.08, Nepotism](#) and [HSCEP OP 73.09, Financial Conflicts of Interest in Research](#) regarding the definition of family member for purposes of this policy.

**Financial Interest:** A financial interest includes, but is not limited to:

- Anything of monetary value, including but not limited to salary or other payments for services, fees, honoraria, “gifts,” or other “in kind” compensation whether for consulting, membership on a board of directors or advisory board, or any other purpose such as partial, interim, or milestone payments.
- Intellectual property rights including, but not limited to, patents, copyrights, and royalty income or the right to receive future royalties under a patent or other intellectual property rights, whether pursuant to a license or otherwise.
- Ownership and equity interests or entitlement to such interests in a publicly or non- publicly traded business, including, but not limited to, stock, stock options, partnership interests, and convertible debt. It does not include interests in publicly- traded diversified mutual funds where the individual investor has no control over the selection of holdings.

What must be disclosed, as either a significant or material financial interest, will be governed by the particular policy governing that area.

*Healthcare Vendor:* A healthcare vendor is any individual or company that sells or markets healthcare services or items to TTUHSC El Paso and/or its patients, including, but not limited to pharmaceutical companies and their representatives, device or durable medical equipment (DME) manufacturers and their representatives, and equipment and/or service providers, and their representatives.

*Material Financial Interest:* Pursuant to [Regents’ Rule 03.04.3](#) and [Texas Government Code 572.005](#), a financial interest presumed to be material if it entails:

- Any ownership or investment interest in a business entity (including stock, options, a partnership interest, or any other ownership or investment interest) valued at more than \$10,000, except equity in a publicly traded company amounting to less than 10% ownership interest in the company;
- A controlling interest in a business entity;
- Receipt of non-dividend compensation (including salary, consulting fees, royalty payments, or other remuneration) of more than \$10,000 in any 12 month period in the past three (3) years, or the expectation of such compensation in the future;
- Any ownership interest in real property, personal property, intellectual property or any other interest valued at \$10,000 or more;
- A position of real or apparent authority in an outside entity such as director, officer, trustee, partner, agent, controlling shareholder, shareholder with more than 10% voting interest, or a direct or indirect participating interest in any shares, stock or otherwise, regardless of whether voting rights are included, in more than 10% of the profits, proceeds or capital gains of the entity involved; or
- Any position as an employee of the entity involved.

*Outside Employment:* Pursuant to [Regents’ Rule 03.07.1](#), outside employment means any compensated service or employment by an entity, other than the TTU System, of a TTUHSC El Paso employee.

*Significant Financial Interest:* On occasion there may be a reference to significant financial interest as opposed to a material financial interest.

*Vendor:* A vendor is any individual or company that sells or markets services or items to TTUHSC El Paso, including, but not limited to software, computers, information technology hardware, construction services, building materials, consumable goods or office supplies etc.

## ARTICLE II: CONFLICT OF INTEREST GUIDELINES

Conflicts of interest can arise under many circumstances. Employees shall not use their public offices for private gain and shall act impartially, not giving any preferential treatment to any private or public organization or individual. ([Regents' Rule 03.01.2 \(c\) and \(d\)](#))

Employees should not:

- Accept other appointments or any employment or compensation that could reasonably be expected to impair their independent judgment in the performance of official duties; or
- Have personal investments that could reasonably be expected to create a substantial conflict between the employees' private interest and the public interest.

See [Texas Government Code 572.051 \(c\)-\(d\)](#).

### A. University Administration

Employees with administrative responsibilities must take particular care to avoid relationships in which financial interests or personal interests conflict with TTUHSC El Paso's interests and create the potential for inappropriate factors to be considered in administrative decisions. In particular, those who have institutional duties involving the procurement, exchange, or sale of goods, services, or other assets; the negotiation or formation of contracts or other commitments affecting the assets or interests of TTUHSC El Paso; the making of hiring decisions; the handling of confidential or privileged information; the provision of patient or client services; the conduct of sponsored research and the handling of any research results or resulting transfer of technology; or the rendition of professional advice to TTUHSC El Paso must be particularly conscious of potential conflicts of interest or the appearance of conflicts of interest.

TTUHSC El Paso will not enter into a contract for the purchase of goods or services with a private vendor with whom any of the following TTUHSC El Paso employees or officials have a financial interest: (1) a member of the TTU System Board of Regents; (2) the governing official, executive director, general counsel, chief procurement officer, or procurement director of TTUHSC El Paso; or (3) a family member related to an employee or official described by (1) or (2) within the second degree by affinity or consanguinity. For purposes of this paragraph, a TTUHSC El Paso employee or official has a "financial interest" in an entity if the employee or official: (1) owns or controls, directly or indirectly, an ownership interest of at least one percent in the entity, including the right to share in profits, proceeds, or capital gains; or (2) could reasonably foresee that a contract with the entity could result in a financial benefit to the employee or official. A financial interest prohibited by this paragraph does not include a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than one percent in a corporation. See Tex. Gov't Code 2261.252.

### B. Business Relationships

In general, when employees or their family members have financial interests in a business or are involved in a business as an owner, operator, or as an executive officer, they must be alert to the possibility that a conflict of interest may arise if the business has a relationship with TTUHSC El Paso. If the enterprise does business with TTUHSC El Paso or proposes to do business with TTUHSC El Paso, the employee is required to disclose that fact, in accordance with Article IV, Disclosure. Employees may not review, approve, or administratively control contracts or business relationships when the contract or business relationship is between TTUHSC El Paso and a business in which the employee or their family member has a material financial interest.

This section is not intended to apply to the adoption of textbooks, software, or other teaching aids written by faculty members or their family members for use in their own course of instruction, which is addressed in [HSCEP OP 50.31, Adoption and Sale of Textbooks and Related Materials](#).

### C. Use of Private Consultants

Any employee who has actual knowledge that a family member is seeking a consulting relationship with TTUHSC El Paso shall disclose the relationship to the department seeking the consultant's services, and TTUHSC El Paso's procurement and/or contracting department.

Likewise, entities or individuals who seek to provide consulting services to TTUHSC El Paso shall be required to disclose any family member relationship to TTUHSC El Paso and the department receiving the services.

Approval of consulting agreements must be in accordance with [Regents' Rule 07.12.2](#).

### D. Benefits, Gifts and Honorarium

1. General Concept. No benefits, gifts or accommodations of any nature, including unrestricted grants, may be solicited, offered, or accepted by TTUHSC El Paso or its employees when to do so would place them in a prejudicial or compromising position, interfere in any way with the impartial discharge of their official duties to TTUHSC El Paso, interfere with the exercise of their official powers, result in performance of official duties in favor of another or reflect adversely on their integrity or that of TTUHSC El Paso

See [Regents' Rule 03.01.1\(a\) and \(e\); Regents' Rule 03.01.4](#)

All gifts given in support of an institutional mission must be directed through the Office of TTUHSC El Paso Institutional Advancement.

There are limited situations where employees may accept gifts and benefits without violating conflict of interest rules. These include acceptance of:

- gifts or other benefits from family, friends and business relationships unrelated to their official status with TTUHSC El Paso and not offered in exchange for official action or decision (See [Regents' Rule 03.01.4\(b\)\(1\)](#));
- a fee prescribed by law to be received by public servants or any other benefit to which the employee is lawfully entitled for which they give legitimate consideration in a capacity other than as a public servant;
- gift, award or memento from a lobbyist who is required to make reports under state law;
- plaques and similar recognition awards; and
- Items having a value of less than \$50, not including cash or negotiable instruments. See [Regents' Rule 03.01.4\(b\)\(3\)](#)

However, even in the situations set forth above, the employee may be required to disclose such gift or benefit as required by Federal or State law or institutional policy, and in accordance with Article IV, Disclosure.

Furthermore and notwithstanding the \$50 limit above, healthcare providers and their staff may not accept gifts or benefits of any amount from healthcare vendors, [HSCEP OP 52.16, Vendor Interactions](#).

An employee who receives an unsolicited benefit that he or she is prohibited from accepting may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes. See [Regents' Rule 03.01.4\(b\)](#).

2. *Food, Lodging, Transportation and Entertainment*. Generally, employees may accept food, lodging, transportation, or entertainment from those who may be interested in or become interested in a contract, purchase, payment, claim, decision, or transaction involving the exercise of that employee's discretion, only when the person or representative of the entity providing the food, lodging, transportation, or entertainment is present at the time the food, lodging, transportation, or entertainment is received or enjoyed by the employee. See <https://www.texas-tech.edu/board-of-regents/regents-rules/chapter-03-personel.pdf> such acceptance of food, lodging, transportation or entertainment must be for the benefit of TTUHSC El Paso.

Employees who file annual disclosure statements with the Texas Ethics Commission pursuant to Texas Government Code 572.021 or TTUHSC El Paso policy are required to report any such benefits valued at over \$250 received in a year, in the aggregate. Employees who do not file an annual disclosure statement must report such benefits to their immediate supervisor.

Employees may never accept gifts or entertainment from healthcare vendors and may only accept food, lodging and transportation from healthcare vendors under limited circumstances. See [HSCEP OP 52.16, Vendor Interactions](#).

3. *Honoraria*. Employees may not solicit, accept, or agree to accept an honorarium in consideration for services they would not have been asked to provide, but for their official position or duties as an employee of TTUHSC El Paso. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. Employees may accept the direct provision of or reimbursement for expenses for transportation and lodging incurred in connection with a speaking engagement at a conference or similar event. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted. Participation in the event by the employee must be more than perfunctory. See <https://www.texas-tech.edu/board-of-regents/regents-rules/chapter-03-personnel.pdf>

## **E. Use and Appropriation of TTUHSC El Paso Assets**

Employees shall protect and conserve TTUHSC El Paso's property and shall not use it for anything other than authorized activities. See [Regents' Rule 03.01.2\(e\)](#).

TTUHSC El Paso possesses both tangible and intangible assets which are State property. These assets include buildings, personnel, equipment, patents, copyrights, technology, trademarks, and work products, confidential and privileged information, as well as TTUHSC El Paso's reputation and prestige. As custodian of these assets, employees owe a fiduciary duty to TTUHSC El Paso to act in accordance with applicable TTUHSC El Paso policies and procedures regarding the proper expenditure of TTUHSC El Paso's funds, as well as the use and control of TTUHSC El Paso's assets. Employees are always expected to protect the best interests of TTUHSC El Paso pertaining to its assets.

Conduct constituting the misappropriation or unauthorized use of TTUHSC El Paso's assets in connection with any external activity is prohibited, including implying sponsorship or endorsement by TTUHSC El Paso or otherwise trading on the reputation or goodwill of TTUHSC El Paso. Mere identification of TTUHSC El Paso as one's employer and of one's position at TTUHSC El Paso is permitted, provided that such identification is not used to imply TTUHSC El Paso's sponsorship or endorsement.

## **F. Research Activities**

Conflicts of interest in research involve situations in which financial, professional, or other personal considerations may compromise, or have the appearance of compromising, an individual's judgment in the design, conduct, or reporting of research. The bias that may result from such conflicts of interest may affect not only the collection, analysis, and interpretation of data, but also the hiring of staff, procurement of materials, subcontracting, clinical referrals, sharing of results, choice of protocol, statistical methods, use of human participants, or otherwise influence the course or outcome of a research project.

Employees of TTUHSC El Paso may not review, approve, or administratively control contracts, grants, clinical trials, or other research collaborations when such contract, grant, clinical trial, or other collaboration pertains to a research project involving TTUHSC El Paso and a business or intellectual property in which the employee or a family member has a significant financial interest as defined by TTUHSC El Paso's policy [HSCEP OP 73.09, Financial Conflicts of Interest in Research](#) when the employee or family member is an employee or owner of the business and directly involved with activities pertaining to the research project.

Absent compelling circumstances, employees may not conduct or control research involving human subjects if they have a significant financial interest in the sponsor of the research or any technology that could be affected by the outcome of the research. This presumption against human subjects' research by financially interested employees may be rebutted by compelling circumstances that are reviewed in advance by the appropriate Research Conflict of Interest Committee or other appropriate review authority. No research with human subjects that involves a conflict of interest may receive final approval from the TTUHSC El Paso Review Board until the conflict of interest is addressed under applicable policy. See [HSCEP OP 73.09, Financial Conflicts of Interest in Research](#).

For research regulated by Federal or State agencies, there may be conflict of interest requirements that apply to the sponsor of the study and/or the investigators. Employees of TTUHSC El Paso shall comply with all applicable regulatory requirements pertaining to conflict of interest whether the employee is the investigator or the sponsor or both.

Every employee participating or involved in research on behalf of TTUHSC El Paso is responsible for learning and complying with all applicable policies and procedures.

## **G. Healthcare Vendor Conflicts of Interest**

Conflicts of interest in healthcare industry sponsored activities involve situations in which financial, professional, or other personal considerations may compromise, or have the appearance of compromising, an individual's judgment in the provision of patient care, procurement, or other professional activities. The bias which may result from such conflicts of interest may affect procurement of equipment, prescription of drugs, clinical referrals, choice of treatment, or otherwise influence the provision of patient care or the execution of one's professional duties. As such, employees shall not accept gifts or other benefits from healthcare vendors, except as allowed by TTUHSC El Paso's policies. [HSCEP OP 52.16, Vendor Interactions](#).



## H. Intellectual Property Rights

While it is the policy of the TTU System Board of Regents to encourage scholarly activity without regard to potential gains from royalties and other forms of income, employees are subject to their obligations and those of TTU System under grants, contracts, and research agreements with governmental agencies and sponsors. Additionally, all intellectual property will be handled in accordance with TTUHSC El Paso's policies to avoid conflicts of interests. See [Regents' Rule, Chapter 10](#).

## I. Academic Supervisory, Teaching or Evaluative Relationships

Employees shall avoid academic supervisory, teaching or evaluative relationships with staff or other employees that pose actual or perceived conflicts of interest from the standpoint of personal or professional connections. If questions arise as to the propriety of such relationships, the department chair or appropriate dean or vice president shall be consulted. See [HSCEP OP 70.55, Consensual Relationships – Faculty, Staff, and Residents](#).

Employees must not direct or serve on committees that evaluate other employees where such service would pose a conflict of interest. Such committees include periodic staff evaluations, promotion, or other employment decisions or actions and annual, third year, or tenure evaluations.

## J. Activities Related to Students

It is TTUHSC El Paso's policy that employees with direct teaching, training, supervisory, advisory, or evaluative responsibility over students, recognize and respect the ethical and professional boundaries that must exist in such situations.

An employee may not assign students, postdoctoral fellows, or other trainees to TTUHSC El Paso projects sponsored by any business if the employee or their family member has a material financial interest in the business. An employee may not assign students or permit students to participate in any consulting relationship in which the employee or a family member has a material financial interest. An immediate supervisor in a non- TTUHSC El Paso employment relationship should not direct a student's research nor permit the enrollment of the student in her/his courses or other organized instructional activity, except for a research or teaching assistantship or a situation in which a student serves as a grader for another course taught by an employee.

Employees must not direct or serve on committees that evaluate a family member. Such committees include thesis, dissertation, or preliminary, comprehensive, or qualifying examination committees, or other periodic evaluations. Students should not enroll in courses offered by their parents, spouses, or others with whom they have a consensual relationship.

Deans and department chairs have the responsibility for protecting the interests of students, postdoctoral fellows, and trainees who may be directly or indirectly involved in a conflict of interest situation related to an employee or family member with a material financial interest in the situation. Students, postdoctoral fellows and other trainees should not be permitted to participate in consulting activities if the terms and conditions of those activities would prevent them from meeting applicable degree or training requirements. Students, postdoctoral fellows and other trainees involved in any conflict of interest situation should be informed of the conflict of interest, the existence of a management plan and that their concerns, if any, can be discussed with the appropriate TTUHSC El Paso official.

Faculty shall not charge a fee for tutoring any student enrolled in the faculty member's classes or engage in other activities that present the appearance of a conflict of interest. Refer to related School eHandbook and Bylaws.

#### **K. Consensual Relationships – Faculty and Students**

Consensual relationships between faculty and students in a faculty member's class or with whom the faculty member has an academic or instructional connection are prohibited. Should such a relationship develop, the faculty member has the obligation to disclose the existence of the relationship to his or her immediate supervisor, cease the relationship, and cooperate in making alternative arrangements for teaching, training, advising, or supervising the student involved. Pre-existing consensual relationships shall be disclosed to and managed by the faculty member's chair, dean, and provost, as applicable. See [HSC 60.06, Consensual Relationships – Faculty and Students](#)

#### **L. Activities Related to Family Members**

Whenever an appointment is made, either on a full or part-time basis, it shall be made on the basis of the qualifications and suitability of the appointee, subject to applicable statutes and TTUHSC El Paso's policies. See [Regents' Rule 03.01.11](#)

No family member related to an administrator shall be eligible for initial appointment to a position over which that administrator has appointment authority, regardless of the source of funds from which the position's salary is to be paid, unless the Board of Regents approves such appointment and the administrator has no supervisory authority over the Family Member. See [Regents' Rule 03.01.11\(c\)](#).

No employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, supervision, or other employment action of a family member. See [Regents' Rule 03.01.11 \(d\)](#). See also [HSCEP OP 70.08, Nepotism](#).

### **ARTICLE III: CONFLICT OF COMMITMENT GUIDELINES**

Another type of conflict of interest is conflict of commitment. A conflict of commitment relates to an individual's distribution of effort between employment or faculty appointment at TTUHSC El Paso and commitment to external business activities or employment, external professional activities, or personal activities. It is possible to have a conflict of commitment even if the individual does not receive compensation for the external activity. External activities may include outside employment, involvement with professional societies, participation related to review panels, professional meetings, community service, conferences, consulting, other professional activities, and business activities related to outside entities including start-up companies.

It is the policy of TTUHSC El Paso that all full-time employees, whether faculty or staff, shall devote their primary professional activities, loyalty, time, and energy to their position for TTUHSC El Paso. Part-time employees shall devote their primary activities, loyalty, time, and energy to their position while performing duties for TTUHSC El Paso. An employee's primary responsibility is the full and complete execution of all assigned duties, the fulfillment of professional obligations not ordinarily reduced to written assignment, and maintenance of current professional skills.

Outside employment must be compatible with the interests of TTUHSC El Paso and the TTU System and of such a nature that it will not detract from the effectiveness and performance of the employee. See <https://www.texastech.edu/board-of-regents/regents-rules/chapter-07-fiscal-management.pdf>. An employee shall not engage in any external activity that the employee might reasonably expect would require or induce him/her to disclose confidential information acquired by reason of their employment at TTUHSC El Paso. See [Regents' Rule 03.01.1\(b\)](#).

An employee shall not engage in any external activity that could reasonably be expected to impair the employee's independent judgment in the performance of his/her official duties for TTUHSC El Paso. See [Regents' Rule 03.01.1\(c\)](#).

Although a specific work-week may not be defined for full-time exempt employees, whether faculty or staff, it is expected that such positions constitute a full-time obligation and that, with the exceptions explicitly permitted by TTUHSC El Paso's policies on external activities, they will not engage in other employment. [HSCEP OP 70.18, Dual Reporting and Multiple Employment](#).

All employees shall disclose and discuss with their supervisor any external activities that could create a conflict of commitment, or the appearance of a conflict of commitment, to ensure proper management of any potential conflict.

External activities must be arranged so as not to interfere with the employee's commitments to TTUHSC El Paso. External activities must not discredit TTUHSC El Paso nor compromise any intellectual property of TTUHSC El Paso. Employees should periodically re-examine the nature and extent of their external activities and conscientiously avoid engaging in activities that constitute conflicts of commitment. Employees who are members of their school's income plan are required to follow the plan bylaws regarding income-generating activity.

External activities of employees must not detract from primary responsibilities and must not require such extensive absence so as to cause the employee to neglect his/her TTUHSC El Paso obligations. In the case of faculty, such obligations include but are not limited to instructional obligations, research obligations, and availability to students and colleagues.

Individual schools and departments may implement more specific procedures and require additional information in furtherance of this policy. [HSCEP OP 10.01, Operating Policies and Procedures for TTUHSC](#).

## **ARTICLE IV: DISCLOSURE**

### **A. Duty to Disclose Internally**

In order to identify and review actual or perceived conflicts of interest or commitment, Employees must disclose in advance all external activities and financial interests that create or have the appearance of creating conflicts of interest or commitment to their supervisor or the appropriate TTUHSC El Paso officials as outlined in policy. The supervisor or the appropriate TTUHSC El Paso officials will review the disclosures to determine whether a conflict of interest or commitment exists and what conditions or restrictions, if any, should be imposed in order to manage, reduce or eliminate the conflict of interest or commitment. The supervisor or the appropriate TTUHSC El Paso official shall document any such disclosure and/or related decisions and forward to TTUHSC El Paso Compliance Department Conflicts of Interest/Commitment Committee (COICC) for review. Such disclosures shall be sufficiently detailed and timely as to allow accurate and objective evaluation prior to making commitments or initiating activities that create conflicts of interest or commitment. Each employee has an obligation to cooperate fully in the review of the pertinent facts and circumstances. Individual schools and departments may implement more specific procedures and require additional information in furtherance of this policy.

Certain activities on behalf of TTUHSC El Paso may involve more specific procedures with respect to disclosure of conflicts of interest or commitment because of governmental or legal requirements. Anyone involved with sponsored research or the development and licensing of

intellectual property under the auspices of TTUHSC El Paso is responsible for complying with all applicable procedures.

## **B. Duty to Disclose Externally**

Employees shall comply with financial disclosure requirements of any governmental, accreditation, or other self-regulatory agency.

Additionally, disclosures of actual or perceived conflicts of interest or commitment shall be made to publications and journal editors when research manuscripts are submitted and to the audience during any oral presentation of research.

The Office of the President is available as a resource for questions involving TTUHSC El Paso's policies and procedures and for guidance on any issues related to the disclosure process.

## **C. Annual Disclosure Process**

In addition to the duty of advance disclosure discussed above, Executive Administrators as defined in [Regents' Rule 03.04](#) and others as required by policy shall provide a written disclosure of situations or relationships that create or have the appearance of creating a conflict of interest or commitment upon initial employment and annually thereafter. In addition, the following individuals must complete an annual conflict of interest statement. All annual conflict of interest forms will be filed with the TTUHSC El Paso compliance officer.

- Faculty
- Student financial aid staff
- Procurement staff
- Contracting staff
- Information technology staff
- Fund managers,
- Members of regulatory oversight committees dealing with sponsors (including but not limited to the TTUHSC El Paso Institutional Review Board)
- Compliance staff
- Building maintenance and operations staff
- Staff members with the title manager, senior or higher
- Any individual that has a potential conflict of interest

Individuals who must disclose must also provide updated disclosures throughout the year if changes in circumstances arise that either (a) create a new conflict of interest or commitment, or (b) change or eliminate a conflict of interest or commitment previously disclosed. While the disclosure statements will be considered confidential, the information may be released in accordance with and as required by federal, state or local law or court order.

During the second quarter of each calendar year, the TTUHSC El Paso Compliance Department shall distribute conflict of interest forms (online submission) to individuals identified above responsible for completing annual conflict of interest forms. The form must be completed within thirty (30) days of distribution.

Completed forms will be reviewed for completeness. Forms that indicate a conflict of interest will be reviewed by the TTUHSC El Paso Conflict of Interest Committee (non-research) or the TTU

System Conflict of Interest Committee as appropriate, to determine appropriate methods to mitigate the conflict. Summary reports will be provided to the President's Council and to the Board of Regents.

Completed forms will be retained for a 10-year period.

## ARTICLE V: CONFLICT COMMITTEES

### A. TTU System Conflict of Interest Committee

In the event of a TTUHSC El Paso conflict of interest involving any component of TTU System, an ad-hoc Conflict of Interest Committee shall be convened by the TTU System General Counsel.

#### 1. Duties & Responsibilities

The committee is responsible for reviewing all conflict of interest cases involving TTUHSC El Paso as a party. This committee shall:

- Conduct a thorough review of each case brought before it.
- Approve or deny the proposed activity and develop an appropriate management plan to address any conflicts.
- Report annually to the Board of Regents Audit Committee through the Office of Audit Services, summarizing the matters considered during the year by the committee and their resolution(s).

#### 2. Composition

The TTU System General Counsel shall appoint members with expertise relevant to the matter under review by the Committee.

### B. TTUHSC EP Conflicts of Interest/Commitment Committee (Non-Research)

#### 1. Duties and Responsibilities

TTUHSC EP has a standing Conflict of Interest/Commitment Committee (COICC). This committee shall:

- Provide recommendations on revisions to this operating policy and any accompanying forms.
- Develop, review and approve annual education that will be provided to all new employees and to all persons required to complete annual conflict of interest forms.
- Serve as a resource on individual conflict of interest or commitment matters not otherwise addressed by TTUHSC El Paso's Research Conflict of Interest Committee or other established review procedures.
- Review disclosures referred to the committee.
- Approve or deny the proposed activity and develop an appropriate management plan to address any conflicts.
- Further implement this policy through Attachment A, COICC Charter.
- Report annually to the President's Council and Board of Regents Audit Committee, summarizing the matters considered during the year by the committee and their resolution(s).

The committee shall maintain an ongoing awareness of procedures, practices, and standards and laws with regard to conflicts of interest with a view to assuring consistency with the terms of this policy. It shall carry on whatever dialogue is necessary with deans and directors or administrative officers to ensure that its knowledge is sufficiently current and complete. It shall also ensure that a proper balance is maintained between confidentiality and its operations and standards.

## 2. Composition

This COICC shall consist of representatives appointed by the president from relevant areas across TTUHSC El Paso, such as faculty, legal (advisory only), finance, administration, or institutional compliance and ad hoc members as needed. The president shall appoint the chair of the committee. The committee shall appoint at least one member with specialized knowledge in any area under review by the committee.

The COICC and any sub-committee established under this policy shall be considered “medical committees” as defined under Texas Health and Safety Code 161.031 and/or other applicable state and federal statutes. All documents generated by, submitted to, or for the purpose of fulfilling committee duties are confidential and privileged as “medical committee documents”.

## ARTICLE VI: OVERSIGHT & RESOURCES

### 1. Education

The president shall ensure education is provided to new employees and that there are annual communication and/or awareness activities as approved by the TTUHSC EP Conflict of Interest Committee.

Employees may find additional information regarding conflicts of interest for state employees and/or obtain an opinion from the [Texas Ethics Commission](#) or [HSCEP OP 52.06, Standards of Conduct and Ethics Guide](#).

Employees should report any violations of this policy or related conflicts of interest policies through the TTU System Fraud and Misconduct Hotline either toll free at 1-866-294-9352 or [online](#).

### 2. Compliance

Failure to file; intentionally filing an incomplete, erroneous, or misleading disclosure form; failing to provide additional information as required by the Conflict of Interest Committee/Commitment or the committee's designee; or a violation of terms outlined in the management plan. If sanctions are necessary, they will be imposed in accordance with the university's operating policies.

The potential sanctions may include, but are not limited to, the following:

- Letter of admonition
- Application of the Progressive Disciplinary Policy,
- Suspension, including withholding of salary
- Non-renewal of appointment
- Dismissal

## REFERENCES:

### STATUTES

- Texas Government Code 572

### REGENTS' RULES

- [Regents' Rule 03](#)
- [Regents' Rule 10](#)

### TTUHSC OPERATING POLICIES

- [HSCEP OP 10.01, Operating Policies and Procedures for TTUHSC](#)
- [HSCEP OP 50.31, Adoption and Sale of Textbooks and Related Materials](#)
- [HSCEP OP 52.06, Standards of Conduct and Ethics Guide](#)
- [HSCEP OP 52.16, Healthcare Vendor Interactions](#)
- [HSCEP OP 70.08, Nepotism](#)
- [HSCEP OP 70.18, Dual Reporting and Multiple Employment](#)
- [HSCEP OP 70.55, Consensual Relationships – Faculty, Staff, and Residents](#)
- [HSCEP OP 60.06, Consensual Relationships – Faculty and Students](#)
- [HSCEP OP 73.09, Financial Conflicts of Interest in Research](#)

### FEDERAL REGULATIONS

- National Institutes of Health Financial Conflict of Interest Regulations:  
<http://grants.nih.gov/grants/policy/coi>
- National Science Foundation Conflict of Interest Policies for Grantees:  
[http://www.nsf.gov/pubs/manuals/gpm05\\_131/gpm5.jsp](http://www.nsf.gov/pubs/manuals/gpm05_131/gpm5.jsp)
- USDA National Institute of Food and Agriculture:  
<http://nifa.usda.gov/resource/application-support-tem-plates> (see Conflict of Interest)