



## Handbook of Operating Procedures



HOP

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Publication Date: December 14, 2007

Responsible Executive: VP for Academic Affairs

### 4.31 Conflicts of Interest

**Mission and Values:** The University of Texas at San Antonio (UTSA) is dedicated to the advancement of knowledge through research and discovery, teaching and learning, community engagement and public service. As an institution of access and excellence, UTSA embraces multicultural traditions, serving as a center for intellectual and creative resources as well as a catalyst for socioeconomic development—for Texas, the nation and the world. We encourage an environment of dialogue and discovery, where integrity, excellence, inclusiveness, respect, collaboration, and innovation are fostered. In support of this mission, we are committed to maintaining high standards of excellence, integrity, and accountability in our conduct. This conflicts of interest policy is intended to enhance the ability of the employees of UTSA to act ethically in accordance with those values and with the law, and to fulfill our obligation to be good stewards of the resources that have been entrusted to us.

#### A. Application

This conflicts of interest policy applies to all employees of UTSA. It is adopted under Section 572.051, Government Code.

#### B. What is a Conflict of Interest?

A conflict of interest exists when you owe a professional obligation to UTSA that is or might be compromised by the pursuit of outside interests. Outside interests, such as professional activities, personal financial interests, or the acceptance of gifts from third parties, can create conflicts between the interests of UTSA and your private interests and may prevent you from making decisions that are in the best interest of UTSA. Even if those outside interests do not actually impair your ability to act in the best interest of UTSA, it may appear to the public that your independence of judgment has been affected. The purpose of this policy is to provide an executive summary of conflict of interest laws, rules, and policies, all of which are intended to preserve the public trust in our integrity by preventing bias or the appearance of bias in our decision-making.

**Other Information on Ethical Behavior:** This policy addresses only conflicts of interest. Other ethical issues may arise, such as issues related to the use of government resources, sexual harassment, political activities, legislative lobbying, and the use of confidential information. Those issues are fully discussed in the [UTSA Standards of Conduct Guide](#). Additional information may be found on the website of the UT System Office of General Counsel at [www.utsystem.edu/ogc/ethics](http://www.utsystem.edu/ogc/ethics).

#### C. Gifts

1. There are two standards under Texas law governing gifts – (1) a general standard of conduct that applies to all employees and (2) a criminal standard that applies only to those persons who make recommendations or decisions about contracts and other financial transactions.
2. Under the general standard, you should not accept or solicit any gift, favor, or service that might reasonably tend to influence you in the discharge of official duties or that you know or should know is being offered with the intent to influence official conduct. This standard applies even though the donor is not asking you to do something in exchange for the gift. A gift is anything of value, including tickets to entertainment or sporting events, expenses for a trip, and food. Acceptance or solicitation of a gift in violation of this standard is not a criminal offense, but is grounds for discipline, including termination.
3. Criminal penalties may apply to persons who make recommendations or decisions about UTSA financial transactions. If those are your job duties, you may not accept a gift from an individual or entity that is interested in or likely to become interested in that transaction, with limited exceptions. Under those exceptions, it is not a criminal offense to accept the following type of gift if the gift is not given in exchange for your official action (it is never lawful to accept a gift in exchange for official action):
  - a. Non-cash items worth less than \$50.

Processes, Citations, Notices, Demands, etc.

- » 4.19 – Involvement of the University and University Personnel in Community or Political
- » 4.20 – Authorized Leave
- » 4.22 – University Communications
- » 4.23 – Registration of Faculty and Staff Organizations
- » 4.24 – Hiring of Foreign Nationals – replaces AMS 4-1
- » 4.25 – Deleted and replaced with Policy 4.30 Criminal Background Checks
- » 4.26 – Sick Leave Pool
- » 4.27 – State Compensatory Time
- » 4.28 – Assignments to Downtown Campus
- » 4.29 – Hours of Work for Staff (Non-Faculty) Employees
- » 4.30 – Criminal Background Checks
- » 4.31 – Conflicts of Interest

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Chapter 5 – Students

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Chapter 6 – Committees

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Chapter 8 – Facilities and University Services

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Chapter 10 – Research

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- b. A gift from a person such as a relative, friend, or business associate with whom you have a relationship independent of your official status, if the gift is given on account of that relationship rather than your official status.
- c. Food, lodging, transportation, or entertainment in any amount if you accept them as a “guest,” which means the donor must be present. The law provides additional prohibitions if the donor is a lobbyist registered with the Texas Ethics Commission. It is advisable to consult the Office of General Counsel before accepting a gift from a lobbyist. Note that even though you may accept a gift described above without committing a crime, acceptance of the gift may still violate the general standard of conduct and constitute grounds for discipline.
- d. Additional restrictions apply if the gift is from a student loan lender. The definition of “student loan lender” is very broad and covers entities that may not traditionally be thought of as student loan lenders. You should consult UTSA’s Office of Legal Affairs or UT System’s Office of General Counsel to determine if the proposed gift from the student loan lender is permissible under the Texas Higher Education Fair Lending Practices Agreement. It is important to remember that even though the acceptance of a gift may not constitute a crime, it may appear to the public that a gift has influenced you in performing your job. You should not accept any gift that could appear to influence your official conduct, even if the gift is technically legal.

Summary: Do not accept any gift that could appear to influence your official conduct.

#### D. Outside Employment or Compensation

1. You should not accept other employment or compensation that could reasonably be expected to impair your independence of judgment in performing your official duties. Your primary responsibility is the accomplishment of the duties and responsibilities assigned to your position at UTSA. External consulting or outside employment that interferes with those duties and responsibilities should not be accepted. Outside employment, including self-employment or employment by another state agency, must first be approved by the appropriate vice president or his/her designee as provided by policy [4.05](#), Handbook of Operating Procedures. You must request approval by filing a form that describes the nature and extent of the outside employment. It will then be determined whether the contemplated employment would create a conflict of interest or the appearance of a conflict of interest between your outside commitments and your responsibilities to UTSA.
2. Additionally, you should not accept other employment or engage in a business or professional activity that you might reasonably expect would require or induce you to disclose confidential information acquired through your official position.

Summary: Do not accept outside employment that interferes with your responsibilities to UTSA. Outside employment must first be approved as provided by policy [4.05](#), Handbook of Operating Procedures.

#### E. Outside Board Service

Outside board service is generally deemed to be in the best interest of UT System because it broadens the experience of the individuals involved and exposes UT System to a larger audience of business, civic, professional, and social leaders. However, recognizing that your primary duty is the performance of your job at UTSA, the position may not create a conflict of interest and may not impose an unreasonable time requirement. You must obtain approval for outside board service from the appropriate vice president or his/her designee before accepting a position on an outside board, other than a position on a religious board. The president is subject to certain requirements, including the requirement to file a report on outside board service with the Vice Chancellor for Administration in September of each year.

Summary: Do not accept a position on an outside board that creates a conflict of interest or that imposes an unreasonable time commitment. Any outside board service, other than a position on a religious board, must be approved by the appropriate vice president or his/her designee.

#### F. Honoraria

You may not accept an honorarium for services you would not have been asked to provide but for your official status. For example, you may not accept a gift or payment for giving a speech if you would not have been asked to provide the speech but for your official position. However, you may accept meals, transportation, and lodging in connection with your services as long as the services are more than merely perfunctory or superficial. Also, you may accept a gift of very minimal value, such as a plaque or coffee cup.

Summary: Do not accept an honorarium for services you would not have been asked to provide but for your official position.

For example, a faculty member may accept an honorarium if he/she is asked because of his/her professional expertise in a particular subject matter such as engineering or the arts. But you may not accept a gift or payment for giving a speech if you would not have been asked to provide the speech but for your official position as an assistant, associate, or full professor.

#### G. Personal Investments

1. You should not make personal investments that could reasonably be expected to create a substantial conflict between your private interest and the public interest. This means that you should not have a direct or indirect financial interest in a business that conflicts with interests of UTSA or that might influence how you do your job. Some financial interests may be so indirect or so minimal that they do not create conflicts of interest, such as ownership of a minimal amount of stock in a company or an investment in a publicly traded mutual fund in which you do not exercise discretion regarding the investment of the assets of the fund. If you are not sure whether a particular investment creates a conflict of interest, you should ask your supervisor or consult with UTSA's Office of Legal Affairs.
2. If you do have an interest in a business that you think might constitute a conflict of interest, disclose that interest to your supervisor. In some cases, you may be able to cure the conflict by not participating in any decision concerning that business. However, if the conflict is significant, you may be required to divest yourself of the interest that causes the conflict.

Summary: Do not make personal investments that create a substantial conflict between your private interest and the public interest.

#### H. Self-dealing/Transactions with Employees

1. You may not transact any business in an official capacity with any business entity of which you are an officer, agent, or member, or in which you own a substantial interest.
2. Additionally, before UTSA may purchase any supplies, materials, services, equipment, or property from you, the president or his designee must approve the purchase, and the purchase may be made only if the cost is less than from any other known source.

Summary: Do not transact public business with your private business. The president or his designee must approve any purchases from you, and the purchase may be made only if the cost is less than from any other known source.

#### I. Benefits for Performing Official Duties

You should not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised your official powers or for having performed your official duties in favor of another. If the benefit was given in exchange for an official act, it could constitute the criminal offense of bribery.

Summary: Do not accept a benefit for having done your job in favor of another.

#### J. Required Disclosures

You must file timely written disclosure statements as required by law, rule, or policy. Your position with UTSA and your contemplated activity will determine which disclosure statements are required.

Summary: Be aware of any disclosure statements you are required to file and be sure to file them timely.

#### K. Consequences for Violations

There are consequences for failing to comply with conflict of interest laws, rules, or policies. The law provides that appropriated money may not be used to compensate an employee who violates the standards of conduct. Failure to comply is grounds for disciplinary action by UTSA, including termination of employment. Additionally, civil and criminal penalties may apply under certain circumstances.

Summary: You may be subject to disciplinary action or civil or criminal penalties for violating a conflict of interest law, rule, or policy.

#### L. Application of Other Conflicts of Interest Policies, Contract Provisions, Agreements, Laws, or Rules

This policy does not rescind any policy provided by UT System or UTSA, any departmental policy, any contract provision, any agreement with the Texas Attorney General, or any law or rule that is more specific or more restrictive concerning conflicts of interest. You are required to comply with the more specific or restrictive policy, contract provision, agreement, law, or rule.

#### M. Questions or Reports of Violations

1. If you have questions about an actual or potential conflict of interest, you may ask your supervisor. Additionally, you

may always contact UTSA's Office of Legal Affairs with any conflict of interest questions at 210-458-4105.

2. You should report any suspected wrongdoing to your department head or to the Office of Institutional Compliance, 210-458-4992 for further investigation. You may also anonymously report suspected violations on the UTSA toll-free hotline (1-877-270-5051), or via the [Hotline website](#). You may not be retaliated against for a good-faith report of suspected wrongdoing. Detailed information on reporting possible violations may be found in the UTSA Standards of Conduct Guide.

- N. Supervisors are required to ensure that each employee reads and signs the [Acknowledgement Form](#) for the Conflicts of Interest Policy. The original acknowledgement will be maintained in the departmental file.

Editorial Amendment

April 15, 2008

[New, Revised and Deleted Policies](#)

[Policy Amendment Approval Process](#)

[UT System - Regents' Rules & Regulations](#)

[UT System - Policy Library](#)

Our Location

**[Institutional Compliance and Risk Services](#)**

5726 Hausman, Suite 300

San Antonio, Texas 78249

Phone - (210) 458-5537

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