



**Institutional Handbook of Operating Procedures**  
**Policy 06.05.06**

Section: Compliance	Responsible Vice President: Chief Compliance Officer
Subject: General Compliance	Responsible Entity: Office of Institutional Compliance

**I. Title**

*Code of Ethics and Standards of Conduct for State Employees*

**II. Purpose**

This policy sets forth the ethical standards and legal requirements that all Institutional Personnel, as defined below, must adhere to and act in accordance with when performing their Institutional Responsibilities. Specifically, this policy seeks to:

- Promote awareness of and compliance with ethical standards and requirements of the laws of the State of Texas, The University of Texas System Board of Regents’ Rules and Regulations, The University of Texas System policies, and UTMB policies;
- Provide a clear understanding of what ethical behavior is expected by Institutional Personnel in the work environment;
- Specify how to raise questions about ethical conduct and how to report ethical violations; and
- Provide access to UTMB’s [Standards of Conduct Guide: Working with Integrity](#).

**III. Policy**

A. It is UTMB policy that its Institutional Personnel act with integrity, compassion, and respect towards one another and those we serve. To assist in achieving this, Institutional Personnel are required to read and comply with UTMB’s [Standards of Conduct Guide: Working with Integrity](#) and to complete *A Personal Commitment to Ethics and Integrity* which can be found on UTMB’s education and training portal, [UTMB Learn](#). This policy is required by Section 572.051 of the Texas Government Code. Other more specific issues regarding ethical behavior are addressed in other UTMB policies dedicated to those topics, as well as the UTMB Standards of Conduct Guide.

**B. Scope**

This policy applies to all Institutional Personnel. This policy must be followed in addition to IHOP - 06.05.01 – *Research Conflicts of Interest*; IHOP - 06.05.03 – *Individual Conflicts of Interest, Conflicts of Commitment, and Outside Activities*; IHOP - 06.05.04 – *Institutional Conflicts of Interest*; IHOP - 06.05.05 – *Gifts, Vendor and Industry Interactions, and Other Activities*, and other IHOP policies where applicable.

**C. Standards of Conduct**

Institutional Personnel must perform their Institutional Responsibilities in a lawful, professional, and ethical manner befitting the State of Texas and UTMB. To that end, Institutional Personnel must **NOT**:

1. Accept Outside Activities, Benefits, or Compensation, each as defined below, that results in an unmanageable Conflict of Interest or interferes with, or could appear to interfere with, an Institutional Personnel's Institutional Responsibilities;
2. Accept or solicit any Benefit that may reasonably tend to, or is offered with the intent to, influence Institutional Personnel in the performance of their Institutional Responsibilities;
3. Intentionally or knowingly solicit, accept, or agree to accept any Benefit for having exercised an Institutional Personnel's official authority or for having performed their Institutional Responsibilities in favor of another person or entity;
4. Disclose confidential information acquired through their position at UTMB; or accept Outside Activities or Benefits that might reasonably require or prompt Institutional Personnel to disclose confidential information acquired in the performance of their Institutional Responsibilities;
5. Accept Outside Activities, Benefits, or Compensation that could reasonably be expected to impair, or appear to impair, an Institutional Personnel's independence of judgment in the performance of their Institutional Responsibilities;
6. Use the Institutional Personnel's position at or association with UTMB to further a non-UTMB interest. This includes, but is not limited to, using or referencing one's position at or association with UTMB to solicit any Benefit, business, or donations for an Outside Activity or personal interest; market products or services for a business or an Outside Activity; or use their UTMB position to further the personal interest, business interest, or financial interest of a family member or personal friend; and
7. Make personal investments that could create an unmanageable Conflict of Interest between their private interests and the institution's interests.

D. Bribery Prohibition

1. UTMB Institutional Personnel are employees of the State of Texas and are subject to Texas Penal Code § 36.02(a), known as the bribery statute.
2. The bribery statute prohibits Institutional Personnel from intentionally or knowingly offering, giving, or agreeing to give to another; or soliciting, accepting, or agreeing to accept from another, any Benefit in return for their decision, opinion, recommendation, vote, or other action that they make as part of their official status or Institutional Responsibilities with UTMB.
3. This rule applies even if:
  - a. The Institutional Personnel whom the third-party actor sought to influence is not qualified or authorized to provide official action; or
  - b. The Benefit is not solicited, accepted, offered, or given until after official action has occurred or the Institutional Personnel's status or responsibilities have been severed.

#### E. Abuse of Official Capacity

1. Institutional Personnel must not use UTMB property, services, personnel, or any other UTMB resource for which the Institutional Personnel is responsible, with the intent to obtain a Benefit, to provide a Benefit to a family member or friend, or to harm another.
2. The use of trickery, deception, concealment, or misrepresentation in the use of UTMB resources in order to obtain a Benefit constitutes a violation of this policy and Texas Penal Code § 39.02.

#### F. Oversight

The Institutional Official for Conflicts of Interest (IO-COI), or his/her designee, in collaboration with the Conflicts of Interest Committee (COIC), as necessary, is responsible for determining whether Institutional Personnel have violated this policy and for implementing remedial measures to ensure that a Conflict of Interest or Conflict of Commitment is managed, reduced, or eliminated.

#### G. Reporting Violations or Questionable Conduct

It is every employee's responsibility to report suspected violations of laws, regulations, and/or policies, as well as questionable conduct. Remaining silent and failing to report any violation or potential violation that a person knows or should have known of may subject a person to disciplinary action up to and including termination. UTMB has established methods for employees to report, confidentially and anonymously, any questionable conduct or possible violation(s). Individual employees may discuss concerns with their supervisor or with the Office of Institutional Compliance directly at (409) 747-8700. Additional methods for reporting ethical violations or other questionable conduct are described below.

Conflicts of Interest (COI) Office. Institutional Personnel may contact the COI Office to inquire whether a particular activity or action is permissible by emailing [coi.in@utmb.edu](mailto:coi.in@utmb.edu).

Fraud, Abuse, and Privacy Hotline (1-800-898-7679). UTMB has established a dedicated Fraud, Abuse, and Privacy Hotline as an internal mechanism for reporting suspected waste, abuse, fraud, or other illegal or unethical conduct of UTMB employees, students, vendors, or independent contractors. The Hotline is available 24 hours a day.

#### H. Violations

Failure to comply with this policy and UTMB's Standards of Conduct Guide is grounds for disciplinary action up to and including termination of employment in the case of employees and suspension or expulsion in the case of students. Additionally, civil and criminal penalties may apply under certain circumstances.

### IV. Definitions

**Benefit:** Anything of value including Compensation or any other form of advantage as may be determined by the Institutional Official for Conflicts of Interest (IO-COI), or his/her designee, that is reasonably regarded as valuable or providing a monetary gain or advantage, including financial or monetary gains to other persons or entities in which the beneficiary has a direct and substantial interest. Examples of Benefits include, but are not limited to, cash; gifts; awards; transportation and lodging; food and beverages; tickets to entertainment and sporting events; and honoraria.

**Compensation:** Any form of existing or potential fiscal advantage, regardless of whether the value is readily ascertainable including, but not limited to, salary from an entity other than UTMB and any other form of payment for services, such as consulting fees; retainers; honoraria; intellectual property rights or royalties; Ownership Interests; or promised, deferred, or contingent interests; or any other form of Compensation as determined by the Institutional Official for Conflicts of Interest (IO-COI) or his/her designee. Compensation also includes sponsored travel or travel reimbursement.

**Conflict of Commitment (COC):** A state in which the time or effort that an Institutional Personnel devotes to an Outside Activity directly or significantly interferes, or could appear to interfere, with the fulfillment of their Institutional Responsibilities, or when the individual uses state property without authority in connection with their Outside Activity including, but not limited to, board service, consulting, ownership or investment interest in a business entity, or other activity (*see* Sec. 8, Regents' Rule 30104).

**Conflict of Interest (COI):** Any Benefit, Financial Interest, or Outside Activity of Institutional Personnel that could directly or significantly influence the performance of their Institutional Responsibilities. The proper discharge of Institutional Personnel's Institutional Responsibilities could be directly or significantly influenced if the Financial Interest or Outside Activity: (1) might tend to influence the performance of their Institutional Responsibilities, or the person knows or should know the interest is or has been offered with the intent to influence their conduct or decisions; (2) could reasonably be expected to impair their judgment in performing their Institutional Responsibilities; or (3) might require or induce them to disclose confidential or proprietary information acquired through the performance of their Institutional Responsibilities.

**Institutional Official for COI (IO-COI):** The conflicts of interest official designated by the President of UTMB to determine permissibility of conflicts of interest and ethics issues related to this policy and other applicable institutional policies.

**Institutional Personnel:** All persons formally affiliated with UTMB and/or officially engaged in institutional activities for or on behalf of UTMB, including, without limitation, employees, faculty, staff, Correctional Managed Care (CMC) workforce members, contractors, visiting scientists, volunteers, and public members of institutional committees and advisory boards.

**Institutional Responsibilities:** Any academic or professional responsibility of an individual subject to this policy on behalf of the institution including, but not limited to, research; research consultation; teaching; professional practice; outreach; institutional committee membership; and service on an institutional research committee or panel including, but not limited to, an Institutional Review Board (IRB); Institutional Animal Care and Use Committee (IACUC); Institutional Biosafety Committee (IBC); or Data and Safety Monitoring Board (DSMB).

**Outside Activity:** Any personal activity performed by Institutional Personnel for which Compensation is received, other than fulfilling academic or employment obligations to UTMB. This includes, but is not limited to, distance teaching; any work for a third party, such as supervising, consulting, or advisory services; or other employment for which Compensation, regular or occasional, is received. This also includes uncompensated outside board service and any other activity that might pose a conflict of interest or conflict of commitment.

**Ownership Interest:** Includes, but is not limited to, any stock; stock options; warrants; or other equity

interest in any corporation, partnership, or other legal entity excluding (i) shares in mutual funds, and (ii) stock, stock options, or warrants, where the disposition or acquisition is not directly controlled by the owner and where the owner has no right to intervene in the handling of such assets, *e.g.*, stock, stock options, or warrants held in blind trusts (to the extent that the identity of the assets in the blind trust is unknown). Ownership Interest includes any license equity.

**V. Relevant Federal and State Statutes**

[Texas Government Code § 572.051](#)

[Texas Penal Code § 36.02\(a\)](#)

[Texas Penal Code § 39.02](#)

**VI. Relevant System Policies and Procedures**

[Regents' Rule 30104](#)

**VII. Related UTMB Policies and Procedures**

[IHOP 06.05.01 – Research Conflicts of Interest](#)

[IHOP 06.05.03 – Individual Conflicts of Interest, Conflicts of Commitment, and Outside Activities](#)

[IHOP 06.05.05 – Gifts, Vendor and Industry Interactions, and Other Activities](#)

[UTMB Standards of Conduct Guide](#)

**VIII. Dates Approved or Amended**

<i>Originated: 11/01/1995</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
03/15/2013	02/19/2014
01/02/2023	02/12/2015
11/05/2024	03/07/2017

**IX. Contact Information**

Conflicts of Interest Office

Office of Institutional Compliance

[coi.in@utmb.edu](mailto:coi.in@utmb.edu)