

## CONFLICTS OF INTEREST

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#### **Ethics Commission Financial Disclosure Statements**

The President shall file a financial statement with the Texas Ethics Commission not later than April 30 each year in which the President has served in such capacity for any portion of the immediately preceding twelve (12) months on forms prescribed by the commission.

#### **Contracts Prohibited**

Except as provided below, neither the Texas State University System nor Lamar State College - Port Arthur may enter into a contract in which a Regent or the Regent's spouse has a direct or indirect pecuniary interest.

#### **Benefits, Gifts and Honoria**

A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare an employee has a direct and substantial interest.

#### **Bribery**

An employee shall not solicit, offer, or accept any benefit in exchange for his or her decision, opinion, recommendation, vote, or other exercise of official power or discretion.

#### **Prohibited Benefits**

An employee shall not solicit, accept, or agree to accept any benefit from any person the employee knows is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving the employee's discretion. This prohibition does not apply to (1) gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of an employee's status, respectively, as an employee; (2) a fee prescribed by law to be received by an employee or any other benefit to which he or she is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as an employee of Lamar State College - Port Arthur; (3) a gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305 of the Government Code; and, (4) items having a value of less than \$50, not including cash or negotiable instruments. An employee who receives an unsolicited benefit that he or she is prohibited from accepting by law 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 education, religious, or scientific purposes.

#### **Food, Lodging, Transportation, and Entertainment Received as a Guest**

An employee may accept food, lodging, transportation, or entertainment from persons or entities he or 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 Board's discretion only if the employee is a "guest" as defined by Texas law. An employee is a "guest" if the person or a 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. The President is required to report any such benefits valued at over \$250 on his annual disclosure statements filed with the Texas Ethics Commission.

#### **Gifts or Benefits from Friends, Relatives, and Associates**

Employees may accept gifts or benefits from personal friends, relatives, or business associates with whom they have a relationship independent of their official status, so long as the benefit is not offered in exchange for official action or decision.

#### **Awards**

Employees may accept plaques and similar recognition awards.

**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. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. However, they 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, provided the employee's participation is more than merely perfunctory. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted.

**POLITICAL ACTIVITIES****Entertainment**

If an employee provides tickets to a public official to allow the official and/or his guests to attend an event, an officer or employee of the System or Lamar State College - Port Arthur will serve as host to the official, and must attend the event.

**Perishable Food Items**

Employees may provide public officials with small, infrequent gifts of perishable food items delivered to their offices. These are not considered to be "benefits" for purposes of the provisions of the Penal Code prohibiting such.

**Expenses for Public Officials**

Lamar State College - Port Arthur may pay expenses in order to furnish information to state officials relevant to their official position, including presentations about the programs and services of the Texas State University System and its component institutions.

**Use of Official Authority Prohibited**

No Lamar State College - Port Arthur employee may use his or her official authority or influence, or permit the use of a program administered by the System to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. No Lamar State College - Port Arthur employee may do any act or attempt to interfere with anyone who seeks to pay, lend, or contribute private funds or private property to a person or political organization for political purposes. Any employee who violates either of these provisions is subject to immediate termination of employment in accordance with the Texas Government Code.

**Use of System Funds or Property**

No Lamar State College - Port Arthur employee shall expend or authorize the expenditure of any System or Lamar State College - Port Arthur funds for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure. No System or Lamar State College - Port Arthur funds may be expended for the payment of full or partial salary of any employee who is also the paid lobbyist of any individual, firm, association, or corporation. System and Lamar State College - Port Arthur facilities may be used as polling places for local, state, and national elections.

## **Voting and Political Participation**

As employees of the State of Texas, Lamar State College - Port Arthur employees have the rights of freedom of association and political participation guaranteed by the state and federal constitutions, except as limited by valid state laws. Lamar State College - Port Arthur employees shall be allowed sufficient time off to vote in public elections without a deduction from pay or from accrued leave time.

## **Political Campaign Events on System Property**

The Chief Executive Officer of Lamar State College - Port Arthur shall be responsible for promulgating rules for the regulation of political campaign meetings or speeches and other activities relating to political campaigns on property under their control. Such regulations shall be implemented by the Chancellor after approval by the Board of Regents.

## **Employees as Candidates and Officeholders**

Lamar State College - Port Arthur employees may run for election and serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts. No campaign activities may be conducted during official business hours unless the employee has requested and received permission to use leave time for such purpose. Any employee elected to such a position may not receive any salary for serving as a member of such governing body.

## **Political Contributions for Employees**

Lamar State College - Port Arthur employees may make personal contributions to candidates for office and political organizations, with the exception that no state employee may contribute personal services, money, or goods of value to a candidate campaigning for speaker of the Texas House of Representatives.

## **DUAL OFFICE HOLDING**

### **Non-elective State or Federal Office**

Lamar State College - Port Arthur employees may hold non-elective offices with boards, commissions, and other state and federal entities provided that the holding of such office, (1) is of benefit to the State of Texas, or is required by state or federal law, and (2) is not in conflict with the employee's position. Such appointments must be approved by the President. Prior to the President's accepting an invitation to serve in an additional non-elective office, the Board of Regents must determine that the appointment meets the two requirements stated above. The Board must also make an official record of any compensation to be received by the President from such appointment, including salary, bonus, per diem or other types of compensation.

### **Positions of Employment with Government Agencies**

Lamar State College - Port Arthur employees may hold other positions of employment with agencies, boards, commissions, or other entities of government so long as the holding of such positions is consistent with the prohibitions against dual office holding in the Texas Constitution. Special rules for multiple employments with the State are provided in Article IX, Sec. 9, of the General Appropriations Act. The person seeking dual employment must be informed of the special rules before that person becomes employed by more than one agency or institution. Consulting arrangements with federal, state, or local governmental agencies of a detached and independent advisory nature are not considered to be appointments with such agencies.

## **THIRD PARTIES**

In accordance with Texas Government Code, Title 10, Subtitle D, Section 2155.003, (<http://www.capitol.state.tx.us/statutes/statutes.html>)

2155.003. CONFLICT OF INTEREST.

(1) A commission member, employee, or appointee may not:

- a. Have an interest in, or in any manner be connected with, a contract or bid for a purchase of goods or services by an agency of the state;
- b. In any manner, including by rebate or gift, accept or receive from a person to whom a contract may be awarded, directly or indirectly, anything of value or a promise, obligation, or contract for future reward or compensation.

(2) A commission member, employee, or appointee who violates Subsection (a)(2) is subject to dismissal.

LSCPA requires that all employees of the college who have been delegated the authority to purchase for the state of Texas must sign a Conflict of Interest statement each year .

### **TRAINING**

The System Administrative Office shall conduct, in even numbered years, training sessions for the personnel of each component institution responsible for ethics training in the various departments of such institutions. These training sessions will provide the trainees with the methods, policies and materials necessary to allow them to train each employee within their supervision or responsibility. Each component institution is responsible for training each employee each biennium. The President will notify the Chancellor upon completion of the ethics training each biennium.

