

**ETHICS POLICY**

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**PURPOSE**

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The purpose of this policy is to further employees' awareness of state legislation governing ethics.

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**POLICY STATEMENT**

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It is the policy of The University of Texas MD Anderson Cancer Center (MD Anderson) to distribute information about standards of conduct mandated by the Texas Legislature. All employees acknowledge by signature receiving a copy of these standards and the signed form is maintained in the employee's official personnel file. See [MD Anderson's Institutional Code of Conduct](#).

State ethics laws prohibit benefits that are given or received as consideration for a state employee's official action or that might reasonably tend to influence the employee in discharging his/her official duties. For example, benefits accepted or solicited by state employees are generally prohibited if the employee exercises discretion over state contracts, purchases, payments, or claims and the donor is interested in or is likely to become interested in such transactions.

There are several exceptions to the general prohibition against acceptance of a benefit by a state employee as long as the benefit is not given or accepted in exchange for official action. It is usually permissible for an employee to accept lodging, transportation, food, beverages, and entertainment if he/she accepts these items as a guest of the donor and the donor is present at the event (Note: Individuals may accept modest meals or attend non-extravagant social events that are held as part of a conference or meeting). Furthermore, an employee generally may accept benefits that are based on a personal, professional, or business relationship independent of his/her official status. According to the American Medical Association and state ethics laws, unsolicited non-monetary gifts from patients, their friends, and/or family members are not prohibited so long as they are not given to influence care or secure preferential treatment. See Gifts/Benefits (Section 2.0 below).

MD Anderson faculty and other employees may accept honoraria for speaking engagements pertaining to their professional specialty or expertise. Accepting an honorarium is not permitted, however, if the services would not have been requested but for the employee's official position or duties or when the honorarium is offered in lieu of a benefit that would otherwise be prohibited. Even when accepting an honorarium is prohibited, an employee still may be reimbursed for transportation, lodging, and meal expenses incurred during his/her active participation in a conference or seminar. See Honoraria/Fees (Section 3.0 below).

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## SCOPE

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This policy covers all existing faculty and other MD Anderson employees, trainees/students, and new faculty and other MD Anderson employees who have not yet assumed their duties. Faculty members should also consult the Physicians Referral Service (PRS) Bylaws for further guidance.

Compliance with this policy is the responsibility of all faculty, trainees/students, and other members of MD Anderson's workforce.

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## TARGET AUDIENCE

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The target audience for this policy includes, but is not limited to, all existing faculty and other MD Anderson employees, trainees/students, and new faculty and other MD Anderson employees who have not yet assumed their duties.

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## DEFINITIONS

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**Benefit:** Anything reasonably regarded as a pecuniary gain or advantage (depending on the circumstances, may include gifts, awards, mementos, transportation, and lodging, food and beverages, entertainment, and honoraria).

**Texas Ethics Commission:** Interprets the ethics laws and definitions, usually on a case-by-case basis, through written advisory opinions.

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## PROCEDURE

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### 1.0 Conduct

1.1 In general, employees should not:

- A. Accept outside employment, temporary or regular, that actually or potentially results in any conflict of interest with or interferes with the employee's responsibilities to MD Anderson;
- B. Accept or solicit any gift, favor, or service that might reasonably tend to, or is being offered with the intent to, influence the employee in the performance of his/her institutional duties;
- C. Accept outside employment or engage in a business or professional activity that might reasonably require or induce the employee to disclose confidential information acquired in the performance of his/her institutional duties;
- D. Accept outside employment or compensation that could reasonably impair the employee's independence of judgment in the performance of his/her institutional duties;
- E. Make personal investments that could reasonably create a substantial conflict between the employee's private interest and the interests of the institution; or

F. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the employee's official powers or performed the employee's official duties in favor of another.

1.2 Please Note: Compliance with the State's Standards of Conduct and Conflict of Interest Provisions as well as MD Anderson's Standards of Conduct and Conflict of Interest Policy is mandatory. Individuals violating such standards, provisions, or policies are subject to progressive disciplinary action, up to and including termination. In addition, violations may result in civil or criminal penalties under state law.

## 2.0 Gifts/Benefits

2.1 A gift of any value should never be accepted if the employee has any reason to believe it was given to influence the employee in the discharge of his or her official duties (e.g., discretionary decisions concerning expenditure or use of state assets).

2.2 Unsolicited non-monetary gifts from patients, their friends, and/or family members are not prohibited so long as they are not given to influence care or secure preferential treatment. Cash gifts to faculty members from patients, their friends, and/or family members are governed by the PRS Bylaws.

2.3 According to state law, non-cash gifts valued at less than \$50 may be accepted unless the employee has any reason to believe that the gift is being offered to influence the employee or the decisions the employee makes. Cash or cash equivalents (e.g., gift certificates, gift cards) should not be accepted from any vendor or third party who is doing (or interested in doing) business with MD Anderson.

Under Texas law, employees may donate unsolicited gifts that they receive to either:

- A. A governmental entity that has the authority to accept the gift; or
- B. A recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

## 3.0 Honoraria/Fees

3.1 An MD Anderson employee may not solicit, accept, or agree to accept an honorarium in consideration for services that the employee would not have been requested to provide but for the employee's official position or duties. However, under certain circumstances, an employee may accept an honorarium given as compensation for providing a service for which the employee has specific expertise. An MD Anderson employee may accept transportation, lodging, and meals in connection with a conference or similar event in which the employee renders services, such as serving as a speaker, panel member, or moderator, to the extent that those services are more than merely perfunctory.

3.2 If a classified employee is asked to present at a job-related conference/seminar and is paid permissible honoraria/fees, the honoraria/fees may be retained by the employee provided that:

- A. The travel expenses were paid by someone other than MD Anderson;
- B. The employee used Paid Time Off (PTO) leave or leave without pay to attend; and
- C. The employee's supervisor gave prior approval for the presentation.

Otherwise the honoraria/fees must be given to MD Anderson to offset institution-paid expenditures.

- 3.3 Honoraria / Fees for faculty members are governed by PRS Bylaws, the [Faculty Extramural Leave Policy \(UTMDACC Institutional Policy # ACA0051\)](#), and the [Conflict of Interest Policy for Faculty Members, Trainees, Faculty Supervisors, Institutional Decision Makers, and Investigators of The University of Texas MD Anderson Cancer Center \(UTMDACC Institutional Policy # ACA0001\)](#).

#### 4.0 Questions or Reports of Violations

- 4.1 Employees should direct questions or concerns related to the acceptance of gifts or honoraria to their supervisor.
- 4.2 Employees may also contact the Chief Compliance Officer via the page operator at 713-792-7090 or through the Institutional Compliance Office at 713-745-6636 with any questions or concerns related to the acceptance of gifts or honoraria.
- 4.3 All calls will be treated confidentially to the extent permitted by law and may be made on an anonymous basis.
- 4.4 Employees should report any suspected wrongdoing to their department head or to the Chief Compliance Officer. Employees may also report suspected violations via one of following compliance telephone hotlines:
- A. The Fraud and Abuse Hotline (1-800-789-4448).
  - B. The Privacy Hotline (1-888-337-7497).
- 4.5 Individuals may also report suspected fraud, waste, and abuse involving state resources to the State Auditor's Office's Hotline at 1-800-TX-AUDIT (1-800-892-8348). The State Auditor's Office provides additional information at its website, <http://sao.fraud.state.tx.us>.
- 4.6 **Please Note:** The Chief Compliance Officer strictly enforces MD Anderson's [Non-Retaliation Policy \(UTMDACC Institutional Policy # ADM0254\)](#). Under the Non-Retaliation Policy, employees may not be retaliated against for a good-faith report of suspected wrongdoing. Detailed information on reporting possible violations may also be found in MD Anderson's Standards of Conduct: Do the Right Thing booklet.

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## **ATTACHMENTS / LINKS**

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[MD Anderson's Institutional Code of Conduct.](#)

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## **RELATED POLICIES**

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[Confidentiality Policy \(UTMDACC Institutional Policy # ADM0264\).](#)

[Conflict of Interest and Conflict of Commitment Policy \(UTMDACC Institutional Policy # ADM0255\).](#)

[Conflict of Interest Policy for Faculty Members, Trainees, Faculty Supervisors, Institutional Decision Makers, and Investigators of The University of Texas MD Anderson Cancer Center \(UTMDACC Institutional Policy # ACA0001\).](#)

[Faculty Extramural Leave Policy \(UTMDACC Institutional Policy # ACA0051\).](#)

[Intellectual Property Policy \(UTMDACC Institutional Policy # ADM0345\).](#)

[Non-Retaliation Policy \(UTMDACC Institutional Policy # ADM0254\).](#)

[Scientific Publication Policy \(Policy # ACA0018\).](#)

[Use of State-Owned Property, Equipment, and Services Policy \(Use of State Resources Policy\) \(Policy # ADM0340\).](#)

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## **JOINT COMMISSION STANDARDS / NATIONAL PATIENT SAFETY GOALS**

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None.

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## **OTHER RELATED ACCREDITATION / REGULATORY STANDARDS**

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Tex. Gov't Code Ann Chapter 572.

Tex. Pen. Code Ann Chapter 36.

Tex. Pen. Code Ann Chapter 8.

Tex. Pen. Code Ann § 39.02(a).

Tex. Educ. Code Ann § 51.912(a).

The University of Texas System Model Conflict of Interest Policy.

The University of Texas System Rules and Regulations of the Board of Regents Series: 30103 (Standards of Conduct).

The University of Texas System Rules and Regulations of the Board of Regents Series: 90104 (Business Participation and Reporting).

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## REFERENCES

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None.

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## **POLICY APPROVAL**

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**Approved With Revisions Date:** 08/13/2012

**Approved Without Revisions Date:**

**Implementation Date:** 08/13/2012

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## **POLICY ROLES**

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