

CONFLICT OF INTEREST POLICY

PURPOSE

The purposes of this policy are to:

- Identify types of actions or activities that have a potential conflict of interest; and
- Establish the employee's responsibility for appropriate disclosure for any such action or activity.

POLICY STATEMENT

It is the policy of The University of Texas M. D. Anderson Cancer Center (M. D. Anderson) that an M. D. Anderson employee may not have a direct or indirect interest, including financial and other interests, engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the employee's duties.

SCOPE

This policy applies to all employees regardless of status (Faculty, Trainee & Alumni Affairs educational appointees, and certain other employees are further covered by the [Conflict of Interest Policy for Faculty, Trainees, Faculty Supervisors, and Institutional Decision Makers of The University of Texas M. D. Anderson Cancer Center \(UTMDACC Institutional Policy # ACA0001\)](#) as well as the [Ethics Policy \(UTMDACC Institutional Policy # ADM0337\)](#) and PRS Bylaws).

DEFINITIONS

Outside Employment: Is defined as one or more of the following:

- Work of a continuing nature, such as supervising, consulting or advisory services, or other regular continuing employment for which compensation, regular or occasional, is received. Specific work, usually of limited duration, for which compensation is received. Work for another state agency is included in the definition of Outside Employment. See [Dual Employment Policy \(UTMDACC Institutional Policy # ADM0319\)](#).
- Excluded from this definition are the following: royalties; non-professional retainers; remuneration for editing scientific publications; and honoraria, lecture fees or consultation fees received from any branch or level of the government, professional societies, educational institutions, or non-profit organizations. See [Ethics Policy \(UTMDACC Institutional Policy # ADM0337\)](#).

PROCEDURE

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 M. D. 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 [M. D. Anderson's Institutional Code of Conduct](#) and Conflict of Interest Policy (UTMDACC Institutional Policy # ADM0255) 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 Self Dealing/Transactions with Employees

- 2.1 An employee may not transact any business in an official capacity with any business entity of which the employee is an officer, agent, or member, or in which the employee owns a substantial interest.
- 2.2 Additionally, before M. D. Anderson may purchase any supplies, materials, services, equipment, or property from the employee or the employee's business entity, the President or designee must approve the purchase, and the purchase may be made only if the cost is less than from any other known source.

3.0 Filing Requirement

- 3.1 Effective February 16, 2009, all full-time employees contemplating outside employment must file a description of the nature and extent of the proposed outside employment and obtain appropriate approval in accordance with the procedures set forth below prior to engaging in such employment. (See [Employee Proposed Outside Employment Request Form](#).)

Page 2 of 8

- 3.2 Persons who are further covered by the [Conflict of Interest Policy for Faculty, Trainees, Faculty Supervisors, and Institutional Decision Makers of The University of Texas M. D. Anderson Cancer Center \(UTMDACC Institutional Policy # ACA0001\)](#) must follow the disclosure procedures set forth therein.
- 3.3 New full-time employees must file a description of the nature and extent of outside employment and obtain appropriate approval in accordance with this policy within 30 days of employment by M. D. Anderson. (See [Employee Current Outside Employment Request Form.](#))
- 3.4 Current full-time employees engaged in outside employment as of February 16, 2009, must file a description of the nature and extent of outside employment and obtain appropriate approval in accordance with this policy within thirty (30) days of February 16, 2009. (See [Employee Current Outside Employment Request Form.](#))
- 3.5 Full-time employees engaged in outside employment must provide written notification to their immediate manager or department head of a change in their outside employment status within 30 days of such change and send a copy of such written notification to the Human Resources Service Center for filing and retention in the employee's personnel file.

4.0 Filing and Approval Procedures

- 4.1 All new full-time employees engaged in outside employment on the date of their employment by M. D. Anderson and all full-time employees engaged in outside employment as of February 16, 2009 must complete and submit the [Employee Current Outside Employment Request Form](#) to their immediate manager or department head for review.
- 4.2 All full-time employees contemplating outside employment must complete and submit the [Employee Proposed Outside Employment Request Form](#) to their immediate manager or department head for review.
- 4.3 Upon completion of such review, the employee's immediate manager or department head as applicable must submit the Outside Employment Request Form to such manager or department head's one-up supervisor for a determination that the employee's proposed or current outside employment as applicable will not:
 - A. Interfere or have the potential to interfere or conflict with the employee's current job responsibilities or job functions at M. D. Anderson.
 - B. Impair or have the potential to impair the employee's independent judgment in the performance of his/her duties at M. D. Anderson.
 - C. Require or induce the employee to disclose confidential information he/she has acquired or will acquire by reason of his/her work at M. D. Anderson. See [Confidentiality Policy \(UTMDACC Institutional Policy # ADM0264\)](#).
 - D. Compete with the interests of M. D. Anderson.

(Also see [Guidelines for Outside Agreements.](#))
- 4.4 If the outside employment does not violate any of the above listed criteria, the one-up individual must complete the appropriate section of the Outside Employment Request Form and forward the Outside Employment Request Form and applicable documents to the Human

Resources Service Center for documentation of outside employment disclosure and approval. A copy of the documents sent to Human Resources will be sent to the employee.

- 4.5 If the outside employment violates or has the potential to violate any of the above listed criteria, the one-up individual must complete the appropriate section of the Outside Employment Request Form and forward the Outside Employment Request Form and applicable documents to the Institutional Compliance Office for review and further action.
- 4.6 The Institutional Compliance Office will review the submitted Outside Employment Request Form and applicable documents.
 - A. If the outside employment does not violate any of the above listed criteria, the Institutional Compliance Office will complete the appropriate section of the Outside Employment Request Form and forward such form and submitted attachments to Human Resources Service Center for documentation of outside employment disclosure and approval. A copy of the documents sent to Human Resources will be sent to the employee.
 - B. If the outside employment violates any of the above listed criteria, the Institutional Compliance Office will complete the appropriate section of the Outside Employment Request Form and send such form along with a notification memorandum to the employee, to the employee's immediate supervisor, and to the Human Resources Service Center for documentation of outside employment disclosure and non-approval.

5.0 Facilities and Resources

Care must be exercised to ensure that no M. D. Anderson facility or resource is utilized in any way in the performance of outside employment. See [Use of State-Owned Property, Equipment, and Services Policy \(UTMDACC Institutional Policy # ADM0340\)](#).

6.0 Intellectual Property

Under the UT System Regents Rules and Regulations, rights to inventions or ideas within the scope of the employee's responsibilities to M. D. Anderson, or that are developed using M. D. Anderson facilities or funding, will be owned by the Board on behalf of M. D. Anderson. See M. D. Anderson's [Intellectual Property Policy \(UTMDACC Institutional Policy # ADM0345\)](#) and M. D. Anderson's [Scientific Publication Policy \(UTMDACC Institutional Policy # ACA0018\)](#).

7.0 Former Employees as Consultants

M. D. Anderson may not enter into certain contracts (if appropriated money will be used to make payments under such contracts) with a former employee within twelve (12) months of the last date on which the former employee was employed by M. D. Anderson. Such contracts may include an employment contract, a professional services contract, or a consulting services contract.

8.0 Questions or Reports of Violations

- 8.1 Employees should direct questions about an actual or potential conflict of interest to their supervisor.
- 8.2 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 conflict of interest questions or concerns.
- 8.3 All calls will be treated confidentially to the extent permitted by law and may be made on an anonymous basis.
- 8.4 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).
- 8.5 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>.
- 8.6 Please Note: The Chief Compliance Officer strictly enforces M. D. 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 M. D. Anderson's Standards of Conduct: [Do the Right Thing booklet](#).

REFERENCES

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

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

[Dual Employment Policy \(UTMDACC Institutional Policy # ADM0319\).](#)

[Employee Current Outside Employment Request Form.](#)

[Employee Proposed Outside Employment Request Form](#)

[Ethics Policy \(UTMDACC Institutional Policy # ADM0337\).](#)

[Guidelines for Outside Agreements.](#)

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

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

M. D. Anderson's Standards of Conduct: [Do the Right Thing booklet.](#)

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

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

Tex. Gov't Code Ann Chapter 572.

Tex. Pen. Code Ann Chapter 8.

Tex. Pen. Code Ann Chapter 36.

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: 30104 (Conflict of Interest).

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

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

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