

## 07.04 Benefits, Gifts and Honoraria

Approved December 5, 2008 (MO -2008)  
Next Scheduled Review: December 5, 2010



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### Policy Statement

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Members of the Board of Regents (board) of The Texas A&M University System (system) and system employees may not accept benefits or gifts or offer certain benefits or gifts except in accordance with this policy.

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### Reason for Policy

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This policy provides strict standards on when benefits and gifts may be offered to, or accepted from, third parties.

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### Procedures and Responsibilities

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#### 1. BENEFITS AND GIFTS

##### 1.1 Prohibited Benefits and Gifts to System Board Members and Employees

- 1.1.1 System board members and employees shall not solicit, offer, confer, agree to confer, accept or agree to accept any benefit in exchange for his or her decision, opinion, recommendation, vote, or other exercise of official power or discretion.
- 1.1.2 System board members and employees shall not accept or solicit any gift, favor or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct.
- 1.1.3 System board members and employees who exercise discretion in connection with contracts, purchases, payments, claims, and other pecuniary transactions of government 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 board member or employee's discretion.

1.1.3.1 EXCEPTION: System board members and employees 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 member's or employee's discretion only if the board member or employee is a "guest" as defined by Texas law. A Board member or 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 board member or employee.

1.1.3.2 Board members, the chancellor, presidents, and agency directors are required to report any such benefits valued at over \$250 on their annual disclosure statements filed with the Texas Ethics Commission.

1.1.4 A benefit that is otherwise allowed by system policy is nevertheless prohibited if it is offered in exchange for official action, as described above.

1.1.5 System board members and employees who receive an unsolicited benefit that the employee 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 educational, religious, or scientific purposes.

## 1.2 Permitted Benefits and Gifts to System Board Members and Employees

System board members and employees may accept the following:

- (a) Gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of the employee's status as a board member or employee;
- (b) A fee prescribed by law to be received by the board member or employee or any other benefit to which the employee is lawfully entitled or for which the board member or employee gives legitimate consideration in a capacity other than as a system board member or employee;
- (c) A gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305 of the Government Code;
- (d) Items having a value of less than \$50, not including cash or negotiable instruments; and
- (e) Plaques and similar recognition awards, including achievement and recognition awards from the system.

1.3 System employees shall disclose to their respective chief executive officers (CEOs) any benefit received in the course of official business having a value of more than \$250.

The chancellor, presidents and agency directors shall make such disclosures to the system board. Board members shall make such disclosures to the board's Committee on Audit.

1.4 Board members are subject to all the requirements of system travel regulations, except as follows:

1.4.1 Reimbursement for expenses other than transportation, meals and lodging incurred by board members while traveling on official business may be reimbursed to board members from gift fund accounts even though they may not be reimbursable from other funding sources.

1.4.2 When a board member engages in travel for which compensation is to be received from any source other than system funds, the member shall not submit a claim under the provisions of system travel regulations. A board member who receives an overpayment for a travel expense shall reimburse the system for the overpayment.

1.4.3 A request by a board member for travel outside the United States must be approved by the Governor in advance if the source of funding is money other than gift funds or contracts and grants. Forms and procedures prescribed by the Office of the Governor shall be utilized.

## 2. HONORARIA

2.1 System board members and employees shall 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.

2.2 System board members and employees 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. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted. Participation by the board member or employee in the event must be more than merely perfunctory.

## 3. GIFTS TO PUBLIC OFFICIALS

3.1 If a system member provides tickets to a public official to allow the official and/or his or her guests to attend an event, an officer or employee of the system member or the board will serve as host to the official, and must attend the event.

3.2 System members may provide public officials with small, infrequent gifts of perishable food items delivered to their offices if such gifts are unsolicited and are not offered in exchange for action or inaction on the part of the public official.

- 3.3 System members 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 System.
- 3.4 System board members and employees shall not expend or authorize the expenditure of any system funds, services or supplies for the purpose of financing or otherwise supporting the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States, or influencing the outcome of any election, or the passage or defeat of any legislative measure.

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## **Related Statutes, Policies, or Requirements**

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[Texas Penal Code, Chapter 36. Bribery and Corrupt Influence](#)

[Texas Penal Code, Chapter 39. Abuse of Office](#)

[Texas Government Code, Chapter 572 Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest](#)

[System Policy 07.01, Ethics](#)

[System Policy 07.03, Conflicts of Interest, Dual Office Holding and Political Activities](#)

[System Regulation 21.01.03, Disbursement of Funds](#)

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## **Definitions**

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Benefit – 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.

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## **Contact Office**

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The System Office of General Counsel  
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