

Trinity Valley Community College

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Trinity Valley Community College
107501

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CONFLICT OF INTEREST

DBD
(LEGAL)

HOLDING CIVIL OFFICE

No person shall hold or exercise at the same time more than one civil office of emolument, except for offices listed in the constitutional provision, unless otherwise specifically provided. *Tex. Const., Art. XVI, Sec. 40(a); State v. Pirtle, 887 S.W.2d 291 (Tex. Ct. Crim. App. 1994); Atty. Gen. Op. DM-212 (1993).*

Individuals who receive all or part of their compensation either directly or indirectly from funds of the state of Texas and who are not state officers shall not be barred from serving as members of the governing bodies of colleges (other than those in which they are employed), school districts, cities, towns, or other local governmental districts. Such individuals may not receive a salary for serving as members of such governing bodies, except that a faculty member or retired faculty member of a public institution of higher education may receive compensation for serving as a member of a governing body of a water district. *Tex. Const. Art. XVI, Sec. 40(b); Atty. Gen. Op. JM-118 (1983), JM-203 (1984)*

RESTRICTIONS UPON
'PUBLIC SERVANTS'

"Public servant" includes a person elected, selected, appointed, or employed as an officer, employee, or agent of the government. *Penal Code 1.07(a)(41)* [See also BBFA and DH]

ABUSE OF PUBLIC
EMPLOYMENT

A public servant commits an offense if he or she, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violates a law relating to the public servant's office or employment, or misuses government property, services, personnel, or any other thing of value, belonging to the government, that has come into his or her custody or possession by virtue of his or her office or employment. *Penal Code 39.02(a)*

"Law relating to the public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)*

HONORARIA AND EXPENSES

A public servant commits a class A misdemeanor offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties. However, a public servant is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. *Penal Code 36.07*

GIFTS

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits a class A misdemeanor offense if he or she solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any such transactions, unless a statutory exception applies. *Penal Code 36.08(d)*

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section 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. *Penal Code 36.08(i)*.

INTELLECTUAL PROPERTY

An employee who conceives, creates, discovers, invents, or develops intellectual property may own or be awarded any amount of equity interest or participation in, or, if approved by the Board, serve as a member of the board of directors or other governing board or as an officer or an employee of, a business entity that has an agreement with the state or a political subdivision of the state relating to the research, development, licensing, or exploitation of that intellectual property without creating a conflict of interest.

Such an employee shall report to the appropriate person or persons at the College District the name of the business entity in which the person has an interest or for which the person serves as a director, officer, or employee. The Board shall include in the appropriate annual report required by Education Code 51.005 the information provided to it under this requirement during the preceding fiscal year.

Education Code 51.912

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