



*conduct could create corporate liability for exemplary damages (i.e. extra financial liability).*<sup>4</sup>

Notwithstanding the guest exception to the benefits prohibition, a UNT System Enterprise employee must consider whether there will be the appearance that the employee is acting unethically or unlawfully by accepting the entertainment and food.<sup>5</sup> Factors that should be consider in making this determination are:

- How involved the employee is in making contracting and purchasing decisions involving the vendor;
- The nature and value of the entertainment and food the employee will receive;
- whether there is a benefit to the employee's component as well as to the employee in accepting the entertainment and food;
- whether the invitation relates to the employees job duties so that if not for the benefit the University would be able to lawfully pay for the employee's attendance at event; and
- whether the employee would be comfortable with lower level employees accepting similar benefits.

Texas Ethics Commission [Ethics Advisory Opinion No. 90](#) (1992)

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<sup>4</sup> This paragraph was added in the reissued opinion for further clarification. See Texas Ethics Commission Ethics Advisory Opinion No. 90 (1992).

<sup>5</sup> UNT System Regents Rule 05.701.1.a.xi ("employees shall not: engage in actions that would create the appearance that he or she is violating the law, these Regents Rules, or System Administration or Institution policies and procedures).