



Standards of Conduct Guide



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Letter From The President

LETTER FROM THE PRESIDENT

All of us at The University of Texas at Tyler need to be aware of the many requirements that we face on a daily basis. These requirements include federal, state, and local laws and regulations; the U.T. System Board of Regents' Rules and Regulations; and UT Tyler's policies, rules and regulations. As an educational and a state institution, we have an obligation to our students, the community, and the people of Texas to promote the highest standards of compliance in everything we do.

The employee Standards of Conduct Guide is an integral part of the University of Texas at Tyler's general compliance program. This guide is not intended to be a comprehensive list of legal and ethical standards, but rather a reference source for common questions and issues we often face. If you have questions regarding the Standards of Conduct Guide, or encounter a situation you believe violates the provisions of this guide, I encourage you to consult your supervisor for help in resolving the problem locally. Feel absolutely free, however, to contact the Compliance Officer at 903-566-7044, or the Compliance Office at 903-566-7151, or to call the Compliance/Ethics Hotline at 1-877-507-7318 to report possible compliance violations.

I commend each of you for your high personal and professional standards. Thank you for creating an environment of integrity for our co-workers, our students, our community, and our visitors. The University of Texas at Tyler is committed to achieving the very highest ethical standards.

Sincerely,

Rodney H. Mabry
President

The UT Tyler Standards of Conduct Guide

The purpose of the Standards of Conduct Guide (*Guide*) is to emphasize the necessity for and the responsibility of all UT Tyler employees to be aware of and perform their duties in compliance with all applicable provisions of Federal and State laws, local rules and regulations, UT Tyler policies, and the rules of the Board of Regents of UT System. While most employees are aware of compliance standards and are sensitive to these issues, we feel that it is beneficial to provide an official guide for use as reference. The *Guide* is not intended to be a comprehensive list of legal and ethical standards, but to provide University employees with information about and source references for the laws, policies, rules, and regulations that govern their conduct. Specific ethics and compliance questions should be directed to UT Tyler's Ethics Advisor and/or the Compliance Officer as listed at the end of the *Guide*.

Managers' and Supervisors' Responsibilities

Management personnel at every level are expected to set the tone for doing what is right in their departments. They should create a departmental culture that promotes the highest standards of honesty and integrity. They should encourage employees to share compliance concerns with them. The support of and adherence to the Institutional Compliance Program by managers and supervisors is considered an important part of their job performance. Managers and supervisors are required to ensure and verify that the employees they supervise complete appropriate compliance training. In addition, they are responsible for discussing with their employees UT Tyler's Standards of Conduct Guide, Conflict of Interest policy, and other compliance policies and procedures specifically related to their job function. Additional information may be found in the Management Responsibilities Handbook.

Compliance Risk Management Program

UT Tyler's Compliance Program is intended to demonstrate in the clearest possible terms the absolute commitment of UT Tyler to the highest ethical standards and compliance with all applicable laws, policies, rules, and regulations. A System-wide compliance committee provides program direction to the University and the System-wide committee is chaired by the System-wide Compliance Officer who is responsible for the execution of the compliance program throughout the UT System.

UT Tyler Institutional Executive Compliance Committee
UT Tyler Compliance Working Group
UT Tyler Compliance Office

The UT Tyler [Institutional Executive Compliance Committee](#) provides guidance to the UT Tyler compliance program and membership consists of the President, Vice President for Academic Affairs, Vice President for Business Affairs, and the Compliance Officer. The committee approves standards and procedures for the compliance program, allocates resources for the compliance environment, approves the annual operating plan and monitors the execution of the plan, and acts on recommendations by The Compliance Working Group. The committee meets three times a year prior to the Audit Committee meetings.

The [Compliance Working Group](#) is composed of employees who represent certain high-risk compliance areas within UT Tyler including, but not limited to, Contracts and Grants, Environmental Health and Safety, Endowments, Campus Police, Financial Aid, and Information Technology. The principal functions of the UT Tyler's Compliance Program are as follows: to perform a risk assessment of compliance issues; to monitor the implementation of UT Tyler's compliance plan; to communicate instances of noncompliance; to follow up on compliance findings to ensure that appropriate corrective action has been taken; and to continuously assess the effectiveness of compliance activities. UT Tyler's Compliance Working Group meets monthly and is chaired by the Compliance Officer.

The UT Tyler [Compliance Office](#) is responsible for ensuring that there is a risk-based process that (1) builds compliance consciousness into daily operations; (2) monitors the effectiveness of compliance activities; and (3) communicates instances of non-compliance to appropriate officials for corrective action. The Compliance Office provides administrative support to both the Institutional Executive Compliance Committee and the UT Tyler Compliance Working Group; manages the risk identification and analysis process; monitors departmental activities designed to minimize risks to the extent practical; and conducts general compliance training. The Compliance Director is administratively responsible for the Compliance Office. The Compliance Office is located in USC 155 and 156.

Reporting Suspected Noncompliance

Compliance issues should be addressed through normal administrative channels. However, a reporting procedure has been established as a way for employees to report instances of suspected noncompliance outside the normal chain of command. This method is intended to preserve confidentiality to the extent allowed by law. Employees who call the compliance ethics hotline may remain anonymous. An employee can report compliance violations on the toll-free [hotline \(1-877-507-7318\)](#) or by contacting the Compliance Officer or Compliance Director. See page 23 of this guide for more information on reporting compliance violations.

An alternative reporting method can be utilized by sending a letter to a specified post office box or by filing a report via the web. For more information, please go to: <http://www.uttyler.edu/compliance/ethicsline.php>

You may also report fraud, waste, or abuse by calling the State Auditor's Office Hotline at 1-800-TX-AUDIT (1-800-892-8348). The State Auditor's Office provides additional information, including a form to report fraud, waste, or abuse at: <http://sao.fraud.state.tx.us>

Ethics

The University of Texas at Tyler values and is committed to maintaining high standards of excellence, integrity, and accountability. Employees of UT Tyler are expected to act ethically in accordance with those values and in accordance with the following provisions provided by state law, the [Regents' Rules and Regulations](#), and policy. Failure to do so may be grounds for disciplinary action, including termination of employment.

Further explanation of the following provisions may be found in UT Tyler's [Conflicts of Interest Policy](#). All employees are required to sign an acknowledgment that they have received and read and agree to abide by that policy.

Many times, a determination of whether contemplated activity is permissible will depend on an examination of specific facts. You may always contact your supervisor or the UT System Office of General Counsel for advice. If in doubt about whether an activity is permissible, do the safe thing – don't engage in the activity.

GIFTS

An employee must not accept or solicit any gift, favor, or service that might reasonably appear to influence the discharge of the employee's official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct.

An employee who makes recommendations or decisions about UT Tyler's financial transactions may not accept a gift from an individual or entity that is interested in or likely to become interested in that transaction, with limited exceptions. A violation of this provision may constitute a criminal offense. For more information about this provision, an employee should consult UT Tyler's [Conflicts of Interest Policy](#).

An employee should not intentionally or knowingly solicit or accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.

Q: A vendor with my department has an extra ticket to a concert in Dallas and asks if I would like to go with her. May I accept her offer?

A: The acceptance of this gift would not constitute a crime as long as it was not given in exchange for your official act. However, you should consider whether it appears to

be given to influence you, and should decline the gift if it raises such appearances of impropriety. If you are involved in a procurement process involving this vendor, or will likely be involved in the near future, you should decline the gift.

Q: I received a gift basket from one of our vendors during the holidays. May I keep it?

A: If the value of the gift basket is less than \$50, you may accept it as long as it was not given in exchange for your official act. If it exceeds the value, a more detailed analysis is necessary to determine its legality. Because a determination is very fact-specific and because the acceptance of an impermissible gift might constitute a crime, some departments have adopted a policy prohibiting holiday gifts from vendors. If that is the case, you must comply with departmental policy.

Q: I attended a work-related conference and won a laptop computer as a door prize. May I keep it?

A: The safest course is to not participate in drawings for door prizes at work-related conferences. Depending on your job responsibilities, the acceptance of the laptop may constitute a violation of the gift laws, regardless of the fact that the laptop was awarded as a prize. Most employees do not have the authority to accept gifts on behalf of a governmental entity, and thus accepting the laptop on behalf of UT Tyler is generally not an option.

CONFIDENTIAL INFORMATION

An employee should not accept other employment or engage in any business or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of his or her official position.

An employee should not disclose confidential information gained by reason of his or her official position or otherwise use such information for his or her personal gain or benefit.

OUTSIDE EMPLOYMENT

An employee should not accept other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's public duties. An employee's primary responsibility is the performance of the duties assigned to the employee's position at UT Tyler. External consulting or outside employment that interferes with those duties should not be accepted. Any outside employment, including self-employment or employment by another state agency, must first be approved by the employee's department head. The [Regents' Rules and Regulations](#), Rule 30103 Standards of Conduct specifically addresses outside employment.

An employee should not accept a position on an outside board that creates a conflict of interest or that imposes an unreasonable time commitment. An employee must obtain approval from the employee's direct supervisor before accepting a position on most outside boards. UT System [Policy UTS123](#) Service on Outside Boards specifically addresses outside board service.

Q: May I work at a local golf course at times when I am not working my normal hours at UT Tyler?

A: Probably. Working at a local golf course most likely does not present a conflict of interest. However, you must receive approval prior from your department head before accepting any outside employment.

Q: One of our vendors has asked me to handle their bookkeeping for them on the weekends. Is there anything wrong with this?

A: It is likely that the acceptance will result in a conflict of interest between your public duties and your private employment. In that case, you may not accept the offer. A determination will depend on an examination of your job duties for UT Tyler. You may always consult your department head or the Director of Human Resources for advice before submitting your request for approval of outside employment.

HONORARIA

An employee may not accept an honorarium for services the employee would not have been asked to provide but for the employee's official status. For example, an employee may not accept a gift or payment for giving a speech if the employee would not have been asked to provide the speech but for the employee's official position. However, in general, an employee may accept meals, transportation, and lodging in connection with the employee's services as long as the services are more than merely perfunctory or superficial. Also, an employee may accept a gift of very minimal value, such as a plaque or coffee cup.

BUSINESS TRANSACTIONS AND INVESTMENTS

An employee may not transact any business in his or her 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.

Before UT Tyler may purchase any supplies, materials, services, equipment, or property from an employee, the President must approve the purchase, and the purchase may be made only if the cost is less than from any other known source.

An employee should not make personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest.

Q: My spouse owns a local catering company that would like to provide lunches for business meetings for several UT Tyler departments. I do not participate in the business or have any role in departmental decisions to contract with the catering company, but I want to make sure that there is not a conflict of financial interest.

A: A transaction with an employee is governed by UT System Administration Policy, [UTS 159 Purchasing](#). Although this policy addresses purchases from employees, presumably you would benefit from the contract the same as if the contract were made directly with you, the employee. This policy requires the President to give prior approval and requires the purchase price to be less than from any other known source. These requirements are intended to help eliminate any actual or perceived conflict of interest that may arise.

Q: I've been buying stock in a company that does business with UT Tyler. After my next purchase, I'll own 10% of the company. Does this pose a problem?

A: Depending on your job duties, this investment may constitute a conflict of interest and should not be pursued. In addition, if you have the authority to award contracts, select vendors, or influence purchases of goods or services, then you must report your ownership on the financial disclosure and conflict of interest statement filed with your department head and ultimately with the President.

DISCLOSURES

An employee's position with UT Tyler and the employee's contemplated activity determines which disclosure statements are required. An employee must complete and file any required disclosure statements in a timely fashion.

Political Activities and Legislative Activities

POLITICAL ACTIVITIES

An employee has the right to participate in political activities subject to the following restrictions. An employee may not engage in political activities during work hours unless the employee uses accrued compensatory or vacation leave. Political activities must be in compliance with the constitution and laws of the State of Texas and may not interfere with the performance of the employee's duties. An employee may not use equipment, supplies, or services of UT Tyler for political activities, nor may an employee impermissibly use UT Tyler facilities for political activities. Political activities may not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity and may not involve UT Tyler in partisan politics. Political contributions from any source of UT Tyler funds are prohibited. Information regarding political activities may be obtained in the [Regents' Rules and Regulations](#), Rule 30103 Standard of Conduct.

Q: I noticed a flyer posted in my supervisor's office advertising a party for a political candidate. Is it okay for the ad to be posted?

A: No. No one should ever post any type of advertisement for any political candidate on any UT Tyler property, leased or owned.

Q: My next-door neighbor is running for city council. Can I bring her up and let her meet everyone in my office?

A: No. It is not permissible to use UT Tyler resources, including employee time, to support a candidate.

Contacts with the Media, Government, and Outside Investigators

It is the policy of UT Tyler to cooperate with the news media in their efforts to report to the public on issues and events of interest involving University administrators, faculty, staff, students, programs and activities. Inquiries from members of the news media are to be handled in a courteous, professional, cooperative and timely manner.

UT Tyler requests that all media inquiries be routed through the Director of Marketing and Communications so that the Director can coordinate the appointments with the media and appropriate University employees. If an employee is contacted by a member of the media regarding an official matter internal to the University or a matter of institutional policy, the media representative should be referred to the Director of Marketing and Communications at (903) 566-7303.

Under the [Texas Public Information Act](#), documents generated in the regular course of business of UT Tyler are public unless they fall into various exempt categories (such as certain student records, papers related to ongoing litigation, documents related to ongoing real estate negotiations, etc.). [UTS139 Texas Public Information Act](#) governs the handling of requests for information under the Public Information Act.

Most media inquiries are not phrased in terms of requests under the Public Information Act, but are simply requests for information. If media is requesting to view or to obtain copies of documents, the media will be asked to submit a written open records request to the University. Information on how and who to send an open records request to can be found at: <http://www.utsystem.edu/OGC/openrecords/openrecordstoc.htm>

Media inquiries **other** than formal requests under the Public Information Act should be handled as follows:

The Director of Marketing and Communications is available for consultation regarding any media contact. Supervisors who refer a media call to Marketing and Communications should notify the Director of this action by phone or email. It is important to keep the Director of Marketing and Communications informed about media inquiries, including information about how the inquiry has been handled.

UT Tyler expects to cooperate in government investigations of the University and its employees with due consideration given to the legal rights of the University and its employees. If a subpoena, other legal document, or inquiry from a governmental agency related to UT Tyler business is received by an employee, whether at home or in the workplace, that employee is obligated to notify his or her supervisor immediately. If contacted at home by a governmental agent, without a search warrant or a subpoena, concerning business of UT Tyler, the employee should request that the agent make such contact at work the next business day, and must immediately contact his or her supervisor.

Q: I received a call from a newspaper reporter who wanted to speak to somebody about students on financial aid statistics for UT Tyler. Since I am not familiar with this subject, how should I direct her call?

A: The Office of Marketing and Communications can help connect reporters with appropriate spokespersons. Refer the reporter to the Office of Marketing and Communications.

Q: Last night there was a knock on my door, and the person identified himself as an FBI agent. The agent wanted to talk with me about my work at UT Tyler. Should I have talked with him?

A: Unless the FBI agent has a search warrant or a subpoena, you should ask the agent to contact you at the office the next business day, then immediately contact your supervisor. Should the FBI agent produce a search warrant or subpoena, if possible, notify your supervisor before you answer any questions from the agent.

Records and Information

RETENTION AND DISPOSAL OF RECORDS

The University of Texas at Tyler recognizes the importance of orderly management and retrieval of all official records and has a certified records retention and destruction schedule that is consistent with state and federal laws and regulations. Refer to the [UTS115 Records and Information Management and Retention Policy](#) for more information. Questions about specific record retention requirements should be directed to the Director of Compliance.

Q: Our department is very short on space. We have many boxes of correspondence files that we're ready to get rid of. Can we go ahead and just toss them?

A: No. UT Tyler has a formal retention schedule that should be followed by everyone. There are specific dates on which records are to be destroyed. For more information, refer to [UT Tyler Retention Schedule](#) or contact the Director of Compliance.

Q: I'm fairly new here but I already have over 1000 messages in my email Inbox. I'd like to clean it out, but I'm afraid I might violate policy. Is email subject to the Records Retention Schedule?

A: Yes, records sent out and received by email are subject to the records retention schedule. In today's work environment email often replaces letters, memoranda, and other business documents. However, email is considered a medium and not a records series. The retention of a document or record depends on its content and authorship; not on whether it is in paper or electronic form. Business-related email that documents a business activity not documented elsewhere is considered an official state record and should be retained. If you send or receive business records by email you likely have an obligation to retain them for the appropriate amount of time. Convenience copies are internal memos, announcements, and informational items from someone who is the official record-holder, and you can get rid of these.

INFORMATION EXCEPTED FROM DISCLOSURE

Unless specifically exempted from or made confidential by law, all documents generated in the regular course of business by UT Tyler are available to the public under the terms and conditions of the [Texas Public Information Act](#). Generally, documentation that is accepted from disclosure includes certain personnel data, student information, patient information, donor information, certain information related to competition and bidding, and proprietary computer software. Written requests for documents under the Texas Public Information Act should be handled pursuant to [UTS139 Texas Public Information Act](#).

Q. I received a phone call from a man asking if I would send him copies of all email and other correspondence our office had sent to State leaders regarding tuition and fees. Should I make the copies and send them to him?

A: No. A verbal inquiry is not considered a valid request under the Texas Public Information Act. Because this individual seeks to obtain copies of records from UT Tyler, you should advise him to submit his request in writing. Because the individual seeks to obtain information from the University of Texas at Tyler, you should advise him to submit his request in writing, via hand delivery, facsimile, email, or regular mail to the University's public information coordinator or designee. Further, any request submitted via facsimile or email must be sent directly to the public coordinator in order to be a valid request. A facsimile or email to anyone else within the University is not a valid request under the Texas Public Information Act.

CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS (SSNs)

It is the policy of UT System detailed in [UTS 165 Information Resources Use and Security Policy](#), to protect the confidential nature of social security numbers without creating unjustified obstacles to the conduct of the business of UT System and the

provision of services to its many constituencies. UTS165 provides guidance to UT System institutions to assure compliance with federal and state laws governing privacy and the use of social security numbers (SSNs).

UT Tyler employees can learn more about their rights and responsibilities for reducing the use and collection of SSNs in Section 10 of UTS165. Questions or concerns about the confidentiality or use of social security numbers should be directed to the Information Security Officer, Diane Garrett.

Q: My office uses an application that requires the collection of social security numbers that is mandated by state law. Individuals can fill out the form as a hard copy or electronically. I see that UTS 165 requires we give the notice required by the Federal Privacy Act when we request an individual's social security number. Is there standard language available somewhere that we can use for that notice?

A: Yes. Appendix 4 of UTS 165 provides pre-approved text for the notice required by the Federal Privacy Act of 1974, but be aware that you will need more than this language. Section 10.2.2 of UTS 165 states, "In addition to the notice required by the Federal Privacy Act, when the social security number is collected by means of a form completed and filed by the individual, whether the form is printed or electronic, the institution must also provide the notice required by Section 559.003 of the Texas Government Code. That section requires that the institution state on the paper form or prominently post on the Internet site in connection with the form that: with few exceptions, the individual is entitled on request to be informed about the information that the institution collects about the individual; under Sections 552.021 and 552.023 of the Government Code, the individual is entitled to receive and review the information; and under Section 559.004 of the Government Code, the individual is entitled to have the institution correct information about the individual that is incorrect."

ACCURACY OF RECORDS

Employees of UT Tyler are required to maintain the integrity and accuracy of business documents and records for which they are responsible. No one may alter or falsify information on any record or document.

Q: I noticed that some numbers were wrong on a proposal I sent out. Can I go back and change the numbers so that my file copy is correct?

A: No. Changing the numbers may be considered falsifying the document. If possible, reissue the proposal and indicate what was changed.

Workplace Conduct and Employment Requirements

FRAUD

Acts of fraud, waste, and abuse negatively impact the resources of UT Tyler. The minimization of fraud, waste, and abuse is the responsibility of every employee. Good business practice dictates that every suspected defalcation, misappropriation and other fiscal irregularity be promptly identified and investigated. Consequently, UT System has established a policy regarding internal investigations of suspected embezzlement, defalcation, misappropriation, and other fiscal irregularities. Refer to [UTS118 - Statement of Operating Policy Pertaining to Dishonest or Fraudulent Activities](#).

The Association of Certified Fraud Examiners defines occupational fraud as the use of one's occupation for personal enrichment through the deliberate misuse or misappropriation of the employing organization's resources or assets. It can be perpetrated for the benefit of or to the detriment of the organization and by persons outside as well as inside the organization and can range from sophisticated financial statement or investment fraud to petty theft.

Q: What are some examples of occupational fraud?

A: There are three primary categories of occupational fraud: asset misappropriations, corruption, and financial statement fraud. Asset misappropriation may include stealing or misusing cash or non-cash assets (e.g. supplies, equipment) of the organization; providing false receipts and documentation for any type of reimbursement from the University of Texas at Tyler; or claiming overtime for hours not worked. Corruption refers to the fraudster using their influence in business transactions to obtaining a benefit for themselves or someone else contrary to their duty to their employer, such as accepting a bribe or kickback to favor an outside vendor in buying goods or services. Financial Statement fraud involves the intentional misstatement or omission of material information from the organization's financial reports which may include the financial statements, grants, or applications the organization submits which include financial information.

Waste

Waste occurs when someone makes needless, careless or extravagant expenditures, incurs unnecessary expenses, or mismanages UT Tyler resources or property. Waste does not necessarily involve private use or personal gain; however, it almost always indicates poor management decisions, practices or controls.

Q: What are some examples of waste?

A: Examples of waste include excessive or unnecessary purchases of supplies or equipment; purchase of goods at inflated prices; and failure to reuse or recycle major resources or reduce waste generation.

Abuse

Abuse can include the excessive or improper use of a UT Tyler employee or official's position in a manner contrary to applicable laws, policies, or generally accepted practices. This includes intentional destruction, diversion, manipulation, misapplication, misuse of assets, information, systems, relationships, or other resources. Abuse can occur in financial or non-financial settings.

Q: What are some examples of abuse?

A: Examples of abuse include receiving favors for awarding contracts to certain vendors; failure to report damage to state equipment or property; serious abuse of time such as significant unauthorized time away from work or significant use of time for personal business; and excessive personal use of telephones, email, and the Internet.

Reporting Suspected Fraud, Waste, and Abuse

Acts of fraud, waste, and abuse negatively impacts the resources of the University of Texas at Tyler. When employees of The University of Texas at Tyler have information about dishonest, unethical, or criminal activities, it is their responsibility to report that information. To report suspected fraud, waste and abuse, you may notify the Chief of Campus Police (903-566-7393), the Director of Audit Services (903-566-7114), or make an anonymous report through the UT Tyler Ethics/Compliance Hotline (1-877-507-7318). State law prohibits retaliation against any employee who, in good faith, reports an instance of suspected wrongdoing or participates in an investigation pertaining to allegations of wrongdoing. Refer to [UTS131 – Protection from Retaliation for Reporting Suspected Wrongdoing](#).

Employees may also report fraud, waste, or abuse by calling the State Auditor's Hotline at 1-800-TX-AUDIT (1-800-892-8358). The State Auditor's Office provides additional information, including a form to report fraud, waste, or abuse at <http://sao.fraud.state.tx.us>

EQUAL EMPLOYMENT OPPORTUNITY

Under the terms of applicable laws, regulations, and institutional directives, UT Tyler may not discriminate against employees or applicants for employment on the basis of race, color, national origin, religion, sex, age, sexual orientation, veteran status, or disability. Refer to the [Regents' Rules and Regulations](#) for more information.

Q: I feel like I was passed up for a promotion because of my age. Who do I call when I feel I've been discriminated against?

A: The Office of Human Resources handles all allegations of discrimination.

SEXUAL HARASSMENT AND MISCONDUCT

UT Tyler is committed to the principle that the working environment should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are not allowed. Employees who engage in either form of conduct will be subject to disciplinary action, possibly including termination. For more information, refer to the [Regents' Rules and Regulations](#), Rule 30105 Sexual Harassment and Misconduct.

Q: My co-worker is sending me jokes via email that contain offensive content. I've asked her to stop, but she continues to send them. What can I do?

A: Since the emails continued after you asked her to stop, immediately contact your supervisor or the Director of Human Resources. An investigation will be conducted and appropriate action will be taken.

Q: My supervisor makes remarks laden with sexual innuendo clearly directed at me. What can I do?

A: You should ask your supervisor to stop the remarks; however, if you don't feel comfortable talking to your supervisor, contact the Director of Human Resources immediately.

NEPOTISM

The University of Texas at Tyler's policy on nepotism does not permit relatives to act in a capacity where either would act on appointment, salary, or promotion of either.

For more information, see Chapter 28 of the [Employee Handbook](#).

TIMEKEEPING

All non-exempt employees are required to prepare and maintain time sheets to ensure compliance with the federal Fair Labor Standards Act (FLSA) and accurate administration of state compensatory time. Employees who are paid on an hourly basis and do not accrue vacation or sick leave should record their time worked and hours absent on a paper timesheet. All employees should request time off in advance from their supervisor using a leave request form or an emailed message to their supervisor that provides the required information. If circumstances do not allow an employee to request leave in advance, he or she must notify the supervisor as soon as possible. Supervisors are responsible for ensuring that the employees accurately record time worked and hours absent. A supervisor should promptly review and approve time sheets and leave requests.

FLSA OVERTIME COMPENSATION

The federal [Fair Labor Standards Act \(FLSA\)](#) entitles non-exempt employees of UT Tyler, required or permitted to work in excess of forty hours in a workweek, to additional compensation for such excess hours by receiving either compensatory time off or a payment for accrued FLSA compensatory overtime at a rate of one and one-half times the employee's normal rate of pay.

Q: I am a non-exempt employee. I like to get all of my work done each day, so sometimes I come in early and leave late, but I only record eight hours of work on my time report. Is this okay?

A: No. All time actually worked must be recorded on your time report. Non-exempt employees should only work the hours appointed to work unless approved in advance by the supervisor. A non-exempt employee may be eligible for either FLSA overtime or state compensatory overtime.

STATE COMPENSATORY OVERTIME

Non-exempt employees, who work in excess of forty hours, with prior approval from their supervisor, may accrue state compensatory time at a rate of one and one-half times the employee's normal rate of pay.

Exempt employees, who work in excess of forty hours a week, with prior approval from their supervisor, may earn state compensatory time on a straight hour-for-hour basis. For more specific information on state compensatory overtime, contact the Director of Human Resources.

FAMILY AND MEDICAL LEAVE ACT

An employee may request and receive a leave of absence with pay, provided he or she has accrued sick and vacation leave time, or without pay for up to twelve weeks per twelve-month period for certain family and medical reasons as specified by the federal [Family and Medical Leave Act of 1993](#) (FMLA) and accompanying regulations governing the FMLA. This is a leave program that has specific eligibility requirements and restrictions. More detailed information may be found in the Regents' Rules and Regulations.

Q: My wife and I are adopting an infant next month. Am I eligible for Family Medical Leave? How long may I take off?

A: You could be eligible for FMLA. FMLA allows for a total of 12 workweeks off. Check with the Office of Human Resources for specific eligibility requirements and for information on requesting leave.

Health and Safety

WORKPLACE HEALTH AND SAFETY & PROTECTION OF THE ENVIRONMENT

All UT Tyler employees should perform their duties in compliance with all applicable institutional policies, federal, state and local laws, and standards relating to the environment and protection of worker health and safety. You should become familiar with and understand how these laws, standards, and policies apply to your specific job responsibilities and seek advice from your supervisor or the Director of Environmental Health and Safety, as needed. Each employee is responsible for advising his or her supervisor or the Director of Environmental Health and Safety of any serious workplace injury, or any situation presenting a danger of injury, so that timely corrective action may be taken. You can contact UT Tyler's Director of Environmental Health and Safety at 903-566-7401.

Q: I accidentally cut my finger on the paper cutter and will most likely need stitches. Do I need to report this to anyone?

A: Yes. You should always report any job related injury, no matter how small, to your supervisor. Both you and your supervisor will need to fill out Report of Injury forms: [Employee's Report of Injury form](#) and [Supervisor's First Report of Injury form](#)

Q It looks like chemicals have spilled in parking lot #2. Who do I call to get it checked out?

A: During regular office hours, call the Director of Environmental Health and Safety at (903) 566-7401. After hours you should contact the UT Tyler Campus Police emergency number at (903) 566-7300.

DRUG AND WEAPON-FREE WORKPLACE

The unlawful manufacture, distribution, possession, or use of a controlled substance in or on any premises or property owned or controlled by UT Tyler is prohibited. Any employee who is found guilty (including a plea of no contest) or has a sentence, fine or other criminal penalty imposed by a court for an offense involving a controlled substance that occurred in or on UT Tyler property shall report such action to his or her supervisor or the Office of Human Resources within five days. An employee, who unlawfully manufactures, sells, distributes, possesses, or uses a controlled substance on UT Tyler property, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action, including termination, or will be required to participate satisfactorily in an approved drug assistance or rehabilitation program or both. Refer to the [UTS164 - Drug Free University Community and Workplace Policy](#) for more information.

The unlawful possession of a weapon in or on any premises or property owned or controlled by UT Tyler is prohibited by [Texas Penal Code](#), Chapter 46 and [Regents' Rules and Regulations](#), Rule 30103 Standards of Conduct.

Q: I have seen one of my co-workers selling drugs in the parking lot to other employees. What should I do?

A: Report this activity immediately to the UT Tyler Campus Police.

Q. Is it okay to have an alcoholic beverage during my lunch break while off campus?

A. The use of alcohol, while not on duty, that adversely affects job performance or may adversely affect the health or safety of other employees, students, visitors, or patients is prohibited by [UTS102 – Drugs and Alcohol Policy](#).

For those positions requiring a commercial driver's license, [UTS113 – Drug and alcohol Testing Policy for Positions Requiring Commercial Drivers' Licenses](#) prohibits the following:

- use or possession of alcohol while on duty;
- use of alcohol during four hours before on duty requiring the performance of a safety-sensitive function;
- concentrations of alcohol of 0.04 or greater in the employee's system while on duty requiring the performance of safety-sensitive functions; or
- use during the 8 hours following an accident requiring a post-accident test or until the employee undergoes a post-accident alcohol test, whichever occurs first.

Use of UT Tyler and State of Texas Resources

CONTRACTS AND AGREEMENTS

No employee is authorized to sign a contract or agreement that purports to bind UT Tyler unless that employee has **official written delegated authority** to do so under the [Regents' Rules and Regulations](#). Do not sign a contract or agreement on behalf of UT Tyler unless you are certain that you have proper authority to execute the document and you take all related actions required under the [Regents' Rules and Regulations](#), Rule 10501 Delegation to Act on Behalf of the Board. Contact the Office of Financial Services or the Office of Business Affairs for more information.

Q: A sales representative has asked me to immediately sign a "purchase agreement" because the product price will increase tomorrow. May I sign such an agreement?

A: No. This is a contract for purchasing goods and services and must be approved by Financial Services.

USE OF STATE-OWNED PROPERTY

As a general rule, the personal use of UT Tyler property or assets is prohibited. Incidental personal use of UT Tyler email, a telephone to make a local telephone call, or the Internet, provided that the use complies with applicable UT Tyler policies and does not result in additional cost to UT Tyler, is permissible. Direct any questions about the use of UT Tyler property to your supervisor. More information regarding the use of State-owned property may be obtained in [UTS165 – Information Resources Use and Security Policy](#) and [UT Tyler’s Information Technology Acceptable Use Policy](#).

Q: I am a volunteer for the United Way of Tyler. Can I use a UT Tyler computer and copy machine to produce material for United Way?

A: No. While UT Tyler encourages employee involvement in the community, UT Tyler resources should not be used to support external organizations.

Q: My son calls me each day when he gets home from school. Since it’s a personal call on a UT Tyler owned phone, am I breaking any rules?

A: No. As a general rule, the personal use of any UT Tyler property or asset is prohibited; however, incidental personal use of email, telephone, or the Internet that complies with applicable UT Tyler policies, and does not result in additional cost is okay. [Texas Ethics Commission Advisory Opinion No. 395](#) also addresses the issue of personal calls using State property.

COMPUTER SOFTWARE

Employees who use software licensed to UT Tyler must abide by applicable software license agreements and may copy licensed software only as permitted by the license. Direct any questions about software license agreements to your supervisor or Information Resources. [UT Tyler’s Information Technology Acceptable Use Policy](#) provides detailed information regarding the use of computers.

Q: My budget doesn’t allow for everyone to have a copy of a software program. Is it okay to copy the program from someone else’s computer and put it on mine? What’s wrong with that?

A: No, it’s not okay. This is a violation of federal copyright laws. Check with Information Resources to determine whether a cost effective site license is available for this program.

INFORMATION: SECURITY AND ACCEPTABLE USE

UT Tyler information resources may be used only for official State purposes. Every University employee has a responsibility for maintaining the security and confidentiality of UT Tyler’s information resources and must comply with information security policies

and procedures. An employee may access or disclose confidential and sensitive information only as permitted by contract, State or Federal law or regulation, the scope of the employee's employment, or approved UT System policy. [UTS165 – Information Resources Use and Security Policy](#), and [UT Tyler's Information Technology Acceptable Use Policy](#) provide detailed information regarding the security and acceptable use of information.

Q: While typing some employment records, I noticed that a new employee is now married to my ex-wife. Can I talk with him about it?

A: Unless he or someone else tells you that he is now married to your ex-wife, you may not disclose that you saw the information on his employment application.

COMPUTER ACCESS, PASSWORDS, & OTHER CONFIDENTIAL INFORMATION

No employee may knowingly access a computer network or system without the effective consent of the owner or intentionally or knowingly disclose a password, identification code or number, debit card or bank account number, or other confidential information about a computer security system without the consent of the person employing the security system. Information regarding computer access, passwords, and other confidential information may be obtained from [UTS165 – Information Resources Use and Security Policy](#) and [UT Tyler's Information Technology Acceptable Use Policy](#).

Q: When I was out yesterday with the flu, I called the office and asked a UT Tyler employee to check my email and calendar; however, to do this, I had to reveal my password. Was this wrong?

A: Yes. It is a violation of [UTS165 – Information Resources Use and Security Policy](#), Policy for the Use and Protection of Information Resources, to disclose your computer password. Computer passwords should be considered highly confidential and should never be disclosed to anyone. Data that is protected by passwords would be vulnerable to damage, theft, or disclosure. In emergency situations, the Office of Information Technology can assist with access to information.

If you have a computer and an Internet connection, you can access your email from home using your same login and password you would use on your office email. Go to http://www.uttyler.edu/it/Webmail_Access.html for more information on how to log on and access your account from off campus.

Q: My friend asked me to look up some information on her daughter-in-law using the student computer system. May I do this for her?

A: No. All information is strictly confidential.

Q: A friend of mine owns a construction business and has asked me to tell him how much The University of Texas at Tyler has paid to a competitor over the last year. I

have access to this information on the accounting system. Is it okay for me to do this?

- A. No. [UTS165 – Information Resources Use and Security Policy](#) states that “Section 39.02, Texas Penal Code, makes it a crime for an officer, agent, or employee of a governmental agency to misuse government property, services, personnel, or other thing of value belonging to the state with the intent to obtain a benefit or to harm another person.”

Purchasing

No employee may expend UT Tyler funds for any purchase unless the person is authorized to make the purchase in accordance with the [UTS159 – Purchasing](#) and [Regents’ Rules and Regulations](#), Rule 10501 Delegation to Act on Behalf of the Board, and the purchase is made in accordance with all UT Tyler purchasing procedures, including procedures concerning Historically Underutilized Businesses (HUB). Purchases from or sales to an employee of supplies, materials, services, equipment, or property, except purchases made at a public auction, must have the prior approval of the President of the University of Texas at Tyler.

Q: If I reimburse my department, can I take advantage of a vendor’s discounted UT Tyler price to buy an item for my personal use?

A: No. Discounted prices exclude tax for UT Tyler. For employees to forego sales tax would jeopardize our tax-exempt status.

Q: Our department wants to purchase new furniture. Can we go to any store and purchase the furniture and seek reimbursement?

A: No. UT Tyler has strict guidelines for purchasing. Purchases over a certain amount must be placed for bid and should include HUB vendors. When in doubt, contact the Financial Services Department.

Copyright and Intellectual Property

USING COPYRIGHTED MATERIAL

For systematic copying (i.e., repeated use of the same material), check with the UT System Office of General Counsel unless you have permission from the copyright holder (typically the author or publisher) or the material is in the public domain (such as works prepared by the United States government). Copyright protection is broad and can extend to written material, images (including photographs or works of art), sound recordings, audio-visual works, software and industrial designs. A copy of a work can be made either physically (such as at a duplication machine) or electronically (saving, modifying or forwarding material on a computer), and restrictions under copyright law

apply equally to both situations. Most materials are protected, even if they do not show the familiar copyright © notice, since it is no longer required; thus, assume works are protected unless you are able to determine otherwise.

For infrequent or one-time events, copying may be permitted as a “fair use” under copyright law. The UT System General Counsel explains fair use in “[Fair Use of Copyrighted Materials](#).” In the absence of fair use, permission must be obtained from the copyright owner to make the copies.

Q: I would like to copy a chapter of a certain book for one-time use in my training class. Would this be okay?

A: In accordance with the four-factor fair use test, photocopying of a chapter for one-time use would probably qualify as fair use. On the other hand, repeated use will likely require permission from the copyright owner. A good practice: if the material is properly and publicly available through a web site provide a link to the material and an acknowledgment to the web site (rather than a copy of the material). Feel free to contact the UT System Office of General Counsel if you have any questions about fair use or other copyright analysis.

INTELLECTUAL PROPERTY

The Board of Regents owns the intellectual property created by University employees under a variety of circumstances – such as if the intellectual property is created by an employee within the course and scope of employment, created by an employee on UT Tyler time with the use of UT Tyler facilities or state financial support; commissioned by UT Tyler; or created pursuant to a work for hire arrangement. Other circumstances may also result in ownership of employee intellectual property. An employee should promptly disclose the creation of intellectual property (such as software or other patentable inventions) created by him or her to the appropriate department head and the Intellectual Property Section of the Office of General Counsel; such disclosures should occur well before the employee submits any information about the intellectual property for publication, or makes any public disclosure or even a private disclosure to a commercial entity. For more information, refer to [Intellectual Property](#) website, and more specifically to the [Regents’ Rules and Regulations](#), Rule 90101 Intellectual Property.

Reporting Compliance Violations

There may be instances where you suspect that a UT Tyler employee’s is not in compliance with applicable laws, rules, regulations, and policies, including the ethics policy. If this is the case, you are encouraged to report the situation to the head of the affected department, the UT Tyler Compliance Officer or other appropriate official, or the compliance hotline. UT Tyler has contracted with an outside vendor to provide our

compliance hotline service. [UTS131 – Protection from Retaliation for Reporting Suspected Wrongdoing](#) prohibits unlawful retaliation against employees who, in good faith, report instances of suspected non-compliance or wrongdoing.

Employees who call the Compliance/Ethics Line may remain anonymous. If the caller requests anonymity, no attempt shall be made to identify the caller. Information provided by the caller shall be treated as confidential and privileged to the extent permitted by applicable law.

Trained professionals operate the compliance hotline 24 hours a day, 365 days a year. You can report information anonymously, and a report will be sent to the UT Tyler Compliance Director within one business day. The UT Tyler Institutional Executive Compliance Committee has developed procedures to ensure all compliance hotline reports are investigated and addressed as appropriate. The toll-free phone number for UT Tyler’s compliance hotline is **1-877-507-7318**.

An alternative reporting method can be utilized by sending a letter to a specified post office box or by filing a report via the web. For more information, please go to: <http://www.uttyler.edu/compliance/ethicsline.php>

REPORTING OF SUSPECTED COMPLIANCE VIOLATIONS – NARRATIVE

(1) The compliance hotline report will be emailed simultaneously to the Compliance Director, Audit Services Director, and the Director of Residence Life and Judicial Affairs hereafter referred to as the triage team.

(2) Upon receipt, the triage team will determine whether the report concerns a compliance issue. If it is determined that the reported incident is not compliance related, the triage team will refer the report to the appropriate party to address. The triage team will contact the Compliance Officer and determine the appropriate person(s) to investigate the matter. At the triage team’s discretion, he or she may confer with the System Audit Director, Office of General Counsel, Campus police and others, as appropriate, to determine the appropriate investigative process to pursue.

(3) The triage team and/or investigator will establish a timeline for completing the evaluation and investigation of the report of suspected noncompliance. The triage team and/or the investigator will conduct a thorough investigation of the allegation.

To the extent that the communication does not compromise the integrity of the investigation, and provided that the identity of the individual is known or the report is made through a process that allows for the individual to call back for progress updates, the triage team or designate, will communicate regularly with the individual who reported the suspected non-compliance to keep him or her apprised of the status of the investigation.

The triage team will inform the unit head of the report of suspected non-compliance unless the unit head is the subject of the investigation, in which case the triage team will

inform the unit head's supervisor. The investigator will keep the unit head (or appropriate officer) advised of the status of the investigation.

At the point and to the extent that the investigator determines that it will not compromise the integrity of the investigation, the investigator will notify the individual against whom allegations are raised of the nature of the allegation and the status of the investigation.

The investigator will complete an Investigation Report, including the corrective or disciplinary action taken or to be taken and forward the report to the triage team, who will in turn notify the System-wide Compliance Officer of institutionally significant reports so that the System-wide Compliance Officer may bring them to the attention of the Audit, Compliance, and Management Review Committee of the Board of Regents.

(4) The triage team will provide a summary report of the status of all outstanding or recently completed investigations to the Executive Compliance Committee and Compliance Working Group at their regularly scheduled meetings.

(5) The Action Plan to Enhance Institutional Compliance states that the compliance officer should communicate identified events of noncompliance that require corrective or disciplinary action to appropriate administrative personnel. If the compliance officer believes that appropriate corrective or disciplinary action has not been taken, then the compliance officer should report his or her concerns to the President. The President is responsible for the appropriateness of the actions taken to resolve the compliance issue.

Institutional Executive Compliance Committee

Dr. Rodney Mabry, President
Dr. Donna Dickerson, Interim Vice President for Academic Affairs and Provost
Dr. Randall Powell, Vice President for Business Affairs
Mr. Jesse T. Acosta, Compliance Officer

COMPLIANCE WORKING GROUP MEMBERS

For the list of working group members go to:

<http://www.uttyler.edu/compliance/committee.php>

Ethics Advisor and Compliance Officer

Dr. Randall Powell – Ethics Advisor (903) 566-7101
Mr. Jesse T. Acosta – Compliance Officer(903) 566-7044

Compliance Office

Ms. Mary Barr – Director of Compliance

Campus Address: 3900 University Blvd. USC 155
Tyler, TX 75799

Office Phone: (903) 566-7151

Office Fax: (903) 565-5861

Website: <http://www.uttyler.edu/compliance/>

Ethics Hot Line: 1-877-507-7318

If you have comments or questions about this guide, contact the UT Tyler Compliance Director, Mary Barr, at (903) 566-7151.