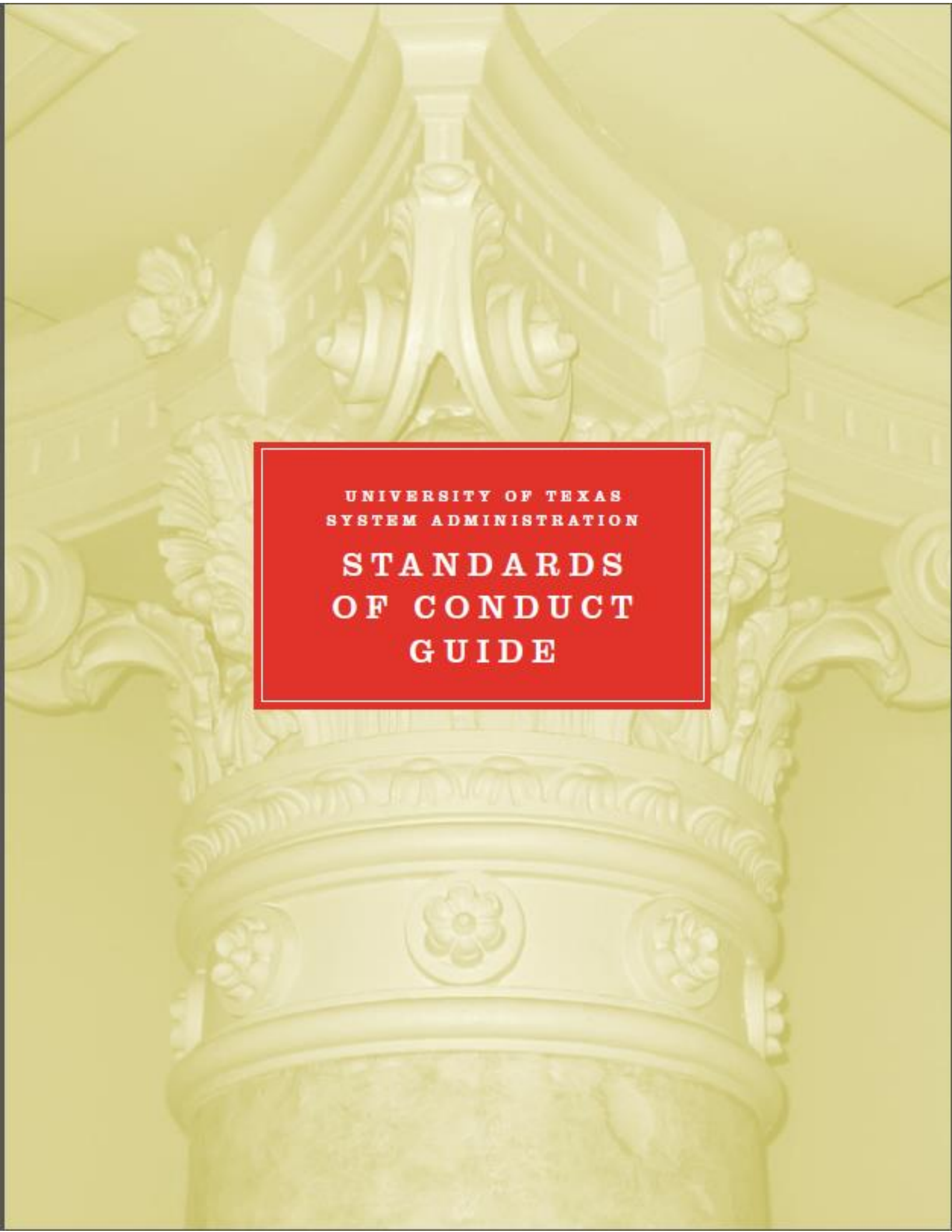




UNIVERSITY OF TEXAS
SYSTEM ADMINISTRATION

**STANDARDS
OF CONDUCT
GUIDE**

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LETTER FROM THE CHANCELLOR

Dear Colleagues,

I am pleased to share with you our updated Standards of Conduct Guide (Guide).

As valued employees of The University of Texas System Administration, each of us is responsible for ensuring that our actions are moral, legal and ethical. These values are consistent with sound principles of business conduct and with generally accepted standards of professionalism, courtesy, and respect. We all must ensure compliance with the standards of conduct while performing U. T. System business.

The Guide emphasizes the principles and common values that direct our actions. It is designed to provide a clear understanding of expected workplace behavior, and includes resources to help resolve potential questions about appropriate conduct. It is not intended to be a comprehensive list of legal and ethical standards, but rather a reference source for common questions and issues that we often face.

Please carefully review the information within this Guide. If you have questions, consult your immediate supervisor, Human Resources representative, or the Systemwide Compliance Office. You may also call the Compliance Hotline at 1-877-217-2426 to report suspected compliance violations.

Thank you for your continued dedication and for your commitment to achieving the very highest of ethical and legal standards of U. T. System. We all benefit!

Sincerely,

A handwritten signature in black ink, appearing to read 'W. H. McGehee', followed by a horizontal line.

Chancellor

STANDARDS OF CONDUCT GUIDE

The purpose of the Standards of Conduct Guide is to emphasize the necessity for and the responsibility of all employees of System Administration to be aware of and perform their duties and responsibilities in compliance with all applicable federal and state laws and regulations, policies, and rules of the Board of Regents of the 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 a reference. The Standards of Conduct Guide is not intended to be a comprehensive list of legal and ethical standards, but provides System Administration employees with information about and source references for the laws, policies, rules, and regulations that govern their conduct. Specific ethics or compliance questions of employees should be directed to System Administration's [Ethics Advisor](#) or [Compliance Office](#).

COMPLIANCE RISK MANAGEMENT PROGRAM

The UT System compliance program is intended to demonstrate in the clearest possible terms the absolute commitment of the UT System to the highest ethical standards and compliance with all applicable laws, policies, rules, and regulations. A Systemwide Executive Compliance Committee, chaired by the Chancellor, provides program direction for System Administration and the UT System. The Executive Compliance Committee is composed of six Executive Officers who oversee the activities of the Systemwide Compliance Office.

REPORTING SUSPECTED NONCOMPLIANCE

Compliance issues should be addressed through normal administrative channels. You can talk to your supervisor or contact the [Systemwide Compliance Office](#) or another appropriate official. However, a reporting procedure has been established at System Administration 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 hotline may remain anonymous. An employee can report compliance violations on the toll-free [hotline](#) (1-877-217-2426). **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 System Administration values and is committed to maintaining high standards of excellence, integrity, and accountability. Employees of UT System Administration 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 System Administration's [Conflicts of Interest Policy, INT180](#). 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 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 should not accept or solicit any gift, favor, or service that might reasonably appear to influence the employee in the discharge of his or her official duties or that the employee knows or should know is being offered with the intent to influence his or her official conduct.

An employee who makes recommendations or decisions about UT System'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 System Administration's [Conflicts of Interest Policy, INT180](#).

An employee should not intentionally or knowingly solicit, 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 at the Long Center for the Performing Arts 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: May I accept a fruit basket from one of our vendors during the holidays?

A: If the value of the fruit 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 that 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 your 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 System Administration 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 System Administration. 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, and UT System Administration Policy [INT129.1 Outside Activity Policy for Executive Officers and Employees Involved in Procurement Activities or Contract Management](#), and [INT129.2 Outside Activity Policy for All Employees, Excluding Executive Officers and Employees Involved in Procurement Activities or Contract Management](#), specifically address 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 Policies [INT129.1](#) and [INT129.2](#) specifically address outside board service.

Q: May I work at Jimmy Clay Golf Course at times when I am not working my normal hours at UT System Administration?

A: Probably. Working at Jimmy Clay Golf Course most likely does not present a conflict of interest. However, you must receive approval from your department head before accepting the outside employment.

Q: One of our vendors has asked me to handle their bookkeeping for them on the weekends. May I accept their offer?

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 System Administration. You may always consult your department head or the Office of General Counsel 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 System may purchase any supplies, materials, services, equipment, or property from an employee, the Chancellor 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: I've been buying stock in a company that does business with UT System Administration. After my next purchase, I'll own more than 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 in the UTS -180 electronic database.

DISCLOSURES

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

POLITICAL 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 System Administration for political activities, nor may an employee impermissibly use UT System Administration 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 System Administration in partisan politics. Political contributions from any source of UT System Administration funds are prohibited. Information regarding political activities may be obtained in the [Regents' Rules and Regulations](#), Rule 30103 Standards of Conduct.

Chapter 556 of the Government Code contains a number of restrictions on the political activities of state agencies, officers, and employees. If you have any questions regarding political activities as a state employee, please contact the System Ethics Advisor. A copy of relevant portions of Chapter 556 is included in Appendix A of this guide.

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 System Administration 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 System Administration resources, including employee time, to support a candidate.

LEGISLATIVE ACTIVITIES

An employee may not use UT System Administration resources, including the employee's work time, to attempt to influence the passage or defeat of a legislative measure, such as a bill or joint resolution. However, an employee is specifically authorized to provide public information or to provide information responsive to a request.

Q: May I use UT System Administration computers or telephones to send e-mails or make local calls to representatives urging their support for a bill that regulates fishing? The bill is not related to higher education, and I will only do it during a small part of my lunch break.

A: No, you may not use UT System Administration resources to urge passage or defeat of a bill, even if the use is incidental and even if the bill does not affect higher education.

CONTACTS WITH THE MEDIA, GOVERNMENT, AND OUTSIDE INVESTIGATORS

It is the policy of the UT System to cooperate with the news media in their efforts to report to the public on issues and events of interest involving the UT System institutions, 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.

The UT System does not have a single spokesperson through which all media inquiries must be routed. However, the Executive Director of Media Relations frequently assumes such a role in consultation with the Chancellor or other executive officers. With regard to some issues and topics, the Chancellor may from time to time designate a particular person as the System's official spokesperson.

Under the [Texas Public Information Act](#), documents generated in the regular course of business of the UT System 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 - Compliance with the Texas Public Information Act](#) governs the handling of requests for information under the Public Information Act.

Media inquiries other than formal requests under the Public Information Act should be handled as follows. Most media inquiries are not phrased in terms of requests under the Public Information Act, but are simply requests for

information. These inquiries should be handled by either (1) staff members who work in an area to which the questions pertain and who have authority to represent the UT System, or (2) the Office of Media Relations. Each supervisor should establish a policy within his or her office regarding the appropriate routing of media inquiries within the departments. Determining an appropriate spokesperson in a particular case will depend on the topic of the inquiry and its nature, such as whether the inquiry is for basic factual information or for analysis of an issue.

The Executive Director of Media Relations is available for consultation regarding any media contact. Supervisors who choose to refer a media call to the Office of Media Relations should notify the Executive Director of Media Relations of this action by phone or email. It is important to keep the Office of Media Relations informed about media inquiries, including information about how the inquiry was received and handled.

System Administration expects to cooperate in government investigations of System Administration and its employees with due consideration given to the legal rights of System Administration and its employees. If a subpoena, other legal document, or inquiry from a governmental agency related to System Administration 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 the UT System, the employee should request that the agent make such contact at work the next business day, and must immediately contact his or her supervisor. Supervisors shall immediately notify the Office of General Counsel if an employee receives a subpoena or other legal document or inquiry.

Q: I received a call from a newspaper reporter who wanted to speak to somebody about student enrollment statistics for all of UT System. Since I am not familiar with this subject, how should I direct her call?

A: The Office of Media Relations can help connect reporters with appropriate spokespersons. In identifying the appropriate spokespersons, each office should follow the guidelines established by supervisors and executive officers for their areas. Do not refer a reporter to another office unless you are certain that they are the appropriate office to address the reporter's questions. When in doubt, refer a reporter to the Office of Media Relations.

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 System Administration. 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

All records created in the course of conducting System Administration business are subject to state and federal laws and System policies that control the orderly management, retrieval, and disposition of all official records. System Administration maintains a certified records retention schedule that is consistent with applicable law that has been approved by the Texas State Library and Archive Commission. . Refer to the [UTS115 - Records and Information Management](#) for more information.

Questions about specific record retention requirements should be directed to the records coordinator for your department, your supervisor, or the Records Management Officer in the Office of Technology and Information Services.

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

A: It depends on the content. Generally, if the records are listed on System Administration's retention schedule, a disposition log must be submitted and approved. Bulk paper records are collected for secure shredding on two specific dates: one following the end of the calendar year, and the other following the end of the fiscal year. Bulk electronic records require a disposition log, but may be deleted at any time of the year after approval of the disposition. Your departmental records coordinator is the best resource for more information on departmental procedures or you can contact the records manager.

Q: I'm fairly new here and I already have over 1000 messages in my Outlook 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: All information and documents created or received by an employee as part of his or her work duties are state records, including e-mails. Email is a form of correspondence, but emails may also contain other types of records as well. The retention requirements for a document depends on its content, regardless of whether it is in paper or electronic format. Business-related emails and attachments should be filed and retained according to the System Administration retention schedule. Email that is considered transitory information or convenience copies can be deleted once they are no longer needed without formal approval. Discuss your particular documents with your departmental records coordinator or the Records Management Officer in the Office of Technology and Information Services.

INFORMATION EXCEPTED FROM DISCLOSURE

Unless otherwise expressly provided by law, all documents generated in the regular course of business by System Administration are available to the public under the terms and conditions of the [Texas Public Information Act](#).

Generally, documentation that is excepted from disclosure includes certain personnel information, 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 woman asking if I would send her 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 her?

A: No. A verbal inquiry is not considered a valid request under the Texas Public Information Act. To be a valid public information request, an inquiry must be submitted in writing. Because this individual seeks to obtain information from System Administration, you should advise her to submit her request in writing, via hand delivery, facsimile, e-mail or regular mail, to System Administration's vice chancellor and general counsel. Further, any request submitted via facsimile or e-mail must be sent directly to System Administration's vice chancellor and general counsel or his designee, the public information coordinator, in order to be a valid request. A facsimile or e-mail to anyone else within System Administration is not a valid request under the Texas Public Information Act.

CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS (SSNs)

Social Security Numbers maintained by System Administration are subject to the Federal Privacy Act of 1974. In some cases an SSN may also be subject to other confidentiality laws such as HIPAA or FERPA. It is the policy of UT System, detailed in [UTS165 - Information Resources Use and Security Policy](#), to protect the confidential nature of all SSNs without creating unjustified obstacles to the conduct of UT System business 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 SSNs.

System Administration employees can learn more about their rights and responsibilities for reducing the use and collection of SSNs in Standard 13 of UTS165. Questions or concerns about the confidentiality or use of SSNs should be directed to the [Information Security Officer](#).

Q: My office uses an application that requires the collection of SSNs that is mandated by state law. Individuals can fill out the form as a hard copy or electronically. I see that UTS165 requires we give the notice required by the Federal Privacy Act when we request an individual to initially disclose his or her SSN. Is there standard language available somewhere that we can use for that notice?

A: Yes. UTS165 at Standard 13 provides pre-approved text for the notice required by the Federal Privacy Act of 1974 in connection with collection of an individual Social Security Number. However, 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. System Administration is required to include notices on all form or prominently post on the Internet site in connection with each 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 System Administration 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

OCCUPATIONAL FRAUD & ABUSE

Occupational fraud and abuse negatively impact the resources of System Administration. The minimization of fraud 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 - Dishonest or Fraudulent Activities](#).

Occupational Fraud

The Association of Certified Fraud Examiners defines occupational fraud as the use of one's occupation for personal enrichment through the deliberate misuse or misapplication 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 misappropriation, 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 System Administration; or claiming overtime for hours not worked. Corruption refers to the fraudster using their influence in business transactions to obtain 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 application the organization submits which include financial information.

Reporting Suspected Fraud

Acts of fraud, waste, and abuse negatively impact the resources of System Administration. When System Administration employees 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 your supervisor; the Office of the Director of Police (512-499-4680); the Chief Audit Executive (512-499-4390); or make an anonymous report through the System Administration Compliance Hotline (1-877-217-2426). 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 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>.

EQUAL EMPLOYMENT OPPORTUNITY

Under the terms of applicable laws, regulations, and institutional directives, System Administration 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 [INT121 - Equal Employment Opportunity](#) and the [Deputy Chancellor's Equal Employment Opportunity Statement](#) 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 [Equal Employment Opportunity Officer](#) in the Office of Human Resources handles all allegations of discrimination.

SEXUAL HARASSMENT OR MISCONDUCT

System Administration 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, and [INT134 - 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 Office 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 [Equal Employment Opportunity Officer](#) immediately.

TIMEKEEPING

All 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. In accordance with [INT143 - Time and Attendance](#), employees shall record their time worked and hours absent using the Electronic Timekeeping System (ETS). All employees request time off in advance from their supervisor using a leave request or an emailed message to their supervisor that provides the required information. If circumstances don't allow an employee to request leave in advance, he or she must notify their supervisor as soon as possible and submit a leave request form upon return. Supervisors are responsible for ensuring that employees accurately record time worked and hours absent. A supervisor should promptly review and approve timesheets and leave requests.

Q: How often am I required to complete and submit timekeeping records to my supervisor?

A: In accordance with [INT143 - Time and Attendance](#), all employees should submit timesheets on a weekly basis. It is preferable that time be recorded on a daily basis.

Q: I am a non-exempt employee, and I am confused about overtime. Sometimes my department says that I have to take the time off or lose it and other times I accrue time and one-half off. How can I tell what I am going to receive?

A: There are actually two kinds of overtime for a non-exempt employee. A non-exempt employee qualifies for FLSA overtime if he or she actually works more than 40 hours in a workweek (Monday through Sunday). FLSA

overtime is earned on a one and one-half time basis for all time actually worked over 40 hours in a workweek (one hour of FLSA overtime is accrued as 1.50 hours). A non-exempt employee is also eligible for state compensatory time earned on a straight time basis. If the total number of hours of time worked plus the number of hours of holiday or other paid leave exceeds the number of hours appointed to work in a workweek, the employee is eligible for state compensatory time for all of the hours over those appointed to work, less any FLSA overtime hours. The other way in which a non-exempt employee may receive state compensatory time is when the employee works on a holiday.

FLSA OVERTIME

The FLSA entitles non-exempt employees of System Administration who are required or permitted to work in excess of 40 hours in a workweek to additional compensation by either accruing FLSA overtime at the rate of one and one-half times for all time actually worked over 40 hours in a workweek or by receiving payment for accrued FLSA overtime. Information pertaining to overtime for System Administration non-exempt employees, including the need for prior approval from the immediate supervisor or department head, is set forth in [INT113 - Fair Labor Standards Act-Overtime](#).

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. Refer to [INT143 - Time and Attendance](#) for more information. 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 FLSA overtime, state compensatory time, or both. Refer to [INT113 - Fair Labor Standards Act-Overtime](#) and [INT147 - State Compensatory Time](#) for more information.

STATE COMPENSATORY TIME

System Administration policy permits eligible employees to earn and use state compensatory time. State compensatory time is earned on a straight hour-for-hour basis. Both exempt and non-exempt employees can accrue state compensatory time; however, non-exempt employees must have prior approval before working hours that would be counted as state compensatory time. Specific guidelines regarding earning and use of state compensatory time are set forth in [INT147 - State Compensatory Time](#).

Q: I am confused about when I must use my state compensatory time. When should I use this leave?

A: State compensatory time must be used within 12 months from the end of the workweek in which it was earned or it expires. Employees may use state compensatory time with prior supervisory approval. Unused state

compensatory time will not be transferred to or from another state agency, public institution of higher education, or UT System institution.

Q: How is overtime earned by exempt employees?

A: Exempt employees are not eligible to receive FLSA overtime and are, therefore, never eligible to earn time and one-half overtime. Full-time exempt employees earn state compensatory time when the total number of hours worked in a workweek plus the number of hours of holiday or other paid leave exceeds 40 hours in a workweek. The other way in which an exempt employee may receive state compensatory time is when the employee works on a holiday. Refer to [INT147 - State Compensatory Time](#) for more information.

FAMILY AND MEDICAL LEAVE ACT

An employee may request and receive a leave of absence with pay, provided he or she has accrued paid leave, or without pay for up to 26 weeks per 12-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 [INT122 - Family and Medical Leave](#).

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

A: You could be eligible for Family and Medical Leave (FML). For a qualifying legal adoption, FML allows up to 12 weeks off. Check with the Office of Human Resources for specific eligibility requirements and for information on requesting FML.

HEALTH AND SAFETY

WORKPLACE HEALTH AND SAFETY AND PROTECTION OF THE ENVIRONMENT

All System Administration 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. The Office of Risk Management will advise you of these requirements and any special actions required to comply. Each employee is responsible for advising his or her supervisor or the Risk Management safety coordinator of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken.

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 who will contact the Workers' Compensation Insurance office. Your supervisor should complete the required WCI forms.

Q: *It looks like chemicals have spilled in the parking garage. Who do I call to get it checked out?*

A: During regular office hours, call the Office of Risk Management at (512) 499-4661. After hours you should contact the UT System Administration guard kiosk at 499-4441. A back-up contact is the UT Austin Emergency On-call System at (512) 471-2020.

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 System Administration (UT property) 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 property shall report such action to the employee's supervisor or to the Office of Human Resources within five days. An employee, who unlawfully manufactures, sells, distributes, possesses, or uses a controlled substance on UT 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 [UTS164 - Drug-Free University Community and Workplace Policy](#) for more information.

The unlawful possession of a weapon in or on the land and buildings owned or leased by System Administration is prohibited by UT System rules, Texas Penal Code Chapter 46 and Texas Government Code Chapter 411, and Regents' Rules and Regulations, Rule 30103 Standards of Conduct.

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

A: Report this activity immediately to the UT System 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:

1. use or possession of alcohol while on duty;

2. use of alcohol during four hours before on duty requiring the performance of a safety-sensitive function;
3. concentrations of alcohol of 0.04 or greater in the employee's system while on duty requiring the performance of safety-sensitive functions; or
4. 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 STATE OF TEXAS RESOURCES

CONTRACTS AND AGREEMENTS

No employee is authorized to sign a contract or agreement that purports to bind System Administration 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 System Administration 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.

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. Contact the Office of Business Affairs, OSS-Accounting and Purchasing Services or the Office of General Counsel for guidance.

USE OF STATE-OWNED PROPERTY AND INFORMATION RESOURCES

As a general rule, the personal use of UT property or assets is prohibited. However, incidental personal use of the System Administration information resources, such as email accounts, telephones, or the Internet, provided that the use complies with applicable System Administration is permissible. Each System Administration employee is required to review and acknowledge the System Acceptable Use Policy. A copy of that policy can be found on the Office of Technology Services webpage. Direct any questions about the use of UT information resources property to your supervisor. More information regarding the use of state-owned information resources may be obtained in [UTS165 - Information Resources Use and Security Policy](#) and [INT124 - Information Resources Acceptable Use and Security Policy](#).

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

A: No. While System Administration encourages employee involvement in the community, System Administration 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 owned phone, am I breaking any rules?

A: No. As a general rule, the personal use of any UT property or asset is prohibited; however, incidental personal use of email, telephone, or the Internet that complies with applicable System Administration 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 the UT System and System Administration 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 the Office of Technology and Information Services. [INT124 - Information Resources 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. Most software used by System Administration is subject to a special license that controls its use and may limit the number of users. In addition, unauthorized copies may violate applicable copyright laws. Work with the Office of Technology and Information Services to determine whether a cost effective site license is available for this program.

INFORMATION SECURITY

System Administration information resources may be used only for official state purposes. Every System Administration employee has a responsibility for maintaining the security and confidentiality of System Administration'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 [INT124 - Information Resources Acceptable Use and Security 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-husband. Can I talk with her about it?

A: Many employment records are protected by confidentiality and privacy laws. Treat any employment or other data as confidential. Never use or disclose information that you access as an employee for any non-work related purpose.

COMPUTER ACCESS, PASSWORDS, AND 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 [INT124 - Information Resources Acceptable Use and Security Policy](#).

Q: When I was out yesterday with a cold, I called the office and asked another System Administration 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](#) 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 Technology and Information Services (OTIS) can assist with access to information. OTIS can help you learn how to access your Outlook email account and calendars through the web-based version of Outlook, Outlook Web Access. There are links to Outlook Web Access on the UT System Administration home page and UT4U. If you have a computer and an Internet connection, OTIS can also assist you in accessing system servers securely through VPN software or through a secure remote connection.

Q: A friend of mine owns a construction business and has asked me to tell him how much UT has paid to a competitor over the last year. I have access to this information on the mainframe. Is it okay for me to do this?

A: No. As mentioned above, you should never use or disclose information that you access as an employee for any non-work related purpose. It would be inappropriate for an individual in the purchasing office to gather up this information as a personal favor to their friend. Some information concerning competitive bids is confidential as its release may impact System's ability to procure goods and services competitively. However, other information your friend wants may be public information. The employee should inform the friend to submit a request for the information under the Texas Public Information Act. If the information is not confidential or otherwise restricted from release, your friend can obtain it pursuant to that request.

PURCHASING

No employee may expend System Administration 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 System Administration 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 Chancellor and the applicable vice chancellor.

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

A: No. Discounted prices exclude tax for System Administration and are negotiated for business purposes. 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. System Administration has strict guidelines for purchasing. Purchases over a certain amount must be placed for bid and should include HUB vendors. Additionally, Facilities Management should pre-approve furniture purchases. When in doubt, contact Accounting Services.

COPYRIGHT AND INTELLECTUAL PROPERTY

USING COPYRIGHTED MATERIAL

For use of copyrighted material, check with the 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 or works for which the copyright term has expired). Copyright protection is broad and extends to all 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. All materials "fixed in a tangible medium" (such as a writing or recording), other than works published by the United States government, are automatically protected by operation of law, even if they do not show the familiar "©" copyright notice or indicate a source of ownership; 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 Office of General Counsel suggests exploring the explanation of fair use the U.T. Austin Library has published in the "[Fair](#)

[Use of Copyrighted Materials](#) website.” 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, copying of a chapter for one-time use could qualify as fair use, especially if that use was for an educational purpose. 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 acknowledgement to the web site (rather than a copy of the material). Feel free to contact the Office of General Counsel if you have questions about fair use or other copyright analysis.

INTELLECTUAL PROPERTY

The Board of Regents may own the intellectual property created by University employees under a variety of circumstances –for example, if the intellectual property is created by an employee within the course and scope of employment; created by an employee on System Administration time or with the use of System Administration facilities or state financial support; commissioned by System Administration; or created pursuant to a work for hire arrangement. Other circumstances may also result in Board of Regents ownership of employee intellectual property. An employee should promptly disclose the intellectual property (such as software or other patentable and non-patentable inventions) created by him or her to the appropriate department head and the [Office of General Counsel](#); this disclosure 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 the [Intellectual Property](#) web site, and more specifically to the [Regents’ Rules and Regulations](#), Rules 90101 and 90102 Intellectual Property.

REPORTING COMPLIANCE VIOLATIONS

There may be instances where you suspect that a System Administration employee’s conduct 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 Systemwide Compliance Officer, or other appropriate official, or to the compliance hotline. System Administration 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.

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 Systemwide Compliance Officer within one business day. The toll-free phone number for System Administration’s compliance hotline is: **1-877-217-2426**.

In addition, System Administration is subject to the Health Information Portability and Accessibility Act. (HIPAA). System Administration's HIPAA Privacy Policy Manual ([INT 166](#)) and Breach Notification Policy ([INT 165](#)) require all employees to report HIPAA Privacy violations to the System Administration Privacy Officer. UTS 165 and HIPAA require employees to report security incidents that violate UTS 165, the HIPAA Security Rule, or the Acceptable Use Policy to the Chief Information Security Officer. HIPAA and System Administration's HIPAA policies also prohibit unlawful retaliation against employees who, in good faith, report instances of suspected non-compliance or wrongdoing.

If you have comments or questions about this guide, contact the Assistant Systemwide Compliance Officer, [David Givens](#), at (512) 499-4532.

EXECUTIVE COMPLIANCE COMMITTEE MEMBERS

[William McRaven](#) – Chancellor (512) 499-4204
[David Daniel](#) – Deputy Chancellor (512) 499-4430
[Raymond Greenberg](#) – Executive Vice Chancellor for Health Affairs (512) 499-4224
[Steven Leslie](#) – Executive Vice Chancellor for Academic Affairs..... (512) 499-4237
[Scott Kelley](#) – Executive Vice Chancellor for Business Affairs (512) 499-4560
[Dan Sharphorn](#) – Vice Chancellor and General Counsel (512) 499-4462

SYSTEMWIDE COMPLIANCE OFFICE

[Arthur Culpepper](#) – Executive Director/Deputy Systemwide Compliance Officer (512) 579-5095
[David Givens](#) – Assistant Systemwide Compliance Officer (512) 499-4532

ETHICS OFFICER

[Jason King](#) – Associate Systemwide Compliance Officer and Ethics Officer (512) 499-4465

SYSTEMWIDE CHIEF INFORMATION SECURITY OFFICER

[Helen Mohrmann](#) – Systemwide Chief Information Security Officer (512) 579-5036

SYSTEM ADMINISTRATION PRIVACY OFFICER

[Cristina Blanton](#) – System Administration Privacy Officer (512) 852-3264

APPENDIX A

Sec. 556.004. PROHIBITED ACTS OF AGENCIES AND INDIVIDUALS.

(a) A state agency may not use any money under its control, including appropriated money, to finance or otherwise support 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. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.

(b) A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).

(c) A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.

(d) A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of any thing of value to a person or political organization for a political purpose.

(e) For purposes of Subsection (c), a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful.

Sec. 556.005. EMPLOYMENT OF LOBBYIST.

(a) A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist. Except for an institution of higher education as defined by Section 61.003, Education Code, a state agency may not use any money under its control to employ or contract with an individual who is required by Chapter 305 to register as a lobbyist.

(b) A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 to register as a lobbyist. This subsection does not apply to the payment by a state agency of membership fees under Chapter 81.

(c) A state agency that violates Subsection (a) is subject to a reduction of amounts appropriated for administration by the General Appropriations Act for the biennium following the biennium in which the violation occurs in an amount not to exceed \$100,000 for each violation.

(d) A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter 305 to register as a lobbyist.

Sec. 556.0055. RESTRICTIONS ON LOBBYING EXPENDITURES.

(a) A political subdivision or private entity that receives state funds may not use the funds to pay:

- (1) lobbying expenses incurred by the recipient of the funds;
- (2) a person or entity that is required to register with the Texas Ethics Commission under Chapter 305;
- (3) any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2); or
- (4) a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

(b) A political subdivision or private entity that violates Subsection (a) is not eligible to receive additional state funds.

Sec. 556.006. LEGISLATIVE LOBBYING.

(a) A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.

Sec. 556.007. TERMINATION OF EMPLOYMENT.

A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 556.006(b) or who violates Section 556.004(c) or (d) is subject to immediate termination of employment.

Sec. 556.008. COMPENSATION PROHIBITION.

A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or Section 556.005 or 556.006(a), or who is subject to termination under Section 556.007.

Sec. 556.009. NOTICE OF PROHIBITIONS.

(a) A state agency shall provide each officer and employee of the agency a copy of Sections 556.004, 556.005, 556.006, 556.007, and 556.008 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.

(b) A state agency shall maintain receipts collected from current officers and employees under this section in a manner accessible for public inspection.