Standards of Conduct Guide
The University of Texas at El Paso

The Office of Institutional Compliance
Honesty • Integrity • Trust • Ethics
All University Faculty and Staff:

The primary mission of The University of Texas at El Paso is to create a climate in which all members of the UTEP community can achieve their full potential. We seek to foster fairness, cooperation, and professionalism, and to promote an ethical approach to all operations of the University.

This Standards of Conduct Guide emphasizes the principles and common values that direct our actions, and it contains resources to help resolve questions about appropriate conduct in the workplace. If you have questions regarding this Guide or encounter any situation that you believe violates the provisions of the Guide, you should consult your supervisor, the University’s Ethics Officer, or the Institutional Compliance Officer. You may also call the Compliance Helpline at 1-888-228-7713.

We are fully committed to the values reflected in our Mission and Vision Statements and in this Standards of Conduct Guide. We will appreciate your efforts to help us ensure that these high standards of personal and professional conduct are consistently reflected in the daily life of UTEP.

Diana Natalicio
President
# Table of Contents

- **Introduction** ......................................................... 5
- **Purpose** ................................................................. 5
- **Institutional Compliance Program** ........................... 5
- **Training** .................................................................. 5
- **Ethical Standards** .................................................... 6
- **Official Request for Information** ............................... 6
- **Records and Information** ........................................... 7
  - Accuracy of Records .................................................... 7
  - Retention and Disposal of Records ................................ 7
  - Confidential Information ................................................. 7
  - Confidentiality of Social Security Numbers (SSNs) .......... 8
  - Family Educational Rights and Privacy Act (FERPA) ......... 9
- **Workplace Conduct and Employment Requirements** ...... 10
  - Fraud .......................................................................... 10
  - Equal Employment Opportunity ..................................... 11
  - Title IX ......................................................................... 11
  - Sexual Harassment and Sexual Misconduct ....................... 11
  - Overtime Compensation .................................................. 12
  - State Compensatory Overtime ......................................... 12
  - Family and Medical Leave Act ......................................... 13
  - Time Keeping ................................................................ 13
  - Solicitation .................................................................... 14
- **Health and Safety** .................................................... 16
  - Workplace Health and Safety and Protection of the Environment .... 16
  - Smoke and Tobacco Free Policy ....................................... 16
  - Drug Free Workplace Policy ............................................. 16
  - Weapon-Free Workplace .................................................. 17
# Research

- Responsible Conduct of Research (RCR) ...................................................... 17
- Research Misconduct .................................................................................. 18
- Photocopying of Copyrighted Material ...................................................... 18
- Intellectual Property ..................................................................................... 18

## Conflict of Interest

- Conflicts of Interest, Conflicts of Commitment, and Outside Activities ...... 19

## Use of U.T. and State of Texas Resources

- Contracts and Agreements ........................................................................... 21
- Use of State-Owned Property ....................................................................... 21
- Computer Software ....................................................................................... 21
- Information: Security and Acceptable Use .................................................. 21
- Computer Access, Passwords and Other Confidential Information .......... 21
- Purchasing ...................................................................................................... 22

## Political Activities and Contributions

- Political Activities ......................................................................................... 23
- Political Contributions ................................................................................... 23

## Gifts and Gratuities

- Gifts Made to Influence Decisions ................................................................. 24
- Honoraria ........................................................................................................ 24

## Reporting Suspected Non-compliance

- Compliance Helpline ................................................................................... 25
- Protection from Retaliation for Reporting Suspected Wrongdoing .......... 26

## Helpful Numbers

- .................................................................................................................. 27
Introduction

This Standards of Conduct Guide (Guide) provides a summary of the standards of ethics and conduct that each employee of The University of Texas at El Paso (UTEP) is expected to follow. While this guide does not cover every situation and does not state every applicable policy, employees are expected to adhere to The University of Texas System (UT System) and UTEP policies. If additional information is needed, it may be found in the University’s Handbook of Operating Procedures.

The Handbook of Operating Procedures can be obtained online at: http://admin.utep.edu/hoop.

Purpose

The purpose of the Guide is to emphasize the necessity for and the responsibility of all employees of UTEP to be aware of and perform their duties and responsibilities in compliance with applicable provisions of federal and state laws, regulations, and policies; the Policies and the Rules and Regulations of The UT System Board of Regents; and the policies and rules and regulations of UTEP. The Guide is an outline of various laws, policies, rules and regulations that govern the conduct of employees of UTEP. Although the Guide addresses a number of specific laws, policies, rules and regulations, it is not intended to be a comprehensive list of legal and ethical standards, but provides employees of UTEP with information about and source references for the laws, policies, rules, and regulations that govern their conduct. It also represents an educational tool and information directory to be used by the UTEP Institutional Compliance Program for training employees of UTEP regarding the conduct required of them. General questions regarding the Guide may be directed to the Office of Institutional Compliance.

Institutional Compliance Program

UTEP’s Institutional Compliance Program (Program) is intended to demonstrate in the clearest possible terms the absolute commitment of UTEP to the highest standards of ethics and compliance with applicable laws, policies, rules and regulations. A System-wide Compliance Committee representing all major compliance areas provides program direction. The UT System Compliance Officer is responsible for the execution of the Program. Each UT System institution has a Compliance Officer and a Compliance Committee. UTEP’s Compliance Officer is the Executive Vice President for Legal Affairs and Oversight.

Training

In order to support a comprehensive Institutional Compliance Program, UTEP designed a web-based Compliance Training Program to provide employees with general information on all applicable laws, rules, regulations, policies and procedures that impact their jobs on a daily-basis. Therefore, training modules have been developed to raise the level of awareness and sensitivity to key issues,
as discussed in this guide. All faculty, staff, and student employees are required to complete compliance training every fiscal year, and The Office of Institutional Compliance electronically tracks and monitors the completion process. The web-based training modules can be accessed online at: http://admin.utep.edu/compliance.

**Ethical Standards**

Ethical behavior is expected of every employee of the University. Management personnel at every level are expected to set an ethical “tone at the top” and to be role models for ethical behavior in their departments. They should create a departmental culture that promotes the highest standards of ethics and encourages everyone in the department to voice concerns when unethical behavior or incidents of non-compliance with applicable laws, policies, rules or regulations arise. Each employee has a personal obligation to report any activity that appears to violate such laws, policies, rules and regulations.

The State of Texas and UT System Board of Regents have defined certain ethical standards that apply to employees of UTEP. The most complete and current source of information on ethical standards is the UT System Office of General Counsel's web page, accessible online at http://www.utsystem.edu/OGC/. In addition, specific ethical questions may be directed to UTEP’s Ethics Officer.

**Official Request for Information**

UTEP expects to cooperate in government investigations of UTEP, or employees with due consideration given to the legal rights of UTEP and employees of UTEP. If a subpoena, other legal document, request for information under the Texas Public Information Act or inquiry from an external governmental agency or source related to institution business is received by an employee of the University, whether at home or in the workplace, such employee is obligated to notify his/her supervisor immediately and the Office of Legal Affairs. If contacted at home by an external governmental agent concerning business of UTEP, the employee should request that the agent make such contact at work the next business day, and then immediately contact his or her supervisor and the Office of Legal Affairs.

The Office of University Communications acts as the media liaison for UTEP. The Office of the Vice President of Business Affairs coordinates requests made under the Texas Public Information Act (commonly referred to as open records requests) for the University. Additional information can be obtained online at: http://www.utsystem.edu/policy/policies/uts139.html as well as http://admin.utep.edu/Default.aspx?tabid=47537.
Records and Information

Accuracy of Records

Employees of the University are required to maintain the integrity and accuracy of business documents and records for which they are responsible. No one may alter any University record (with the exception of authorized personnel acting in the course of their respective job duties). The deliberate falsification of any University record is a violation of Texas State Law.

Retention and Disposal of Records

UTEP Records Management Department helps to ensure that the creation, storage and disposition of all university records are carried out as mandated by the Texas State Library and Archives Commission and The Texas State Records Retention Schedule Revised 4th Edition, effective July 4, 2012, Texas Administrative Code, Title 13, Chapter 16, Section 6.10. The UT System policy for records management may be found online at: http://www.utsystem.edu/bor/procedures/policy/policies/uts115.html. The UTEP Records Management Services may be found at the following website: http://admin.utep.edu/recordsmgmt. Questions about specific record retention requirements should be directed to UTEP’s Records Management Department.

Q: While conducting a records inventory at the College of Engineering, the administrative secretary discovers old statement of accounts. Can Jackie place them in the recycling bin?

A: No, all university departments at UTEP are required to coordinate document destruction through the Records Management Office. State law mandates that certain records be destroyed once their respective retention periods have expired.

Caution: A state record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and resolution of all issues that arise from it.

Confidential Information

Unless specifically exempted from or made confidential by law, all documents generated in the regular course of business by UTEP are available to the public under the terms and conditions of the Texas Public Information Act. Written requests for documents under the Texas Public Information Act should be handled pursuant to UT System Policy UTS 139, accessible online at: http://www.utsystem.edu/policy/policies/uts139.html.

As assigned in UTS 139, the Chief Business Officer (Vice President for Business Affairs) is the Public Information Officer for the University. Therefore, if an employee receives a request for information or documentation, they should contact the Office of the Vice President for Business Affairs immediately for guidance on how to proceed. This does not apply to University employees requesting information or documentation as necessitated by the course and scope of their job responsibilities.
Q: I received a phone call from a woman asking if I would send her copies of documents maintained in our office. Should I make the copies and send them to her?

A: No. This is considered an Open Records request. Individuals verbally contacting you should be advised to submit their request in writing to the Office of the Vice President for Business Affairs at tpi@utep.edu. Or, they can be directed to http://admin.utep.edu/vpba for guidance on submitting an Open Records request.

Confidentiality of Social Security Numbers (SSNs)

It is the policy of UTEP, detailed in UT System Information Resource Use and Security Policy UTS 165, to protect the confidential nature of SSNs without creating unjustified obstacles to the conduct of the business of UTEP and the provision of services to its many constituencies. UTS 165 provides guidance to UT System institutions to assure compliance with federal and state laws governing privacy and the use of SSNs in any medium, including paper records, that are collected, maintained, used or disclosed by UTEP.

The procedures are organized around six key privacy principles:

• Reduce the collection, use or disclosure of SSNs,
• Inform individuals when the university collects SSNs,
• Reduce the public display of SSNs,
• Control access to SSNs,
• Protect SSNs with security safeguards, and
• Establish accountability for protecting the confidentiality of SSNs.

Users can learn more about their rights and responsibilities for protecting the confidentiality of SSNs through UTEP’s Information Security Office web page at http://admin.utep.edu/Default.aspx?tabid=63620 or by visiting UTS 165 at http://www.utsystem.edu/bor/procedures/policy/policies/UTS165.pdf. Questions or concerns about the confidentiality or use of social security numbers should be directed to UTEP’s Information Security Office at security@utep.edu or by telephone at 915-747-6324.
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 UTS 165 requires we give the notice required by the Federal Privacy Act when we request an individual’s SSN. 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 notice as required by Section 559.003 of the Texas Government Code must also be provided. That section requires that the agency 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 is collected 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 incorrect information about the individual corrected.”

Family Educational Rights and Privacy Act (FERPA)

FERPA is a federal law that protects the privacy of student education records. FERPA gives students certain rights with respect to their education records. When students reach the age of 18 or attend a school beyond the high school level, under FERPA, they have the right to:

- Inspect and review their education records
- Seek to amend their education records
- Exercise some control over the disclosure of information of education records Generally, education records are defined as records which:
  - Contain information which is directly related to a student
  - Are maintained by an educational agency or institution or by a party acting for the agency or institution

Schools may disclose, without consent of the student, “directory” information such as a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell students about directory information and allow students a reasonable amount of time to request that the school not disclose directory information about them.
Students may request that the school not disclose directory information by submitting a Request for Nondisclosure of Directory Information form to the Registration and Records Office. The Goldmine Student Information system will display the message “Confidential” to alert the user that the student’s information is confidential.

For assistance, you may call the Registration and Records Office at 915-747-5544 or refer to Student Educational Records located in the Academic Regulations section in the Undergraduate Catalog and the Graduate Catalog at: http://www.utep.edu/catalog/. Additional information may be found online at: http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html. The UTEP Handbook of Operating Procedures, Section III (Academic Policies and Faculty Personnel Matters), Chapter 4, Section 4.16 (Student’s Rights to Privacy and Access to Records): http://admin.utep.edu/hoop.

Q: A salesperson that I know asked me to provide him with some information that is contained in student records. Is he allowed to have this information?

A: No. Student records can only be used for university business, unless otherwise specified under FERPA. We are responsible for protecting the confidentiality of student information from interested third parties as well as from staff who have no “business” reason for such information. Students are entitled to expect confidentiality; the protection of their privacy, and the release of information must be only to authorized parties and always in accordance with applicable laws.

Workplace Conduct and Employment Requirements

Fraud

The prevention of fraud and abuse and the minimization of waste is the responsibility of all employees of UTEP. UTEP has established a policy regarding internal investigations of suspected misuse, misappropriation, and other fiscal irregularities. A copy of the UT System Statement of Operating Policy Pertaining to Dishonest or Fraudulent Activities, UTS 118, may be obtained online at: http://www.utsystem.edu/policy/policies/uts118.html.

Q: What are some examples of Fraud?

A: Improper billing, lying on an employment application, falsifying records, or providing false receipts for travel reimbursement.
Equal Employment Opportunity

Under the terms of applicable laws and regulations, UTEP is committed to providing equal opportunity to employees, applicants for employment, students, applicants for admission and other beneficiaries of UTEP’s programs, activities or services and will not discriminate against these persons on the basis of race, color, national origin, sex, religion, age, disability, veteran status or sexual orientation.

The UT System Administration policy on equal opportunity is accessible online at: http://www.utsystem.edu/policy/policies/uts105.html. A copy of UTEP’s Equal Opportunity policy, including complaint filing and resolution procedures, may be obtained at the Equal Opportunity Office or online at: http://www.utep.edu/eoaa/.

Q: I believe I’m being treated differently at work because of my race. Where should I go to get assistance?

A: The Equal Opportunity Office handles allegations of discrimination or harassment based on any of the protected classes listed above. Contact the office for an appointment to learn about complaint filing and resolution options.

Title IX

Title IX of the Education Amendments of 1972 is federal law intended to end sex discrimination in all areas of education. It states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” In accordance with Title IX of the Education Amendments of 1972, UTEP does not discriminate on the basis of sex in the operation of its educational programs and activities. This commitment to non-discrimination applies to both employment in and admission to such programs and activities. Title IX also applies to issues of program equity such as in athletics and also to sexual harassment and sexual assault.

Sexual Harassment and Sexual Misconduct

The UT System and UTEP are committed to the principle that the learning and working environment should be free from sexual harassment and other inappropriate conduct of a sexual nature. Sexual harassment is a form of sex discrimination and is illegal. Both sexual harassment and sexual misconduct are unprofessional behaviors and are condemned by the University. Employees who engage in such conduct will be subject to disciplinary action, including termination. UTEP’s policy on sexual harassment and misconduct also includes a provision regarding consensual relationships. Romantic or sexual relationships between supervisors and their
subordinates are prohibited. Such relationships between a faculty member and a student who is in the faculty member’s course or who otherwise is supervised by the faculty member are also prohibited. This policy is not meant to discourage the interaction between faculty and students or supervisors and subordinates, where it is appropriate and ethical; however, it is intended to clarify that such relationships can create situations that lead to sexual harassment complaints, conflicts of interest, favoritism and low morale.

The UT System Regents’ Rules and Regulations, Rule 30105, concerning sexual harassment and misconduct is accessible online at: http://www.utsystem.edu/bor/rules.htm#A4. A copy of UTEP’s Sexual Harassment and Sexual Misconduct policy, including complaint filing and resolution procedures, may be obtained at the Equal Opportunity Office or online at: http://www.utep.edu/eoaa/.

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

A: You did the right thing by asking your co-worker to stop sending you the emails. But because she has continued to send them to you, you have two options: immediately contact your supervisor or the Equal Opportunity Office. The situation will be addressed and appropriate action will be taken.

Overtime Compensation

The Federal Fair Labor Standards Act (FLSA) states non-exempt employees who are required or permitted to work in excess of 40 hours in a workweek are to receive additional compensation for such excess hours. Texas Government Code allows those excess hours worked to be compensated as either compensatory time off or payment for overtime (FLSA Overtime/Compensatory Time), at the rate of time and one-half.

Information pertaining to overtime compensation for University employees, including the need for prior approval, is available in the University Pay Plan’s Overtime and Compensatory Time Guidelines online at: http://admin.utep.edu/DesktopDefault.aspx?tabid=6895.

State Compensatory Overtime

Eligible employees may earn State Compensatory Time if the total number of hours worked and paid leave or holiday time exceeds 40 in a week, less any FLSA Overtime/Compensatory Time hours for eligible non-exempt employees. State Compensatory Time is earned at “straight” time, or one hour for one hour, and must be used within the 12 month period following the workweek in which it was accrued. Unused balances are to be lapsed 12 months after the end of the workweek in which the State Compensatory Time was accrued or at the end of employment with the University, whichever occurs first, without compensation. Employees are required to give reasonable advance notice when taking this
compensatory time; however, employees do not have to specify the reason for the request. The University Pay Plan’s Overtime and Compensatory Time Guidelines is accessible online at: http://admin.utep.edu/DesktopDefault.aspx?tabid=6895.

Q: How is overtime compensation earned for exempt employees?
A: Exempt employees are not eligible to earn FLSA Overtime/Compensatory Time.

Q: I am confused about when I must use my State Compensatory Time. When should I use this time?
A: State Compensatory Time must be used within the 12 month period following the workweek in which it was accrued. Unused balances are to be lapsed 12 months after the end of the workweek in which the State Compensatory Time was accrued or at the end of employment with the University, whichever occurs first, without compensation. Employees are required to give reasonable advance notice when taking this compensatory time; however, employees do not have to specify the reason for the request.

Q: I am a non-exempt employee, so what type of compensatory time am I eligible for?
A: A Classified Non-Exempt is eligible for FLSA Overtime/Compensatory Time, State Compensatory Time, and Holiday Compensatory Time. For further information, please visit the University Pay Plan’s Overtime and Compensatory Time Guidelines online at: http://admin.utep.edu/DesktopDefault.aspx?tabid=6895.

Family and Medical Leave Act

An employee may request and receive a leave of absence without pay for up to 12 weeks per year for certain family and medical reasons specified by the Federal Family and Medical Leave Act of 1993 (FMLA) and accompanying regulations governing the FMLA. This leave program has specific eligibility requirements and restrictions.

On January 28, 2008, President Bush signed into law the National Defense Authorization Act (NDAA), which includes an expansion of the FMLA to cover family members of military personnel:

• Employers must provide 12 weeks of leave due to a qualifying exigency arising out of active military duty or a notice of impending call or an order to active duty of an employee’s spouse, parent, or child.
Employers must also provide up to 26 weeks in a 12 month period to an employee who is the spouse, parent, child, or next of kin of an injured service member.

More detailed information may be located in the Regents’ Rules and Regulations, Rule 30201, Section 11, online at: http://www.utsystem.edu/bor/rules/ and from UTEP’s Human Resource Services Office.

Q: When am I eligible to apply for Family and Medical Leave?

A: After you have been employed by a state of Texas agency for 12 months and have worked at least 1,250 hours.

Time Keeping

The Fair Labor Standards Act requires the accurate maintenance of timesheets and leave records for all non-exempt employees. In addition, the university requires departments to maintain accurate timesheets for Classified Exempt/Non-Exempt employees in accordance with the University’s Accounting for Work Time Policy available online in the HOOP, Section V, Chapter 13 and paid/non-paid leave requests in accordance with the University’s Paid Leave Accountability Policy available online in the HOOP, Section V, Chapter 24. The university requires accurate maintenance of paid/non-paid leave requests for Administrative and Professional employees in accordance with the University’s Paid Leave Accountability Policy available online in the HOOP, Section V, and Chapter 24. Please refer to the end of this section for applicable links.

- **Classified Non-Exempt** employees must document time worked on a daily basis and are required to complete a weekly timesheet. Departments are expected to maintain accurate timesheet records in accordance with the University’s Accounting for Work Time Policy. Eligible employees must record all paid/non-paid leave on the timesheet for the respective time period and submit a Leave Request Form, in accordance with the University’s Paid Leave Accountability Policy.

- **Classified Exempt** employees must document time worked on a monthly basis. If the department head or unit supervisor authorizes accrual of Compensatory Time and State Compensatory Time, in accordance with the University Pay Plan’s Overtime and Compensatory Time Guidelines, the employee must document the hours worked in excess of 40 hours in the respective time period. Eligible employees must reflect all paid/non-paid leave on the timesheet for the respective time period and submit a Leave Request Form, in accordance with the University’s Paid Leave Accountability Policy.
Eligible Administrative and Professional employees must record paid/non-paid leave time on the Leave Request Form, in accordance with the University’s Paid Leave Accountability Policy.

All employees should request time off in advance from their supervisor. If circumstances don’t allow an employee to request leave in advance, he or she must notify the supervisor as soon as possible. Supervisors are responsible for promptly reviewing and approving timesheets/records and leave records requests.

Additional information on the following policies can be obtained online at:

University’s Accounting for Work Time Policy:
http://admin.utep.edu/LinkClick.aspx?link=docs%2fAccounting+for+Work+Time.pdf&tabid=71896&mid=163595

University Pay Plan’s Overtime and Compensatory Time Guidelines:

University’s Paid Leave Accountability Policy:
http://admin.utep.edu/LinkClick.aspx?link=docs%2fPaid+Leave+Accountability.pdf&tabid=71896&mid=163595

Leave Request Form:
http://admin.utep.edu/Default.aspx?alias=admin.utep.edu/financialservicesforms

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

A: Classified Non-Exempt employees are required to complete timesheets and leave records on a weekly basis. Classified Exempt employees are required to complete timesheet and leave records on at least a monthly basis, but may be required to complete timesheets as often as weekly by their supervisor. Administrative and Professional employees are only required to submit Leave Request Form.

Solicitation

No solicitation shall be conducted on any property, street, or sidewalk, or in any building, structure, or facility owned or controlled by UTEP unless permitted by the Regents’ Rules and Regulations, Rule 80103 accessible online at: http://www.utsystem.edu/bor/rules/. Additional information concerning Solicitation may be found in the University’s Handbook of Operating Procedures, Section II, Chapter 2, 2.2.5 and Chapter 4, 4.4.2, online at: http://admin.utep.edu/hoop.
Health and Safety

Workplace Health and Safety and Protection of the Environment

All University employees must 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. Each employee must become familiar with and understand how these laws, standards, and policies apply to his/her specific job responsibilities and seek advice from his/her supervisor or the Environmental Health and Safety Office (EH&S), as needed. Each employee is responsible for advising the employee’s supervisor or EH&S of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken. Information pertaining to the Regents’ Rules and Regulations may be obtained online at: http://www.utsystem.edu/bor/rules/ or http://admin.utep.edu/Default.aspx?tabid=1958.

Q: I am unsure of how to dispose of the chemicals in my lab. Whom should I contact?

A: You should contact EH&S at 915-747-7124 for any questions about laboratory waste and or procedures.

Smoke and Tobacco Free Policy

The use of tobacco products as well as smoking or use of any smoking device, by students, faculty, staff, and visitors is prohibited at all times in all University Interior Spaces and Building Envelope Areas, as well as specific University areas designated as “Tobacco and Smoke Free Areas.”

University Interior Spaces are defined as all interior space within all University owned, leased, operated, occupied, or controlled property and University campuses, including yet not limited to, all University vehicles, all enclosed or partially enclosed areas such as walkways, breezeways and bus shelters.

The Building Envelope Areas are defined as all enclosed or partially enclosed areas within 25 feet of buildings, building entrances, exits, operable windows, air-handler intakes, the sidewalks, parking lots, walkways and attached parking structures thereto.

University Tobacco and Smoke Free Areas are defined as all University Interior Spaces and Building Envelope Areas (as defined above) as well as all outside property or grounds which encompass the Bioscience Research Building, as well as the sidewalks, parking lots, walkways and attached parking structures immediately adjacent to the Biosciences Research Building.

All employees are responsible for complying with the University Smoke and Tobacco Free policy. Detailed information pertaining to the Smoke and Tobacco Free Policy can be obtained online at: http://admin.utep.edu/LinkClick.aspx?link=docs%2fEnvironmental+Health+and+Safety.pdf&tabid=71896&mid=163601

Drug Free Workplace Policy

UTEP is required by the Drug-Free Work Place Act of 1988 (41 U.S.C.A. 701-707), to notify all employees that the unlawful manufacture, sale, distribution, possession or use of a controlled substance in or on any premises or property owned or controlled by the University is prohibited. A controlled substance is any
substance so defined by federal or state statute or regulation. Any employee who is found guilty (including a plea of no contest) or has a sentence, fine or other penalty imposed by a court of competent jurisdiction under a criminal statute for an offense involving a controlled substance that occurred in or on premises or property owned or controlled by the University shall report such action to the Human Resource Services Office within 5 days.

An employee who unlawfully manufactures, sells, distributes, possesses or uses a controlled substance in or on premises or property owned or controlled by the University, 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.

Weapon-Free Workplace

Having the possession of a weapon on University premises, even if licensed by the State of Texas to carry a concealed handgun, is strictly prohibited. This includes but is not limited to having a weapon in your vehicle while on University property. Possession of a weapon is defined in the Texas Penal Code Chapter 42, Section 42.01; Chapter 46, Sections 46.01 46.03 and 46.05; and the Texas Education Code, Chapter 51, Section 51.935. Any employee who violates any provision of these statutes is subject to dismissal, notwithstanding any action by civil authorities on account of the violation.

Research

Responsible Conduct of Research (RCR)

In order to promote a campus wide environment of responsible conduct of research, to comply with requirements from UT System, UTEP, and funding agencies specifically National Institutes of Health (NIH), National Science Foundation (NSF), and others, it is UTEP’s policy to require RCR training for all students, faculty and research-related staff that are involved in sponsored research projects. In addition, the RCR training is also required for staff with pre-and post-award functions of sponsored projects in the Office of Research and Sponsored Projects and Contracts and Grants Accounting. UTEP has elected to join Collaborative Institutional Training Initiative (CITI), a web-based training site to provide all research-related compliance training to UTEP’s research community. Additional information about RCR is available through the Office of Research & Sponsored Projects, or online at: http://research.utep.edu/Default.aspx?tabid=70676.
Research Misconduct

UTEP strives to create a research climate that promotes faithful adherence to high ethical standards and enhances research projects and activities, while not inhibiting the productivity and creativity of scientists and academicians. Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

The misrepresentation of research data is a major breach of the relationship between a faculty or staff member and the University. Dishonesty, misconduct, and/or fraud in science or academics are offenses, which not only damage the reputation of those involved, but the entire educational community. Additional information regarding research compliance may be found at the web site for the UTEP Office of Research and Sponsored Projects online at: http://research.utep.edu/Default.aspx?alias=research.utep.edu/orsp. UTEP Research Misconduct Policy online at: http://admin.utep.edu/Default.aspx?PageContentMode=1&tabid=30390.

Photocopying of Copyrighted Material

Permission must be obtained from the copyright owner to copy copyrighted materials where: copying is not fair use, and copying extends beyond the boundaries of the guidelines contained in the Rules of Thumb section of the Office of General Counsel web site on Fair Use of Copyrightable Materials online at: http://www.utsystem.edu/ogc/IntellectualProperty/copyrighthome.htm. This web site also has an Ask a Lawyer link so if you are still not sure after reading this section you can get further clarification. Most works should be presumed to be copyright protected, unless further information from the copyright holder or express notice reveals that the copyright holder intends the work to be in the public domain.

Q: I would like to photocopy a portion of a certain book for use in my training class. Would this be okay?

A: Always check with the UT System Office of General Counsel web site on Fair Use of Copyrightable Materials.

If you are not familiar with copyright law and the rights and obligations under “fair use” go to the Copyright Crash Course at: http://copyright.lib.utexas.edu/copypol2.html.

Intellectual Property

UTEP’s intellectual property policy applies to employees of UTEP, including but not limited to full and part-time faculty and staff, visiting faculty and researchers, anyone using UTEP Facilities or supervised by a UTEP employee. Intellectual property which is created by an employee within the scope of employment; created using UTEP facilities or state financial support; commissioned by UTEP pursuant to a signed contract; fits within one of the nine categories of works
Q: What is Intellectual Property?

A: It is a physical embodiment of an idea. Until an idea is reduced to a physical form there is no intellectual property. Intellectual Property includes: research data, compounds, materials (biological, chemical), publications and presentations.

For a list of frequently asked questions visit the Office of Technology Transfer website at: http://research.utep.edu/techtransfer or contact the Office of Technology Transfer.

Conflict of Interest

Conflicts of Interest, Conflicts of Commitment, and Outside Activities

The primary responsibility of UTEP employees is the accomplishment of the duties and responsibilities assigned to one’s position of appointment. Regents’ Rules and Regulations, Rule 30104, permits University employees to engage in outside work or activity, so long as the work or activity complies with the requirements of the Rule and does not violate State laws or U. T. System or University rules or policies governing the conduct of employees, including ethics standards and provisions prohibiting conflicts of interest, conflicts of commitment, and the use of State resources.

University employees may not have a direct or indirect interest, including financial and other interests, or engage in a business transaction (i.e. self-dealing) or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the employee’s duties for the University.

Activities on behalf of outside entities or individuals must not interfere with a University employee’s fulfillment of his/her duties and responsibilities to the University. Such conflicts of commitment may arise regardless of the location of these activities (on or off campus), the type of outside entity (individual, for-profit, not-for-profit, or government), or the level of compensation (compensated or non-compensated.)
Outside activity, outside employment and board service must be disclosed annually, accounted for and approved pursuant to the requirements set forth in UTEP’s Handbook of Operating Procedures, Section V: Human Resources, Chapter 4 and Chapter 29 which can be located online at: http://admin.utep.edu/hoop, which complies with UT System Policy, Conflicts of Interest, Conflicts of Commitment, and Outside Activities, UTS180, and can be located at: http://www.utsystem.edu/bor/procedures/policy/policies/UTS180.pdf. Regents’ Rule 30104 specifically addresses Conflicts of Interest, Conflicts of Commitment, and Outside Activities and may be obtained online at: http://www.utsystem.edu/bor/rules/. Additional information on Conflicts of Interest, Conflicts of Commitment, and Outside Activities may be obtained through UTEP’s Office of Institutional Compliance.

Q: I have been asked to serve on an advisory board that will not interfere with my job duties. Do I need to request approval before my term starts?

A: Yes, outside activities including outside board service needs to be approved prior to the activity starting to ensure activities on behalf of outside entities or individuals do not interfere with a University employee’s fulfillment of his/her duties and responsibilities to the University.

Q: I am a faculty researcher and I consult for a company within my area of expertise. Is this a conflict of interest?

A: It could be. The relationship must be disclosed and evaluated to ensure that your work for the company does not bias your research or unduly influence your work on behalf of UTEP.

Q: I’ve been buying stock in a company that does business with UTEP. After my next purchase, I’ll own 10 percent of the company. Is this a conflict of interest?

A: Potentially. If you have the authority to award contracts, select vendors, or influence purchases of goods and services, then you must report your ownership to your supervisor and annually disclose the relationship, if you meet the requirements of Section V, Chapter 29 of the University’s Handbook of Operating Procedures.
Use of U.T. and State of Texas Resources

Contracts and Agreements

No employee is authorized to sign a contract or agreement that purports to bind the institution unless that employee has official written delegated authority to do so under the Regents’ Rules and Regulations. An employee shall not sign a contract or agreement on behalf of UTEP unless they are certain that they have proper authority to execute the document and takes all related actions required under UTEP’s Office of the Vice President for Business Affairs Policies and Procedures, which can be obtained online at: http://admin.utep.edu/Default.aspx?tabid=39439.

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 processed through the Purchasing and General Services Department through a Purchase Order or possibly the VPBA’s office if other contractual matters are involved. Please contact UTEP’s Purchasing and General Services Department at 915-747-5601 for help processing contracts.

Use of State-Owned Property

An employee may use UTEP property and assets, including personnel time, only for state purposes. As a general rule, the personal use of any state-owned property or asset is prohibited. Incidental personal use of UTEP information resources (e.g., UTEP e-mail, a state telephone to make a local telephone call, the Internet, copier/printer, etc.), provided that the use complies with applicable UTEP policies and does not result in additional cost to UTEP, is permissible. Any questions about the use of UTEP property or assets should be directed to one’s supervisor. Information regarding the use of state-owned property may be obtained online at: http://www.utsystem.edu/policy/policies/uts165.html or http://www.admin.utep.edu/Portals/1424/Security%20Policies.pdf.

Q: I am a Sunday school teacher. I prepare materials for my class and copy them on the UTEP copy machine in my department. Is this okay?

A: No. You may use the copy machine only for state-related business.

Computer Software

Employees who use software licensed to UTEP must abide by applicable software license agreements and may copy licensed software only as permitted by the license. An employee should direct any questions about applicable software license agreements to his or her supervisor or the Purchasing and General Services Department. Information regarding the use of computer software may be obtained online at: http://www.utsystem.edu/policy/policies/uts165.html or http://admin.utep.edu/it.
Q: In my office we all need the same software. Are we required to purchase a set for everyone or can we just make copies and save the money?

A: You cannot make copies and share the same program. This is a violation of federal copyright laws. Site license agreements, however, are available in many cases but you must check with the Purchasing and General Services Department to determine whether a more cost-effective approach may be available to you.

Information: Security and Acceptable Use

UTEP information resources may be used only for official state purposes. Every UTEP employee has a responsibility for maintaining the security and confidentiality of UTEP’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 UTEP policy. Information regarding the security and acceptable use of information may be obtained online at: http://admin.utep.edu/Portals/1805/PDF/Acceptable_Use_Policy.pdf.

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: Unless she or someone else tells you that she is now married to your ex-husband, you may not disclose that you saw the information on her employment application.

Computer Access, Passwords and Other Confidential Information

No user may knowingly or unknowingly access any information resource owned, operated, or under the custodial care of any UT System institution, organization, or facility (e.g., computer network, internet/intranet/extranet-related system, device, data in any form, software, operating system, storage media, network account, electronic email, system, telephones, fax machines, etc.) without the effective consent of the owner or intentionally, knowingly or unknowingly 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 online at: http://www.utsystem.edu/policy/policies/uts165.html. For UTEP’s security policies please visit: http://www.admin.utep.edu/Portals/1424/Security%20Policies.pdf.
Q: I have so many passwords that I tend to forget them. Is it OK to tell my co-worker my computer password so that she can remind me if I forget?

A: No. It is a violation of the Texas Penal Code to disclose computer passwords. Computer passwords are considered highly confidential and should never be disclosed to anyone.

Purchasing

No employee may expend University funds for any purchase unless the person is authorized to make the purchase in accordance with all State of Texas, Federal University of Texas System and Institutional procurement procedures, including procedures concerning the Historically Underutilized Businesses in accordance with the Regents’ Rules and Regulations, Rule 20701.

Purchases from or sales to an employee of University supplies, materials, services, equipment, or property must have the prior approval of the Chief Business Officer except purchases made at a public auction in accordance with UT System Policy UTS 159.

Political Activities and Contributions

Political Activities

An employee may participate in political activities only if such activities are not conducted during work hours (unless the employee uses compensatory or vacation leave); are in compliance with the Constitution and laws of the State of Texas; do not interfere with the discharge and performance of the employee’s duties and responsibilities; do not involve the use of equipment, supplies, or services of UTEP; do not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity; and do not involve UTEP in partisan politics. Regents’ Rules and Regulations, Rule 30103 regarding Standards of Conduct and Rule 30104 regarding Conflict of Interest and Conflict of Commitment and Outside Activities may be obtained online at: http://www.utsystem.edu/bor/rules/. UT System Policy UTS 180 may be obtained online at: http://www.utsystem.edu/bor/procedures/policy/policies/UTS180.pdf.

University Handbook of Operating Procedures Section V, Chapter 29 regarding Conflict of Interest, Conflict of Commitment and Outside Activities may be obtained online at: http://admin.utep.edu/LinkClick.aspx?link=docs%2fConflicts+of+Interest%2c+Conflicts+of+Commitment%2c+and+Outside+Activities.pdf&tabid=71896&mid=163595.

Political Contributions

Political contributions from any source of University funds are prohibited.

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

A: No. It is not allowed to advertise any political activity or involve UTEP in any partisan politics.
Gifts and Gratuities

Gifts Made to Influence Decisions

An employee must not accept or solicit any gift, favor, or service that might reasonably tend 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. Refer to Regents’ Rules and Regulations, Rule 30104. Additional information regarding gifts and gratuities may be obtained online at: http://www.utsystem.edu/bor/rules/. UT System Policy UTS 180 may be obtained online at: http://www.utsystem.edu/bor/procedures/policy/policies/UTS180.pdf.

An employee must not solicit, accept, or agree to accept any benefit from a person the employee knows, may have a business relationship with UTEP, except as permitted under Chapter 36, Section 36.10 of the Texas Penal Code. If in doubt, an individual should not accept a benefit offered because of his or her status as a UTEP employee according to Texas Penal Code, Chapter 36, and Section 36.08.

Honoraria

An employee must not solicit, accept, or agree to accept an honorarium in consideration for services that the employee would not have been requested to provide but for the employee’s official position or duties according to Texas Penal Code, Chapter 36, Section 36.07. Additional information on this issue may be obtained online at: http://www.utsystem.edu/bor/rules/. UT System Policy UTS 180 may be obtained online at: http://www.utsystem.edu/bor/procedures/policy/policies/UTS180.pdf.

Q: What are “kickbacks”?

A: Kickbacks are undisclosed payments, gifts, or services offered in return for something of value, increased business, or a business referral. It is a criminal offense for a UTEP employee to accept or solicit any gift, favor, or service that might reasonably tend to influence the discharge of the employee’s official conduct.

Reporting Suspected Non-compliance

Compliance issues should be addressed through normal administrative channels. Employees should direct questions to their supervisors. Faculty may discuss
issues with their Department Chair and/or Dean. However, a reporting procedure has been established at UTEP as a way for all employees to report instances of suspected non-compliance outside the normal chain of command in a manner that preserves confidentiality to the extent allowed by law. Information about the reporting procedure may be obtained online at: http://admin.utep.edu/compliance.

If the following statements are made to you, it might be a warning sign of non-compliant behavior:

“Well, maybe just this once...”
“No one will ever know...”
“It sounds too good to be true.”
“Everyone does it.”
“Shred that document.”
“We can hide it.”
“No one will get hurt.”
“We didn’t have this conversation.”
“It doesn’t matter how it gets done, as long as it gets done.”

If you are in doubt, ask yourself the following questions until you feel comfortable:

• Is the action in compliance with University policy and procedures?
• Is the action legal?
• How will I feel about myself afterwards?
• How will it look in the newspaper?

If you are not sure what to do, ask... and keep asking until you are sure you are doing the right thing.

This guide will provide assistance in finding the answers to your questions.

Compliance Helpline

The Compliance Helpline is a toll-free number available to all UTEP employees, 24 hours a day/365 days a year, for anonymous reporting of suspected or inappropriate activity, including financial reporting, internal accounting controls, and audit matters, waste, and violations of any federal, state laws or University policy. An employee can report compliance concerns to the Compliance Helpline number at 1-888-228-7713.
A friendly interviewer will document the information in detail provided by an employee. Instances of suspected non-compliance may be reported in a manner that preserves confidentiality and calls are not recorded. Below is a list of information that will be helpful when placing a call to the helpline.

- The issue or concern of suspected non-compliance.
- The name of the person or persons involved.
- The name of the department.
- Date when you first became aware of the situation.
- Location of the activity.
- The time frame of the activity.
- Copies of documentation that would support your concern.
- Names of individuals that can corroborate your concern.
- Have you reported this concern to anyone else?
- An update of the actions that have already been taken.

Another resource available for employees to report anonymously is The Network’s Web Reporting System. It is available online at: https://www.reportlineweb.com/Welcome.aspx?Client=utep.

Protection from Retaliation for Reporting Suspected Wrongdoing

UTEP is committed to including employees in the process of ensuring that the university operates in an ethical, honest, and lawful manner. It is therefore the policy of UTEP to:

a. Encourage employees to report, or cause to be reported, and to assist in any investigation by persons authorized or responsible for such matters, known or suspected violations of laws, rules, policies, or regulations, or improper activities; and

b. Prohibit unlawful retaliation against employees as a consequence of good faith actions in the reporting of, or the participation in an investigation pertaining to, allegations of wrongdoing.

The purpose of this policy is to provide requirements and guidelines for the protection of individuals from retaliation for good faith actions in reporting, or participating in an investigation pertaining to, alleged violations of laws, rules, policies, or procedures applicable to UTEP. Additional information about UTS 131 Protection from Retaliation may be obtained online at: http://www.utsystem.edu/policy/policies/uts131.html or at UTEP’s Handbook of Operating Procedures, Human Resources, Section V, Chapter 8, Protection from Retaliation online at http://admin.utep.edu/hoop.
Helpful Numbers

The following are available to locate an office for assistance regarding Compliance questions:

- **Human Resource Services** .......................................................... 915-747-5202
  Employee Grievances and Personnel Issues

- **Equal Opportunity/Affirmative Action** ................................. 915-747-5662
  Employee Discrimination and Harassment Issues

- **Office of Student Life** .............................................................. 915-747-5648
  Student Issues

- **Environmental Health & Safety** .............................................. 915-747-7124
  Health and Safety Issues

- **Office of Research & Sponsored Projects** ......................... 915-747-5680
  Copyright and Intellectual Property Issues
  Human Subject Research and Animal Experimentation

- **Auditing & Consulting Services** ............................................. 915-747-5191
  Suspected Fraud and Business Misconduct

- **Office of Institutional Compliance** ..................................... 915-747-6478
  Any Other Compliance Issues

**MAKE COMPLIANCE PART OF EVERYDAY ACTIVITIES**

**INQUIRE TO FIND ANSWERS**

**NOTIFY YOUR SUPERVISOR OR APPROPRIATE DEPARTMENT**

**EVERYONE IS RESPONSIBLE**

**REPORT CONCERNS TO COMPLIANCE OFFICE OR HELPLINE**

**STANDARDS OF CONDUCT GUIDE IS AVAILABLE TO ASSIST YOU**

The University of Texas at El Paso does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, genetic information, veteran’s status or sexual orientation in employment or in the provision of services.

Produced by University Communications, UTEP, Revised September 2013
The Office of Institutional Compliance

Honesty • Integrity • Trust • Ethics

admin.utep.edu/compliance