

Compliance and Ethics Guide

THE UNIVERSITY OF TEXAS AT AUSTIN



APPROVED BY EXECUTIVE COMPLIANCE COMMITTEE FEBRUARY 3, 2010

Overview

The University of Texas at Austin is committed to a culture of integrity and ethical behavior. Ethical behavior is much more than simply following rules; it is doing the right thing. Given the increasing complexity of the university's environment, determining the "right thing," is not always easy. To choose the right action in a given situation, we need to have an understanding of the laws, regulations, and policies which apply to us as members of the university community. This Compliance and Ethics Guide (Guide) provides faculty and staff with a brief overview of the significant topics of importance for assuring that we operate in a legally compliant and ethical environment.

The university established the Compliance and Ethics Program (CEP) to ensure that we have a working environment that enables each of us to conduct business in accordance with the highest ethical standards and in compliance with the law. The CEP is based on, among other things, the university's Code of Conduct:

"The core values of the University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the university is expected to uphold these values through integrity, honesty, fairness, and respect toward peers and community."

It is the policy of the University of Texas at Austin to comply with all applicable laws, regulations, and policies. Moreover, it is important both legally and morally, that each of us conducts business in an ethical manner. The responsibility for adhering to all laws and regulations and university policies rests on each member of the university community.

Each employee is asked to review the following document and complete an online acknowledgement, a link to which can be found on the last page. If the link does not work, is not available, or you prefer to complete the acknowledgement on paper, please print the acknowledgement page and send it to University Compliance Services.

Please feel free to contact University Compliance Services directly for further assistance.



The University of Texas at Austin University Compliance Services

1616 Guadalupe St, UTA Suite 2.206, Austin, TX 78701

Campus Mail Code D9200

Main Phone: 512-232-7055

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compliance.utexas.edu/

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Section 1. Ethical Conduct in the Workplace

Workplace Harassment and Misconduct

It is the policy of The University of Texas at Austin to provide an educational and working environment for students, faculty, staff, and visitors that is free from illegal and/or inappropriate workplace conduct, including violence, harassment, sexual misconduct, threats, and hazing. The university encourages students, faculty, staff, and visitors and requires employees designated as Responsible Employees to promptly report incidents of misconduct to a University Title IX Coordinator. The university will respond appropriately, including taking disciplinary action when warranted, in response to misconduct by its students, faculty, staff, visitors, and contractors.

For more information see:

- [Regent's Rules and Regulations 30105: Sexual Harassment and Misconduct](#)
- [HOP 8-1010: Prohibition of Campus Violence](#)
- [HOP 3-3031: Prohibition of Sexual Discrimination, Sexual Harassment, Sexual Assault, Sexual Misconduct, Interpersonal Violence, and Stalking](#)
- [Texas Education Code, Ch. 37.151 Hazing](#)
- [Title IX Website](#)

Equal Opportunity/Discrimination/Diversity

The University of Texas at Austin is an equal employment opportunity employer. The university does not discriminate on any basis prohibited by applicable Federal and/or State law including race, color, religion, sex, national origin, disability, age, citizenship status, Vietnam era or special disabled veteran status in recruitment, employment, promotion, compensation, benefits, or training. It is also the university's policy to maintain a work environment free from discrimination on the basis of sexual orientation. The University of Texas at Austin remains committed to seeking the best-qualified person to fill each available position and will reward each employee based on his or her job performance.

For more information see:

- [Regent's Rules and Regulations 10701: Policy Against Discrimination](#)
- [UTS105: Sexual Orientation Nondiscrimination Policy](#)
- [HOP 3-3020: Nondiscrimination Policy](#)
- [Office for Inclusion and Equity \(OIE\) Website](#)

Drugs, Alcohol, and Smoking

The unauthorized purchase, manufacture, distribution, possession, sale, storage, or use of an illegal drug or controlled substance while on duty, while in or on premises or property owned or controlled by the university, or while in vehicles used for university business is prohibited. The unauthorized use or possession of alcohol while on duty or while in vehicles used for university business is prohibited. An employee who violates this policy may be subject to disciplinary action, including termination.

Employees may be required to undergo drug and/or alcohol testing when a supervisor observes an employee exhibiting such appearance and behavior in violation of this policy. Employees may be required to undergo drug and alcohol testing because of drug and alcohol program requirements for specific positions.

The University of Texas at Austin is a tobacco-free campus, which means using tobacco of any kind, including smoking cigarettes, cigars, or using nicotine-delivery devices such as e-cigarettes, is prohibited while on university property. The boundaries include any property owned, operated, leased, occupied, or controlled by UT Austin. This includes, but is not limited to, all buildings and structures, sidewalks, parking lots, walkways, attached parking structures, and university-owned vehicles.

For more information see:

- [UTS102: Drugs and Alcohol Policy](#)
- [UTS164: Drug-Free University Community and Workplace Policy](#)
- [HOP 8-1040: Tobacco Free Campus](#)

Weapons

The University of Texas at Austin is committed to providing a safe environment for students, employees, and community, and to respecting the rights of individuals who are licensed to carry a handgun as permitted by Texas state law. Since August 1, 2016, anyone who is licensed to carry a concealed handgun under Texas law may do so on University property except in locations and at activities prohibited by law or as specified in our policy.

The open carry of handguns is not permitted on campus. Displaying a weapon or an object which appears to be a weapon in a threatening manner is also prohibited. Anyone who sees an openly carried gun on campus should immediately call 911.

For more information see:

- [HOP 8-1010: Prohibition of Campus Violence](#)
- [HOP 8-1060: Campus Concealed Carry](#)

Use of State Property

Assets owned by UT Austin or any other state entity are to be used for official state purposes only. The personal use of any UT Austin asset is normally prohibited. University resources (facilities, equipment, other property, and personnel) shall not be used for personal gain or for other than official university business. The occasional, incidental use of certain items, such as e-mail and telephones, is allowed if it does not interfere with your job performance, or impose a cost to the university.

For more information see:

- [HOP 4-1120-PM: Use of University Physical Facilities, Equipment, or other Resources by Faculty and Staff](#)
- [HOP 3-2020-PM: University Funds](#)

Obligation to Report Wrongdoing

All university employees have a personal and professional obligation to report illegal or unethical activity (wrongdoing), such as: Illegal or fraudulent activity; financial misstatements, or accounting or auditing irregularities; conflicts of interests or dishonest or unethical conduct; violations of the institution's code of conduct; and violations of other laws, rules, or regulations. In addition all employees have a personal and professional obligation to assist in any investigation of wrongdoing by persons authorized or responsible for such matters.

For more information see:

- [Regent's Rules and Regulations 30103: Standards of Conduct](#)
- [UTS131: Protection from Retaliation for Reporting Suspected Wrongdoing](#)

Use of Intellectual or Copyrighted Property

Copyrighted material, which may include written or recorded works in any medium, including software, is protected under the federal [Copyright Act](#) and generally may not be copied or used without the owner's permission. Such materials may be copied without the copyright owner's permission only within specific exceptions under the Copyright Act. (There are no such restrictions for works that may be in the public domain.) One such exception, known as "fair use," allows copyrighted materials to be copied or otherwise used without the copyright owner's permission. If you have any questions concerning the application of fair use requirements, please consult the materials below or contact the Vice President for Legal Affairs.

Any copying or reproduction of copyrighted software on university computing equipment must comply with the Copyright Act and any applicable software license agreement. Further, faculty, staff, and students may not use unauthorized copies of software on university owned computers or networks or computers housed in university facilities.

For more information see:

- [UTS107: Use of Copyrighted Materials](#)
- [UT System Office of General Counsel: Fair Use of Copyrighted Materials](#)

Section 2. Maintaining Records and Information

Information Security and Confidentiality

We are committed to protecting information resources against accidental or unauthorized disclosure, modification, or destruction. We are also committed to assuring the confidentiality, integrity, and availability of university data. This means we have been reducing the collection and use of confidential data such as social security numbers and credit card numbers.

For more information see:

- [Texas Administrative Code Title 1 Part 10, Chapter 202, Subchapter C](#)
- [UTS165: UT System Information Resources Use and Security Policy](#)
- [HOP 3-1030: Protecting the Confidentiality of Social Security Numbers](#)
- [UT Austin Information Security Office \(ISO\) Acceptable Use Policy](#)
- [UT Austin ISO Data Classification Standard](#)

FERPA

FERPA, the Family Educational Rights and Privacy Act of 1974, is a federal law that protects the confidentiality of students' personal information contained in educational records. The term "educational records" includes almost any record maintained by the university that is directly related to a student, not just academic records. Thus, FERPA protects not only grade and transcript information, but also includes any record with personally identifying information about a student such as the student's name, names of family members, addresses, personal identifiers such as social security numbers, and personal characteristics or other information that make the student's identity easily traceable.

For more information see:

- [FERPA questions for Students](#)
- [FERPA questions for Faculty](#)
- [FERPA questions for Staff](#)

HIPAA

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 protects personally identifiable health information under its privacy and security rules. The most sensitive aspects of a patient's life may be documented in the medical record and this makes privacy, confidentiality, and security of Protected Health Information (PHI) a priority for our patients. If you have the potential to come into contact with PHI you must take steps to safeguard this information and take training on HIPAA privacy. Consequences for violating HIPAA may include jail time, monetary penalties, and disciplinary action, including termination of employment.

PHI is health information paired with identifying information that is created, stored, or maintained by The University of Texas at Austin and includes but is not limited to the following types of information:

- Name, address, phone number, and other demographic information
- Diagnosis, treatment, prescriptions, and test results
- Medical Record Number (MRN) and Social Security Number (SSN)
- Family history, relationships, and genetic information
- Appointment schedule(s), birth date, admission date(s), and surgery date(s)
- Financial account number(s), insurance, and billing/payment information
- Voice recordings and identifiable photographs and images
- Research study ID numbers
- Any other information attributed to an individual patient

While we often think of HIPAA as only applying to a doctor's office or hospital, it also applies to areas on campus such as the Speech and Hearing Center. The law requires that we only use and disclose PHI when the patient has given a written authorization or when it is permitted by law, such as for treatment, payment, or health care operations. This means that you cannot access a friend's PHI unless you have a legitimate medical or business need, or have valid authorization from the patient.

If you discover a breach or suspect a potential breach, it is important that you report it immediately. You can report online at www.reportlineweb.com/utaustin or by phone at 1-877-507-7321. The University of Texas at Austin is required by law to notify any individual whose PHI may have been breached. Generally any unauthorized access, use, or disclosure, which compromises the security of privacy of the PHI, would constitute a breach. Notice to the individual must be given without unreasonable delay and no later than 60 days from the discovery date of the breach.

For more information see:

- [Federal HIPAA Privacy Rule](#)
- [Federal HIPAA Security Rule](#)

Records Retention

As a state agency, it is the University of Texas at Austin's responsibility to comply with local, state, and federal mandates regarding the preservation of official records. Records and Information Management Services has a shared responsibility with Records Management Contacts across campus to systematically control the records of the university from their creation to their final disposition.

For more information see:

- [Texas Government Code: Ch. 441, Subchapter L, Preservation and Management of State Records and Other Historical Resources](#)
- [Records and Information Management Services Website](#)
- [Guide to the University of Texas at Austin Records Retention Schedule](#)

Section 3. Conflicts of Interest and Commitment

A conflict of interest exists in a situation where a member of the university community allows outside personal interests to influence their decisions at work. Outside interests could include personal financial interests, professional activities, nepotism (family members who work for the university), the offer or acceptance of gifts or benefits from third parties, and more. Those can create conflicts between your employment obligations to the university and your personal interests. Similarly, an outside activity could impose upon your university obligations in such a way as to create a conflict of commitment.

Some outside relationships are prohibited even if those outside interests do not actually impair your ability to act in the best interest of the university, because it may appear to the public that your independence of judgment or loyalty has been affected. Any potential conflict of interest or conflict of commitment should be reviewed with your supervisor.

For more information see:

- [UTS180: Conflicts of Interest, Conflicts of Commitment, and Outside Activities](#)
- [HOP 5-2011: Conflict of Interest, Conflict of Commitment, and Outside Activities](#)
- [Provost Office: Conflict of Interest Website](#)

Gifts and Gratuities

No one at the university may accept or solicit any gift, reward, favor, benefit, or service that might reasonably influence or appear to influence our official duties. Those of us who make recommendations or decisions about financial transactions for the university need to be especially careful because accepting a gift from someone who is interested in the transaction may be a criminal offense.

A gift is anything of value, including tickets to entertainment or sporting events, expenses for a trip, and food. We may not accept a gift under any circumstances that has a value greater than \$50. Even though the acceptance of a gift may not constitute a crime or change our decisions in any way, it may appear to the public that a gift has influenced us in performing our duties. This means you should not accept gifts that could reasonably appear to influence official conduct, even if the gift is technically legal. There are circumstances where a third party may provide food, transportation, lodging and entertainment if relevant to a university activity and if accepted as a “guest” with the donor present and then reported within any applicable reporting requirements.

For more information see:

- [HOP 5-2010: Individual Conflicts of Interest](#)

Self-Dealing

We are not allowed use our status as an employee for the university or information we learn during our employment to directly or indirectly benefit our personal financial or business interests. This means that you cannot use your status as a university employee to secure privileges or exemptions for yourself or others that are not otherwise available to the general public.

For example, you cannot accept fees, honoraria, commissions, or other things of value as payment for your services. It also means that you cannot recommend the purchase of goods or services in which you (or people with whom you have a personal relationship) have a direct or indirect interest, financial or otherwise. If you are concerned that an action you take may be considered self-dealing please contact your supervisor for guidance.

For more information see:

- [HOP 5-2010: Individual Conflicts of Interest](#)

Political Activity and Contributions

No member of our community may make any public statement on any political or other obviously controversial subject which might reasonably be understood as an official statement of The University of Texas at Austin. Of course, we retain our right to speak as individuals, but you need to be careful if you are contacted by the media or asked to participate in an event because you are an employee with UT since someone may believe you speak on behalf of the university. If you do speak to the media or take part in an event, you must make it clear (“on the record”) that you do not have the authority to speak on behalf of the university and that any views you express are your personal views and not the university’s. In addition, you may not use any state resources, including your work time, UT money, or buildings to participate in political activities.

For more information see:

- [Regent’s Rules and Regulations 30103: Standards of Conduct](#)
- [HOP 5-2020: Prohibitions on Political Activity](#)
- [Texas Government Code 556.004, 556.005, 556.006, 556.007, 556.008](#)

Outside Employment

Employees are expected to treat their employment at the university as their primary job. An employee should not accept other employment or compensation that could reasonably be expected to impair his or her independence of judgment in performing official duties, require or induce the employee to disclose confidential information acquired by reason of the official position, or which interferes with an employee's performance of their job. Any potential conflicts of interest or commitment should be disclosed and reviewed with your supervisor.

For more information see:

- [HOP 5-2250: Dual Employment and Payment of Consulting and Similar Fees to State Employees](#)
- [HOP 2-2220: Faculty Consulting and Other Professional Activities, Including Outside Employment](#)
- [HOP 5-2270: Outside Employment Activities of Classified Staff](#)

Family Members (Nepotism)

To prevent conflicts of interest and appearances of favoritism, no university employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary or supervision of a close relative. Employees are further required to disclose the existence of any relationship that may create a conflict of interest at the time of employment or that develops at any time during employment.

For more information see:

- [HOP 5-1260: Employment of Close Relatives \(Nepotism\)](#)

Conflict of Interest in Research

It is the policy of the University of Texas that research is conducted with integrity and free from any actual or apparent institutional or personal conflict of interest. An employee of the university who applies for grants or cooperative agreements from the federal government for research or other educational activities or who otherwise submits a proposal for sponsored research funding from any entity must insure that there is no reasonable expectation that the design, conduct, and reporting of the research will be biased by any significant financial interest of an investigator responsible for the research or other educational activity. All necessary disclosures should be made through research support channels.

For more information see:

- [UTS175: Disclosure of Significant Financial Interests and Management and Reporting of Financial Conflicts of Interest in Research](#)
- [HOP 7-1210: Policy and Procedures for Promoting Objectivity in Research by managing, Reducing, or eliminating Conflicts of Interest](#)
- [HOP 7-1220: Institutional Conflict of Interest in Human Subjects Research](#)
- [HOP 7-1230: Misconduct in science and other scholarly activities](#)

Section 4. Purchasing and Contracts

Purchasing

The President has delegated authority to make purchases of goods costing \$15,000 or less without competitive bid to university departments. All other purchases must be awarded by the Purchasing Office. Departments may not separate purchase orders into separate orders to meet the delegated \$15,000 dollar limit.

For more information see:

- [HBP Part 7: Purchasing](#)

Contracts

In general, no staff or faculty member, dean, or chairperson has the authority to solicit, select, or obligate the University of Texas at Austin in any contractual matter or sign a contract on behalf of the university or any of its departments or other subdivisions. All contracts must be approved by the Office of the Vice President and Chief Financial Officer. Only an individual with a written delegation of authority from the president of the university may execute contracts on behalf of the university. A contract without an authorized signature may be invalid and unenforceable and may create individual liability for the unauthorized signer.

For more information see:

- [Procedure For Submitting Business Contracts For Review, Approval, And Execution](#)

Disclosures

If you are an employee with authority to execute contracts or you can exercise significant discretion with regard to the award of contracts or other pecuniary transactions, you must complete the Financial Disclosure and Conflict of Interest Statement.

Section 5. Environmental Issues

Commitment to the Environment

The university seeks to promote excellence in advancing environmental stewardship and sustainability on our campus, in our academic and research programs, and in our public service and outreach activities. The university and its employees will comply with all relevant environmental laws and regulations and aspire to go beyond compliance by integrating values of sustainability, stewardship, and resource conservation into activities and services.

Our interest in the environment goes beyond what the government tells us we must do. We follow all applicable environmental laws and regulations, but we also set standards for environmental excellence and make decisions that benefit flora and fauna, water quality, and people. We practice recycling and recover debris that others have left behind. We reduce the amount of water, energy, paper, and other resources that we use whenever possible. We also follow responsible disposal of all electronics.

For more information see:

- [HOP 3-1010: Campus Sustainability Policy](#)

Employee Health and Safety

It is the policy of the university to comply with all Federal and State legislation which relates to the university's environmental health and safety program. These acts along with supporting rules and regulations issued by Environmental Health and Safety will provide the necessary standards under which the university will conduct its safety program.

Supervisors are responsible for identifying individuals who, by the nature of their job function, are at risk of potential exposure to biological, chemical, physical, and radiological hazards. Supervisors are also responsible for providing and ensuring proper use of safety equipment, training, and information regarding the EH&S programs, as well as observing the behaviors of employees they supervise to ensure they are fit for duty.

Compliance with the safety policy is the responsibility of every person, including faculty, staff, students and other individuals associated with the university. In addition, employees are responsible for managing their health in a manner that allows them to safely perform their job responsibilities.

For more information see:

- [HOP 8-1020: Environmental Health and Safety Policy](#)
- [HOP 3-1310: Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus Infection](#)
- [HOP 5-2340: Fitness for Duty](#)

Section 6. Reporting

Every employee is responsible for making sure that the university conducts its business with **honesty and integrity**. To help, you should **report all instances of possible violations of law, regulations, or university policy**. UCS provides several ways for you to report these violations **without fear of retaliation**.

What is a reportable violation?

Examples of violations include illegal or fraudulent activity, financial misstatements or irregularities, conflicts of interest, unethical conduct, and violations of laws, rules, or regulations. If you have questions as to whether an action is reportable or not, please contact University Compliance Services.

How can I report a violation?

There are several methods for reporting suspected compliance and ethics violations. The Compliance and Ethics Web Form and toll-free Hotline are managed by The Network, an independent company, and are available 24 hours a day, 365 days a year. Reports submitted through the Web Form or Hotline are then forwarded to the appropriate university officials who will promptly address the allegations. If contact information is provided by the reporting party, he or she may be contacted for further information or may request updates on the investigation.

Anonymous Reporting:

www.reportlineweb.com/utaustin

1-877-507-7321

You may also report suspected non-compliance by email, telephone, US mail, campus mail or even stop by in person.

E-mail: hotline@compliance.utexas.edu

Phone: 512-232-7055

US Mail: PO BOX 8118, Austin, TX 78713-8118

Campus Mail: UTA 2.206, Mail Code D9200

Anonymity - You may choose to make reports anonymously, but please be aware that all information submitted to the Compliance and Ethics Hotline is publicly available through the Texas Public Information Act. The university will maintain confidentiality within the confines of the law. Additionally, please keep in mind that if you choose to remain anonymous, we may not have a way to contact you should we have additional questions. Therefore, please provide as much detailed information as possible.

Protection from Retaliation - It is the policy of the University of Texas System not to retaliate against those who report suspected wrongdoing. See [UTS131: Protection from Retaliation for Reporting Suspected Wrongdoing](#) and UT Austin's [HOP 3-1022: Protection from Retaliation for Suspected Misconduct Reporting \(Whistleblower\)](#).

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ACKNOWLEDGMENT

New employees should acknowledge this guide in Workday.