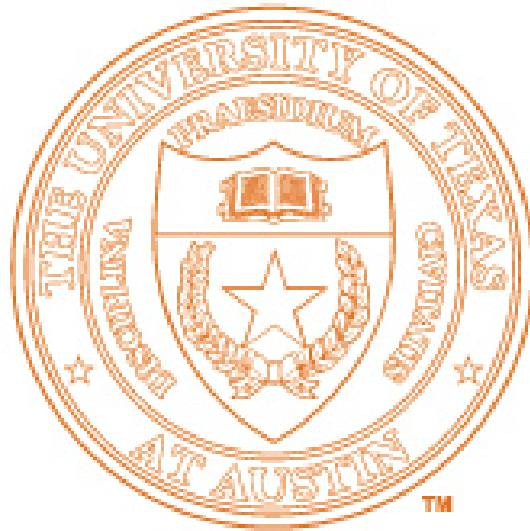


# Compliance and Ethics Guide

## 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 has 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 Honor Code:

"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 which will require a High Assurance UTEID. Those employees without access to a computer must review a printed copy of the Guide, which is available from your supervisor, and submit a paper acknowledgement directly to University Compliance Services.

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



**University Compliance Services**  
1616 Guadalupe, Suite 2.206  
Campus Mail Code D9200  
(512) 232-7055  
[www.utexas.edu/compliance](http://www.utexas.edu/compliance)

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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 to promptly report incidents of misconduct and 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 2.A.3 Prohibition of Campus Violence](#)  
[HOP 4.A.3 Sexual Misconduct](#)  
[HOP 4.B.2 Sex Discrimination and Sexual Harassment](#)  
[Provost's Policies - Sexual Harassment and Sexual Misconduct Complaints](#)  
[Texas Education Code, Ch. 37.151 Hazing](#)

### 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 4.B.1 Nondiscrimination Policy](#)

## Drugs, Alcohol, Smoking and Weapons

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 pursuant to drug and alcohol program requirements for specific positions.

Displaying a weapon or an object which appears to be a weapon in a threatening manner is prohibited, as is carrying a firearm of any kind onto University owned or controlled property (except as permitted by state law or University policy).

**For more information see:**

[UTS102 Drugs and Alcohol Policy](#)

[UTS164 Drug-Free University Community and Workplace Policy](#)

[HOP 2.A.2 Nonsmoking Policy](#)

[HOP 2.A.3 Prohibition of Campus Violence](#)

## Use of State Property

Assets owned by U.T. Austin or any other state entity are to be used for official state purposes only. The personal use of any U.T. 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:**

[Policy Memorandum 6.101 Use of University Physical Facilities, Equipment, or other Resources by Faculty and Staff](#)

[Policy Memorandum 6.320 University Funds](#)

## Obligation to Report Wrongdoing

All University employees have a personal and professional obligation to report, or cause to be reported, and to assist in any investigation by persons authorized or responsible for such matters, the following (collectively referred to as “wrongdoing”): 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.

**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 includes almost everything written or recorded 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. Generally, such materials may be copied without the copyright owner’s permission only within narrow exceptions under the Copyright Act. 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. However, one exception, known as “fair use,” allows copyrighted materials to be copied or otherwise used without the copyright owner’s permission.

**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

It is the policy of the University to protect information resources based on risk against accidental or unauthorized disclosure, modification, or destruction and assure the confidentiality, integrity, and availability of University data; to appropriately reduce the collection, use, or disclosure of other confidential data including but not limited to social security numbers, credit card numbers, etc., contained in any medium, including paper records; to apply appropriate physical and technical safeguards without creating unjustified obstacles to the conduct of the business and research of the University and the provision of services to its many constituencies; and to comply with applicable state and federal laws and UT System rules governing information resources.

**For more information see:**

[Title 1 Texas Administrative Code Part 10, Chapter 202, Subchapter C](#)  
[UTS165 UT System Information Resources Use and Security Policy](#)  
[UT System Information Resources Security Operations Manual](#)  
[HOP 4.C.1 Protecting the Confidentiality of Social Security Numbers](#)  
[UT Austin ITS Information Resources Use and Security Policy](#)  
[UT Austin ITS 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, not just academic records. Thus, FERPA protects not only grade and transcript information, but also includes items 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. UT Austin requires personnel who come into contact with Protected Health Information (PHI) to take steps to safeguard such information and to take general HIPAA Privacy Training through the Compliance Training System. Components at UT Austin that are covered by these HIPAA regulations include University Health Services, Sports Medicine (Intercollegiate Athletics), Children's Wellness Center, the Speech and Hearing Center and may include business support components and other areas of the University.

**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 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 Management Services](#)

[Guide to the University of Texas at Austin Records Retention Schedule](#)

## Section 3. Conflicts of Interest

A conflict of interest exists in a situation where an employee of the University allows outside personal interest to influence his decisions at work. Outside interests, such as professional activities, personal financial interests, or the acceptance of gifts from third parties, can create conflicts between the interests of the University and private interests of an employee and may prevent the employee from making decisions that are in the best interest of the University. Some outside relationships are prohibited even if those outside interests do not actually impair an employee's ability to act in the best interest of the University, because it may appear to the public that the employee's independence of judgment or loyalty has been affected. The University intends to preserve the public trust in the integrity of University employees by preventing bias or the appearance of bias in decision-making.

### Gifts and Gratuities

In general, state employees may not accept or solicit any gift, favor, or service that might reasonably tend to influence him or her in the discharge of official duties or that he or she knows or should know is being offered with the intent to influence official conduct. Further, a state employee who makes recommendations or decisions about financial transactions for the University and who accepts a gift from a party who is interested in the transaction may be committing a criminal offense. A gift is anything of value, including tickets to entertainment or sporting events, expenses for a trip, and food. In addition, even though the acceptance of a gift may not constitute a crime or violation of the general standard of conduct law, it may appear to the public that a gift has influenced an employee in performing his or her job. Employees should not accept a gift that could reasonably appear to influence official conduct, even if the gift is technically legal.

**For more information see:**

[Hop 04.A.04 Individual Conflicts Of Interest](#)

## Political Activity and Contributions

The Board of Regents reserves to itself the responsibility for passing on matters of a political or obviously controversial nature, which represent an official position of the U.T. System or any of its institutions or departments. No faculty or staff member shall make or issue any public statement on any political or other obviously controversial subject which might reasonably be construed as a statement of the official position of the U.T. System or any of its institutions or departments. Employees retain their right to speak as individuals.

**For more information see:**

[Rules and Regulations of the Board of Regents Rule: 10403  
HOP 9.87 Prohibitions on Political Activity](#)

## 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, or which interferes with an employee's performance of their job.

**For more information see:**

[HOP 7.03 Dual Employment and Payment of Consulting and Similar Fees to State Employees](#)  
[HOP 3.19 Faculty Consulting and Other Professional Activities, Including Outside Employment](#)  
[HOP 9.91 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 04.A.01 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.

**For more information see:**

[UTS110 - Employees of The University of Texas System: Financial Disclosure and Conflict of Interest Statement](#)

[HOP 5.11 Policy and Procedures for Promoting Objectivity in Research by managing, Reducing, or eliminating Conflicts of Interest](#)

[HOP 11.B.02 Institutional Conflict of Interest in Human Subjects Research](#)

[HOP 11.B.01 Misconduct in science and other scholarly activities](#)

## Section 4. Purchasing and Contracts

### Purchasing

The President has delegated authority to make purchases of goods costing \$5,000 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 \$5,000 dollar limit.

**For more information see:**

[Purchasing Authority](#)

### 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.

**For more information see:**

[HOP 1.A.3 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 safety program. These acts along with supporting rules and regulations issued by the Environmental Health and Safety will provide the necessary standards under which the University will conduct its safety program. Implementation of the safety policy is the responsibility of faculty, staff, students and other individuals associated with the University.

**For more information see:**

[HOP 6.32 Safety Policy](#)

[HOP 7.26 Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus Infection](#)

[HOP 7.E.5 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](http://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](mailto: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](#)

# The University of Texas at Austin Compliance and Ethics Guide

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## ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, have read and understood the Compliance and Ethics Guide and I agree to be bound by the requirements for ethical conduct while employed by The University of Texas at Austin.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Department

\_\_\_\_\_  
UTEID

\_\_\_\_\_  
Work Number

**Please complete and return to:**

**University Compliance Services  
Mail Code D9200**