



Employee Compliance Guide



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

Letter From The President



THE UNIVERSITY OF TEXAS AT TYLER

3900 UNIVERSITY BOULEVARD • TYLER, TX 75799 • (903) 566-7119 • FAX: (903) 566-8368

OFFICE OF THE PRESIDENT

March 19, 2003

Letter from the President

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

The Employee Compliance Guide is a part of the University of Texas System Institutional Compliance program. This guide is not intended to be a comprehensive list of legal and ethical standards, but rather a reference source for common questions and issues we often face. I encourage you to read and refer to this guide whenever you have a question about compliance. If you need further information on a compliance-related issue, please do not hesitate to contact either the Compliance Officer or the Compliance Director as listed in the guide.

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

Sincerely,

Rodney H. Mabry
President

AN AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER

The U. T. Tyler Employee Compliance Guide

The Employee Compliance Guide (*Guide*) emphasizes the necessity for and the responsibility of all U. T. Tyler employees to be aware of and perform their duties in compliance with all applicable provisions of Federal and State laws, local rules and regulations, U. T. Tyler policies, and the U. T. System Board of Regents policies. The *Guide* is not intended to be a comprehensive list of legal and ethical standards, but to provide University employees with information about and source references for the laws, policies, rules, and regulations that govern their conduct. Specific ethics and compliance questions should be directed to U. T. Tyler's Ethics Advisor and Compliance Officer, Mr. Gregg Lassen.

Compliance Risk Management Program

U. T. Tyler's Compliance Program demonstrates in the clearest possible terms the absolute commitment of the University to the highest ethical standards and compliance with all applicable laws, policies, rules, and regulations. A System-wide compliance committee provides program direction to the University and the System-wide committee is chaired by the System-wide Compliance Officer (the Director of Audits), who is responsible for the execution of the compliance program throughout the U. T. System.

U. T. Tyler Compliance Committee U. T. Tyler Compliance Office

The U. T. Tyler Compliance Committee was formed in October 1998 to demonstrate the University's commitment to the Compliance Risk Management Program. A Compliance Committee comprised of your fellow employees directs our program. These employees represent certain high-risk compliance areas within U. T. Tyler Administration including, but not limited to, Human Resources, Facilities, Safety, Technology, Endowments, Police, Enrollment Management, Information Resources, and Financial Services. The principal functions of the U. T. Tyler's Compliance Program are as follows: to perform a risk assessment of compliance issues; to monitor the implementation of U. T. Tyler's compliance plan; to communicate instances of noncompliance; to follow up on compliance findings to ensure that appropriate corrective action has been taken; and to continuously assess the effectiveness of compliance activities, including the effectiveness of the committee itself. U. T. Tyler's Compliance Officer is Mr. Gregg Lassen. U. T. Tyler's Compliance Committee meets monthly and is chaired by the institution's Assistant Vice President for Business Affairs.

The U. T. Tyler Compliance Office is responsible for ensuring that there is a risk-based process that (1) builds compliance consciousness into daily operations; (2) monitors the effectiveness of compliance activities; and (3) communicates instances of non-compliance to appropriate officials for corrective action. The Compliance Office

provides administrative support to the U. T. Tyler Compliance Committee; manages the risk identification and analysis process; monitors departmental activities designed to minimize risks to the extent practical; and conducts general compliance training. Mary Barr, Compliance Director, is administratively responsible for the Compliance Office. The Compliance Office is located in ADM 365.

Reporting Suspected Noncompliance

Compliance issues should be addressed through normal administrative channels. However, a reporting procedure has been established as a way for employees to anonymously report instances of suspected noncompliance outside the normal chain of command. An employee can report compliance violations on the toll-free hotline **(1-800-500-0333)** or by contacting the Compliance Director.

Ethics Policy

The University of Texas System's Ethics Policy, included in *Rules and Regulations of the Board of Regents of The University of Texas System*, applies to U. T. Tyler employees. The Ethics Policy states:

Officers, faculty, and employees of the University of Texas System may not have a direct or indirect interest, financial or otherwise, of any nature that is in conflict with the proper discharge of the officer's or employee's duties.

Officers, faculty, and employees shall furnish such written disclosures as may be required by State and Federal authorities or by System requirement.

All officers, faculty, and employees shall adhere to the laws, rules, regulations, and policies of applicable governmental and institutional authorities and the following standards of conduct. The failure to do so may be grounds for disciplinary action, up to and including termination of employment.

No employee shall accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of his or her official duties or that the employee knows or should know is being offered with the intent to influence his or her official conduct.

No employee shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.

No employee shall accept other employment or engage in any business or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of his or her official position.

No employee shall disclose confidential information gained by reason of his or her official position or otherwise use such information for his or her personal gain or benefit.

No employee shall transact any business in his or her official capacity with any business entity of which the employee is an officer, agent, or member, or in which the employee owns a substantial interest.

No employee shall make personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest.

No employee shall accept other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's public duties.

The educational and working environments of the U. T. System and its component institutions should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are unprofessional and unacceptable.

Q: A business conference I plan to attend has advertised that a digital camera will be given away based on a random drawing from the registration list. If my name is drawn, can I accept it?

A: Yes, but only on behalf of U. T. Tyler. You can receive an individual gift if it is worth \$50 or less according to the [Texas Penal Code](#), Chapter 36, Section 36.10. The [Regents' Rules and Regulations](#), Part One, Chapter III, Section 4, Subsection 4.1 address ethics in relation to gifts, services, and favors.

Contacts with the Media, Government, and Outside Investigators

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

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

Under the [Texas Public Information Act](#), documents generated in the regular course of business of U. T. Tyler are public unless they fall into various exempt categories (such

as certain student records, papers related to ongoing litigation, documents related to ongoing real estate negotiations, etc.). [Business Procedures Memorandum \(BPM\) 32](#) governs the handling of requests for information under the Public Information Act.

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

<http://www.utsystem.edu/ogc/openrecords/tylerorinfo.htm>

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

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

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

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

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

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

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

Records and Information

Confidential Information

Unless specifically exempted from or made confidential by law, all documents generated in the regular course of business by U. T. Tyler are available to the public under the terms and conditions of the [Texas Public Information Act](#). Generally, documentation that is excepted from disclosure includes certain personnel data, student information, patient information, financial data, strategic plans, marketing strategies, supplier and subcontract information, and proprietary computer software. Written requests for documents under the Texas Public Information Act should be handled pursuant to [Business Procedures Memorandum 32](#).

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

A: No. This is considered a public information request. Individuals verbally contacting you should be advised to submit their request in writing to the Director of Compliance. Any public information request must be sent in writing (emails acceptable).

Confidentiality of Social Security Numbers (SSNs)

It is the policy of U. T. System, detailed in [Business Procedures Memorandum 66](#), to protect the confidential nature of SSNs without creating unjustified obstacles to the conduct of the business of The University of Texas System and the provision of services to its many constituencies. BPM 66 provides guidance to U. T. System institutions to assure compliance with federal and state laws governing privacy and the use of SSNs.

The procedures are organized around six key privacy principles:

- Reduce the use and collection of SSNs,
- Inform individuals when the institution 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.

System Administration employees can learn more about their rights and responsibilities for protecting the confidentiality of SSNs at the [UT Tyler SSN Homepage](#). Questions or concerns about the confidentiality or use of social security numbers should be directed to the SSN Coordinator, Mr. Gregg Lassen.

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 BPM 66 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 3 of BPM 66 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 3.2.2 of BPM 66 states, "In addition to the notice required by the Federal Privacy Act, when the social security number is collected by means of a form completed and filed by the individual, whether the form is printed or electronic, the institution must also provide the notice required by Section 559.003 of the Texas Government Code. That section requires that the institution state on the paper form or prominently post on the Internet site in connection with the form that: with few exceptions, the individual is entitled on request to be informed about the information that the institution collects about the individual; under Sections 552.021 and 552.023 of the Government Code, the individual is entitled to receive and review the information; and under Section 559.004 of the Government Code, the individual is entitled to have the institution correct information about the individual that is incorrect."

Accuracy of Records

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

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

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

Retention & Disposal of Records

U. T. Tyler recognizes the need for orderly management and retrieval of all official records and a documented records retention and destruction schedule that is consistent with State and Federal laws and regulations. Refer to the [Records and Information Management and Retention Policy](#) or the [U. T. Tyler Retention Schedule](#) for more information. Questions about specific record retention requirements should be directed to the Director of Compliance.

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

A: No. U. T. Tyler has a formal retention schedule that should be followed by everyone. There are specific dates on which records are to be destroyed. For more

information, refer to [U. T. Tyler Retention Schedule](#) or contact the Director of Compliance.

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

A: Yes, email is subject to records retention, but this does not mean you have to keep all your email. The retention of a document (or message) depends on the content and authorship of the document – not on whether it is in paper or electronic form. Unless you are receiving business related email from outside U. T. Tyler, you can most likely delete the vast majority of the messages you receive. Internal memos, announcements, and informational items that you receive are considered “transitory” in terms of records retention. You can get rid of these as soon as they have served their informational purpose to you. If you author documents or receive business email from outside customers or business partners, you may have an obligation to retain certain messages.

Workplace Conduct and Employment Requirements

Fraud

The minimization of fraud, waste, and abuse is the responsibility of all employees. A policy has been established regarding internal investigations of suspected embezzlement, misappropriation, and other fiscal irregularities. Refer to [Business Procedures Memorandum 50](#), Statement of Operating Policy Pertaining to Dishonest or Fraudulent Activities for more information.

Q: What are some examples of fraud?

A: Intentionally falsifying information on an application to gain employment; intentionally falsifying any type of records, e.g., payroll or time records; or providing false receipts and documentation for any type of reimbursement.

Q: What are some examples of abuse?

A: Examples of abuse include taking products or supplies belonging to U. T. Tyler; collecting more money than due on expense reimbursements; or excessive personal use of telephones, email, and the Internet.

Equal Employment Opportunity

Under the terms of applicable laws, regulations, and institutional directives, U. T. Tyler may not discriminate against employees or applicants for employment on the basis of race, color, national origin, religion, sex, age, sexual orientation, veteran status, or disability. Refer to the [Regents' Rules and Regulations](#), Part One, Chapter I, Section 10, Subsection 10.2, [Human Resources Policy 1.150 Equal Opportunity Employment](#), and the [Chancellor's Equal Employment Opportunity Statement](#) for more information.

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

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

Sexual Harassment and Misconduct

U. T. Tyler is committed to the principle that the working environment should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are not allowed. Employees who engage in either form of conduct will be subject to disciplinary action, possibly including termination. For more information, refer to the [ethics policy](#) in the [Regents' Rules and Regulations](#), Part One, Chapter III, Section 4, Subsection 4.8, and [Human Resources Policy 6.100 Sexual Harassment and Sexual Misconduct](#).

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

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

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

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

Overtime Compensation

The federal [Fair Labor Standards Act \(FLSA\)](#) entitles non-exempt employees of U. T. Tyler, required or permitted to work in excess of forty hours in a workweek, to additional compensation for such excess hours by receiving either compensatory time off or a payment for overtime on a time and one-half basis. Information pertaining to overtime

compensation in accordance with the FLSA can be found in the [Regents' Rules and Regulations](#), Part Two, Chapter V, Section 2, Subsection 2.1. Information pertaining to overtime compensation for System Administration employees, including the need for prior written approval, is set forth in System Administration's [Human Resources Policy 2.190 Overtime Compensation and State Compensatory Time](#).

Q: I was just promoted from a non-exempt to an exempt title and have been told that I am no longer eligible to receive overtime. Is this true, and what determines whether a position is exempt or non-exempt?

A: It is correct that exempt employees are not eligible to receive time and one-half overtime required by the FLSA. A position is determined to be exempt or non-exempt if it meets certain tests under the FLSA.

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

A: There are actually two kinds of overtime. A non-exempt employee qualifies for FLSA overtime if he or she actually works more than 40 hours in a workweek (Monday through Sunday). FLSA overtime is earned on a time and a half basis for hours actually worked over 40 in a workweek (one hour of FLSA overtime is reimbursed as 1.5 hours). A non-exempt employee is also eligible for State compensatory time earned on a straight time basis. If the total number of hours of time worked and paid leave time or holidays exceed 40 hours in a workweek, the employee is eligible for State compensatory time for all of the hours over 40, less any FLSA overtime hours. The other way in which a non-exempt employee may receive State compensatory time is when the employee works on a holiday.

Q: I am confused about when I must use my overtime. When should I use overtime?

A: State compensatory overtime must be used within 12 months from the end of the workweek in which it was earned. If it is not, it is lost. Likewise, State compensatory time does not transfer from one department to another or between State agencies. Non-exempt employees are expected to use FLSA overtime as soon as it is practical to do so. A department may require a non-exempt employee to use FLSA overtime hours. According to [Regents' Rules and Regulations](#), Part Two, Chapter V, Section 2, Subsection 2.12, if an employee does not use FLSA compensatory time within 12 months, he or she must be paid. With supervisory approval, exempt employees are eligible to earn State compensatory time on a straight time basis for hours worked on holidays. They may also earn State compensatory time if the hours worked and the hours of paid leave or holidays exceed 40 in a workweek.

Exempt and Non-exempt Time Keeping

The Fair Labor Standards Act (FLSA) requires accurate time and leave records be maintained for all non-exempt employees. Guidelines and procedures to determine positions that qualify for exemption under the FLSA are set forth in [Human Resources Policy 2.110 Fair Labor Standards Act](#).

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

A: No. All time actually worked must be recorded on your time report. Non-exempt employees should only work 40 hours per week. All overtime must be approved by your supervisor prior to working over 40 hours. An employee may be eligible for either FLSA overtime or State compensatory overtime. Refer to [Human Resources Policy 2.190 Overtime Compensation](#) for more information.

Q: How is overtime compensation reported for exempt employees?

A: Exempt employees are not eligible to receive FLSA overtime and are therefore never eligible to earn time and one-half overtime. Exempt employees are eligible for State compensatory time for any hours worked on a holiday. An exempt employee MAY be eligible to accrue State compensatory time; however, this would be at the discretion of the department and would require supervisory approval.

Family and Medical Leave Act

An employee may request and receive a leave of absence with pay, provided he or she has accrued sick and vacation leave time, or without pay for up to twelve weeks per year for certain family and medical reasons as specified by the federal [Family and Medical Leave Act of 1993](#) (FMLA) and accompanying regulations governing the FMLA. This is a leave program that has specific eligibility requirements and restrictions. More detailed information may be found in the [Regents' Rules and Regulations](#), Part One, Chapter III, Section 22 and in [Human Resources Policy 8.140 Family and Medical Leave Act](#).

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

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

Outside Employment

Outside professional commitments should not interfere with an employee's responsibilities to U. T. Tyler. No employee shall accept outside employment, temporary or regular, that actually or potentially results in any conflict of interest with or intrudes upon or detracts from the individual's responsibilities to U. T. Tyler, or the programs, policies, and objectives of the University. Consulting and other professional commitments with this result or the potential for this result must also be avoided. No full-time employee shall be employed in any outside work or activity or receive from an outside source a regular retainer fee or salary until a description of the nature and extent of the employment has been filed with and approved by the appropriate administrative officials. The [Regents' Rules and Regulations](#), Part One, Chapter III, Section 13 specifically address the outside employment issue.

Q: May I work at a Golf Course at times when I am not working my normal hours at U. T. Tyler?

A: Possibly. Working at a Golf Course most likely does not present a conflict of interest. According to the [Regents' Rules and Regulations](#), an employee must receive approval prior to accepting any outside employment.

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

A: Yes. You may not accept employment from any outside firm that also does business with U. T. Tyler. Whenever in doubt, check with your supervisor or the Office of Human Resources.

Financial Interests

State laws, court decisions, opinions of the Attorney General, and the policies of the Regents prohibit employees of U. T. Tyler from having a direct or indirect interest, financial or otherwise, in a corporation or business, engage in a professional activity, or incur an obligation of any nature that is in substantial conflict with or might reasonably tend to influence the discharge of the employee's official duties. For more information, refer to the [Regents' policies](#) related to ethics.

Q: My family owns a catering business that often does business with my department and others at U. T. Tyler. Is this a conflict of financial interest?

A: Not necessarily. If you do not make the catering decisions for your department and others, then there should be no conflict. You do need to disclose this information to your supervisor.

Q: *I've been buying stock in a company that does business with U. T. Tyler. After my next purchase, I'll own 10% of the company. Does this pose a problem?*

A: Potentially. If you have the authority to award contracts, select vendors, or influence purchases of goods or services, then you must report your ownership to the President.

Health and Safety

Workplace Health and Safety and Protection of the Environment

All U. T. Tyler employees should perform their duties in compliance with all applicable institutional policies, Federal, State, and local laws, and standards relating to the environment and protection of worker health and safety. You should become familiar with and understand how these laws, standards, and policies apply to your specific job responsibilities and seek advice from your supervisor or the Director of Environmental Health and Safety, as needed. Each employee is responsible for advising his or her supervisor or the Director of Environmental Health and Safety of any serious workplace injury, or any situation presenting a danger of injury, so that timely corrective action may be taken. Refer to the U. T. System [Environmental Policy Statement](#) for more information, or contact U. T. Tyler's Director of Environmental Health and Safety at 903-566-7401.

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

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

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

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

Drug and Weapon Free Workplace

The unlawful possession of a weapon or the unlawful manufacture, distribution, possession, or use of a controlled substance in or on any premises or property owned or controlled by U. T. Tyler (U. T. Tyler property) is prohibited. Any employee who is found guilty (including a plea of no contest) or has a sentence, fine or other criminal penalty imposed by a court for an offense involving a controlled substance that occurred

in or on U. T. Tyler property shall report such action to his or her supervisor or the Office of Human Resources within five days. An employee who unlawfully manufactures, sells, distributes, possesses, or uses a controlled substance on U. T. Tyler property, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action, including termination, or will be required to participate satisfactorily in an approved drug assistance or rehabilitation program or both. Refer to the [U. T. System Drug-Free Workplace Policy](#) for more information.

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

A: Report this activity immediately to the U. T. Tyler Police.

Q: I think I saw an employee using drugs at the workplace. What should I do?

A: Report the suspected incident to your supervisor or the Director of Human Resources.

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

Contracts and Agreements

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

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

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

Use of State-Owned Property

As a general rule, the personal use of U. T. property or assets is prohibited. Incidental personal use of U. T. Tyler email, a telephone to make a local telephone call, or the Internet, provided that the use complies with applicable U. T. Tyler policies and does not result in additional cost to U. T. Tyler, is permissible. Direct any questions about the

use of U. T. Tyler property to your supervisor. More information regarding the use of State-owned property may be obtained in the [Regents' Rules and Regulations](#), Part Two, Chapter VII, and [Business Procedures Memorandum 53](#), Policy for the Use and Protection of Information Resources.

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

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

Q: My son calls me each day when he gets home from school. Since it's a personal call on a U. T. Tyler owned phone, am I breaking any rules?

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

Computer Software

Employees who use software licensed to U. T. Tyler must abide by applicable software license agreements and may copy licensed software only as permitted by the license. Direct any questions about software license agreements to your supervisor or Information Resources. [Business Procedures Memorandum 53](#) Policy for the Use and Protection of Information Resources provides detailed information regarding the use of computers.

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

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

Information: Security and Acceptable Use

U. T. Tyler information resources may be used only for official State purposes. Every University employee has a responsibility for maintaining the security and confidentiality of U. T. Tyler's information resources and must comply with information security policies and procedures. An employee may access or disclose confidential and sensitive

information only as permitted by contract, State or Federal law or regulation, the scope of the employee's employment, or approved U. T. System policy. [Business Procedures Memorandum 53](#) Policy for the Use and Protection of Information Resources provides detailed information regarding the security and acceptable use of information.

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

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

Computer Access, Passwords, and Other Confidential Information

No employee may knowingly access a computer network or system without the effective consent of the owner or intentionally or knowingly disclose a password, identification code or number, debit card or bank account number, or other confidential information about a computer security system without the consent of the person employing the security system. Information regarding computer access, passwords, and other confidential information may be obtained from [Business Procedures Memorandum 53](#), Policy for the Use and Protection of Information Resources.

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

A: Yes. It is a violation of [Business Procedures Memorandum 53](#), Policy for the Use and Protection of Information Resources, to disclose your computer password. Computer passwords should be considered highly confidential and should never be disclosed to anyone. Data that is protected by passwords would be vulnerable to damage, theft, or disclosure. In emergency situations, contact the Office of Information Resources.

If you have a computer and an Internet connection, you can access your Lotus Notes email from home. Go to mail.uttyl.edu to log on and access your account. Contact Information Resources if you do not have a user id and password for accessing your email over the Internet.

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

A: No. All information is strictly confidential.

Purchasing

No employee may expend U. T. Tyler funds for any purchase unless the person is authorized to make the purchase in accordance with the [Regents' Rules and Regulations](#), Part Two, Chapter IV and Chapter XI, Section 2, Subsection 2.2, and the purchase is made in accordance with all U. T. Tyler purchasing procedures, including procedures concerning Historically Underutilized Businesses (HUB). Purchases from or sales to an employee of supplies, materials, services, equipment, or property, except purchases made at a public auction, must have the prior approval of the President of the University of Texas at Tyler.

Q: If I reimburse my department, can I take advantage of a vendor's discounted U. T. Tyler price to buy an item for my personal use?

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

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

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

Copyright and Intellectual Property

Photocopying of Copyrighted Material

For systematic copying, check with the Office of General Counsel (OGC) before photocopying anything that is possibly protected by copyright. Most materials are protected, even if they do not show the familiar © copyright notice, since it is no longer required; thus, assume works are protected unless you are able to determine for certain that they are in the public domain.

For infrequent or one-time events, if the copying is not fair use, permission must be obtained from the copyright owner to make the photocopies. The Office of General Counsel explains fair use in "[Fair Use of Copyrighted Materials](#)."

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

A: In accordance with the four-factor fair use test, photocopying of a chapter for one-time use would probably qualify as fair use. On the other hand, repeated use will likely require permission from the copyright owner. Always check with OGC first before undertaking systematic, repeated photocopying.

Intellectual Property

The Board of Regents owns the intellectual property created by its employees if the intellectual property is created by an employee within the scope of employment; created by an employee on U. T. Tyler time with the use of U. T. Tyler facilities or State financial support; commissioned by U. T. Tyler pursuant to a signed contract; fits within one of the nine categories of works considered works for hire under copyright law; or results from research supported by federal funds or third party sponsorship. An employee must disclose the intellectual property created by the employee to the Intellectual Property Section of OGC well before the employee submits any information about the intellectual property for publication, or makes any public disclosure or even a private disclosure to a commercial entity. For more information, refer to the Regents' [Rules and Regulations](#), Part Two, Chapter XII and the [Intellectual Property](#) web site.

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 accrued 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 U. T. Tyler; do not involve the impermissible use of U. T. Tyler's facilities; do not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity; and do not involve U. T. Tyler in partisan politics. Information regarding political activities may be obtained in the [Regents' Rules and Regulations](#), Part One, Chapter III, Section 35.

Political Contributions

Political contributions from any source of U. T. Tyler funds are prohibited. For more information, refer to the [General Appropriations Act](#), Article IX, Section 4.05.

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

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

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

A: No. It is not appropriate to advertise any political activity or involve U. T. Tyler 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. Information regarding the ethics policy may be obtained in the [Regents' Rules and Regulations](#), Part One, Chapter III, Sec. 4.

Q: One of my vendors wants to take me to lunch to discuss their new product line. Is it okay to accept the invitation?

A: While you will not be breaking any policies or laws if you accept, you do need to consider whether or not accepting the lunch would tend to influence your decisions. Texas Penal Code states that if you are the guest of the vendor and the vendor is present, you may go to lunch with him or her. However, you may not go to lunch and use a vendor's account at the restaurant or any other business if the representative is not present. If you do feel that going to lunch would influence your decisions, then feel free to accompany the vendor; however, you should pay for your own meal.

Gifts from Persons Interested in a U. T. Tyler Transaction

An employee must not solicit, accept, or agree to accept any benefit from a person the employee knows is interested in or is likely to become interested in a transaction with U. T. Tyler. Exceptions to this prohibition are provided in Section 36.10 of the [Texas Penal Code](#). If the gift is not in consideration of any official action, you may accept:

- Non-cash items worth less than \$50.
- Food, lodging, transportation, or entertainment in any amount if you accept them as a "guest." As a general rule, for you to accept something as a guest, the donor must be present.
- Gifts from a person such as a friend, relative, or business associate with whom you have a relationship independent of your official status, if the gift is given on account of that relationship rather than your official status.

If in doubt, do not accept a benefit offered to you because you are a U. T. Tyler employee.

Q: I received a gift basket from one of our vendors for Christmas. May I keep it?

A: Possibly. If the value of the gift basket is less than \$50, you may keep it. Please be sure, however, that the acceptance of the gift did not create an obligation for you to represent of the company. You should report vendors who offer inappropriate gifts to your supervisor and to the U. T. Tyler Compliance Officer.

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. Additional information may be obtained from the [Ethics Policy](#).

Reporting Compliance Violations

There may be instances where you suspect that a U. T. Tyler employee's conduct does not comply with applicable laws, rules, regulations, and policies, including the Ethics Policy. If this is the case, you are encouraged to report the situation to the head of the affected department, the U. T. Tyler Compliance Officer or other appropriate official, or the compliance hotline. U. T. Tyler has contracted with an outside vendor to provide our compliance hotline service.

Trained professionals operate the compliance hotline 24 hours a day, 365 days a year. You can report information anonymously, and a report will be sent to the U. T. Tyler Compliance Director within one business day. The U. T. Tyler Compliance Committee has developed procedures to ensure all compliance hotline reports are investigated and addressed as appropriate. The toll-free phone number for U. T. Tyler's compliance hotline is **1-800-500-0333**.

An alternative reporting method can be utilized by sending a letter to a specified post office box or by filing a report via the web. For more information, please go to:

<http://www.uttyler.edu/compliance/Ethicsline.htm>

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

Institutional Compliance Committee

INSTITUTIONAL COMPLIANCE COMMITTEE MEMBERS

Ms. Lynne Culverhouse, Chair	Assistant Vice President for Business Affairs	903-566-7222
Mr. Gregg Lassen, Compliance Officer	Vice President for Business Affairs	903-566-7101
Mr. Mike Medders	Chief of University Police	903-566-7393
Mr. Chip Clark	Director of Physical Plant	903-566-7431
Mr. Joe Vorsas	Director of Human Resources	903-566-7294
Mr. Steve Wilson	Director of Information Resources	903-566-7155
Ms. Candice Garner	Associate Dean for Enrollment Management	903-566-7221
Ms. Barbara O’Keeffe	Director of Environmental Health and Safety	903-566-7401
Ms. Carrie Clayton	Director of Financial Services	903-566-7184
Ms. Sherry Morton	Director of Student Business Services	903-566-7176
Ms. Cindy Troyer	Manager of Purchasing and Payroll	903-566-7461
Ms. Kathy Kapka	Director of Audit Services	903-566-7114
Dr. Sherri Whatley	Director of Accountability and Information Technology	903-566-7247
Dr. J. Milford Clark	Associate Vice President for Academic Affairs	903-566-7447
Ms. Wendy Minix	Purchasing Development Coordinator (HUB)	903-566-7226
Dr. Howard Patterson	Dean of Student Affairs and Director of Athletics	903-566-7350
Mr. David Hill	Director of Residence Life	903-565-8811
Ms. Belinda Gill	Development Funds Assistant	903-565-5646
Dr. James Harbaugh	Associate Professor of Technology	903-566-7331
Dr. Peggy Gill	Faculty Senate Business Governance Chair	903-565-5675
Ms. Andrea Liner	Chair of University Staff Advisory Council	903-565-5534
Ms. Mary Barr	Director of Compliance	903-566-7151

Ethics Advisor and Compliance Officer

Mr. Gregg Lassen – Vice President for Business Affairs (903) 566-7101

Compliance Office

Ms. Mary Barr – Director of Compliance

Campus Address: 3900 University Blvd. ADM 365
Tyler, TX 75799

Office Phone: (903) 566-7151

Office Fax: (903) 566-8368

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

Ethics Line

1-800-500-0333

