



# Standards of Conduct Guide

The University of Texas of the Permian Basin

November 30, 2006

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# THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN INSTITUTIONAL COMPLIANCE STANDARDS OF CONDUCT GUIDE

## Purpose

The purpose of the ***Standards of Conduct Guide*** ("***Guide***") is to emphasize the necessity for and the responsibility of all employees\* of The University of Texas of the Permian Basin ("U.T. Permian Basin") to be aware of and perform their duties and responsibilities in compliance with all applicable provisions of federal and state laws, regulations, and policies; the Policies and the Rules and Regulations of the Board of Regents of the U.T. System; and the policies and rules and regulations of U.T. Permian Basin. This ***Guide*** is an outline of various laws, policies, rules and regulations that govern the conduct of employees of U.T. Permian Basin.

Although the ***Guide*** addresses a number of specific laws, policies, rules, and regulations, it is not intended to be a comprehensive list of legal and ethical standards, but provides employees of the U.T. System with information about and source references for the laws, policies, rules, and regulations that govern their conduct. It also represents an educational tool and information directory to be used by the U.T. Permian Basin Institutional Compliance Program for training employees of U.T. Permian Basin regarding the conduct required of them. Specific ethical or compliance questions of employees should be directed to the U.T. Permian Basin Compliance Officer. Please also refer to the UT Permian Basin *Handbook of Operating Procedures* (HOP) for additional information.

## Compliance Risk Management Program



U.T. Permian Basin's Compliance Program ("***Program***") is intended to demonstrate in the clearest possible terms the absolute commitment of U.T. Permian Basin to the highest standards of ethics and compliance with all applicable laws, policies, rules and regulations. A System-wide Compliance Committee representing all major compliance areas provides program direction. The

U.T. System Compliance Officer, Mr. Charles G. Chaffin, Director of Audits, is responsible for the execution of the Program.

Each U.T. System component institution has a Compliance Officer and a Compliance Committee. Compliance issues should be addressed through normal administrative channels. However, a reporting procedure has been established at U.T. System Administration and each of the component institutions as a way for employees to report instances of suspected non-compliance outside the normal chain of command in a manner that preserves confidentiality to the extent allowed by law. Information about the reporting procedure may be addressed to the U.T. Permian Basin Compliance Officer at (432) 552-2700, or via the confidential hotline at (432) 552-2940 or 888-228-7725.

\* The term “employees of The University of Texas System (“U.T. System”)” includes all officers, administrators, faculty, classified and non-classified staff, and professional personnel employed by the U.T. System Administration and component institutions of the U.T. System.

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# 1. Ethical Standards

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

The State of Texas and the Board of Regents of The University of Texas System have defined certain ethical standards that apply to employees of the U.T. System. The most complete and current source of information on ethical standards is the U. T. System Office of General Counsel (“OGC”) Web page, accessible via the Internet at <http://www.utsystem.edu/OGC/>. Included in this Web site is the U.T. System’s Ethics Policy, which is part of the Regents’ Rules and Regulations. The Office of General Counsel has also published a *Standards of Conduct Digest* that provides excerpts from principal state laws, Ethics Advisory Opinions, Regents’ Rules and Regulations, and System policies involving standards for officers and employees.

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## 2. Contacts with the media, government and outside investigators

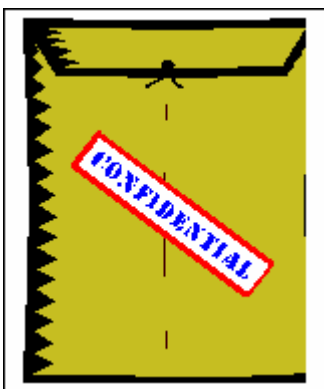


The U.T. System expects to cooperate in government investigations of the U.T. System, the component institutions, or employees with due consideration given to the legal rights of the U.T. System, the component institution and employees of the U.T. System. If a subpoena, other legal document, or inquiry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

The Public Information Officer (PIO) acts as the spokesperson for U.T. Permian Basin. If an employee of U.T. Permian Basin is contacted by a member of the media, the media representative should be referred to the PIO. An exception is made for faculty members who are contacted about items relating to their area of expertise.

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## 3. 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. Permian Basin 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 directed to U.T. Permian Basin's Office of Business Affairs.

*(BPM 32-06-05)*



### Accuracy of Records

Employees of U.T. Permian Basin 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.

## Retention and Disposal of Records

U.T. Permian Basin 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. Questions about specific record retention requirements should be directed to the Record Retention Officer in the U.T. Permian Basin Office of Business Affairs.

*(HOP Part VI, Section 11)*

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## 4. Workplace Conduct and Employment Requirements



### Fraud

The minimization of fraud, waste, and abuse is the responsibility of all employees of U.T. Permian Basin. UT System has established a policy regarding internal investigations of suspected defalcation (embezzlement), misappropriation, and other fiscal irregularities.

*(UT System BPM 50-01-02)*

### Equal Employment Opportunities

Under the terms of applicable laws and regulations, the U.T. System and component institutions may not discriminate against employees or applicants for employment on the basis of race, color, national origin, religion, sex, age, veteran status, or disability.

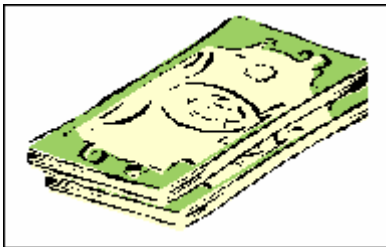
*(HOP Part III, Section 8)*



## Sexual Harassment and Sexual Misconduct

The U.T. System Administration and U.T. Permian Basin are committed to the principal that the working environment should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are unprofessional behaviors and employees who engage in such conduct will be subject to disciplinary action, including termination.

*(HOP Part III, Section 1)*



## Overtime Compensation

The Fair Labor Standards Act (“FLSA”) entitles non-exempt employees of U.T. Permian Basin who are 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 payment for overtime at the rate of time and one-half. Part-time employees must be paid for hours worked over the appointed hours, and may not be eligible for compensatory time.

*(Regents Rules, Series 30111)*

## Family and Medical Leave Act

An employee may request and receive a leave of absence 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.

*(Regents Rules, Series 30201)*

## Exempt and Non-Exempt Time Keeping

The Fair Labor Standards Act requires accurate time and leave records for all non-exempt employees of U.T. Permian Basin to be maintained. U.T. Permian Basin's Office of Human Resources also maintains leave records for exempt employees. Guidelines and procedures to determine positions that qualify for exemption under the FLSA are set forth in U.T. Permian Basin's Office of Human Resources.



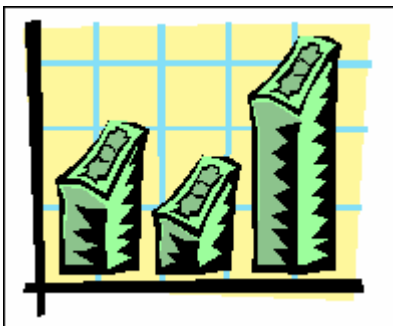
## Outside Employment

The first responsibility of the faculty and staff is to U.T. Permian Basin, and outside professional commitments should not interfere with a faculty or staff member's responsibility to U.T. Permian Basin. No member of the faculty or staff 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 the U.T. Permian Basin, or to the programs, policies, and objectives of U.T. Permian Basin.

Consulting and other professional commitments that present this result or the potential for such a result also must 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 your supervisor or the appropriate Vice President as set forth in the institutional Handbook of Operating Procedures.

*(HOP Part III, Section 10)*



## Financial interests

State laws, court decisions, opinions of the Attorney General, and the policy of the Regents prohibit employees of U.T. Permian Basin from having a direct or indirect interest, financial or otherwise, in a corporation or business, engaging in a professional activity, or incurring 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.

*(Regents Rules, Series 30104)*

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## 5. Health and Safety

### Workplace health and safety and protection of the environment



All U.T. Permian Basin employees should perform their duties in compliance with all applicable institutional policies, federal, state and local laws and regulations, 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 Safety Officer, as needed. Each employee is responsible for advising the employee's supervisor or the Safety Officer of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken. The Safety Officer may be reached at (432) 552-2778 or (432) 552-2764.

### Drug, alcohol, and weapon-free workplace



The unlawful manufacture, distribution, possession, or use of a controlled substance in or on any premises or property owned or controlled by U.T. Permian Basin ("U.T. property") is prohibited. Any employee found guilty (including a plea of no contest) or who 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. property shall report such action to the employee's supervisor or to the Office of Human

Resources within five (5) days.

Unauthorized use or possession of alcohol while on duty is prohibited, as is the use of alcohol, an illegal drug, or a controlled substance, while not on duty, in a way which may adversely affect job performance or the safety of other employees, students, or visitors. An employee who unlawfully manufactures, sells, distributes, possesses or uses a controlled substance on U.T. 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.

*(HOP Part III, Section 2)*

Weapons of any kind (including toy weapons) are not allowed on UT property with the exception of licensed peace officers.

*(Texas Penal Code 46.03)*

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

### Contracts and agreements



No employee is authorized to sign a contract or agreement that purports to bind the institution unless that employee has official written delegated authority to do so under the Regents' Rules and Regulations. Do not sign a contract or agreement on behalf of U.T. Permian Basin. The President, Director of Purchasing and the Vice President for Business Affairs are the only individuals authorized to execute (sign) contracts on behalf of U.T. Permian Basin.

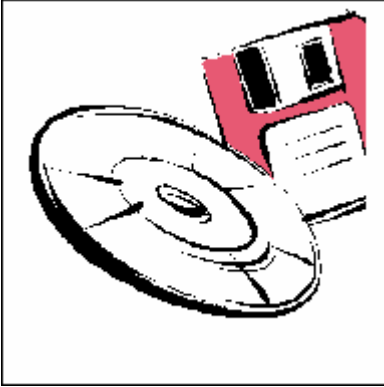
*(HOP Part VI, Section 10)*

### Use of state-owned property

An employee may use U.T. property and assets, including Human Resources time, only for state purposes. As a general rule, the personal use of any U.T. property or asset is prohibited. Incidental personal use of the U.T. System e-mail, a state telephone to make a local telephone call, or the Internet, provided that the use complies with applicable U.T. System policies and does not result in additional cost to U.T. Permian Basin, is permissible. Direct any questions you might have about the use of U. T. property to your Supervisor.

*(HOP Part VI, Section 26)*

### Computer software



Employees who use software licensed to U.T. Permian Basin must abide by applicable software license agreements and may copy licensed software only as permitted by the license. Direct any questions you have about applicable software license agreements to your supervisor or the Office of Information Resources.

*(HOP Part II, Section 6)*

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## 7. Information

### Security and acceptable use

U.T. Permian Basin information resources may be used only for official state purposes. Every U.T. Permian Basin employee has a responsibility for maintaining the security and confidentiality of U.T. Permian Basin'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. Permian Basin policy.

*(HOP Part II, Section 6 and Part VI, Section 26)*



### Computer access, passwords and other confidential information

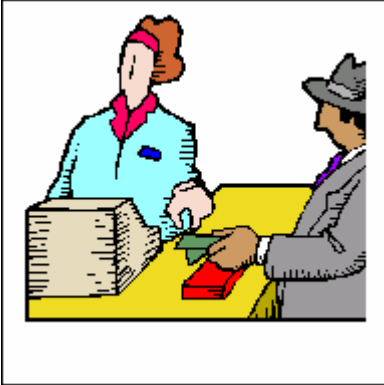
No employee may knowingly access a computer network or system without the effective consent of the owner, and may not intentionally or knowingly disclose a password, identification code or number, debit card or bank account number, or other

confidential information about a computer security system without the consent of the person employing the security system.

*(HOP Part II, Section 6 and Part VI, Section 26)*

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## 8. Purchasing



*(HOP Part VI, Sections 8 & 10)*

No employee may expend U.T. Permian Basin funds for any purchase unless the person is authorized to make the purchase. The purchase must be made in accordance with all institutional purchasing procedures, including procedures concerning Historically Underutilized Businesses. Purchases from or sales to an employee of supplies, materials, services, equipment, or property must have the prior approval of the Chancellor or the U.T. Permian Basin President, except purchases made at a public auction.

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## 9. Copyright and Intellectual Property



### Photocopying of copyrighted material

Permission must be obtained from the copyright owner to copy copyrighted materials where (a) copying is not fair use, (b) advice of the Office of General Counsel has not been sought, and (c) copying extends beyond the boundaries of the guidelines contained in Appendix I of the Photocopying Copyright Materials Policy. (<http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm>).



Most works should be presumed to be copyright protected, unless further information from the copyright holder or express notice reveals that the copyright holder intends the work to be in the public domain.

### Intellectual property

The Board of Regents owns the intellectual property created by its students and employees if the intellectual property is created by an

employee within the scope of employment; created by an employee on U.T. Permian Basin time with the use of U.T. Permian Basin facilities or state financial support; commissioned by U.T. Permian Basin 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 U.T. Permian Basin's Intellectual Property Advisory Committee 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.

*(Regents Rules Series 90101 and 90102)*

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## 10. Political activities and contributions



### Political activities

An employee may participate in political activities only if such activities are not conducted during work hours; 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. Permian Basin; 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. Permian Basin in partisan politics.

*(Regents Rules Part 1, Series 30103)*

### Political contributions

Political contributions from any source of U.T. Permian Basin funds are prohibited.

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## 11. 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.

*(Regents Rules Series 30104)*

## Gifts from Persons "Subject to U.T. System Jurisdiction"



An employee must not solicit, accept, or agree to accept any benefit from a person the employee knows may have a business relationship with U.T. Permian Basin, except as permitted under Section 36.10 of the Texas Penal Code. If in doubt, do not accept such a benefit offered to you because you are a U.T. Permian Basin employee.

*(Texas Penal Code, Section 36.08)*

## Honorarium

An employee must not solicit, accept, or agree to accept an honorarium paid to the individual in consideration for services that the employee is requested to provide due to the employee's official position or duties.

*(Regents Rules Series 30104)*

### Who do I contact?

University Compliance Officer

432-552-2700

General Information and Confidential reports

e-mail: [compliance@utpb.edu](mailto:compliance@utpb.edu)

Hotline: 432-552-2940

or

888-228-7725

### Statutory Authority for this document:

**Texas Government Code § 572.051. Standards of Conduct:**

A **state** officer or **employee** should not:

- (1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or **employee** in the discharge of official duties or that the officer or **employee** knows or should know is being offered with the intent to influence the officer's or **employee's** official **conduct**;
- (2) accept other employment or engage in a business or professional activity that the officer or **employee** might reasonably expect would require or induce the officer or **employee** to disclose confidential information acquired by reason of the official position;
- (3) accept other employment or compensation that could reasonably be expected to impair the officer's or **employee's** independence of judgment in the performance of the officer's or **employee's** official duties;
- (4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or **employee's** private interest and the public interest; or
- (5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or **employee's** official powers or performed the officer's or **employee's** official duties in favor of another.

### **Texas Government Code § 2113.014. Employee Standards of Conduct:**

- a) A state agency may not use appropriated money to compensate a state employee who violates a standard of conduct described by Section 572.051.
- (b) A state agency shall provide each state employee it employs a copy of this section and the standards of conduct described by Section 572.051 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.
- (c) A state agency shall maintain receipts collected from current state employees under this section in a manner accessible for public inspection.

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### **Additional Information:**

#### **Handbook of Operating Procedures**

<http://www.utpb.edu/opproc/Index.html>

#### **Office of Human Resources Web Page:**

[http://www.utpb.edu/UTPB\\_Adm/BusinessAffairs/officeOfPersonnel/index\\_frame.htm](http://www.utpb.edu/UTPB_Adm/BusinessAffairs/officeOfPersonnel/index_frame.htm)

## **Specific References:**

### **Computer access, passwords and other confidential information**

<http://www.utsystem.edu/BPM/53.htm>

<http://www.utpb.edu/ird/fs.htm>

### **Computer software**

<http://www.utsystem.edu/BPM/53.htm>

<http://www.utpb.edu/ird/fs.htm>

### **Contacts with the media, government and outside investigators**

<http://www.utsystem.edu/BPM/32.htm>

### **Copyright and Intellectual Property**

#### **Appendix I of the Photocopying Copyrighted Materials policy**

<http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm>

### **Drug and weapon-free workplace**

<http://www.utsystem.edu/systempolicies/drugwork.htm>

<http://www.capitol.state.tx.us/statutes/pe.toc.htm>

### **Equal Employment Opportunities**

Regents Rules and Regulations, Series 10701

<http://www.utsystem.edu/bor/rules/10000Series/10701%202004%2012%2010%2001.pdf>

### **Exempt and Non-Exempt Time Keeping**

U.T. Permian Basin's Handbook of Operating Procedures

<http://www.utpb.edu/opproc/Index.html>

### **Family and Medical Leave Act**

Regents Rules and Regulations, Series 30201

<http://www.utsystem.edu/bor/rules/30000Series/30201%202004%2012%2010%2001.pdf>

### **Financial interests**

<http://www.utsystem.edu/bor/rules/30000Series/30104%202004%2012%2010%2001.pdf>

Fraud - Workplace Conduct and Employment Requirements

Business Procedures Memorandum (BPM) No. 50

<http://www.utsystem.edu/BPM/50.htm>

### **Gifts and gratuities, Gifts made to influence decisions**

Regents' Rules and Regulations, Series 30104

<http://www.utsystem.edu/bor/rules/30000Series/30104%202004%2012%2010%2001.pdf>

### **Health and Safety - Workplace health and safety and protection of the environment**

<http://www.utsystem.edu/systempolicies/environ2.htm>

## **Honorarium**

<http://www.utsystem.edu/ogc/ethics/guidenew.htm>  
<http://www.utsystem.edu/bor/rules/30000Series/30104%202004%2012%2010%2001.doc>

## **Information: Security and acceptable use**

<http://www.utsystem.edu/BPM/53.htm>  
<http://www.utpb.edu/ird/fs.htm>

## **Outside Employment**

Regents Rules and Regulations, Series 30103  
<http://www.utsystem.edu/bor/rules/30000Series/30103%202004%2012%2010%2001.pdf>

## **Overtime Compensation**

Regents Rules and Regulations, Series 30111  
<http://www.utsystem.edu/bor/rules/AdminRules/30111%202004%2012%2010%2001.pdf>

## **Purchasing**

Regents Rules and Regulations, Series 22601  
<http://www.utsystem.edu/bor/rules/AdminRules/22601%202004%2012%2010%2001.doc>

## **Records and Information, Confidential Information**

Business Procedures Memorandum ("BPM") No. 32-06-05  
<http://www.utsystem.edu/bpm/32.htm>

## **Sexual Harassment and Sexual Misconduct**

Regents Rules and Regulations, Series 30105  
<http://www.utsystem.edu/bor/rules/30000Series/30105%202004%2012%2010%2001.doc>

## **Use of state-owned property**

<http://www.utsystem.edu/BPM/53.htm>

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

Regents Rules and Regulations, Series 90102  
<http://www.utsystem.edu/bor/rules/90000Series/90102%202004%2012%2010%2001.pdf>

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