



Standards of Conduct Guide

The University of Texas Permian Basin

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THE UNIVERSITY OF TEXAS 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 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.

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.

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/>.

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.

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. (*UTS139*)

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 9, Records Management and Retention)

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. *(UTS118)*

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, national origin, gender, age, disability, veteran status, religious affiliation, or sexual orientation.

(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.

(See UTPB Human Resources Policies and Procedures, Wage and Salary Administration)

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 and approved 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*)

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) 552-2491 or (432) 552-2490.

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)

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.

(UTS145)

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.

(Texas Government Code, Title 10 General Government, Subtitle E. Government Property, Section 2203.004, See HOP Part VI, Section 23)

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 VI, Section 23)

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)

8. Purchasing

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.

(HOP Part VI, Sections 8 & 10)

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.

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)

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.

Sections of the Government Code Pertaining to Political Activities and Contributions:

Sec. 556.004. PROHIBITED ACTS OF AGENCIES AND INDIVIDUALS. (a) A state agency may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.

(b) A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).

(c) A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.

(d) A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.

(e) For purposes of Subsection (c), a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful.

Sec. 556.005. EMPLOYMENT OF LOBBYIST. (a) A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter [305](#) to register as a lobbyist. Except for an institution of higher education as defined by Section [61.003](#), Education Code, a state agency may not use any money under its control to employ or contract with an individual who is required by Chapter [305](#) to register as a lobbyist.

(b) A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter [305](#) to register as a lobbyist. This subsection does not apply to the payment by a state agency of membership fees under Chapter [81](#).

(c) A state agency that violates Subsection (a) is subject to a reduction of amounts appropriated for administration by the General Appropriations Act for the biennium following the biennium in which the violation occurs in an amount not to exceed \$100,000 for each violation.

(d) A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter [305](#) to register as a lobbyist.

Sec. 556.0055. RESTRICTIONS ON LOBBYING EXPENDITURES. (a) A political subdivision or private entity that receives state funds may not use the funds to pay:

- (1) lobbying expenses incurred by the recipient of the funds;
 - (2) a person or entity that is required to register with the Texas Ethics Commission under Chapter [305](#);
 - (3) any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2); or
 - (4) a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.
- (b) A political subdivision or private entity that violates Subsection (a) is not eligible to receive additional state funds.

Sec. 556.006. LEGISLATIVE LOBBYING. (a) A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.

Sec. 556.007. TERMINATION OF EMPLOYMENT. A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section [556.006](#)(b) or who violates Section [556.004](#)(c) or (d) is subject to immediate termination of employment.

Sec. 556.008. COMPENSATION PROHIBITION. A state agency may not use appropriated money to compensate a state officer or employee who violates Section [556.004](#)(a), (b), or (c) or Section [556.005](#) or [556.006](#)(a), or who is subject to termination under Section [556.007](#).

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*)

12. International Travel

No UTPB personnel shall accept any gift, regardless of value, from an entity associated with or travel to, for professional purposes, a country on the U.S. Department of Commerce's foreign adversaries list under 15 C.F.R. § 791.4. As of November 19, 2024, the foreign adversary countries are: China (including Hong Kong and Macau), North Korea, Cuba, Iran, Russia, and the government of Venezuelan politician Nicolás Maduro. All employees must report being approached by groups representing these countries, that offer gifts or travel, or alleged violations of this ethics policy. Reports should be made to the Compliance Office".

(*Executive Order No. GA-48*)

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

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.

Additional Information:

Handbook of Operating Procedures, link below:

[UTPB | Operating Procedures](#)

Office of Human Resources Web Page, link below:

[UTPB | Human Resources](#)

Specific References:

Computer access, passwords and other confidential information

Computer software

Information: Security and acceptable use

Link below to UTS 165:

[UTS165 Information Resources Use and Security Policy](#)

Link below to UTPB IRD webpage:

[UTPB | Information Resources Division](#)

Contacts with the media, government and outside investigators, link below:

[UTS139 Texas Public Information Act](#)

Copyright and Intellectual Property, links below:

[UTS107 Use of Copyrighted Materials](#)

[UTS125 Processing of Intellectual Property Agreements](#)

Drug and weapon-free workplace, links below:

[UTS102 Drugs and Alcohol Policy](#)

[Texas Penal Code 46.03](#)

Equal Employment Opportunities, link below:

[Rule 10701 Policy Against Discrimination](#)

Exempt and Non-Exempt Time Keeping

U.T. Permian Basin Office of Human Resources Policy and Procedures Memorandum, link below:

[State Compensatory Time](#)

Family and Medical Leave Act

Regents Rules and Regulations, Series 30201, link below:

[Rule 30201 Leave Policies](#)

Financial interests, link below:

[Rule 30104 Conflict of Interest, Conflict of Commitment, and Outside Activities](#)

Dishonest or Fraudulent Activities, link below:

[UTS118 Dishonest or Fraudulent Activities](#)

Gifts and gratuities, Gifts made to influence decisions, link below:

[Rule 30104 Conflict of Interest, Conflict of Commitment, and Outside Activities](#)

Environmental Health and Safety, link below: UTS174

[Environmental Health and Safety](#)

Honorarium, link below:

[Rule 30104 Conflict of Interest, Conflict of Commitment, and Outside Activities](#)

Outside Employment, link below:

[Rule 30104 Conflict of Interest, Conflict of Commitment, and Outside Activities](#)

Overtime Compensation, link below:

[UTPB Office of Human Resources Policy and Procedures Memorandum, Fair Labor Standards Act Overtime and Compensation](#)

Purchasing, link below:

[UTS159 Purchasing](#)

Records and Information, Confidential Information, link below:

[UTS115 Records and Information Management](#)

Sexual Harassment and Sexual Misconduct, link below:

[Rule 30105 Sexual Harassment and Misconduct and Inappropriate Consensual Relationships](#)

Use of state-owned property, link below:

[Texas Government Code Title 10. General Government Subtitle E. Government Property Chapter 2203 Use of State Property, Sec. 2203.004](#)

Use of U.T. and State of Texas Resources, link below:

[Rule 90102 Intellectual Property Rights and Obligations](#)