THE UNIVERSITY OF TEXAS AT EL PASO

STANDARDS OF CONDUCT GUIDE

THE OFFICE OF INSTITUTIONAL COMPLIANCE

HONESTY • INTEGRITY • TRUST • ETHICS
LETTER FROM
THE PRESIDENT

All University Faculty and Staff:

The primary mission of The University of Texas at El Paso is to create a climate and culture of access and excellence in which all members of the UTEP community can achieve their full potential. We seek to foster fairness, cooperation, and professionalism, and to promote an ethical approach to all operations of the University.

This Standards of Conduct Guide emphasizes the principles and common values that direct our actions, and it contains resources to help resolve questions about appropriate conduct in the workplace. If you have questions regarding this Guide or encounter any situation that you believe violates the provisions of the Guide, you should consult your supervisor, the University’s Ethics Officer, or the Institutional Compliance Officer. You may also call the Compliance Helpline at 1-888-228-7713.

We are fully committed to the values reflected in our Mission and Vision Statements and in this Standards of Conduct Guide. We will appreciate your efforts to help us ensure that these high standards of personal and professional conduct are consistently reflected in the daily life of UTEP.

Diana Natalicio
UTEP President
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INTRODUCTION
This Standards of Conduct Guide (Guide) provides a summary of the standards of ethics and conduct that each employee of The University of Texas at El Paso (UTEP) is expected to follow. While this Guide does not cover every situation and does not state every applicable policy, employees are expected to adhere to The University of Texas System (UT System) and UTEP policies. If additional information is needed, it may be found in the University Handbook of Operating Procedures (HOP). The HOP can be obtained online at: https://www.utep.edu/vpba/hoop/.

PURPOSE
The purpose of the Guide is to emphasize the necessity for and the responsibility of all employees of UTEP to be aware of and perform their duties and responsibilities in compliance with applicable provisions of federal and state laws, regulations and policies – to include the policies and the rules and regulations of The UT System Board of Regents and the policies and rules and regulations of UTEP. The Guide is an outline of various laws, policies, rules and regulations that govern the conduct of employees of UTEP. 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 UTEP 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 UTEP Institutional Compliance Program for training employees of UTEP regarding the conduct required of them. General questions regarding the Guide may be directed to the Office of Institutional Compliance.

INSTITUTIONAL COMPLIANCE PROGRAM
UTEP’s Institutional Compliance Program (Program) is intended to demonstrate in the clearest possible terms the absolute commitment of UTEP to the highest standards of ethics and compliance with applicable laws, policies, rules and regulations. A System-wide Compliance Office provides program direction. The UT System Compliance Officer is responsible for the execution of the Program. Each UT System institution has a Compliance Officer and a Compliance Committee. UTEP’s Compliance Officer is the Assistant Vice President for Equal Opportunity and Compliance Services.

TRAINING
In order to support a comprehensive Institutional Compliance Program, UTEP facilitated the development of a web-based Compliance Training Program to provide employees with general information on all applicable laws, rules, regulations, policies and procedures that impact their jobs on a daily-basis. The training modules were developed to raise the level of awareness and sensitivity to key issues, as discussed in this Guide. All faculty, staff and student employees are required to complete compliance training every fiscal year. The web-based training modules can be accessed online at: https://www.utep.edu/compliance/. Additionally, the Office of
Institutional Compliance electronically tracks and monitors the completion process and is available to answer any questions regarding the training requirement.

**ETHICAL STANDARDS**

Ethical behavior is more than legal compliance. “Doing the right thing” goes beyond the law. Ethical conduct, however, frequently requires knowledge about laws, rules and policies applicable to one’s employment responsibilities. For a list of ethics laws, policies and guidelines, visit the UT System Office of Systemwide Compliance web page, accessible online at https://www.utsystem.edu/offices/systemwide-compliance/ethics.

Ethical behavior is expected of every employee of the University. 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 UT System Board of Regents have defined certain ethical standards that apply to employees of UTEP. The most complete and current source of information on ethical standards is the UT System Office of Systemwide Compliance web page, accessible online at https://www.utsystem.edu/offices/systemwide-compliance/ethics. In addition, specific ethical questions may be directed to UTEP’s Ethics Officer.

**OFFICIAL REQUEST FOR INFORMATION**

In circumstances where UTEP is called upon to cooperate in a governmental investigation, due consideration will be given to the legal rights of UTEP and its employees. If an employee receives a subpoena or other legal document, request for information under the Texas Public Information Act, inquiry from a governmental agency or other request related to University business, whether received at home or the workplace, the employee should promptly notify his/her supervisor and the Office of Legal Affairs. If contacted at home by a governmental agency on a matter related to University business, the employee should request that the agent make contact at work the next business day, then timely contact his/her UTEP supervisor and the Office of Legal Affairs.

The Office of University Communications acts as the media liaison for UTEP. The Office of the Executive Vice President coordinates requests made to UTEP under the Texas Public Information Act, commonly referred to as “open records requests.” Additional guidance is viewable online at: https://www.utsystem.edu/sites/policy-library/policies/uts-139-compliance-texas-public-information-act as well as https://www.ute.edu/vpba/open-records/index.html.
RECORDS AND INFORMATION

Accuracy of Records
Employees of the University are required to maintain the integrity and accuracy of business documents and records for which they are responsible. No one may alter any University record (with the exception of authorized personnel acting in the course of their respective job duties). The deliberate falsification of any University record is a violation of Texas State law.

Retention and Disposal of Records
UTEP’s Records Management Department helps to ensure that the creation, storage and disposition of all University records are carried out as mandated by the Texas State Library and Archives Commission and the Texas State Records Retention Schedule Revised 4th Edition, effective August 31, 2016, Texas Administrative Code, Title 13, Chapter 16, Section 6.10. The UT System policy for records management may be found online at: https://www.utsystem.edu/board-of-regents/policy-library/policies/uts-115-records-and-information-management. Information regarding Records Management may be found at the following website: https://www.utep.edu/vpba/purchasing-and-general-services/pgs-departments/records-management/index.html. Questions about specific record retention requirements should be directed to UTEP’s Records Management Department.

Q: While conducting a records inventory at the College of Engineering, the administrative secretary discovers old statement of accounts. Can Jackie place them in the recycling bin?

A: No, all University departments are required to coordinate document destruction through the Records Management Office. State law mandates that certain records be destroyed once their respective retention periods have expired.

Caution: As mandated by the Texas State Library and Archives Commission, a University record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review or other action involving the record is initiated. Its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it.

Confidential Information
Unless specifically exempted from or made confidential by law, all documents generated in the regular course of business by UTEP are available to the public under the terms and conditions of the Texas Public Information Act. Written requests for documents under the Texas Public Information Act should be handled pursuant to UT System Policy UTS 139, accessible online at: https://www.utsystem.edu/board-of-regents/policy-library/policies/uts-139-compliance-texas-public-information-act.
As assigned in UTS 139, the Executive Vice President is the Public Information Officer for the University. Therefore, if an employee receives a request for information or documentation, they should contact the Office of the Executive Vice President immediately for guidance on how to proceed. This does not apply to University employees requesting information or documentation as necessitated by the course and scope of their job responsibilities.

Q: I received a phone call from a woman asking if I would send her copies of documents maintained in our office. Should I make the copies and send them to her?

A: No. This is considered an open records request. Individuals verbally contacting you should be advised to submit their request in writing to the Office of Executive Vice President at tpia@utep.edu. Additional guidance on submitting an open records request is available at: https://www.utep.edu/vpba/open-records/index.html.

Confidentiality and protection of Social Security numbers (SSNs)

UTEP recognizes the special risks associated with the collection, use and disclosure of all or part of a Social Security number (SSN). It is the policy of UTEP to protect the confidential nature of SSNs. UTS165 provides guidance to UT System institutions to assure compliance with federal and state laws governing privacy and the use of all or part of a SSN in any medium, including paper records that are collected, maintained, used or disclosed by UTEP. The policy is organized around several key privacy principles:

- Reduce the use and collection of SSNs
- Provide notices to individuals when the University collects SSNs
- Comply with security requirements set forth under Standard 13 - Use and protection of SSNs for all acquired or developed Information Systems
- Assign and use a unique identifier in lieu of a SSN
- Upon request, individuals are entitled to review/receive information collected about the individual and to have corrections made if the information is incorrect
- Eliminate the public display of SSNs
- Prohibit the transmission of SSNs over the internet or by email unless the connection is secure or the SSN is encrypted or otherwise secured
- Control access to SSNs
- Protect SSNs with security safeguards

Users can learn more about their rights and responsibilities for protecting the confidentiality of SSNs through UTEP’s Information Security Office Policies webpage at https://admin.utep.edu/Default.aspx?alias=admin.utep.edu/iso or by visiting UTS165 at https://www.utsystem.edu/board-of-regents/policy-library/policies/uts-165-information-resources-use-and-security-policy. Questions or concerns about the confidentiality or use of social security numbers should be directed to UTEP’s Information Security Office at security@utep.edu or by telephone at 915-747-6324.
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 UTS165 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 4 of UTS165 provides Preapproved Sample Disclosures for the notice required by the Federal Privacy Act of 1974, but be aware that you will need more than this language. Standard 13.2.2 of UTS165 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 notice as required by Section 559.003 of the Texas Government Code must also be provided. That section requires that the agency 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 is collected 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 incorrect information about the individual corrected.”

**Family Educational Rights and Privacy Act (FERPA)**

FERPA is a federal law that protects the privacy of student education records. FERPA gives students certain rights with respect to their education records. When students reach the age of 18 or attend a school beyond the high school level, under FERPA, they have the right to:

- Inspect and review their education records
- Seek to amend their education records
- Exercise some control over the disclosure of information of education records. Generally, education records are defined as records which:
  - Contain information which is directly related to a student
  - Are maintained by an educational agency or institution or by a party acting for the agency or institution

Schools may disclose, directory information such as a student’s name, address, telephone number, date and place of birth, honors and awards and dates of attendance without the student’s consent. However, schools must tell students about directory information and allow students a reasonable amount of time to request that the school not disclose directory information about them.

Students may request that the school not disclose directory information by submitting a Request for Nondisclosure of Directory Information form to the Registration and Records Office.
Office. The Goldmine Student Information system will display the message “Confidential” to alert the user that the student’s information is confidential.

For assistance, you may call the Registration and Records Office at 915-747-5544 or refer to Student Educational Records located in the Academic Regulations section in the Undergraduate Catalog and the Graduate Catalog at: http://catalog.utep.edu. Additional information may be found online at: https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html and The University HOP, Section III Academic Policies and Faculty Personnel Matters, Chapter 4, Section 4.16 Student’s Rights to Privacy and Access to Records: https://www.utep.edu/vpba/hoop/.

Q: A salesperson that I know asked me to provide him with some information that is contained in student records. Is he allowed to have this information?

A: No. Student records can only be used for University business, unless otherwise specified under FERPA. We are responsible for protecting the confidentiality of student information from interested third parties as well as from staff who have no “business” reason for such information. Students are entitled to expect confidentiality. The protection of their privacy and the release of information must be only to authorized parties and always in accordance with applicable laws.

WORKPLACE CONDUCT AND EMPLOYMENT REQUIREMENTS

Fraud

The prevention of fraud and abuse and the minimization of waste is the responsibility of all employees of UTEP. UTEP has established a policy regarding internal investigations of suspected misuse, misappropriation and other fiscal irregularities. A copy of the UT System Statement of Operating Policy Pertaining to Dishonest or Fraudulent Activities, UTS 118, may be obtained online at: https://www.utsystem.edu/board-of-regents/policy-library/policies/uts-118-dishonest-or-fraudulent-activities.

Q: What are some examples of Fraud?

A: Improper billing, lying on an employment application, falsifying records or providing false receipts for travel reimbursement.

Equal Employment Opportunity

The University is committed to providing equal opportunity to all employees and individuals seeking employment or access to its programs, facilities or services and will not discriminate against these persons on the basis of race, color, national origin, sex, religion, age, disability, genetic information, veteran’s status, sexual orientation or gender identity. In addition to this commitment, the University will take affirmative steps to insure that applicants are employed and employees are treated, during all aspects of employment, in a non-discriminatory manner.
A copy of UTEP’s Equal Opportunity/Affirmative Action/Non-Discrimination Policy, including resolution procedures or complaint filing may be obtained on the Equal Opportunity Office website www.utep.edu/eoaa or in the HOP, Section VI, Chapter 1 https://www.utep.edu/vpba/hoop/.

Q: I believe I’m being treated differently at work because of my race. Where should I go to get assistance?

A: The Equal Opportunity Office handles allegations of discrimination or harassment based on any of the protected classes listed above. Contact the office for an appointment to learn about resolution options or complaint filing.

**Title IX**

Title IX of the Education Amendments of 1972 is federal law intended to end sex discrimination in all areas of education. It states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” In accordance with Title IX of the Education Amendments of 1972, UTEP does not discriminate on the basis of sex in the operation of its educational programs and activities. This commitment to non-discrimination applies to both employment in and admission to such programs and activities. Title IX also applies to issues of program equity such as in athletics and also to sexual harassment and sexual assault.

**Sexual Harassment and Sexual Misconduct**

UTEP is committed to maintaining a learning and working environment that is free from discrimination based on sex. Sexual harassment is a form of sex discrimination and will not be tolerated. Individuals who engage in sexual misconduct and other inappropriate sexual conduct will be subject to disciplinary action. The University will take prompt disciplinary action against any individuals or organizations within its control who violate the policy. The University encourages any student, faculty, staff or visitor to promptly report violations of the policy.

A copy of UTEP’s Sexual Harassment and Sexual Misconduct Policy, including resolution procedures or complaint filing, may be obtained on the Equal Opportunity Office website www.utep.edu/eoaa or in the HOP, Section VI, Chapter 3 https://www.utep.edu/vpba/hoop/.

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

A: You did the right thing by asking your co-worker to stop sending you the emails. However, because she has continued to send them to you, you have two options: immediately contact your supervisor or the Equal Opportunity Office. The situation will be addressed and appropriate action will be taken.
Consensual Relationships

UTEP is also committed to maintaining a learning and work environments as free as possible from conflicts of interest and favoritism. The University recognizes that two consenting adults should be free to conduct a personal relationship where the relationship does not interfere with the goals and policies of the University. Some romantic, dating or sexual relationships, while consensual, create conflicts of interests. The following consensual relationships, even if a single event, are prohibited:

- A consensual relationship between a supervisor and supervisee regardless of whether the supervisory relationship is direct or indirect, unless the supervisor discloses the relationship in advance and a management plan is in effect.
- A consensual relationship between a coach or athletic staff member and any student athlete or student assigned to or associated with the athletics department, such as interns and student employees.
- A consensual relationship between a faculty member and a student who is enrolled in the faculty member’s course or otherwise under the supervision of the faculty member.

The policy is not meant to discourage the interaction between faculty and students or supervisors and subordinates, where it is appropriate and ethical. However, it is intended to clarify that such relationships can create situations that lead to sexual harassment complaints, conflicts of interest, favoritism and low morale. A copy of UTEP’s Consensual Relationships Policy may be obtained on the Equal Opportunity Office website at: www.utep.edu/eoaa or in the HOP, Section VI, Chapter 4: https://www.utep.edu/vpba/hoop/.

Q: Can I engage in a romantic relationship with the individual that is in charge of the research project I am working on?

A: Engagement of such relationship would be a violation of policy since the individual has oversight of the research and the individuals assigned to the research project.

Overtime Compensation

The Federal Fair Labor Standards Act (FLSA) states non-exempt employees who are required or permitted to work in excess of 40 hours in a workweek are to receive additional compensation for such excess hours. Texas Government Code allows those excess hours worked to be compensated as either compensatory time off or payment for overtime (FLSA Overtime/Compensatory Time), at the rate of time and one-half.

Information pertaining to overtime compensation for University employees, including the need for prior approval, is available in the University Pay Plan’s Overtime and Compensatory Time Guidelines online at: https://www.utep.edu/human-resources/services/employment/pay-plan-guidelines/overtime-compensatory-time.html.
State Compensatory Overtime
Eligible employees may earn State Compensatory Time if the total number of hours worked and paid leave or holiday time exceeds 40 in a week, less any FLSA Overtime/Compensatory Time hours for eligible non-exempt employees. State Compensatory Time is earned at “straight” time, or one hour for one hour, and must be used within the 12-month period following the workweek in which it was accrued. Unused balances are to be lapsed 12 months after the end of the workweek in which the State Compensatory Time was accrued or at the end of employment with the University, whichever occurs first, without compensation. Employees are required to give reasonable advance notice when taking this compensatory time. However, employees do not have to specify the reason for the request. The University Pay Plan’s Overtime and Compensatory Time Guidelines is accessible online at: https://www.utep.edu/human-resources/services/employment/pay-plan-guidelines/overtime-compensatory-time.html.

Q: How is overtime compensation earned for exempt employees?

A: Exempt employees are not eligible to earn FLSA Overtime/Compensatory Time.

Q: I am confused about when I must use my State Compensatory Time. When should I use this time?

A: State Compensatory Time must be used within the 12-month period following the workweek in which it was accrued. Unused balances are to be lapsed 12 months after the end of the workweek in which the State Compensatory Time was accrued or at the end of employment with the University, whichever occurs first, without compensation. Employees are required to give reasonable advance notice when taking this compensatory time. However, employees do not have to specify the reason for the request.

Q: I am a non-exempt employee, so what type of compensatory time am I eligible for?

A: A Classified Non-Exempt is eligible for FLSA Overtime/Compensatory Time, State Compensatory Time and Holiday Compensatory Time. For further information, please visit the University Pay Plan’s Overtime and Compensatory Time Guidelines online at: https://www.utep.edu/human-resources/services/employment/pay-plan-guidelines/overtime-compensatory-time.html

Family and Medical Leave Act
An employee may request and receive a leave of absence without pay for up to 12 weeks per rolling calendar year for certain family and medical reasons specified by the Federal Family and Medical Leave Act of 1993 (FMLA) and accompanying regulations governing the FMLA.
On January 28, 2008, President George W. Bush signed into law the National Defense Authorization Act (NDAA), as amended by the 2010 NDAA, which includes an expansion of the FMLA to cover family members of military personnel:

- Employers must provide 12 weeks of leave due to a qualifying exigency arising out of active military duty or a notice of impending call or an order to active duty of an employee’s spouse, parent, or child.
- Employers must also provide up to 26 weeks in a rolling 12-month period to an employee who is the spouse, parent, child or next of kin of an injured service member or qualifying veteran.

The FMLA permits employers to require that employees document their need for leave on the basis of a military caregiver leave, a military exigency leave, a pregnancy related condition, their own serious health condition as well as leave to care for a seriously ill covered family member by providing medical certification from a qualified health care provider or other appropriate documentation.

More detailed information may be located in the Regents’ Rules and Regulations, Rule 30201, Section 11, online at: http://www.utsystem.edu/bor/rules/ and from UTEP’s Office of Human Resources.

Q: When am I eligible to apply for Family and Medical Leave?

A: After you have been employed by a State of Texas agency for 12 months (not consecutive) and have worked at least 1,250 hours before your leave begins over the previous 12 months.

Additional information on the FMLA policy can be obtained in the University HOP: https://www.utep.edu/vpba/hoop/section-5/ch-17.html

**Time Keeping**

The Fair Labor Standards Act requires the accurate maintenance of timesheets and leave records for all non-exempt employees. In addition, the University requires departments to maintain accurate timesheets for classified exempt/non-exempt employees in accordance with the University’s Accounting for Work Time Policy available online in the HOP, Section V, Chapter 13 and paid/non-paid leave requests in accordance with the University’s Paid Leave Accountability Policy available online in the HOP, Section V, Chapter 24. The University requires accurate maintenance of paid/non-paid leave requests for Administrative and Professional employees in accordance with the University’s Paid Leave Accountability Policy available online in the HOP, Section V, and Chapter 24. Please refer to the end of this section for applicable links.
• **Classified non-exempt** employees must document time worked on a daily basis and are required to complete a weekly timesheet. Departments are expected to maintain accurate timesheet records in accordance with the University’s Accounting for Work Time Policy. Eligible employees must record all paid/non-paid leave on the timesheet for the respective time period and submit a Leave Request Form, in accordance with the University’s Paid Leave Accountability Policy.

• **Classified exempt** employees must document time worked on a monthly basis. If the department head or unit supervisor authorizes accrual of compensatory time and state compensatory time, in accordance with the University Pay Plan’s Overtime and Compensatory Time Guidelines, the employee must document the hours worked in excess of 40 hours in the respective time period. Eligible employees must reflect all paid/nonpaid leave on the timesheet for the respective time period and submit a Leave Request Form, in accordance with the University’s Paid Leave Accountability Policy.

• Eligible **Administrative and Professional** employees must record paid/non-paid leave time on the Leave Request Form, in accordance with the University’s Paid Leave Accountability Policy.

All employees should request time off in advance from their supervisor. If circumstances don’t allow an employee to request leave in advance, he or she must notify the supervisor as soon as possible. Supervisors are responsible for promptly reviewing and approving timesheets/records and leave records requests.

Additional information on the following policies can be obtained online at:

- Leave Request Form: [https://www.utep.edu/vpba/forms-library/](https://www.utep.edu/vpba/forms-library/)

Q: How often am I required to complete and submit timekeeping records to my supervisor?

A: **Classified non-exempt** employees are required to complete timesheets and leave records on a weekly basis. **Classified exempt** employees are required to complete timesheet and leave records on at least a monthly basis, but may be required to complete timesheets as often as weekly by their supervisor. **Administrative and Professional** employees are only required to submit Leave Request Form.
Solicitation
No solicitation shall be conducted on any property, street, sidewalk or in any building, structure or facility owned or controlled by the UT System or any of the institutions unless permitted by the Regents’ Rules and Regulations, Rule 80103 accessible online at https://www.utsystem.edu/board-of-regents/rules/80103-solicitation. Additional information concerning solicitation may be found in the University HOP, Section II, Chapter 2, 2.2.5 at: https://www.ute.edu/vpbo/hoop/.

HEALTH AND SAFETY
Workplace Health and Safety and Protection of the Environment
Every University employee must perform his/her assigned 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. Employees must become familiar with and understand how these laws, standards and policies are applicable to their specific job responsibilities and seek advice from supervisors or the Environmental Health and Safety Office (EH&S) as needed. Each employee is responsible for advising the employee’s supervisor or EH&S of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken. Information pertaining to the Regents’ Rules and Regulations may be obtained online at: https://www.utsystem.edu/offices/board-regents/regents-rules-and-regulations.

Q: I am unsure of how to dispose of the chemicals in my lab. Whom should I contact?
A: You should contact EH&S at 915-747-7124 for any questions about laboratory waste and or procedures.

Smoke and Tobacco Free Policy
UTEP is designated a “Smoke and Tobacco-Free Campus.” The use of tobacco products as well as smoking or use of any smoking device, by students, faculty, staff and visitors is prohibited at all times at University owned, operated or leased property, including both interior and exterior spaces, athletic venues, buildings, grounds, parking lots, University vehicles, sidewalks, breezeways, bus shelters, construction zones and any other area or space available at the University. All areas of the University are designated “Tobacco and Smoke Free Areas.” The only excluded areas are personally owned vehicles provided windows remain closed, waste materials are properly disposed of and no other act of law, contract or policy precludes use in such areas.

Detailed information pertaining to the Smoke and Tobacco Free Policy can be obtained online in the HOP Section IX, Chapter 8 at: https://www.ute.edu/vpbo/hoop/section-9/ch-8.html.
**Drug Free Workplace Policy**

UTEP is required by the Drug-Free Work Place Act of 1988 (41 U.S.C.A. 701-707), to notify all employees that the unlawful manufacture, sale, distribution, possession or use of a controlled substance in or on any premises or property owned or controlled by the University is prohibited. A controlled substance is any substance so defined by federal or state statute or regulation. Any employee who is found guilty (including a plea of no contest) or has a sentence, fine or other penalty imposed by a court of competent jurisdiction under a criminal statute for an offense involving a controlled substance that occurred in or on premises or property owned or controlled by the University shall report such action to the Human Resource Services Office within 5 days.

An employee who unlawfully manufactures, sells, distributes, possesses or uses a controlled substance in or on premises or property owned or controlled by the University, 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.

**Weapon-Free Workplace**

Having the possession of a weapon on University premises, even if licensed by the State of Texas to carry a concealed handgun, is strictly prohibited. This includes but is not limited to having a weapon in your vehicle while on University property. Possession of a weapon is defined in the Texas Penal Code Chapter 42, Section 42.01; Chapter 46, Sections 46.01 46.03 and 46.05 and the Texas Education Code, Chapter 51, Section 51.935. Any employee who violates any provision of these statutes is subject to dismissal, notwithstanding any action by civil authorities on account of the violation.

**RESEARCH**

**Responsible Conduct of Research (RCR)**

In order to promote a campus-wide environment of responsible conduct of research, to comply with requirements from UT System, UTEP, and funding agencies specifically National Institutes of Health (NIH), National Science Foundation (NSF) and others, it is UTEP’s policy to require RCR training for all students, faculty and research-related staff that are involved in sponsored research projects. In addition, the RCR training is also required for staff with pre- and post-award functions of sponsored projects in the Office of Research and Sponsored Projects and Contracts and Grants Accounting. UTEP has elected to join Collaborative Institutional Training Initiative (CITI), a web based training site to provide all research-related compliance training to UTEP’s research community. Additional information about RCR is available through the Office of Research & Sponsored Projects, or online at: https://www.utep.edu/orsp/policies/responsible-conduct-in-research-policy.html.
Research Integrity

UTEP strives to create a research climate that promotes faithful adherence to high ethical standards and enhances research projects and activities, while not inhibiting the productivity and creativity of scientists and academicians. Maintaining research integrity is the responsibility of every person engaged in the research enterprise, including faculty, staff and students. Research misconduct is defined as “fabrication, falsification or plagiarism in proposing, performing or reviewing research or in reporting research results.” Additional information regarding UTEP’s Research Integrity Policy may be found in the University HOP at: https://www.utep.edu/vpba/hoop/section-4/research-integrity-policy.html.

Photocopying of Copyrighted Material

Permission must be obtained from the copyright owner to copy copyrighted materials where copying is not fair use and if copying extends beyond the boundaries of the guidelines contained in the Fair Use of Copyrightable Materials found online in the Office of General Counsel website at: http://guides.lib.utexas.edu/copyright/fairuse.

If you need further clarification, this website also has a link to Copyright Crash Course if you are still not sure after reading this section. 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.

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

A: Always check with the UT System Office of General Counsel website on Fair Use of Copyrightable Materials.

If you are not familiar with copyright law and the rights and obligations under “fair use” go to the Copyright Crash Course at: http://guides.lib.utexas.edu/copyright.

Intellectual Property

UTEP’s intellectual property policy applies to employees of UTEP, including but not limited to full and part-time faculty and staff, visiting faculty and researchers, anyone using UTEP facilities or supervised by a UTEP employee. Intellectual property which is created by an employee within the scope of employment, created using UTEP facilities or state financial support, commissioned by UTEP 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 is owned by UTEP. An employee must disclose the intellectual property created by the employee to UTEP’s Office of Technology Commercialization well before the employee submits any information about the intellectual property for publication or makes any public disclosure, which includes a disclosure to a
commercial entity without the protection of a confidentiality agreement. Before contacting any outside entity, contact the Office of Technology Commercialization. UTEP’s Intellectual Property policy can be obtained online at: https://www.utep.edu/vpba/hoop/section-4/intellectual-property.html or you can access the Regents’ Rules and Regulations, Series 90000 online at: https://www.utsystem.edu/board-of-regents/rules/90101-intellectual-property.

Q: What is Intellectual Property?

A: It is a physical embodiment of an idea. Until an idea is reduced to a physical form there is no intellectual property. Intellectual Property includes: research data, compounds, materials (biological, chemical), publications and presentations.

For a list of frequently asked questions visit the Office of Technology Commercialization website at: http://otc.utep.edu/ or contact the Office of Technology Commercialization at techtransfer@utep.edu.

CONFLICT OF INTEREST

Conflicts of Interest, Conflicts of Commitment and Outside Activities

The primary responsibility of UTEP employees is the accomplishment of the duties and responsibilities assigned to one’s position of appointment. Regents’ Rules and Regulations, Rule 30104, permits University employees to engage in outside work or activity so long as the work or activity complies with the requirements of the Rule and does not violate state laws or UT System or University rules or policies governing the conduct of employees, including ethical standards and provisions prohibiting conflicts of interest, conflicts of commitment and the use of state resources.

University employees may not have a direct or indirect interest, including financial and other interests, or engage in a business transaction (i.e. self-dealing) or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the employee’s duties for the University.

Activities on behalf of outside entities or individuals must not interfere with a University employee’s fulfillment of his/her duties and responsibilities to the University. Such conflicts of commitment may arise regardless of the location of these activities (on or off campus), the type of outside entity (individual, for profit, not-for-profit, or government) or the level of compensation (compensated or non-compensated.)
Outside activities, outside employment and board service must be disclosed annually, accounted for and approved pursuant to the requirements set forth in the University HOP, Section V, Human Resources, Chapter 4 and Chapter 29, which can be located online at: https://www.utep.edu/vpba/hoop/, and with UT System Policy, Conflicts of Interest, Conflicts of Commitment, and Outside Activities, UTS180, which can be located at: https://www.utsystem.edu/sites/policy-library/uts-policies. Regents’ Rule 30104 specifically addresses Conflicts of Interest, Conflicts of Commitment, and Outside Activities and may be obtained online at: http://www.utsystem.edu/bor/rules/. Additional information may be obtained through UTEP’s Office of Institutional Compliance.

Q: I have been asked to serve on an advisory board that will not interfere with my job duties. Do I need to request approval before my term starts?

A: Yes, outside activities including outside board service needs to be approved prior to the activity starting to ensure activities on behalf of outside entities or individuals do not interfere with a University employee’s fulfillment of his/her duties and responsibilities to the University.

Q: I am a faculty researcher and I consult for a company within my area of expertise. Is this a conflict of interest?

A: It could be. The relationship must be disclosed and evaluated to ensure that your work for the company does not bias your research or unduly influence your work on behalf of UTEP.

Q: I have been buying stock in a company that does business with UTEP. After my next purchase, I will own 10 percent of the company. Is this a conflict of interest?

A: Potentially. If you have the authority to award contracts, select vendors or influence purchases of goods and services, then you must report your ownership to your supervisor and annually disclose the relationship, if you meet the requirements of Section V, Chapter 29 of the University HOP.

**USE OF UT SYSTEM 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. An employee shall not sign a contract or agreement on behalf of UTEP unless they are certain that they have proper authority to execute the document and takes all related actions required under UTEP’s Office of the Vice President for Business Affairs Contracts Procedures, which can be obtained online at: https://www.utep.edu/vpba/doing-business/business-contracts/contract-procedures.html.
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 processed through the Purchasing and General Services Department through a purchase order or possibly the VPBA’s office if other contractual matters are involved. Please contact UTEP’s Purchasing and General Services Department at 915-747-5601 for help processing contracts.

Use of State-Owned Property/Information Resources
All individuals granted access to or use of UTEP information resources, may use UTEP property and assets, including personnel time, only for state purposes. As a general rule, the personal use of any state-owned property, asset or information resource is prohibited. Incidental use of UTEP information resources is permissible (e.g., UTEP e-mail if use is less than 5 percent of a user’s allocated mailbox space, a state telephone to make a local telephone call, the Internet, etc.), provided that the use complies with applicable UTEP policies, does not interfere with the user’s performance of official University business, does not expose the University to unnecessary risks and does not result in additional cost to UTEP. Any questions about the use of UTEP property, assets or information resources should be directed to one’s supervisor. Information regarding the use of state-owned property/information resources may be obtained online at: https://www.utsystem.edu/board-of-regents/policy-library/policies/uts-165-information-resources-use-and-security-policy or https://admin.utepl.edu/Default.aspx?tabid=63604.

Q: I am a Sunday school teacher. I prepare materials for my class and copy them on the UTEP copy machine in my department. Is this okay?

A: No. You may only use the copy machine for state-related business.

Computer Software
Employees who use software licensed to UTEP must abide by applicable software license agreements and may copy licensed software only as permitted by the license. An employee should direct any questions about applicable software license agreements to his or her supervisor or the Purchasing and General Services Department. Information regarding the use of computer software may be obtained online at: http://www.utsystem.edu/policy/policies/uts165.html or https://admin.utepl.edu/ec.
Q: In my office we all need the same software. Are we required to purchase a set for everyone or can we just make copies and save the money?

A: You cannot make copies and share the same program. This is a violation of federal copyright laws. Site license agreements, however, are available in many cases but you must check with the Purchasing and General Services Department to determine whether a more cost-effective approach may be available to you.

Information: Security and Acceptable Use

UTEP information resources may be used only for official state purposes. All individuals granted access to or use of UT System or UTEP information resources have a responsibility for protecting the security and confidentiality of those information resources and must comply with all UTEP information security policies, procedures, as well as all applicable confidentiality and privacy laws. Users shall not disclose confidential or sensitive data except as permitted or required by law and only as part of their official University duties. Information regarding the Acceptable Use of Information Resources and Access Management policies may be obtained online at: https://admin.utep.edu/Default.aspx?tabid=63604.

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

A: Unless they or someone else tells you that they are now married to your ex, you may not disclose that you saw the information on their employment application. Users shall access University data only to conduct University business and only as permitted by applicable confidentiality and privacy laws.

Computer Access, Passwords and Other Confidential Information

No user may knowingly or unknowingly access any information resource owned, operated, or under the custodial care of any UT System institution, organization, or facility (e.g., computer network, internet/intranet/extranet-related system, device, data in any form, software, operating system, storage media, network account, electronic email, system, telephones, fax machines, etc.) without the effective consent of the owner or intentionally, knowingly or unknowingly disclose a password, identification code or number, debit card or bank account number or other confidential or controlled information without the consent of the information resource owner. Information regarding computer access, passwords and other confidential information may be obtained online at: https://www.utsystem.edu/board-of-regents/policy-library/policies/uts-165-information-resources-use-and-security-policy. For UTEP’s security policies please visit: https://admin.utep.edu/Default.aspx?tabid=63604.
Q: I have so many passwords that I tend to forget them. Is it OK to tell my co-worker my computer password so that she can remind me if I forget?

A: No. It is a violation of the Texas Penal Code and UTEP Information Security Policy to disclose University issued or required account passwords. User passwords are considered highly confidential and should never be disclosed to anyone. Passwords must only be accessed by or visible to the authenticating user for the device or system they are authorized to use.

Purchasing
No employee may expend University funds for any purchase unless the person is authorized to make the purchase in accordance with all State of Texas, federal, University of Texas System and institutional procurement procedures, including procedures concerning the Historically Underutilized Businesses in accordance with the Regents’ Rules and Regulations, Rule 20701.

Purchases from or sales to an employee of University supplies, materials, services, equipment or property must have the prior approval of the Chief Business Officer except purchases made at a public auction in accordance with UT System Policy UTS 159.

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 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 UTEP; do not involve the attempt to coerce students, faculty or staff to participate in or support the political activity and do not involve UTEP in partisan politics. Regents’ Rules and Regulations, Rule 30103 regarding Standards of Conduct and Rule 30104 regarding Conflict of Interest, Conflict of Commitment, and Outside Activities are viewable online at: http://www.utsystem.edu/bor/rules/. UT System Policy UTS 180, Conflicts of Interest, Conflicts of Commitment, and Outside Activities, is viewable online at: https://www.utsystem.edu/sites/policy-library/policies/uts-180-conflicts-interest-conflicts-commitment-and-outside.

University HOP Section V, Chapter 29 regarding Conflict of Interest, Conflict of Commitment and Outside Activities, is viewable online at: https://www.utep.edu/vpbo/hoop/section-5/ch-29.html.
Q: My next-door neighbor is running for city council. Can I bring her to work and let her meet everyone in my office?

A: No. It is not allowed to advertise any political activity or involve UTEP in any partisan politics.

**Political Contributions**
Political contributions from any source of University funds are prohibited.

**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. Refer to Regents’ Rules and Regulations, Rule 30104, Conflict of Interest, Conflict of Commitment, and Outside Activities. Additional guidance regarding gifts and gratuities is viewable online at: http://www.utsystem.edu/bor/rules/. UT System Policy UTS 180, Conflicts of Interest, Conflicts of Commitment, and Outside Activities, is viewable online at: https://www.utsystem.edu/sites/policy-library/policies/uts-180-conflicts-interest-conflicts-commitment-and-outside.

An employee must not solicit, accept or agree to accept any benefit from a person the employee knows may have a business relationship with UTEP, except as permitted under Texas Penal Code, Chapter 36, Section 36.10. When in doubt, to avoid potential violation of Texas Penal Code Chapter 36, an individual should not accept a gift or benefit offered because of his/her status as a UTEP employee.

**Honoraria**
In accordance with Texas Penal Code, Chapter 36, Section 36.07, 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 guidance on honoraria is viewable online at: http://www.utsystem.edu/bor/rules/. UT System Policy UTS 180, Conflicts of Interest, Conflicts of Commitment, and Outside Activities is viewable online at: https://www.utsystem.edu/sites/policy-library/policies/uts-180-conflicts-interest-conflicts-commitment-and-outside.

Q: What are “kickbacks”?

A: Kickbacks are undisclosed payments, gifts or services offered in return for something of value, increased business or a business referral. It is a criminal offense for a UTEP employee to accept or solicit any gift, favor or service that might reasonably tend to influence the discharge of the employee’s official conduct.
**REPORTING SUSPECTED NON-COMPLIANCE**

Compliance issues should be addressed through normal administrative channels. Employees are encouraged to direct questions to their supervisors. Faculty may discuss issues with their department chair and/or dean. However, a reporting procedure has been established at UTEP as a way for all 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 obtained online at: https://www.utsystem.edu/sites/policy-library/policies/uts-131-protection-retaliation-reporting-suspected-wrongdoing.

If the following statements are made to you, it might be a warning sign of non-compliant behavior:

“Well, maybe just this once...”
“No one will ever know...”

“It sounds too good to be true.”
“Everyone does it.”

“Shred that document.”
“We can hide it.”

“No one will get hurt.”
“We didn’t have this conversation.”

“It doesn’t matter how it gets done, as long as it gets done.”

If you are in doubt, ask yourself the following questions until you feel comfortable:

- Is the action in compliance with University policy and procedures?
- Is the action legal?
- How will I feel about myself afterwards?
- How will it look in the newspaper?

If you are not sure what to do, ask and keep asking until you are sure you are doing the right thing.

This Guide will provide resources and assistance in finding the answers to your questions.

**Compliance Helpline**

The Compliance Helpline is a toll-free number available to all UTEP employees 24 hours a day/365 days a year for anonymous reporting of suspected or inappropriate activity, including financial reporting, internal accounting controls and audit matters, waste and violations of any federal, state laws or University policy. An employee can report compliance concerns to the Compliance Helpline number at 1-888-228-7713.
A friendly interviewer will document the information in detail provided by an employee. Instances of suspected non-compliance may be reported in a manner that preserves confidentiality and calls are not recorded. Below is a list of information that will be helpful when placing a call to the helpline:

- A description of the issue or concern of suspected non-compliance.
- The name of the person or persons involved.
- The name of the department.
- Date when you first became aware of the situation.
- Location of the activity.
- The time frame of the activity.
- Copies of documentation that would support your concern.
- Names of individuals that can corroborate your concern.
- Have you reported this concern to anyone else?
- An update of the actions that have already been taken.

Another resource available for employees to report anonymously is The Network’s Web Reporting System. It is available online at: www.reportlineweb.com/utep.

**Protection from Retaliation for Reporting Suspected Wrongdoing**

UTEP is committed to including employees in the process of ensuring that the University operates in an ethical, honest and lawful manner. It is therefore the policy of UTEP to:

- Encourage employees to report, or cause to be reported, and to assist in any investigation by persons authorized or responsible for such matters, known or suspected violations of laws, rules, policies or regulations or improper activities.
- Prohibit unlawful retaliation against employees as a consequence of good faith actions in the reporting of, or the participation in an investigation pertaining to, allegations of wrongdoing.

The purpose of this policy is to provide requirements and guidelines for the protection of individuals from retaliation for good faith actions in reporting, or participating in an investigation pertaining to, alleged violations of laws, rules, policies or procedures applicable to UTEP. Additional information about UTS 131 Protection from Retaliation may be obtained online at: https://www.utsystem.edu/sites/policy-library/policies/uts-131-protection-retaliation-reporting-suspected-wrongdoing or in the University HOP, Section V, Human Resources, Chapter 8, Protection from Retaliation online at: https://www.utep.edu/vpba/hoop/section-5/ch-8.html.
HELPFUL NUMBERS
The following offices are available for assistance regarding compliance questions:

- **Human Resource Services**
  Employee Grievances and Personnel Issues
  915-747-5202

- **Equal Opportunity/Affirmative Action**
  Employee Discrimination and Harassment Issues
  915-747-5662

- **Dean of Students Office**
  Student Issues
  915-747-5648

- **Environmental Health & Safety**
  Health and Safety Issues
  915-747-7124

- **Office of Research & Sponsored Projects**
  Copyright and Intellectual Property Issues
  Human Subject Research and Animal Experimentation
  915-747-5680

- **Auditing & Consulting Services**
  Suspected Fraud and Business Misconduct
  915-747-5191

- **Office of Institutional Compliance**
  Any Other Compliance Issues
  915-747-6478

M AKE COMPLIANCE PART OF EVERYDAY ACTIVITIES
I NQUIRE TO FIND ANSWERS
O TIFY YOUR SUPERVISOR OR APPROPRIATE DEPARTMENT
E VERYONE IS RESPONSIBLE
R EPORT CONCERNS TO COMPLIANCE OFFICE OR HELPLINE
S TANDARDS OF CONDUCT GUIDE IS AVAILABLE TO ASSIST YOU

The University of Texas at El Paso does not discriminate on the basis of race, sex, color, national origin, age, religion, disability, genetic information, veteran status, sexual orientation or gender identity in employment or in the provision of services.

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