

# UT Tyler Standards of Conduct

## Purpose

The University of Texas at Tyler (UT Tyler; the University) is committed to the highest ethical standards in the pursuit of UT Tyler's mission, vision, and values. The purpose of the Standards of Conduct guide is to emphasize the responsibility of all employees of UT Tyler to perform their duties in compliance with all applicable federal and state laws and regulations, UT System Board of Regents' Rules and Regulations, and UT System and UT Tyler policies. Ethical conduct and compliance are personal responsibilities, and every employee will be held accountable. The Standards of Conduct guide is not intended to be a comprehensive list of legal and ethical standards but to provide UT Tyler employees with information about and source references for regulations that govern their conduct.

A list of all policies referenced in this document is in the endnotes. Specific compliance questions should be directed to UT Tyler's [Office of Compliance](#).

## The Standards

### Honesty and Transparency

#### 1. Ethics

UT Tyler values and is committed to maintaining high standards of excellence, integrity, and accountability. Employees of UT Tyler are expected to act ethically in accordance with those values and in accordance with the provisions in this code of ethics which covers state laws, the UT System Regents' Rules and Regulations, and UT System and UT Tyler policies. Failure to act in accordance with these expectations may be grounds for disciplinary action, up to and including termination of employment.<sup>23</sup>

#### 2. Conflict of Interest and Commitment

Employees are prohibited from having direct or indirect interest, financial or otherwise, in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with or might reasonably influence the discharge of the employee's official duties. Activities on behalf of outside entities or individuals, including employment or compensation, must not interfere with an employee's fulfillment of their duties and responsibilities to the University.<sup>11, 29, 30, 39, 41</sup>

#### 3. Gifts, Honorarium, Kickbacks

- a. Except under limited exceptions, a UT Tyler employee must not accept or solicit any gift, favor, benefit, gratuity, tip, or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence official conduct.<sup>39</sup>
- b. An employee may not accept an honorarium for services the employee would not have been asked to provide but for the employee's official status. However, in general, an employee may accept meals, transportation and lodging in connection

with the employee's services as long as the services are more than merely perfunctory or superficial.<sup>39</sup>

- c. Kickbacks are undisclosed payments, gifts or services offered in return for something of value, increased business or business referral. It is a criminal offense to receive or solicit any remuneration, including a gift, cash, bribe, rebate or discount in return for referring an individual or patient for service.<sup>4</sup>

#### **4. Purchasing, Contracts, and Agreements**

- a. No employee may expend UT Tyler funds for any purchase unless the person is authorized to make the purchase in accordance with Regents' Rules, UT System and UT Tyler policies, and purchasing procedures, including procedures concerning Historically Underutilized Businesses (HUBs).<sup>9, 26, 51</sup>
- b. All contracts and agreements must be reviewed and approved by UT Tyler's Office of Legal Affairs or UT System's Office of General Counsel, excepting grant and research contracts, which are processed by the Office of Sponsored Research. All contracts and agreements must be signed by a UT Tyler officer who has a written Delegation of Authority from UT Tyler's president, as required under Regents' Rules and Regulations.<sup>7, 9, 25, 62, 65</sup>

#### **5. Fraud**

The minimization of fraud, waste, and abuse is the responsibility of every employee. Acts of fraud, waste, and abuse negatively impact the resources of UT Tyler. UT System has established a policy regarding internal investigations of suspected embezzlement, defalcation, misappropriation, and other fiscal irregularities.<sup>21, 42</sup>

#### **6. Self-reporting of Criminal Offenses**

UT Tyler employees must report in writing to their department head, within five (5) business days, any criminal complaint, information, indictment, no-contest plea, guilty plea, deferred adjudication or criminal conviction, excluding those for misdemeanor offenses punishable only by fine.<sup>53</sup>

#### **7. Export Controls**

- a. UT Tyler will conduct its teaching, research, and service activities in compliance with United States export control laws and regulations, including those promulgated by the Department of Commerce, through its Export Administration Regulations (EAR), the Department of State, through its International Traffic in Arms Regulations (ITAR), and the Department of Treasury, through the Office of Foreign Assets Control (OFAC).<sup>11, 47</sup>
- b. UT Tyler employees are responsible for complying with United States export control laws and regulations including obtaining any required export licenses for the transfer of export controlled materials, data, technology or equipment to a foreign national, either in the United States or abroad, or any additional associated procedures implemented by UT Tyler to assure compliance.<sup>8, 38</sup>

#### **8. Contacts with the Media, Government, and Outside Investigators**

- a. It is the policy of UT Tyler to cooperate with the news media in their efforts to report to the public on issues and events of interest involving University

administrators, faculty, staff, students, programs and activities. Inquiries from members of the news media are to be handled using applicable UT System and UT Tyler policies.<sup>33</sup>

- b. UT Tyler expects to cooperate in government investigations of the University and its employees with due consideration given to the legal rights of the University and its employees. If a subpoena, other legal document, or inquiry from a governmental agency related to UT Tyler business is received by an employee, whether at home or in the workplace, that employee is obligated to notify UT Tyler's Office of Legal Affairs immediately.<sup>60</sup>

## 9. Records Management and Public Information

- a. Maintenance of the integrity and accuracy of business documents and records for which they are responsible is expected of each employee at UT Tyler. All records, whether of a medical, operational or financial nature, should be maintained in accordance with applicable laws and policies.<sup>20, 66</sup>
- b. Documents generated in the regular course of business by UT Tyler may be subject to disclosure to the public under the terms and conditions of the Texas Public Information Act. Requests for information must be in writing and be handled pursuant to the provisions of the Act and UTS 139.<sup>6, 24</sup>

## Respect

### 10. Discrimination and Equal Opportunity

UT Tyler abides by applicable laws and regulations and may not discriminate against employees or job applicants, or exclude employees from participation in or deny employees the benefits of any program or activity sponsored or conducted by the University on the basis of race, color, national origin, religion, sex, age, sexual orientation, gender identity, gender expression, veteran status, or disability.<sup>8, 37</sup>

### 11. Access to Facilities and Services

UT Tyler is committed to complying with the provisions of the Americans with Disabilities Act and providing equal employment opportunities and equal access to all Health Science Center facilities and services for those with disabilities.<sup>45, 54</sup>

### 12. Consensual Relations

The following consensual relationships, even if a single event, are prohibited:

- a. A consensual relationship between a supervisor (including faculty members) 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.<sup>32, 38</sup>
- b. A consensual relationship between a coach or athletic staff and any student athlete or student assigned to or associated with the athletics department, such as interns and student employees, unless waived by the President or their designee for good cause.<sup>32, 38</sup>

### 13. Sexual Harassment, Misconduct, and Workplace Violence

UT Tyler is committed to the principle that the working environment should be free from workplace violence and inappropriate conduct of a sexual nature. Sexual misconduct,

sexual harassment and sexual violence are not allowed. Employees who engage in such conduct will be subject to disciplinary action, up to and including termination.<sup>12, 40</sup>

#### 14. Reporting Suspected Noncompliance and Ethics Violations and Anti-retaliation

- a. Employees of UT Tyler are obligated to report instances of suspected noncompliance with laws, regulations, or policies. Compliance issues should be addressed through normal administrative channels or the employee may contact UT Tyler's [Office of Compliance](#).<sup>22, 67</sup>
- b. UT Tyler will not tolerate retaliation against those who make disclosures of actual or perceived misconduct. Acts or threats of retaliation in response to such disclosures may subject the person retaliating to disciplinary action, up to and including termination. Employees who knowingly make false disclosures, or one that is willfully ignorant of the facts, may be subjected to disciplinary action.<sup>22</sup>
- c. To report violations anonymously, contact the [Ethics and Compliance Hotline](#).

### Fairness

#### 15. Employment

- a. UT Tyler's policy on nepotism does not permit relatives to act in a capacity where either would act on appointment, salary, or promotion of the other.<sup>13, 55</sup>
- b. All non-exempt employees are required to prepare and maintain time sheets to ensure compliance with the federal Fair Labor Standards Act (FLSA) and accurate administration of state compensatory time.<sup>1</sup>
- c. UT Tyler acknowledges the importance of family issues and recognizes that employees may find it necessary to take a leave of absence from their jobs. An employee may request and receive a leave of absence with pay, provided the employee has accrued paid leave, or without pay for up to 26 weeks per 12-month period for certain family and medical reasons as specified by the federal Family and Medical Leave Act (FMLA).<sup>57</sup>

#### 16. Political Activities

An employee may participate in political activities, but is subject to restrictions as outlined in Regents' Rules and UT Tyler policy.<sup>10, 44, 61</sup>

### Professionalism

#### 17. Use of State Resources

It is the responsibility of each employee to preserve the University's assets, including time, materials, supplies, equipment, and information. University assets must be used only for state purposes. As a rule, the personal use of any University asset is prohibited. The incidental use of items such as email, the internet and telephones is permissible, provided that the use complies with all applicable policies and that the use does not result in additional cost to the University.<sup>15, 50, 64</sup>

#### 18. Confidentiality of Social Security Numbers

It is the policy of UT System and UT Tyler to protect the confidentiality of social security numbers without interfering with the business of the University. Employees shall use and

collect social security numbers only as reasonably necessary for the proper administration or accomplishment of the University's business, governmental, educational and medical purposes.<sup>28, 43</sup>

## 19. Confidential Information

Confidential information about UT Tyler students, employees, patients, strategies and operations, including educational records, personally identifiable information contained in student education records, health-related information, financial data, research data, etc., is a valuable asset. Although an employee may use confidential information to perform a job, that information must not be shared with others, inside or outside of the University, unless the individuals have a legitimate need to know and the information is shared in compliance with applicable laws, regulations, policies and procedures.<sup>14, 31, 60</sup>

## 20. Information Security

UT Tyler must comply with information security requirements defined by applicable federal and state regulations, UT System policies, and contractual obligations. In addition, it is a violation of the Texas Penal Code to disclose computer passwords.<sup>68</sup>

## 21. Health, Safety, and the Environment

It is the policy of UT Tyler to comply with all environmental laws and regulations pertaining to its operations. The University operates each of its facilities with the necessary permits, approvals, and controls. The University acts to preserve natural resources to the extent reasonably possible. All UT Tyler employees should perform their duties in compliance with all applicable University policies, federal, state and local laws, and standards relating to the environment and protection of worker health and safety.<sup>58</sup>

## 22. Tobacco and Drugs

- a. UT Tyler is committed to a drug-free environment. Faculty and staff may not report to work under the influence of an illegal controlled substance or alcohol, nor engage in the unlawful manufacture, sale, distribution, dispensing, possession or use of a controlled substance in the workplace and on any property under the control of the University.<sup>17, 19, 27</sup>
- b. UT Tyler has tobacco-free campuses. No employee, student, volunteer, patient, or visitor is permitted to use tobacco products on any campus, including inside vehicles.<sup>52</sup>

## 23. Concealed Carry

As provided by law, handgun license holders may carry concealed weapons on UT Tyler campuses as prescribed by law and in policy, except for the excluded areas as indicated by law and in policy. In these areas the concealed carrying of a handgun is prohibited.<sup>5 46</sup>

## 24. Copyright and Intellectual Property

- a. It is the policy of UT System and its institutions to follow the United States Copyright Law of 1976, as amended, (Title 17, *United States Code*, hereinafter the Copyright Act), including "fair use." Accordingly, all faculty, staff, and students of the UT System and the University and any other individuals using copyrighted works

maintained by UT System and the University should follow UT System and UT Tyler policy guidelines.<sup>3, 18, 35, 63</sup>

- b. The Board of Regents owns the intellectual property created by University employees under a variety of circumstances. An employee should promptly disclose the creation of intellectual property (such as software or other patentable inventions) created by them to the appropriate department head and the Intellectual Property Section of the Office of General Counsel. Such disclosures should occur 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.<sup>16, 36</sup>
- c. Employees who use software licensed to the University must abide by applicable software license agreements and may copy licensed software only as permitted by the license.<sup>35</sup>

## Research and Clinical

### 25. Clinical Practice Compliance

UT Tyler Health Science Center physicians are committed to providing high-quality patient care and to complying with all applicable laws, regulations and Medical Staff Bylaws.<sup>56</sup>

### 26. Billing Compliance

All claims for professional fee reimbursement made by or on behalf of the University shall adhere to applicable federal and state laws and regulations.<sup>42</sup>

### 27. Health Insurance Portability & Accountability Act (HIPAA)

In accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), access and communication involving patient health information should be limited to those who need the information for treatment, payment, or health care operations.<sup>2, 48</sup>

### 28. Research Integrity

UT Tyler is committed to ensuring that employees engaged in making research advances comply with all applicable legal requirements and institutional policies, maintain the highest ethical standards of conduct in their pursuits, and receive appropriate education, training and guidance.<sup>49</sup>

## Procedures

It is the responsibility of all UT Tyler executives, directors, managers, leaders, and employees to adhere to all relevant procedures related to the laws, rules, regulations, and policies outlined in these standards and related policies.<sup>33</sup>

## Review

Date approved (on main campus as the *Standards of Conduct Guide*): March 2017

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## Related State Laws, Rules, Regulations, and Policies

### Federal Laws

1. [Fair Labor Standards Act \(FLSA\)](#)
2. [Health Insurance Portability and Accountability Act \(HIPAA\)](#)
3. [Copyright Law of 1976](#)
4. [42 U.S.C. § 1320a-7b\(b\)](#)

### State Laws

5. [Senate Bill 11](#) (Campus Carry)
6. [Texas Public Information Act](#)

### Board of Regents' Rules & Regulations

7. [Regents' Rule 10501](#) Delegation to Act on Behalf of the Board
8. [Regents' Rule 10701](#) Policy Against Discrimination
9. [Regents' Rule 20901](#) Procurement of Goods and Services; Contract Management Handbook
10. [Regents' Rule 30103](#) Standards of Conduct
11. [Regents' Rule 30104](#) Conflict of Interest, Conflict of Commitment, and Outside Activities
12. [Regents' Rule 30105](#) Sexual Harassment and Misconduct
13. [Regents' Rule 30106](#) Nepotism
14. [Regents' Rule 50702](#) Confidentiality and Security of Education Records Subject to the Family Educational Rights and Privacy Act (FERPA)
15. [Regents' Rule 60306](#) Use of University Resources
16. [Regents' Rule 90101](#) Intellectual Property

### UT System Policies

17. [UTS 102](#) Drugs and Alcohol Policy
18. [UTS 107](#) Use of Copyrighted Materials
19. [UTS 113](#) Drug and alcohol Testing Policy for Positions Requiring Commercial Drivers' Licenses
20. [UTS 115](#) Records and Information Management and Retention Policy
21. [UTS 118](#) Statement of Operating Policy Pertaining to Dishonest or Fraudulent Activities
22. [UTS 131](#) Protection from Retaliation for Reporting Suspected Wrongdoing
23. [UTS 134](#) Code of Ethics for Financial Officers and Employees
24. [UTS 139](#) Compliance with the Texas Public Information Act
25. [UTS 145](#) Processing of Contracts
26. [UTS 159](#) Purchasing
27. [UTS 164](#) Drug Free University Community and Workplace Policy
28. [UTS 165](#) Information Resources Use and Security Policy
29. [UTS 175](#) Disclosure of Significant Financial Interests and Management and Reporting of Financial Conflicts of Interest in Research
30. [UTS 180](#) Conflict of Interest, Conflict of Commitment, and Outside Activities
31. [UTS 183](#) Maintenance of Education Records Subject to the Family Educational Rights and Privacy Act (FERPA)
32. [UTS 184](#) Consensual Relationships

## **UT Tyler HOP Policies**

33. [HOP 1.1.0](#) Authority of Institutional Documents
34. [HOP 2.1.4](#) News Media Requests
35. [HOP 2.3.1](#) Copyrighted Materials
36. [HOP 2.3.2](#) Intellectual Property Policy and Guidelines
37. [HOP 2.4.1](#) Nondiscrimination Policy and Complaint Procedure
38. [HOP 2.4.6](#) Consensual Relations
39. [HOP 2.5.2](#) Conflicts of Interest, Conflicts of Commitment, and Outside Activities
40. [HOP 2.5.3](#) Sexual Misconduct
41. [HOP 2.5.5](#) Conflicts of Interest in Research
42. [HOP 2.5.6](#) False Claims, Fraud, Waste, Abuse, and Other Misconduct
43. [HOP 2.6.1](#) Confidentiality of Social Security Numbers
44. [HOP 2.7.1](#) Freedom of Expression
45. [HOP 2.11.1](#) Accommodations for Individuals with Disabilities
46. [HOP 2.10.1](#) Concealed Handguns on Campus
47. [HOP 2.13.1](#) Export Controls
48. [HOP 2.15.1](#) University's Designation Under HIPAA
49. [HOP 3.2.8](#) Research Fraud/Misconduct Policy
50. [HOP 4.1.1](#) Use of, Accountability and Responsibility for State (University) Property
51. [HOP 4.2.1](#) Best Value Procurement
52. [HOP 4.4.2](#) Tobacco Free Campus
53. [HOP 4.15.2](#) Criminal Background Check
54. [HOP 4.15.6](#) Equal Employment Opportunity
55. [HOP 4.15.11](#) Nepotism Rule
56. [HOP 4.15.14](#) Physician Agreements
57. [HOP 4.18.5](#) Authorized Leave
58. [HOP 4.28.1](#) Environmental Health and Safety
59. [HOP 5.2.3](#) Student Records Family Educational Rights and Privacy Act (FERPA)
60. [HOP 7.1.7](#) Enterprise Mobility Management

## **Other**

61. [UT Tyler MOPP Chapter 6](#)
62. [OGC Contract Review Procedures](#)
63. [UT System Copyright Agreements](#)
64. [UT Tyler Information Technology Acceptable Use Policy](#)
65. [UT Tyler Contract Processing Procedures](#)
66. [UT Tyler Retention Schedule](#)
67. [UT Tyler Compliance Charter](#)
68. [UT Tyler Information Security Policies](#)