Policy Statement

Honesty in Research

The University of Texas at Dallas strives to create a research climate that promotes faithful attention to high ethical standards and enhances the research project while not inhibiting the productivity and creativity of the scientist and academician. Dishonesty in science or academics is an offense which not only damages the reputation of those involved but the entire educational community.

The misrepresentation of research data is a major breach of the relationship between a faculty or staff member and the institution. In order to maintain the integrity of research projects, every investigator must keep a permanent auditable record of all experimental protocols, data and findings. Coauthors on research reports of any type must have had a bona fide role in the research and must accept responsibility for the quality of the work reported.

Allegations of data falsification or other research fraud should be brought to the attention of the appropriate Dean. Allegations of data falsification or other research fraud involving a Dean should be brought to the attention of the President who will appoint an individual within the institution to investigate the allegations. The Dean, or designated individual, will bring such allegations to the attention of the principal investigator of the research program and any researchers associated with the data involved. The Dean, or designated individual, will conduct an investigation of the allegations with due regard for the reputations of all parties involved, and will make a report as to the validity of such allegations to the Provost and Executive Vice President for Academic Affairs.

The Executive Vice President and Provost for Academic Affairs may determine that the allegations are either unfounded or that substantial reason exists to believe that the allegations are true. The findings and recommendations of the Executive Vice President and Provost for Academic Affairs shall be transmitted to the President of the institution who shall decide whether a special hearing tribunal will be appointed to determine whether good cause is shown for termination of a faculty member under the provisions of Chapter III, Section 6.3 et seq., Part One of the Rules and Regulations of the Board of Regents of The University of Texas System or whether a disciplinary hearing will be conducted pursuant to the institutional employee disciplinary procedures. The conduct of all hearings and appeals will be pursuant to those established institutional procedures and Regents' Rules. A University attorney will be available as counsel to represent the institution in any hearing procedure.

If the alleged research fraud or irregularity is substantiated by admission of the researcher or following a hearing, the President will notify the agency sponsoring the research involved of the results of the institutional investigation and will direct the faculty or staff member to notify...
the editors of all journals in which data related to the research in question has already been published, and to withdraw all unpublished, submitted articles from consideration forthwith.

The President, in consultation with the Office of General Counsel, will be the sole source for the release of any information regarding the investigation or any subsequent hearings.

Reporting Suspected Violations and Protection from Retaliation

Policy

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

1. 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; and
2. 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.

Definitions

Unlawful Retaliation - any action that adversely affects the employment or other institutional status of an individual (including discharging, demoting, suspending, threatening, harassing, or in any other manner discriminating against an employee in the terms and conditions of employment), that is taken by the University or its employee because the individual has, in good faith, made an allegation concerning the violation of a law, rule, policy, or procedure, or of inadequate institutional response thereto, or has cooperated in good faith with an investigation of such allegation.

Appropriate Vice President - For the purpose of Section III. C., the term "Appropriate Vice President" means the Executive Vice President and Provost for complaints arising from academic areas; and the Vice President of Administration for complaints arising from all other units of the University.

Procedures

Reporting and Investigating Allegations of Wrongdoing

All University employees have a personal and professional obligation to report, or cause to be reported, and to assist in any investigation by persons authorized or responsible for such matters, the following (collectively referred to as "wrongdoing"): 
1. Illegal or fraudulent activity;
2. Financial misstatements, or accounting or auditing irregularities;
3. Conflicts of interest, or dishonest or unethical conduct;
4. Violations of the institution’s code of conduct; and
5. Violations of other laws, rules, or regulations.

Employees are expected to be truthful and cooperative in investigations of allegations of wrongdoing.

Employees shall report allegations of wrongdoing through administrative processes and procedures of the University and the U. T. System, including, but not limited to, those established:

1. Pursuant to Business Procedures Memorandum 50 pertaining to embezzlement, misappropriation, and other fiscal irregularities;
2. By specific policy, such as sexual harassment and employee grievances;
3. By the University’s Compliance Program; and
4. By the UT System.

Protecting Against Unlawful Retaliation

No University employee shall take any disciplinary or retaliatory action against any individual for, in good faith, reporting, or causing to be reported, suspected wrongdoing, or for assisting in an authorized investigation of alleged wrongdoing. The prohibition against disciplinary action does not extend to disciplinary action for self-reported violations.

If an employee believes that he or she has been subjected to any action that violates the non-retaliation provisions in Section B. 1, the employee may file a complaint in accordance with the procedures outlined in Section C.

Submission of Retaliation Complaint

A complaint alleging retaliation must be submitted in writing to the UTD Director of Human Resources. The complaint must contain the following information (the "mandatory information"):  

1. Name of the complainant;
2. Contact information, including address, telephone, and e-mail address, if applicable;
3. Name of the person directly responsible for the alleged retaliation;
4. Date and place of the alleged retaliation;
5. Nature of the alleged retaliation;
6. Detailed description of the specific conduct that is alleged to constitute retaliation;
7. Copies of documents pertaining to the alleged retaliation;
8. Names of any witnesses to the alleged retaliation;
9. Corrective action requested by the complainant;
10. Complainant's signature and date of filing; and
11. Any other relevant information.
The following communications do not constitute a retaliation complaint and will not be investigated or resolved pursuant to this process:

1. Oral allegations;
2. Anonymous communications;
3. Courtesy copies of correspondence or a complaint filed with others;
4. Inquiries that seek advice or information only; and
5. Pre-complaint consultations and informal resolution activities.

A written complaint must be filed within thirty (30) calendar days of the occurrence of the alleged retaliation.

Within five (5) working days after receipt of a written retaliation complaint, the Director of Human Resources will send the complainant a brief acknowledgment of the complaint, stating that the complaint will be evaluated, and advising the complainant that he or she will be contacted within a given time. The acknowledgment letter will be sent with a copy of this policy. The Director of Human Resources also shall keep the complainant apprised of the status of the investigation of the matter, to the extent that the Director of Human Resources determines that the communication does not compromise the integrity of the investigation.

Also within five (5) working days after receipt of a written retaliation complaint, the Director of Human Resources shall inform the unit head of the allegation. The Director of Human Resources also shall keep the unit head apprised of the status of the investigation of the matter. If the unit head is the subject of the investigation, however, then the Director of Human Resources shall provide this information instead to that individual's supervisor.

The Director of Human Resources shall inform the individual against whom the allegations are raised (the "respondent") of the nature of the allegations and of the status of the investigation at the point and to the extent that the Director of Human Resources determines that it will not compromise the integrity of the investigation.

The Director of Human Resources will initiate an investigation if the written, signed complaint contains all of the mandatory information and is timely, within the scope of this policy, and states sufficient specific facts, which, if determined to be true, would support a finding that the non-retaliation provisions of this policy were violated. Notwithstanding that the complaint meets the foregoing requirements, the Director of Human Resources may determine not to proceed with a complaint investigation for any one of the following reasons:

1. the complainant withdraws the complaint;
2. corrective action has been taken, or has been offered and rejected;
3. another complaint resolution process is more appropriate; or
4. litigation or another complaint process is pending.

If the Director of Human Resources determines not to proceed with a complaint investigation, he or she will send a notification letter to the complainant stating the reason for that determination. The notification letter will also include a statement informing the complainant that the complainant may appeal the determination not to proceed. The appeal must be delivered to the appropriate Vice President, or his or her designee, within ten (10) working
days after the complainant's receipt of the notification letter. The appeal must be in writing and signed by the complainant and must state why the decision not to proceed with an investigation of the retaliation complaint was in error.

The Vice President or designee will respond within twenty (20) working days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision to dismiss is overturned, the complaint is sent back to the Director of Human Resources for investigation in accordance with the procedures outlined below.

If it is determined that the institution will proceed with a retaliation complaint investigation, the Director of Human Resources, or his or her designee, will interview the complainant, the respondent, and any other persons whom the investigator determines may have pertinent factual information related to the retaliation complaint. The investigator shall also gather and examine relevant documents. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the basis of a particular sensitivity or reaction of an individual. Findings will be based on the totality of circumstances surrounding the alleged retaliation.

During the retaliation complaint investigation process, the complainant and the respondent will provide the Director of Human Resources or designee with all documents relied upon regarding the issues raised in the complaint.

The investigator will provide a proposed statement of findings, copies of relevant documents, and relevant physical evidence to the Vice President, or his or her designee, within thirty (30) working days of receipt of the respondent's statement, unless unusual circumstances require more time. The Vice President or designee and the investigator shall meet within ten (10) working days thereafter to discuss the findings.

Within fifteen (15) working days after that meeting, the Vice President or designee shall take one of the following actions:

1. Request further investigation into the complaint;
2. Dismiss the complaint; or
3. Find that the non-retaliation provisions of this policy were violated, in which event the vice president or designee, following consultation with the investigator or other knowledgeable persons as appropriate, shall determine disciplinary or corrective actions to be taken.

The Vice President or designee shall notify in writing the complainant, respondent, and appropriate unit head of his or her decision, and shall attach a copy of the final statement of findings to the notification. The Director of Human Resources shall retain copies of the Vice President's letter, the statement of findings, and relevant documents in accordance with the institution's records retention schedule.

If a retaliation complaint is directed against an official who would otherwise act on the complaint, the function assigned to that official in these procedures will be delegated by the Vice President, or the President, as appropriate, to another person.
If it is determined through the proceedings that an employee has experienced retaliation in violation of this policy, the University shall take appropriate corrective action.

This policy does not protect an employee who files a report or provides information that he or she knows to be false or who does not have a reasonable belief in the truth and accuracy of the information. An employee determined to have made false accusations knowingly, or to have given false information during an investigation may be subject to disciplinary action, including termination of employment, in accordance with applicable institutional policies and procedures.

**Code of Ethics**

**Policy**

It is the policy of The University of Texas at Dallas to require members of the faculty and staff to maintain the highest standards of ethical conduct. To assist in achieving this standard of excellence, faculty and staff members are required to read and follow the information contained in this policy document. This policy is the ethics policy required by Section 572.051 of the Texas Government Code.

**What is a Conflict of Interest?**

A conflict of interest exists when you owe a professional obligation to the university that is or might be compromised by the pursuit of outside interests. Outside interests, such as professional activities, personal financial interests, or the acceptance of gifts from third parties, can create conflicts between the interests of the university and your private interests and may prevent you from making decisions that are in the best interest of the university. Even if those outside interests do not actually impair your ability to act in the best interest of the university, it may appear to the public that your independence of judgment has been affected. The purpose of this policy is to provide an executive summary of conflict of interest laws, rules, and policies, all of which are intended to preserve the public trust in our integrity by preventing bias or the appearance of bias in our decision-making.

**Other Information on Ethical Behavior**

This ethics policy focuses on conflicts of interest. Other ethical issues may arise, such as issues related to the use of government resources, sexual harassment, political activities, legislative lobbying, and the use of confidential information. Those issues are fully discussed in the university's Standards of Conduct Guide. Additional information may be found on the website of the UT System Office of General Counsel at [http://www.utsystem.edu/ogc/ethics/](http://www.utsystem.edu/ogc/ethics/).

**Gifts**
There are two standards under Texas law governing gifts - (1) a general standard of conduct that applies to all employees and (2) a criminal standard that applies only to those persons who make recommendations or decisions about contracts and other financial transactions.

Under the general standard, you should not accept or solicit any gift, favor, or service that might reasonably tend to influence you in the discharge of official duties or that you know or should know is being offered with the intent to influence official conduct. This standard applies even though the donor is not asking you to do something in exchange for the gift. A gift is anything of value, including tickets to entertainment or sporting events, expenses for a trip, and food. Acceptance or solicitation of a gift in violation of this standard is not a criminal offense, but is grounds for discipline, including termination.

Criminal penalties may apply to persons who make recommendations or decisions about the university's financial transactions. If those are your job duties, you may not accept a gift from an individual or entity that is interested in or likely to become interested in that transaction, with limited exceptions. Under those exceptions, it is not a criminal offense to accept the following type of gift if the gift is not given in exchange for your official action (it is never lawful to accept a gift in exchange for official action):

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

Note that even though you may accept a gift described above without committing a crime, acceptance of the gift may still violate the general standard of conduct and constitute grounds for discipline.

Additional restrictions apply if the gift is from a student loan lender. The definition of "student loan lender" is very broad and covers entities that may not traditionally be thought of as student loan lenders. You should consult the UT System's Office of General Counsel to determine if the proposed gift from the student loan lender is permissible under the Texas Higher Education Fair Lending Practices Agreement.

It is important to remember that even though the acceptance of a gift may not constitute a crime, it may appear to the public that a gift has influenced you in performing your job. You should not accept any gift that could appear to influence your official conduct, even if the gift is technically legal.

**Summary:** Do not accept any gift that could appear to influence your official conduct.

**Outside Employment or Compensation**

You should not accept other employment or compensation that could reasonably be expected to impair your independence of judgment in performing your official duties. Your primary
responsibility is the accomplishment of the duties and responsibilities assigned to your position at the university. External consulting or outside employment that interferes with those duties and responsibilities should not be accepted. Outside employment, including self-employment or employment by another state agency, must first be approved by your department head in accordance with the outside employment policy. You must request approval by filing a form with your department head that describes the nature and extent of the outside employment. Your department head will then determine whether the contemplated employment would create a conflict of interest or the appearance of a conflict of interest between your outside commitments and your responsibilities to the university.

Additionally, you should not accept other employment or engage in a business or professional activity that you might reasonably expect would require or induce you to disclose confidential information acquired through your official position.

**Summary:** Do not accept outside employment that interferes with your responsibilities to The University of Texas at Dallas. Outside employment must first be approved in accordance with the outside employment policy.

**Outside Board Service**

Outside board service is generally deemed to be in the best interest of UT System because it broadens the experience of the individuals involved and exposes UT System to a larger audience of business, civic, professional, and social leaders. However, recognizing that your primary duty is the performance of your job at the university, the position may not create a conflict of interest and may not impose an unreasonable time requirement. Before accepting a position to an outside board, you must obtain approval:

- for outside board service that provides compensation to the individual or that has a significant fiduciary responsibility for this individual,
- for an organization that does business with the university, excepting uncompensated service on editorial boards of journals, proposal review boards of funding agencies, and other types of boards that are part of the ordinary duties of faculty members.

The President is subject to certain additional provisions, including the requirement to file a report on outside board service with the Vice Chancellor for Administration in September of each year.

**Summary:** Do not accept a position on an outside board that creates a conflict of interest or that imposes an unreasonable time commitment. Outside board service must be approved in advance as provided above.

**Honoraria**

You may not accept an honorarium for services you would not have been asked to provide but for your official status. For example, you may not accept a gift or payment for giving a speech
if you would not have been asked to provide the speech but for your official position. However, you may accept meals, transportation, and lodging in connection with your services as long as the services are more than merely perfunctory or superficial. Also, you may accept a gift of very minimal value, such as a plaque or coffee cup.

**Summary:** Do not accept an honorarium for services you would not have been asked to provide but for your official position.

**Personal Investments**

You should not make personal investments that could reasonably be expected to create a substantial conflict between your private interest and the public interest. This means that you should not have a direct or indirect financial interest in a business that conflicts with the university's interests or that might influence how you do your job. Some financial interests may be so indirect or so minimal that they do not create conflicts of interest, such as ownership of a minimal amount of stock in a company or an investment in a publicly traded mutual fund in which you do not exercise discretion regarding the investment of the assets of the fund. If you are not sure whether a particular investment creates a conflict of interest, you should ask your supervisor or consult with the System Office of General Counsel.

If you do have an interest in a business that you think might constitute a conflict of interest, disclose that interest to your supervisor. In some cases, you may be able to cure the conflict by not participating in any decision concerning that business. However, if the conflict is significant, you may be required to divest yourself of the interest that causes the conflict.

**Summary:** Do not make personal investments that create a substantial conflict between your private interest and the public interest.

**Self-dealing/Transactions with Employees**

You may not transact any business in an official capacity with any business entity of which you are an officer, agent, or member, or in which you own a substantial interest.

Additionally, before the university may purchase any supplies, materials, services, equipment, or property from you, the President must approve the purchase, and the purchase may be made only if the cost is less than from any other known source.

**Summary:** Do not transact public business with your private business. The President must approve any purchases from you, and the purchase may be made only if the cost is less than from any other known source.

**Benefits for Performing Official Duties**

You should not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised your official powers or for having performed your official duties in favor of
another. If the benefit was given in exchange for an official act, it could constitute the criminal offense of bribery.

**Summary:** Do not accept a benefit for having done your job in favor of another.

**Required Disclosures**

You must file timely written disclosure statements as required by law, rule, or policy. Your position with the university and your contemplated activity will determine which disclosure statements are required.

**Summary:** Be aware of any disclosure statements you are required to file and be sure to file them timely.

**Consequences for Violations**

There are consequences for failing to comply with conflict of interest laws, rules, or policies. The law provides that appropriated money may not be used to compensate an employee who violates the standards of conduct. Failure to comply is grounds for disciplinary action by the university, including termination of employment. Additionally, civil and criminal penalties may apply under certain circumstances.

**Summary:** You may be subject to disciplinary action or civil or criminal penalties for violating a conflict of interest law, rule, or policy.

**Application of Other Conflicts of Interest Policies, Contract Provisions, Agreements, Laws, or Rules**

This policy does not rescind any policy provided by UT System or The University of Texas at Dallas, any departmental policy, any contract provision, any agreement with the Texas Attorney General, or any law or rule that is more specific or more restrictive concerning conflicts of interest. You are required to comply with the more specific or restrictive policy, contract provision, agreement, law, or rule.

**Questions or Reports of Violations**

If you have questions about an actual or potential conflict of interest, you may ask your supervisor. Additionally, you may always contact the office of Business Affairs with any conflict of interest questions at 972-883-2256.

You should report any suspected wrongdoing to your department head or to the Ethics and Compliance Hotline. You may also report suspected violations on a toll-free hotline 1-888-228-7707. You may not be retaliated against for a good-faith report of suspected wrongdoing. Detailed information on reporting possible violations may be found on the university's Hotline website.
Children in the Workplace

The University of Texas at Dallas is an institution that strives to attract the best and the brightest, and to encourage the pursuit of higher education among aspiring students, accomplished teachers and researchers, and diligent administrators. As part of this education mission, UTD sponsors many recruiting activities and welcomes young children and families to many special events. At The University of Texas at Dallas it is also important that students, staff, and faculty members recognize the problems that could ensue if children are brought routinely to campus in the course of daily operations. As such, it is the policy of The University of Texas at Dallas not to allow children in campus work areas, hallways, libraries, lounges and areas adjacent to classrooms, laboratories, or offices, except under brief or exceptional circumstances. The policy helps to ensure safety and to prevent children from inadvertently distracting faculty, staff, and students from their work.

Applicability

This policy does not apply to approved University programs that involve children including designated research programs with child subjects, childcare services offered in campus facilities, or an occasional brief visit.

Exceptional Circumstances

In those brief or exceptional circumstances where children are allowed, the following guidelines apply:

1. Children must remain under direct supervision at all times.
2. A child who has an illness that prevents or would prevent him/her from being accepted by a regular daycare provider particularly with an infectious disease should never be brought to campus.
3. Children must not be allowed in any unsafe work area, or where their presence may put the safety of others in jeopardy including but not limited to laboratories or workshops. The presence of the child must not disrupt the work or learning environment or negatively impact productivity.
4. Students should not bring children to class without advance approval of the faculty member. Any request that children be removed from the classroom must be honored immediately by the student.
5. UTD employees must obtain approval from their supervisor when children are brought to campus. Any request that children be removed from the work area must be honored immediately by the employee.
6. The student or employee who brings a child to campus, regardless of permission granted, is solely responsible for the child and their safety and may not ask any other student or employee to supervise the child.

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Animals on Campus

Policy

It is the policy of the University to provide a safe environment for students, employees and campus visitors. Significant health and safety hazards and nuisances are created by the presence of animals on campus property and in buildings.

Procedures

The procedures listed below have been implemented to reduce the health and safety hazards created by the presence of animals on campus:

1. Animals in University Buildings: With the exception of certified service animals and animals involved in approved University activities, animals are not permitted in any University building.

2. Animals on Campus Property:
   ◦ Animals shall not be brought onto University property unless they are under the complete control of the owner. The animal must be appropriately restrained and/or contained. The animal's owner shall be liable for any injury or damages as a result of an improperly restrained and/or contained animal and will be subject to appropriate disciplinary action.
   ◦ The owner of the animal must clean up after the animal.
   ◦ Notify the Police Department at Extension 2331 if you observe an animal on campus that is not appropriately restrained.
   ◦ Do not feed unrestrained animals on campus.

Exceptions

Any exceptions to this policy must have prior approval of the Vice President for Business Affairs.

Business Gifts

The University, as a public educational institution serving the community, believes that the practice of accepting gifts or gratuities by employees is not only unnecessary and undesirable, but is also contrary to the public interest. Therefore, UTD employees may not accept gifts, gratuities, or favors from any companies or individuals, agents, or employees associated in any way with companies which conduct business, or may conduct business with the University. An exception to this policy is vendor "give away" trinkets at benefits fairs and the like.
Telecommuting Policy

Purpose

It is the policy of The University of Texas at Dallas to permit telecommuting as provided by this policy when, in the sole discretion of the University, it will enhance the productivity of the employee and the work unit.

Scope

This policy applies to all benefits eligible Administrative and Professional and Classified employees of the University. It does not apply to those positions that require student status as a condition of employment.

Definitions

Telecommuting is routinely working one or more days per week at a location other than an employee's regularly assigned place of employment under an agreement approved pursuant to this policy.

A regularly assigned place of employment is the location on the University campus where an employee usually and customarily reports for work. The regularly assigned place of employment is considered an employee's workstation for all pay, leave and travel purposes.

The campus is all buildings or facilities under the control of the University, regardless of location.

Procedure

Telecommuting and the Employment Relationship: Telecommuting is a management option, not an employee right or benefit. Participation in telecommuting is voluntary in nature and no employee is required to participate as a condition of employment. The existence of a telecommuting agreement in no way alters an individual's employment relationship with the University or the employee's obligation to observe all applicable University rules, policies and procedures. All existing terms and conditions of employment, including but not limited to the position description, salary, benefits, vacation, leave and overtime remain the same as they would be if the employee worked only at his or her regularly assigned place of employment.

Agreement Required: All telecommuting must be authorized in advance by a written telecommuting agreement. The agreement shall comply with the requirements of this policy, be completed and signed by the employee and the employee's supervisor and must have the approval of the employee's unit head, the Dean or Director, Vice President, and Human Resources before it can be implemented. Copies of approved agreements must be filed with Human Resources and Information Resources.

Criteria for Evaluating and Approving a Telecommuting Agreement:
1. Feasibility Criteria - Telecommuting is appropriate only when both the abilities of the employee and the nature of the work to be done meet the minimum feasibility criteria set out below. Supervisors may apply more rigorous criteria when determining whether an employee and a position are appropriate for telecommuting in their units.

2. Employee Criteria - Telecommuting is appropriate for employees who:
   ◦ have previously demonstrated their abilities to successfully organize, manage time, to work independently and productively with minimal supervision, and have a satisfactory or above work performance history;
   ◦ have a thorough knowledge and understanding of their job functions and the equipment required to telecommute;
   ◦ have access to a remote work site that is safe and free from interruptions; and
   ◦ are able to provide the security necessary to protect any University equipment used at the site.

3. Position Criteria - Positions that may be considered for telecommuting are those that:
   ◦ have job functions that can be performed at a remote site without diminishing the quality of the work or disrupting the productivity of a unit;
   ◦ do not require an employee's presence at the regularly assigned place of employment on a daily or routine basis;
   ◦ allow for an employee to be as effectively supervised as he or she would be if the job functions were performed at the assigned place of employment;
   ◦ have an emphasis on the electronic production and/or exchange of information by means of computers, modems, fax machines or phones;
   ◦ involve measurable or quantifiable work product; and
   ◦ have minimal or flexible need for specialized materials or equipment available only at the regularly assigned work site.

4. Positions that are not suited to telecommuting are those that:
   ◦ require regular face-to-face contact with a supervisor, other employees, members of the University community or the public, or
   ◦ require access to information or materials that are available only at the regularly assigned place of employment.

Work Site Criteria

1. Remote Work Site Requirements:
   1. Telecommuting employees shall have and maintain a healthy and safe environment at the remote worksite. A floor plan of the worksite area showing the location of the furniture, equipment, and electrical outlets shall be attached to the telecommuting agreement.
   2. Non-work related events and activities will not disrupt or interfere with work at the remote work site; scheduled work time will not be used to provide dependent care. Telecommuting is not a substitute for dependent child or eldercare.
   3. At the discretion of the University, the supervisor or staff of the Environmental Health and Safety office may schedule a visit to the telecommuter’s proposed remote work site to evaluate it prior to approving the telecommuting agreement.
4. The University retains the right to make prearranged on-site inspections of the remote work site during scheduled work hours to assess safety or security issues.

2. Regularly Assigned Place of Employment:
   1. Telecommuting employees shall report to the regularly assigned place of employment as agreed upon with the supervisor, which in most cases should be no less than one time per week.
   2. The operational needs of the University take precedence over telecommuting agreements. A telecommuting employee, after being provided as much advance notice as possible, must report to work at the regularly assigned place of employment on a scheduled telecommuting day when required by the supervisor.
   3. The University will provide an adequate work area for telecommuting employees at their regularly assigned place of employment.

Equipment and Supplies Criteria

1. Any equipment, hardware, software and office supplies needed by an employee to telecommute from a remote work site shall be specifically identified and described; and University supervisors are authorized to approve, using established procedures, expenditures for necessary hardware, office equipment (excluding furniture), software, communications (including charges for connecting telephone lines and long distance charges related to University business) and office supplies. The University will not reimburse the employee for any costs not pre-approved by the supervisor. The cost associated with any Internet connection may be reimbursed by the department with supervisory approval. For the purposes of this policy, only that hardware and software, including security and communications configurations, approved for telecommuting purposes by the Vice President and CIO may be purchased for and used by telecommuting employees while telecommuting under an agreement pursuant to this policy.
2. The University will not reimburse employees for out of pocket expenses for materials and supplies that are normally available at their regularly assigned workplace.
3. Use of computers, software, and other equipment shall comply with the University's requirements for remote access to its network.
4. University equipment located at the remote work site is subject to all policies and restrictions related to use of state-owned property. Telecommuting employees are responsible for any equipment and software that is used at the remote worksite and accept financial responsibility for any equipment that is lost, stolen or damaged because of the employee's negligence, misuse or abuse. If the University supplies a phone line, the employee is expected to limit that line to university business. The University's property administration procedures, including Custody Receipt requirements, apply to University property at the remote location.
5. In general, it is expected that telecommuters will provide their own computer and peripherals to connect to the University. Each telecommuter must read and comply with all appropriate University procedures, including the timely completion of required documents and Information Security best practices for computer management.
Telecommuting Work Assignment Criteria

1. Description of Work. The general nature of the work to be performed by the telecommuting employee, as well as a typical work project or assignment, shall be described in the agreement.

2. Reporting of Time. Telecommuters will be required to maintain accurate time accounting documentation to support and substantiate their work hours and work products. They will be required to submit routine weekly time reports detailing hours worked and periodic status reports describing tasks performed and/or completed.

Performance Evaluation Criteria

1. Each employee is required to have an annual performance evaluation. Consistent with university practices, each telecommuting employee is required to have a performance evaluation completed each year.

Work Schedule and Communication Criteria - Employee Availability

1. Schedules: Telecommuting does not alter the employees' work schedules. The specific work schedule of a telecommuting employee shall be agreed upon by the supervisor and employee and described in the agreement.

2. Telecommuting employees shall be as available for communication and contact during their scheduled work time as they would be if working at the regularly assigned place of employment.

3. Telecommuting employees and their supervisors shall agree on how their communications shall be handled. During the agreed upon work schedule, it is expected that the telecommuting employee be available for contact by phone.

4. In general, the telecommuter is expected to report to, and work at, his or her regular place of employment at least once per week.

Timekeeping and Leave Criteria

1. Timekeeping: Telecommuting employees are required to submit regular time reports as specified by the supervisor and any other records related to work hours agreed upon with the supervisor. Departments shall maintain all time records for the employee.

   1. Overtime: Under the Federal Fair Labor Standards Act non-exempt employees will be compensated for overtime that has been approved in advance by the supervisor in accordance with the provisions of the Act.

   2. State Compensatory Time: The Texas Government Code, Chapter 658, prohibits a state employee from accruing state compensatory time for work performed at any location other than the employee's regular place of employment or assigned duty point. Under that law an employee's residence cannot be deemed to be an employee's regular place of employment or duty point and therefore, telecommuting employees will not receive state (equivalent) compensatory time while working at their residence.

2. Leave: Pursuant to established University policies, employees must obtain supervisory approval before taking leave.
3. Both the employee and the supervisor should sign the weekly time report.

Liability Criteria

1. Injuries at Remote Work Site. The University assumes no liability for injury at the remote work site to any other person who would not be in the work area if the duties were being performed at the regular place of employment. Injured telecommuting employees must notify their supervisor immediately and complete all requested documents regarding any injury. Workers' Compensation benefits will apply to injuries arising out of and in the course of employment.

2. Damages to Personal Property and Operating Costs. The University will not be liable for damages to employee-owned equipment resulting from telecommuting. The University will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities, telephone, insurance) associated with the use of the employee's residence for telecommuting, unless specifically provided otherwise in advance in writing by the department head and outlined in the agreement.

Duration of Telecommuting Agreements

1. Telecommuting agreements may remain in effect for a maximum of twelve months, unless terminated in accordance with the procedures elsewhere in this policy. A new agreement must be completed at the beginning of each new fiscal year. These agreements do not constitute an employment contract and they do not create a property interest in employment.

Termination of Agreement

1. Telecommuting Agreement Termination. Telecommuting arrangements may be terminated by either the telecommuting employee or the University with ten (10) working days' written notice. The University reserves the option to terminate the agreement without notice for any violations of policy.

2. Return of University Property. When the telecommuting agreement is terminated, the employee must promptly return all notes, data, reference materials, sketches, drawings, memoranda, reports, records, equipment, software, supplies, and any other University property in the employee's possession or control.

3. Damaged or Lost Property. The University shall not be held responsible for costs, damages, or losses associated with the termination of the telecommuting agreement.

For Assistance: Questions regarding telecommuting should be directed to the Office of Human Resources.

Authority

Texas Government Code, Chapter 658.010

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Communication with the Legislature and Other State Agencies or Officials

The Board of Regents is the only channel through which recommendations concerning the administration of the University should reach the Legislature, other state agencies, or officials. At UTD, it is the responsibility of the President and his designated staff to present such recommendations to the Board of Regents.

Any employee having recommendations regarding the UTD administration should address those proposals to the President, or his designee, in writing. Direct contact on such matters with the Board of Regents, Legislature, other state agencies, or officials by UTD employees may be in violation of this policy.

Participation in Community Affairs

As a member of the Dallas community, UTD has an obligation to serve the area as an educational institution. As such the University and its employees are in a unique position to assist and participate in worthy civic, educational, and charitable activities.

Every employee is encouraged to participate in such activities, not only for the betterment of the community and the University, but also for personal enrichment and awareness.

An employee may wish to publicly speak or write on a controversial subject. If so, the employee should make it clear that he/she is speaking or writing as a private citizen and not as a member of the University.

Distribution of Handbills. Leaflets, or Advertising Materials

Normally, requests for the distribution of handbills, leaflets, or advertising materials come from three (3) sources:

1. Off-campus individuals,
2. Commercial organizations,
3. UTD students and student organizations.

Any group or individual must first secure approval from the Office of Student Life for such requests, which must be in compliance with Title V: Rules on Students Services and Activities of the University's Handbook of Operating Procedures. A copy of these procedures is available in the Office of Student Life.
Drug-Free Schools and Communities Act Compliance

Policy

The abuse of alcohol and the use of illegal drugs by members of The University of Texas at Dallas community are incompatible with the goals of the Institution. In order to further the University's commitment to provide a healthy and productive educational environment, it is the policy of The University of Texas at Dallas to comply with the Drug-Free Schools and Communities Act Amendments of 1989.

Procedures

The Drug-Free Schools and Campuses regulations require universities receiving any form of federal funding to develop and implement a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The program must include an annual notification to the campus community of four program elements and a biennial review of the program's effectiveness and the consistency of the enforcement of sanctions. The four required program elements include:

- Standards of Conduct
- Description of Sanctions
- Description of Health Risks
- Description of Treatment Options

Standards of Conduct

1. Student Conduct. Student misconduct related to alcohol or other drug use will not be tolerated. Section 49.37 of the UT Dallas Handbook of Operating Procedures, Title V addresses student conduct and misconduct, including the abuse of alcohol and the use of illicit drugs. Additional information about the student Alcohol and Other Drugs Program (AOD) is available on the UT Dallas web.

2. Employee Conduct. Employee misconduct related to alcohol or other drug abuse will not be tolerated.

Description of Sanctions: A number of sanctions beyond expulsion from the University or termination from employment may follow a violation of this policy. Additional information on State sanctions is available on the UT Dallas web and the current list of federal trafficking penalties is available on the U.S. DEA web site.

1. Student Sanctions. Consequences of violations of UT Dallas student policies on alcohol and other drug related misconduct include:
   - Parental notification
   - Loss of financial aid
   - Eviction from student housing
   - Expulsion from the University

2. Employee Sanctions. Employees who violate the alcohol and other drug abuse policy are subject to discipline up to and including termination.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Description of Treatment Options A variety of counseling services and treatment centers are available for anyone experiencing problems related to substance abuse. Although most counseling and treatment centers charge for their services, some programs are free of charge. Students should contact the Alcohol and Other Drug (AOD) Program for current referral information. Faculty and staff may contact the Employee Assistance Program at 214-648-5330 for current referral information.

Biennial Review

The Office of Human Resources Management will coordinate the required biennial review of the program's effectiveness and the consistency of the enforcement of sanctions. The reviews are scheduled during the first quarter of even numbered calendar years.

For More Information: Contact Human Resources Management at extension 2221.

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Drugs and Alcohol Policy

Purpose

The purpose of this statement is to establish policy for employees of The University of Texas System concerning manufacture, sale, possession, distribution, or use of alcohol or illegal drugs.
1. during working hours;
2. in a manner while off duty that impairs on-duty work performance; or
3. in a manner while in attendance at an official University function or at an authorized University site that adversely affects the performance of the employee or may adversely affect the health or safety of any other person.

Enforcement

An employee who violates the following policy may be subject to disciplinary action, including termination.

At the discretion of the University, the employee may be referred to an assistance program and/or may be required to participate in and satisfactorily complete a chemical abuse rehabilitation program as a condition of continued employment.

Policy

Unauthorized purchase, manufacture, distribution, possession, sale, storage or use of an illegal drug or controlled substance while on duty, while in or on premises or property owned or controlled by the University, or while in vehicles used for University business are prohibited.

The unauthorized use or possession of alcohol while on duty or while in vehicles used for University business is prohibited.

Use of alcohol or an illegal drug or controlled substance while not on duty which adversely affects job performance or may adversely affect the health or safety of other employees, students, visitors or patients is prohibited.

Use of alcohol at an authorized University function, in the course of official University business, or at an authorized University site, which adversely affect job performance or may adversely affect the health or safety of any other person is prohibited.

Warnings about prescribed or over-the-counter medication and its impact on work performance or on individual or job safety must be heeded by the employee. A supervisor's advice and assistance may be necessary when job adjustments are required to ensure an employee's ability to perform assigned work in a safe manner because of use of such medications.

Distribution to others of a drug or controlled substance obtained pursuant to a prescription, except by duly licensed and certified persons, while on duty or while in or on premises or property controlled by the University is prohibited.

Employees who use illegal drugs or abuse controlled substances or alcohol are encouraged to seek help from available resources.
AIDS/HIV Infection Policies and Guidelines

Background

The University of Texas System recognizes Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) as serious public health threats and is committed to encouraging an informed and educated response to issues and questions concerning these infections. Guidelines in this policy have been developed to address the medical, educational, legal, administrative, and ethical issues involved.

HIV causes a breakdown of the body's immune system, resulting in increased susceptibility to a variety of infections. In the early stages, a person infected with HIV may appear healthy, but may transmit the virus to others. Sometimes the individual's immune system deteriorates and the unusual infections characteristic of Acquired Immune Deficiency Syndrome (AIDS) develop.

To date, three groups of people are considered to be at risk for contracting HIV infection:

1. Sexual Contact: Those having unprotected sexual contact with an infected individual;
2. Blood Transfer: Those exposed to contaminated blood, blood components or products through needle sharing, injection, needle stick, or transfusions; and
3. Perinatal: Infants infected by their mothers before, during, or after the time of birth.

Since its recognition as a distinct disease-causing virus in 1984, HIV has been intensively studied. The mode of transmission of HIV has been firmly established. Live HIV, in a dose sufficient to cause infection, must gain entry to the blood stream or mucous membranes to cause infection. Studies of family members of persons with AIDS/HIV show no evidence of transmission of the virus even after long term casual exposure. Thus, in the normal workplace, academic and health care settings, there is no risk of infection through casual contact. There are no known documented cases of the spread of HIV through tears, insect bites, handshaking, hugging, sleeping in the same bed, being coughed or sneezed on, touching inanimate objects, participating in sports competitions, or sharing restrooms, food or drink, gyms, swimming pools, living quarters or common eating areas. The probable explanation for this is that HIV can survive only inside living human cells. The virus is extremely fragile and dies quickly outside of the body.

Purpose of Guidelines

The purpose of this policy is to provide guidance for the U.T. System and its component institutions in complying with statutes concerning acquired immune deficiency syndrome, human immunodeficiency virus, and hepatitis B virus. In addition, the medical, legal, administrative and ethical issues related to specific situations involving persons with HIV or HBV infections in the following areas are addressed:

1. Administrative policies
2. Residence life
3. Health education
4. Testing for HIV or HBV infection
5. Confidentiality of information related to persons with AIDS, HIV or HBV infection and
6. Patient care

This policy is applicable to students, faculty, and employees of the U.T. System and its component institutions.

General Policies

Institutional Committee: Each U.T. System component institution will appoint a task force or institution-wide committee to oversee the development and implementation of educational programs related to HIV or HBV and to advise the administration on policies regarding HIV and HBV. The task force will include, as a minimum, representation from the faculty, the student body, and administrative areas such as housing services, health services, counseling services and food services.

Admission: The existence of HIV or HBV infection should not be considered in admissions decisions unless current scientific information indicates required academic activities will likely expose others to risk of transmission.

Employment: The existence of HIV or HBV infection will not be used to determine suitability for employment by any UT component institution or U.T. System Administration unless the position requires performance of exposure- prone procedures. An employee with HIV or HBV infection will remain employed as long as he or she meets job performance standards and does not engage in job-related activities which current scientific information indicates may expose others to risk of transmission.

Class Attendance: A student with HIV or HBV infection should be allowed to attend all classes without restrictions, as long as the student is physically and mentally able to participate, perform assigned work, and poses no health risk to others.

Access to Facilities: A person with HIV or HBV infection should not be denied access to any UT facility on the basis of HIV or HBV infection.

Residential Housing: UT residential housing staff will not exclude HIV- infected or HBV-infected students from University housing, and will not inform other students that a person with HIV or HBV infection lives in University housing.

Testing for HIV or HBV infection:

1. Mandatory Testing: No programs for mandatory HIV or HBV testing of employees, students, or patients should be undertaken without that person’s consent unless authorized or required by law, court order, or as specified by Section G8.
2. Voluntary Testing and Counseling: U.T. System health institutions and services, health services, counseling services and food services. Student health centers should offer or refer students, faculty, and staff members for confidential or anonymous HIV counseling and testing services. All testing conducted by a component institution will include counseling before and after the test. Unless required by law, test results should be revealed to person tested only when the opportunity is provided for immediate, individual, face-to-face counseling about:
   1. the meaning of the test result
   2. the possible need for additional testing
   3. measures to prevent the transmission of HIV
   4. the availability of appropriate health care services, including mental health care, and appropriate social and support services in the geographic area of the person's residence
   5. the benefits of partner notification and
   6. the availability of partner notification programs. If a person with a positive HIV test result requests that his/her partner(s) be made aware of the possibility of exposure through a partner notification program, the post-test counselor will have the HIV-infected person sign a statement requesting assistance of a partner notification program. This statement will be made a permanent part of the person's medical record. A representative of the health institution or student health center will then request the local health department to contact the partner(s) identified by the HIV-infected person.

3. Partner Notification: A health care professional who knows a patient is HIV positive and who has actual knowledge of possible transmission of the virus to a third party will notify a partner notification program established by TDH.

4. Informed Consent:
   1. Unless otherwise authorized or required by law, no HIV test should be performed without informed consent of the person to be tested.
   2. Consent will be written on a separate form, or the medical record will document that the test has been explained and consent has been obtained. The consent form will state that post-test counseling will be offered or the medical record will note that the patient has been informed that post-test counseling will be offered.

5. Reporting of Test Results: HIV and HBV test results will be reported in compliance with all applicable statutory requirements, including the Communicable Disease Prevention and Control Act, Texas Health and Safety Code, 81.001.

6. Conditions of HIV Testing of Employees at Institution's Expense: Employees will be informed that they may request HIV testing and counseling at the institution's expense, if:
   1. The employee documents possible exposure to HIV while performing duties of employment, and
   2. The employee was exposed to HIV in a manner that is capable of transmitting HIV as determined by guidelines developed in accordance with statement of the Texas Department of Health (TDH) and Center for Disease Control (CDC).

7. Qualifying for Workers' Compensation Benefits: State law requires that an employee who bases a workers' compensation claim on a work-related exposure to HIV must provide a written statement of the date and circumstances of the exposure and
document that within ten (10) days after the exposure, the employee had a test result that indicated absence of HIV infection. An employee who may have been exposed to HIV while performing duties of employment may not be required to be tested, but refusal to be tested may jeopardize Workers’ Compensation benefits.

8. Testing Following Potential Exposure to HIV or HBV: Each U.T. System component should develop guidelines and protocols for employees and students who have been exposed to material that has a potential for transmitting HIV or HBV as a result of employment or educational assignments. Testing of employees or students exposed to such material should be done within ten (10) days after exposure and should be repeated after one(1) month. Testing for HIV also should be done after three (3) and six (6) months. These guidelines should follow TDH, U.S. Public Health Service and CDC guidelines.

In cases of exposure of an employee or student to another individual's ("Individual" in this paragraph) blood or body fluid, a U.T. System institution, at UT's expense, may test that Individual for HIV or HBV infection with or without the Individual's consent, provided that the test is performed under approved institutional guidelines and procedures included in the Handbook of Operating Procedures that provide criteria for testing and that respect the rights of the person being tested. This includes post-test counseling as specified in Section G2. If an HIV test is done without the Individual's consent, the guidelines must ensure that any identifying information concerning the Individual's test will be destroyed as soon as the testing is complete and the person who may have been exposed is notified of the result. Test results will be reported in compliance with all applicable statutory requirements, as specified in Section G5.

A U.T. System law enforcement officer may request TDH or a health authority duly authorized pursuant to the Local Public Health Reorganization Act, Tex. Health & Safety Code Ann., Chapter 121 (Vernon 1992), to order testing of another person who may have exposed the law enforcement officer to a reportable disease, including HIV infection. The request for such testing may be made only if the law enforcement officer believes the exposure places the law enforcement officer at risk of the reportable disease, and the law enforcement officer presents to TDH or the health authority a sworn affidavit that delineates the reasons for the request.

Confidentiality of Records: Except where release is required or authorized by law, information concerning the HIV status of students, employees or patients and any portion of a medical record will be kept confidential and will not be released without written consent. HIV status in personnel files and workers’ compensation files is to remain confidential and have the confidentiality status of medical records.

Safety Precautions: Each U.T. System institution should develop guidelines for healthcare workers and students in the health professions concerning prevention of transmission of HIV and HBV and concerning healthcare workers who have HIV and HBV infection. All healthcare workers shall be provided instruction on universal infection control precautions. Each U.T. System healthcare worker who is involved in direct patient care should complete an educational course about HIV and HBV infection based on the model education program and workplace guidelines developed by the TDH and the guidelines of this policy.
Education:

1. **Employee Educational Pamphlet:** Each U.T. System component should provide each employee an educational pamphlet about methods of transmission and prevention of HIV infection. The pamphlet will be the TDH educational pamphlet or a pamphlet based on the model developed by the TDH. The pamphlet should be provided to new employees on the first day of employment and to all employees annually.

2. **Information on Prevention Provided to Students:**
   1. Each U.T. System component should routinely offer students education based on the model HIV education and prevention program developed by the TDH and tailored to the students' cultural, educational, language, and developmental needs.
   2. Each student health center should provide information on prevention of HIV infection including:
      1. the value of abstinence and long-term mutual monogamy,
      2. information on the efficacy and use of condoms, and
      3. state laws relating to the transmission of HIV and to conduct that may result in such transmission.
   3. The employee educational pamphlet will be available to students on request.

3. **Guidelines for Laboratory Courses:** U.T. System components that offer laboratory courses requiring exposure to material that has potential for transmitting HIV or HBV should adopt safety guidelines for handling such material and distribute these guidelines to students and staff prior to their coming in contact with such material.

4. **Distribution of Policy:** Each U.T. System component should make available this UT Policy on HIV infection to students, faculty, and staff members by including the Policy in the student, faculty and human resource guides, if practicable, or by any other method. Institutional course catalogs should state the educational pamphlet described in Subsection J1 is available to students.

5. **Education of Students Entering Health Professions:** Each U.T. System institution offering medical, dental, nursing, allied health, counseling, and social work degree programs should include within the program curricula information about:
   1. methods of transmission and methods or prevention of HIV and HBV infection including universal infection control precautions,
   2. federal and state laws, rules and regulations concerning HIV infection and AIDS, and
   3. the physical, emotional, and psychological stress associated with the care of patients with terminal illnesses.

6. **Unemployment Compensation Benefits:** Each U.T. System institution will inform employees via employee or faculty guides or other appropriate methods that state law provides that an individual will be disqualified for Unemployment Compensation benefits:
   1. if the Texas Employment Commission (TEC) finds that the employee left work voluntarily rather than provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV. This disqualification applies if the U.T. System component provided facilities, equipment, training, and supplies necessary to take reasonable precautions against infection; or
2. if the TEC finds that the employee has been discharged from employments based on a refusal to provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV. This disqualification applies if the U.T. System component provided facilities, equipment, training, and supplies necessary to take reasonable precautions against infection.

7. Health Benefits: No U.T. System student or employee will be denied benefits or provided reduced benefits under a health plan offered through the U.T. System on the basis of a positive HIV test result.

Federal Indentification Numbers

Every employee of the University is required by law to have a permanent Federal Identification Number (Social Security Number).

In certain cases, such as foreign exchange students, aliens with temporary visas, or persons who have not been employed before, a number may not have been obtained from the Federal Social Security Administration at time of University employment. In these cases, an employee will be assigned a temporary identification number by the Payroll Office. The employee must make application for a permanent Federal Identification Number through the local Social Security Administration. This process normally takes three to four weeks. Once a Federal Identification Number has been received, the employee must report it via their administrative unit so records may be updated.

Drug and Alcohol Testing Policy

Scope

This Policy applies to all persons who are applicants for or who are employed in positions with duties or activities that involve the requirement of a commercial drivers' license, otherwise referred to herein as safety-sensitive functions. The provisions of this drug and alcohol testing policy do not relieve an employee from requirements pursuant to other University policies on drugs and alcohol.

Applicants for Employment

All applicants who have been conditionally accepted for employment in positions that involve the duties or activities described in Paragraph I will be required to provide a urine sample for testing for the presence of illegal drugs in accordance with Paragraph VII. A verified negative test result will be required on this controlled substance test. Re-employment alcohol testing is not required.
1. All published or posted notices of vacancies in positions covered by this Policy shall state that all applicants selected for hire will be required to consent to a urinalysis for the purpose of testing for the presence of illegal drugs.

2. Applicants selected for hire who refuse to consent to a urinalysis or who test positive for the presence of illegal drugs in prohibited concentrations will not be considered for employment in a position covered by this Policy and may not reapply for such employment for a period of six months.

3. Prior to signing the consent form for testing, applicants selected for hire will be informed of the testing procedures either orally or in writing.

Prohibited Employee Conduct

Alcohol Use:

1. use or possession of alcohol while on duty requiring the performance of safety-sensitive functions;
2. use of alcohol during four hours before on duty requiring the performance of a safety-sensitive function;
3. having prohibited concentrations of alcohol (.04 or greater) in system while on duty requiring the performance of safety-sensitive functions;
4. use during the 8 hours following an accident requiring a post-accident test (See Paragraph IV below.) or until the employee undergoes a post-accident alcohol test, whichever occurs first.

Drug Use:

1. use or possession of controlled substances while holding a position requiring the performance of safety-sensitive functions, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle;
2. testing positive for controlled substances while holding a position requiring the performance of a safety-sensitive function.

Refusal to submit to required testing;

Permitting a subordinate employee to perform or continue to perform safety-sensitive functions when the supervising employee has actual knowledge that a driver has engaged in conduct prohibited by A-C above.

Employee Testing
Employees in positions that involve the duties or activities described in Paragraph I may be
required to submit to testing to determine the presence of illegal drugs or alcohol under the
following circumstances:

1. when performing safety-sensitive functions and involved in an on-the-job driving
   accident that 1)results in the death of a person or 2)results in a citation to the
   employee under state or local law for a moving traffic violation arising out of the
   accident and any involved vehicle requires towing from the accident scene or any
   involved person requires treatment away from the accident scene. An employee
   involved in such accident is required to report it as soon as possible to the supervisor.
2. when observed using alcohol or illegal drugs while on duty requiring the performance
   of safety-sensitive functions;
3. when a supervisor who has participated in a program that provides training in the
   recognition of the physical appearance and behavior of persons under the influence of
   alcohol or illegal drugs observes an employee exhibiting such appearance and
   behavior during, just preceding or just after the period of the work day that the
   employee is performing in the safety-sensitive function;
4. when selected pursuant to a scientifically valid random process determined by the
   University;
5. if allowed to return to duty in a position described in Paragraph I, after a violation of
   drug or alcohol rules;
6. if allowed to return to duty for a position described in Paragraph I, and has been
   identified by a substance abuse professional as needing assistance in resolving
   problems with drug or alcohol abuse. Such employees will be subject to a minimum of
   six unannounced follow-up drug or alcohol tests over the first 12 months following his
   or her return to duty.

Refusal to Submit to Test

By continuing employment with the University, employees have consented to the University's
adoption of this Drug and Alcohol Testing Program. The University will secure a consent form
signed by the employee to be tested. An employee who refuses to consent and submit to a
test when requested under any of the circumstances provided for in Paragraph IV will be
subject to disciplinary action including termination pursuant to the University's Procedures for
Discipline and Dismissal of Employees. Refusal to submit includes failure to provide adequate
breath for testing without a valid medical explanation after he or she has received notice of the
requirement for breath testing in accordance with the provisions of this policy, failure to
provide adequate urine for controlled substances testing without a valid medical explanation
after he or she has received notice of the requirement for urine testing in accordance with the
provisions of this part, and engaging in conduct that clearly obstructs the testing process, and/
or leaving the scene of an on-the-job accident.

Positive Test

Employees with positive tests will be immediately removed from safety-sensitive functions.
The supervisor and the Director of Human Resources will meet with each employee who tests
positive and inform the employee of the test result. Based upon the information available after
the meeting with the employee, the supervisor and Director shall determine whether:

1. to proceed to impose appropriate disciplinary action (keeping in mind any minimum
   penalties as may be required by federal or state law) pursuant to the University's
   Procedures for Discipline and Dismissal of Employees; and/or
2. to offer the employee the opportunity to participate in and satisfactorily complete, at
   the employee’s expense, an appropriate employee assistance program or
   rehabilitation program for alcohol and/or drug abusers as a condition of continued
   employment. An employee who chooses to participate in such a program must be
   informed that the University will pursue appropriate disciplinary action if the employee
   does not satisfactorily complete the prescribed program; or
3. to allow the employee who has tested below 0.04 for alcohol, with no concurrently
   positive drug test, to return to work after at least a 24- hour period.

Urinalysis Procedure

In order to assure individual privacy without compromising the integrity of the test result, the
University will utilize Department of Health and Human Service approved labs and the
mandatory Guidelines for Federal Workplace Drug Testing Programs and the Procedures for
Transportation Workplace Drug Testing for tests pursuant to this Policy. Those Guidelines are
published in Volume 53 of the Federal Register, pages 11979 - 11989 and Volume 59 of the
Federal Register, page 7505. The Guidelines generally provide for specimen collection
procedures, chain-of-custody procedures testing procedures and documentation procedures.
Copies of the Guidelines may be obtained from the Office of Human Resources. Any testing
requested by an employee will be done at the employee's expense.

Alcohol Testing

Alcohol testing will be conducted either on University premises or at a specimen collection
site. The University will utilize the Procedures for Transportation Workplace Drug and Alcohol
Testing Programs for alcohol tests pursuant to this Policy. Those procedures are published in
Volume 49 CFR 40 (See also 59 of the Federal Register, pages 7340 - 7376). The Guidelines
generally provide for specimen collection procedures, chain-of-custody procedures, testing
procedures and documentation procedures. Copies of the Guidelines may be obtained from
the Office of Human Resources. Any testing requested by an employee will be done at the
employee's expense.

Records

Confidentiality - All information from an applicant's or an employee's drug and alcohol tests will
be confidential to the extent required by law. Records will be maintained in a secure manner,
so that disclosure of information to unauthorized persons does not occur.

Maintenance - University Record Retention Schedules will be reviewed to ensure that at a
minimum records are maintained in accordance with the following schedule:
1. verified positive controlled substance test results and alcohol test results indicating an alcohol concentration of 0.02 or greater; documentation of refusals to take required tests; calibration documentation; evaluations and referrals - 5 years;
2. collection and training records - 2 years;
3. negative or canceled tests - 1 year;
4. alcohol test results indicating concentration less than 0.02 - 1 year.

Reporting

The University will submit reports in accordance with Federal Regulations regarding this alcohol and drug misuse prevention program.

Inquiries

Inquiries related to this policy may be directed to the Director of Human Resources.

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Job Performance Appraisals

Policy

It is the policy of The University of Texas at Dallas that classified and administrative and professional (A&P) staff will have their job performance evaluated on an annual basis. More frequent evaluations are appropriate in many situations and may be authorized by Human Resources Management (HRM).

Purpose

The purposes of the job performance appraisal include, but are not limited to:

1. Aligning the responsibilities of each job with the mission of UTD and the mission of the employing department
2. Encouraging and improving open communication between supervisors and their staff
3. Documenting the professional growth and development needs and achievements of employees
4. Collecting data to support analysis and decisions in staffing, compensation and training.

Procedures

1. Appraisals will be conducted for all classified and A&P staff who:
   1. Have a .25 (25%) FTE or greater appointment, and
2. Have been employed at UTD for more than 180 days.
2. Appraisals are optional for staff whose appointment and/or period of employment do not meet this standard.
3. The appraisal process should be completed during the first quarter of each calendar year.
4. New supervisors should complete performance appraisal training provided by Human Resources Management (HRM) prior to appraising their subordinates for the first time at U.T. Dallas. All supervisors should periodically attend the training to maintain current knowledge.
5. The appropriate copy of the appraisal document is due to HRM by the 5th working day of April.
6. Employees who do not agree with their appraisal may provide a written statement explaining why they disagree. Employee statements should be provided to their supervisor, with a copy to HRM, within 20 working days of receiving their appraisal. The employee's statement will be filed with the appraisal.
7. For more information, contact the Human Resources Management office at extension 2221.

Office Closing

The University of Texas at Dallas is open for normal business and scheduled instructional activities unless otherwise indicated by an announcement posted on the UT Dallas homepage or on the UT Dallas closure hotline (972-883-7669).

Inclement weather or other adverse conditions may occasionally force The University of Texas at Dallas to suspend normal operations. If conditions necessitate closure, UT Dallas will post closure information as stated above and as stated at http://www.utdallas.edu/weather/

For morning closures, every effort will be made to have this information posted on University-controlled sites by no later than 6 a.m. See guidelines and more information at http://www.utdallas.edu/weather/

Closure decisions regarding evening or weekend classes at all locations will be made independently of the decision regarding daytime operations. Employees and students should obtain information directly from the home page, by calling their office voice mail, or by checking the recorded-message phone number (972-883-7669). Media reports may not be reliable if, for example, UT Dallas is closed during the day but open for night classes.

The UT Dallas Callier Center for Communication Disorders (Dallas Campus), Center for BrainHealth and Center for Vital Longevity may have a different closure situation than the main campus in Richardson. Should any closing be necessary, a voice message for UT Dallas Callier will be placed on 214-905-3030, for the UT Dallas Center for BrainHealth at 214-905-3007, and for the UT Dallas Center for Vital Longevity at 972-883-3200.
The decision to close the Collin Higher Education Center (CHEC) in McKinney will be made by Collin County Community College District officials who will advise those students of any schedule change by means they will identify.

No one is expected to place work or class attendance above health and safety. Use good judgment regarding your ability to get to work or school safely. If unable to report for work when the University is open, you may elect to use a vacation day for the absence or make the time up within a month of the absence and at a time convenient to both you and your supervisor. If you do not feel that it is safe to come to work, please make every reasonable effort to inform your supervisor so that work duties can be managed.

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Political Activities and Influence

UTD is a component of a state-wide educational system and, as such, comes under public scrutiny more so than private business concerns. For this reason, the political activities of employees are often associated with UTD, which, as part of the U.T. System, maintains a non-partisan political position.

This being the case, certain restrictions on the political activities of University employees must be maintained:

1. No employee may seek or attempt to use any political endorsement in connection with any appointment to, or preferential treatment or advantage in connection with any appointed position.
2. An employee may not allow his time on the job to be used to influence the outcome of any election or passage/defeat of any legislative measure. This is not to be construed as preventing an employee, having prior UTD administrative approval, from conveying information or facts in his/her hands not deemed confidential by law to a state agency, legislator, official, or other citizen, which is pertinent to that state agency, legislator, official or citizen.
3. Employees may not use state funds to influence the outcome of any election or the passage/defeat of any legislative measure.
4. The use of state-owned vehicles may not be used in connection with any political activity or campaign.
5. If an employee wishes to pursue political activity that may interfere with the discharge of the duties and responsibilities he/she has to UTD, that employee should voluntarily terminate employment. If the employee does not voluntarily terminate employment and it is found that his/her political activity does interfere with the discharge of University duties and responsibilities, UTD may terminate that employee.

State funds appropriated by the Legislature may not be used to pay salaries of those UTD employees who violate the above provisions.
Religious Holidays

Policy

It is the policy of UT Dallas to provide a reasonable accommodation to employees who wish to observe a religious holiday which occurs on a day when the University is scheduled to be open.

Procedure

Employees who wish to observe a religious holiday or holy day on a day when the University is scheduled to be open should schedule their absence with their supervisor as soon as practical.

Supervisors will make every effort to accommodate the employee's request, using the standard that the absence should not create undue hardship in the conduct of University business.

If the absence is approved, the employee's time must be accurately recorded in one of the following ways:

1. The employee may work another day mutually agreed upon by the employee and the supervisor to make up for the day missed. NOTE: This option is not available to FLSA non-exempt employees if working the make-up day will result in the non-exempt employee working more than forty (40) hours in the FLSA work week.
2. The employee may use a floating holiday, if a floating holiday is available during that fiscal year or if the employee carried forward a floating holiday from a prior fiscal year.
3. The employee may use a day of vacation, if available.
4. The employee may request to use a day of compensatory time, if available.
5. The employee may request to be placed on Leave Without Pay.

Authority

Texas Government Code, 662.003 (c) and 662.013.
p.m. and 4:00 p.m., for full-time employees who work from 8:00 a.m. to 5:00 p.m. Supervisors should schedule rest periods for full-time employees working other than the normal work day accordingly.

An employee scheduled to work more than four (4) hours but less than eight (8) hours per day should be granted one (1) rest period per day by his/her supervisor at a time selected by the supervisor.

Rest periods may not be accumulated to be taken at a later date, nor may they be used to shorten the normal work day.

**Telephone Calls**

The University telephone system is intended to service the needs and assist in the conduct of the business of UTD; however, it is realized that employees at work must occasionally make personal calls through this system. This practice will be tolerated for local calls only, if done with restraint and only if the call is absolutely necessary. The use of UTD telephone facilities for personal toll calls charged to institutional phones is strictly prohibited and may result in discipline or dismissal.

**Employee Discount Program**

**Policy Statement**

It is the policy of The University of Texas at Dallas to permit certain designated providers to offer their products and services to UT Dallas employees at a discounted rate under the provisions of an Employee Discount Program (EDP). This policy is intended to be interpreted to comply with the UT System Policy #UTS141, "Guidelines for Employee Discount Programs."

**Scope**

This policy applies to all UT Dallas employees.

**Definitions**

*Provider* is defined as an eligible business entity that is in compliance with applicable UT System Board of Regents’ Rules and Regulations, University policies, and state laws including certification requirements applicable to the provision of a particular service or product.

*Discount Rate* is defined as a discount rate established by a provider that will give employees a meaningful (minimum of ten percent) point-of-sale discount off the retail price of selected goods and services during normal business hours upon presentation of reasonable evidence...
of University employment by a valid employee identification card or other reasonable evidence of University employment when purchasing a product or service.

Procedures for Participation as a Provider

The EDP will be administered via the Internet at http://www.utdallas.edu/hrm/.

Application for participation as a provider will be made on the approved Request to Participate in Employee Discount Program Form (available at the EDP web site). Interested providers must complete the EDP Request Form describing their products or services, the proposed discount rate and all other requested information.

Once completed, the EDP Request Form is reviewed by the EDP Coordinator to determine compliance with provisions of the EDP policy.

If the Applicant's request is denied, the provider will receive appropriate notification. All decisions of the EDP Coordinator are final. There are no appeal rights associated with the Employee Discount Program.

If approved, the EDP Coordinator will authorize the provider's information to be displayed on the University's EDP Web site.

Participation Guidelines for Employees

The UT Dallas Employee Discount Program Web site and all information concerning the EDP will contain a link to this policy and the following disclaimers:

1. Employees of the University are encouraged to compare prices, services and products before purchasing and/or signing any purchasing agreement with the provider.
2. Employees must discuss directly with the provider any questions or concerns that they have with the provider's products or services.
3. Participation by an individual or a business in the UT Dallas Employee Discount Program (EDP) does not constitute an endorsement by the University of the individual or business or the products or services offered by the participating provider.
4. Inclusion of a product or service in the EDP is not a guarantee by the University of the quality or performance of a product or service.
5. The University is not responsible for any disputes arising between a participating provider and an employee as the result of an agreement or transaction entered into between such a provider and the employee.
6. Services and products of the EDP do not constitute compensation to employees.
7. Products and services of the EDP are available on the same basis to all employees of the institution.
8. Specific products and services, as well as the Employee Discount Program (EDP) itself, are subject to discontinuation at any time.

Provider Eligibility and Responsibilities
Product and service providers owned or controlled by University officers and employees may not participate in the Employee Discount Program.

To participate in the EDP, the provider must:

1. Require the employee to present a valid employee identification card or other reasonable evidence of University employment when the employee purchases the product or service.
2. Provide a valid physical mailing address and telephone number.
3. Not offer discounts to products or services such as cigarettes or other tobacco products, gambling services or venues, sexual services or adult entertainment, alcohol, or firearms.
4. Agree to keep its Web site information up to date if it uses a Web site to communicate information to employees regarding prices, products, services and dates discount is being offered.
5. Immediately notify the EDP Coordinator in writing regarding any discount items that have been discontinued or withdrawn.
6. Not solicit on campus or contact an employee in person, via email or by written materials during the employee's workday except as authorized by the EDP Coordinator in compliance with the Regents' Rules and Regulations and UT Dallas policies concerning solicitation.
7. Not disclaim knowledge of or responsibility for the authenticity or legality of their product or service.
8. Comply with applicable Regents' Rules and Regulations, UT Dallas policies, and state law including any licensing or certification requirements applicable to the provisions of a particular service.
9. Will not use the UT System or UT Dallas logos or seals or otherwise imply that participation in the EDP is an endorsement of the provider's product by UT System or UT Dallas.

**No Contract, Agent Relationship, Legal Duty, or Liability**

A provider's participation in the EDP does not constitute or create a contract or an agent relationship between the provider and UT System or UT Dallas and participation as a discount service or product provider is separate and distinct from the provision of any services through a vendor contract with UT System or UT Dallas.

**Cancellation of Program; Discontinuance of Participation or Products and Services**

The University may discontinue the EDP at anytime or discontinue a provider's participation in the program or the provider's ability to offer a particular product or service without advance notice.

Products and services offered through this program do not constitute compensation to eligible employees.
The University may remove a provider from the program based on complaints from employees or for any other reason deemed to be in the best interest of the University and its employees.

Source: UT System BORs' *Rules and Regulations* Series 80103 "Solicitation"; UT System Policy #UTS141 "Guidelines for Employee Discount Programs"

**Policy History**

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**Policy Links**

- Permalink for this policy: [http://policy.utdallas.edu/utdbp3048](http://policy.utdallas.edu/utdbp3048)
- Link to PDF version: [http://policy.utdallas.edu/pdf/utdbp3048](http://policy.utdallas.edu/pdf/utdbp3048)
- Link to printable version: [http://policy.utdallas.edu/print/utdbp3048](http://policy.utdallas.edu/print/utdbp3048)