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Standards of Conduct Guide

SOUTHWESTERN
THE UNIVERSITY OF TEXAS
SOUTHWESTERN MEDICAL CENTER
AT DALLAS

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Letter From the President

UT Southwestern earns its distinction as a premier academic medical center by advancing medical research, providing quality patient care, and delivering top-quality training and education. All of us are proud of our continuing legacy in research, medical care and education. Similarly, we are proud of the high-level commitment of our faculty and staff to integrate compliance awareness and training as part of day-to-day operations.

To date, more than 95 percent of all medical center employees have completed the institutional compliance training. Similar results have been attained in billing and research compliance training. Even though we have made great strides in our compliance program, academic health care remains subject to intense regulatory oversight. Our responsibilities for documentation, data confidentiality and provision of accurate reports are increasingly rigorous.

Programs such as institutional compliance are critical to the long-term success of UT Southwestern. The compliance program is built on each employee's integrity, professionalism, understanding of responsibilities, and endorsement of the highest ethical standards to support the medical center in the practice of medicine, research, and education.

The *Standards of Conduct Guide* affirms the expectation that each employee will conduct his or her activities in compliance with all laws and regulations and with utmost ethical integrity. While this guide is not all-inclusive, it does provide employees with basic information about laws, regulations and World Wide Web resources regarding appropriate workplace conduct. The *Standards of Conduct Guide*, along with *Compliance Notes* (the quarterly compliance newsletter), and institutional and specialized compliance training programs outline operational principles for the ethical standards of the medical center. I encourage you to study the guide and refer to it often.

Thank you for your continued support of the institutional compliance program.

Kern Wildenthal, M.D., Ph.D.
President

UT Southwestern Mission Statement

UT Southwestern's activities are directed toward four goals:

- *To educate future health professionals and scientists.*
- *To remain at the forefront of biomedical research.*
- *To provide compassionate, scientifically-based care for the sick and preventive care for the well.*
- *To provide a continuum of medical education for practicing physicians and medical scientists.*

All employees of UT Southwestern have an obligation to the UT System Board of Regents and the people of the state of Texas to be good stewards of the resources provided to achieve these four goals. This obligation can only be met through your commitment to the highest standards of ethics and compliance with all applicable laws, policies, rules and regulations.

Guiding Principle: “Do What’s Right”

Our guiding principle is simple: *Do what’s right*. Although this principle is simple to write and say, it may be difficult to follow in practice. When you face a tough ethical decision, ask yourself two questions:

1. Will I be violating UT System or UT Southwestern rules and policies, or federal or state laws and regulations?
2. If my actions were described in the newspaper, would they potentially embarrass me or attract negative attention to UT Southwestern?

These two questions should be considered an “ethics test.” The first question focuses on legal standards; the second question focuses on standards of ethics. If you answer YES to either of the questions, immediately contact your supervisor, the medical center’s ethics officer or the compliance officer for guidance about how to proceed.

The Standards of Conduct Guide

The UT Southwestern *Standards of Conduct Guide* is designed to communicate to all employees the university's expectation of ethical conduct and compliance with all applicable laws, policies, rules and regulations. Behaving ethically in the workplace means acting within the framework of moral principles. Ethical conduct and compliance are individual responsibilities, and UT Southwestern holds every employee accountable for his or her own conduct. The *Standards of Conduct Guide* provides an ethical framework in which all of us are expected and directed to operate. Managers at every level are to act as role models for ethical behavior in their departments.

Although the *Standards of Conduct Guide* addresses a number of specific ethics issues, it is not a comprehensive list. Direct specific questions about ethical or compliance issues through normal administrative channels to your supervisor, the medical center's ethics officer or the compliance officer.

The medical center has also contracted with *EthicsLine*, an outside vendor, for a hotline where you may report issues of noncompliance or breaches of ethics confidentially, 24 hours a day, seven days a week. Posters are displayed in departments with the hotline phone number. The hotline and other important phone numbers are listed on page 30, or they can be obtained by calling Institutional Compliance Operations.

UT Southwestern's *Handbook of Operating Procedures*, available in the medical center library and in each department, has details about policies, rules and regulations. The Directory of Web Resources on page 31 has Web addresses for more detailed policy and procedure descriptions accessible via the Internet.

Please be aware that violating federal or state laws or regulations, or medical center policies, may result in disciplinary action, up to and including termination of employment, as well as possible civil and/or criminal sanctions.

Contacts With Government and Outside Investigators

UT Southwestern is committed to complying with state and federal laws; however, the institution's legal rights also must be protected. If you are contacted by an external government agency regarding medical center business, whether at home or in the workplace, immediately notify your supervisor. If the contact is made at home without a search warrant or subpoena, you should request the agent contact you at work the next business day, then immediately contact your supervisor.

Contacts With Media

The vice president for public affairs is the spokesperson for UT Southwestern. If the media contacts you for any reason relating to medical center business, instruct the reporter to contact the Office of News and Publications.

UT Southwestern encourages media requests for expert information about medical advances. Talking to the media is in keeping with the university's mission as a state educational institution to educate the public about health and medicine. It also helps present UT Southwestern in a positive manner and generates support for the institution's programs. If a reporter contacts you directly for an interview, please notify the Office of News and Publications. News and Publications can assist with interview logistics and in presenting your information in a way most helpful to the public.

Public Information

All information collected, assembled, or maintained in the regular course of business – including all e-mail – is considered "public information" and may be available to the public under the Texas Public Information Act, unless specifically exempted under the Act or made confidential by other law. Generally, information that may be exempt from disclosure is limited, and includes certain personnel information (e.g., Social Security numbers, beneficiary information, and upon request home addresses and phone numbers), student educational records, patient information, pre-award bidding information, trade secrets or other proprietary information, and law enforcement or other certain legal information.

Requests for Information

All requests for information under the Texas Public Information Act must be in writing. Because there are strict statutory deadlines, immediately direct all requests for information to the Office of the Vice President for Legal Affairs.

Members of the state legislature or their staff may contact you for information. In fulfilling their requests, always coordinate and clear your responses with the Office of the President.

Verification of Employment

Direct all calls regarding verification of employment to Human Resources. Don't even tell the caller whether the individual is employed with the university. Instruct the requestor to call 214-648-9845. A recorded message will provide instructions on how to obtain verification of employment.

Records and Documents

Accuracy of Records

Employees are responsible for the integrity and accuracy of documents and records under their control. Altering or falsifying information on any official record or document is a violation of medical center policy and may be a criminal offense under *Texas Penal Code §37.10, "Tampering with Government Records."*

Retention and Disposal of Records

The medical center is required to maintain an active and continuing records management program. The program must identify confidential and vital records and ensure their appropriate retention and disposition. You may not tamper with records, or remove or destroy them, except in accordance with the approved retention and disposition policy. If you have questions about specific record-retention requirements, contact the records retention analyst in the Office of Inventory Control.

Billing Compliance

As part of our commitment to conducting medical center affairs in accordance with pertinent laws and regulations, the university has implemented a program to oversee billing activities.

The president of UT Southwestern designated a billing compliance officer in July 1996 and appointed the Billing Compliance Advisory Committee (BCAC) in August of that year. The BCAC, which includes physicians and billing/coding staff members, meets monthly.

The BCAC developed the Billing Compliance Plan and distributed it to all clinical departments. The plan establishes a framework for legal compliance by UT Southwestern with Regents' *Rules and Regulations*; university policies; coding and billing requirements of individual, nonfederal third-party payers, and standards of federal and state health-care programs. The BCAC has also developed and disseminated policies addressing medical record documentation requirements and policies specifically addressing Medicare Part B documentation and billing requirements for teaching physicians.

The Office of Billing Compliance (BCO) was established in January 1997, and is responsible for developing, maintaining and monitoring new and existing rules, regulations, laws and procedures to ensure university compliance with all applicable billing and coding requirements. It works closely with clinical departments to develop appropriate compliance initiatives and assists in training faculty and billing/coding personnel for billing/coding compliance. The BCO reviews overall university compliance with billing/coding rules through annual medical chart audits.

When the BCAC or the BCO identifies a failure to adhere to applicable rules, regulations or policies, it works with the clinical department and faculty member(s) involved to develop and implement a corrective action plan. Corrective action may include the following elements:

- Modification of billing practices;
- Required training for faculty, billing and coding staff;
- Recommendations for refunds;
- Restrictions on billing by faculty members and/or other health-care providers who bill for services;
- Follow-up review and/or investigation; or,
- Disciplinary action, up to and including termination.

Billing compliance training is mandatory for all physicians – including faculty, residents, fellows and interns; other health-care professionals who bill for services; and all billing/coding personnel. The purpose of the training is to ensure all individuals involved in billing/coding are reasonably aware of all applicable statutes, regulations and agency directives; the required standards of business conduct; and the consequences of violations.

Compliance with HIPAA

On Aug. 21, 1996, President Clinton signed into law the Health Insurance Portability and Accountability Act, now known as HIPAA. The law is a response to a nationwide call for health-insurance reform. The purpose of HIPAA is to improve the efficiency and effectiveness of the health-care system and assure protection of personal health information. HIPAA addresses many issues, such as:

- Health-care access.
- Health-insurance portability.
- Prevention of fraud, abuse and waste.
- Administrative simplification.

Administrative simplification, a set of comprehensive and interwoven standards, will cause sweeping changes in the health-care industry. This section of the law can be broken down into three major elements:

- Standards for electronic transactions.
- Standards for information security.
- Privacy standards for individually identifiable health information.

The privacy standards will be the most apparent to patients and health-care providers because they require a change in behavior and common practices. The new regulations are intended to protect medical records and other personal health information – in all forms – maintained by health-care providers, hospitals, health plans, health insurers, and health-care clearinghouses. Under the Privacy Standards, patients have more control over the use and disclosure of their health information and are guaranteed certain rights regarding their health information.

These new rights include:

- The right of access of protected health information (PHI).
- The right to request amendments of PHI to correct inaccuracies.
- The right to receive notice of privacy practices.
- The right to request restrictions of the uses and disclosures of PHI.
- The right to request information about how confidential communications are handled.
- The right to receive an accounting of disclosures.

The entire list of privacy requirements is too long to present here. See the HIPAA Web site, <http://www.utsouthwestern.edu/hipaa>, for a complete listing.

HIPAA will require UT Southwestern to evaluate current practices and determine which work flow processes must be changed or created. Policies and procedures will be developed to support the new process, and sanctions will be put in place for those who violate the rules. HIPAA mandates that anyone who comes in contact with PHI be adequately trained on the Privacy Standards.

UT Southwestern is committed to assuring full regulatory compliance within the time frames established by law.

Patient Confidentiality

Patient confidentiality must be maintained at all times. Both state and federal law prohibit discussing a patient's records or condition with anyone not directly involved with the patient's care. Do not discuss or show the patient's records to anyone, even a close relative, without a signed release from the patient. Be careful not to discuss a patient with an authorized person in elevators or the cafeteria, or anywhere within earshot of unauthorized people.

Workplace Conduct and Employment Requirements

Equal Employment Opportunity

UT Southwestern is committed to the principle that employees do their best work in an environment free from illegal discrimination and all forms of harassment. UT Southwestern complies with all applicable state and federal laws, providing equal opportunity in all areas of employment (recruitment, hiring, training, assignment, compensation, benefits, and promotion) and employee privileges without regard to race, color, religion, sex, national origin, age, disability, or veteran status.

Employees, students, program recipients, service recipients, and applicants for employment or admission as students are to be treated fairly and with respect, and not subjected to harassment or unlawful discrimination. Employees who engage in discriminatory or harassing conduct will be subject to disciplinary action, up to and including termination.

Sexual Misconduct and Sexual Harassment

UT Southwestern is likewise committed to the principle that its work environment should be free of inappropriate sexual conduct. Sexual misconduct involves engaging in inappropriate conduct of a sexual nature (e.g., sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature). Sexual harassment is a form of sexual misconduct that has the intent or effect of creating an intimidating, hostile, or offensive work environment, and can include verbal, nonverbal, or physical gestures or abuse.

Sexual misconduct and sexual harassment are unprofessional behaviors which will not be tolerated, and employees who engage in them will be subject to disciplinary action, up to and including termination.

Reporting Harassment or Unlawful Discrimination

If you believe you have been subjected to any form of harassment or discrimination, including sexual misconduct or sexual harassment, you should report the incident. You may report it to your supervisor, a Human Resources employee representative, the Equal Opportunity & Minority Affairs office, the compliance officer or the independent hotline. Under no circumstances are you required to report the incident to the person who committed the act.

Overtime Compensation

The Fair Labor Standards Act requires that nonexempt employees be compensated for all hours *actually worked* in a work week. Your supervisor must request and receive approval for any overtime before you work it. You also must maintain accurate time records of any overtime worked.

Exempt and Nonexempt Time-Keeping

Benefits-eligible employees must report all vacation and sick-leave time taken in accordance with university procedures. The Fair Labor Standards Act requires nonexempt employees to maintain accurate time and leave records to account for hours worked, vacation, sick leave, comp time, equivalent and unallocated holiday balances. More detailed time-keeping requirements may apply to both exempt and nonexempt employees working on federal grants or contracts.

Family and Medical Leave

Under the Family & Medical Leave Act (FMLA), you may be eligible for unpaid leave of absence of up to 12 weeks per year for the following family and medical reasons:

- Birth of a child and care afterwards, during the child's first year of life.
- Placement of a child with you for adoption or foster care, during the first year of placement.
- A serious health condition of your spouse, child or parent.
- Your own serious health condition when you are unable to perform your essential job functions.

To be eligible under the FMLA, you must be employed by the state of Texas for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the leave. Time on family medical leave is charged to your paid leave and comp time.

You can request family medical leave through your supervisor by completing and submitting an application. Contact WCI/Leave Administration for more detailed information.

Outside Employment

The first responsibility of faculty and staff is to UT Southwestern. Outside employment commitments, whether consulting or other part-time employment, must not interfere with your duties. Both state ethics laws and UT System and university policies govern paid outside employment and volunteer services, such as volunteering with a nonprofit organization or government entity. These laws and

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policies prohibit engaging in outside activities that:

- Could cause financial conflict of interest with UT Southwestern job duties;
- Require disclosure of confidential or proprietary university information;
- Require the use of state resources for personal gain, or;
- Reduce your ability to perform your job duties;

UT System and university policies require all faculty and staff to seek approval of all outside employment. If you are considering any form of outside employment or currently hold outside employment, you must review and follow the procedures outlined in *Human Resources Policy Memorandum No. 1.041*.

Financial Interests

UT Southwestern employees are generally prohibited from engaging in any activities that could reasonably be expected to create a substantial conflict between the employee's private interest and his or her responsibilities as a public employee. This includes a direct or indirect interest in a business, engaging in a professional activity, or incurring an obligation that might reasonably tend to influence one's discharge of official duties. UT Southwestern employees are generally prohibited from transacting official business with business entities that they are officers, agents, or members of. And they may not conduct official business with businesses in which they own a substantial interest. (See more in *Conflict of Interest*, page 28.)

Fraud

Fraud encompasses an array of irregularities and illegal acts characterized by intentional deception. People inside or outside the medical center can perpetrate fraud for the benefit of, or to the detriment of, the medical center. Fraud can take many forms, such as buying personal items with university funds, padding travel expenses, embezzling, or stealing checks or cash. Department heads and primary business administrators are required to take the internal controls class to learn ways of preventing and detecting fraud. They should also be familiar with the comprehensive fraud policy detailed in *Business Procedure Memorandum No. 50-01-02* (see <http://www.utsystem.edu/bpm/50.htm>). Though not required, other employees who have financial responsibilities should also attend the internal controls class.

Report suspected fraud *immediately* to your supervisor, the director of Internal Audit, the executive vice president for business affairs, or the university police department. Or call EthicsLine. The university will thoroughly investigate suspected instances of fraud.

Waste

Waste is the spending of money or use of resources in a careless or inefficient manner. Buying items not needed or paying too much for them are common forms of waste. Discarding usable property and carelessly allowing property to be damaged or destroyed are other forms of waste. Waste includes inefficient or excessive use of expendables such as copier paper, heating, cooling or electricity. Be waste-conscious. Avoid using UT Southwestern resources carelessly. If you see wasteful conditions in your work area, bring them to the attention of your supervisor.

Abuse

Abuse can be defined as improper or excessive spending or use of resources. Abuse may not entail violation of any law, regulation, contract provision or grant stipulation. Abuse results in failure to meet the public's expectations for prudent conduct, and it damages the credibility of the institution.

Some common occurrences of abuse are buying extravagant furnishings for offices or conference rooms, holding expensive dinners or parties, or staging conferences in exotic places. Though these practices may not be illegal, they waste the university's valuable resources and erode public confidence in the institution. They must be avoided.

Protecting the Environment

Although environmental regulations may sometimes add time and difficulty to daily tasks, they are designed to keep the air, water and earth free of contaminants harmful to UT Southwestern employees and the public. UT Southwestern will work to preserve natural resources to the full extent reasonably possible, and will operate its facilities with all necessary permits, approvals and controls. All employees are responsible for the university's compliance with environmental laws and regulations. Investigators and supervisors should be sure their employees know and follow proper procedures for handling and disposing of hazardous materials and regulated waste.

Accidents resulting in chemical spills or radioactive or biological contamination must be reported to the Environmental Health and Safety office at once.

Health and Safety

Safety is everyone's business. An unsafe moment can cause a lifelong disability or death. Be alert to unsafe working conditions and correct them immediately, or report them to your supervisor.

- All employees must take the fire and life safety class offered by the Environmental Health and Safety office. Personnel who work with hazardous chemicals, radioactive materials or lasers must also take environmental health and safety classes.
- Observe fire-safety rules and adhere to accepted safety practices when handling chemicals and radioactive materials.
- Washing hands and wearing personal protective equipment – gloves, masks, goggles or face shields – are basic to safety. Personal protective packets are available in all clinics. Use them.

Report even minor injuries to your supervisor immediately. The supervisor must promptly complete the *First Report of Injury* form and submit it to the WCI/Leave Division of the Office of Human Resources.

Specific clinical areas have their own safety considerations. Clinic supervisors and managers should be vigilant for unsafe conditions and work practices. They should reinforce the use of personal protective equipment and safety products, and require their employees to take all available safety training applicable to their jobs. Whenever possible, you should use needle-free products, or products that retract or cover the needle after use, to eliminate risk of exposure to blood-borne pathogens.

Report exposure to blood-borne pathogens to Ambulatory Services administration immediately, according to the blood-borne pathogen protocol. Report respiratory diseases noted in the clinic to Ambulatory Services administration.

Drug-Free Workplace

UT Southwestern is required by federal law to notify all employees that the unlawful manufacture, sale, distribution, dispensing, possession or use of a controlled substance in or on any property owned or controlled by UT Southwestern is prohibited. A controlled substance is any substance so defined by federal or state statute or regulation.

Any employee found guilty – including a plea of no contest – or has a sentence, fine, or other penalty imposed by a court of competent jurisdiction under a criminal statute for an offense involving a controlled substance that occurred in or on any property owned or controlled by UT Southwestern, or while conducting UT Southwestern business off-campus, shall report such action to his or her supervisor within five (5) days.

Any employee who unlawfully manufactures, sells, distributes, possesses or uses a controlled substance in or on any property owned or controlled by UT Southwestern or while conducting UT Southwestern business off-campus will be subject to disciplinary action, up to and including termination, regardless of whether such activity results in the imposition of a penalty under a criminal statute.

Possession or Use of Alcohol

The possession or use of alcoholic beverages on UT Southwestern property is prohibited without the prior written consent of the university president. Except as otherwise provided by law, no state funds shall be used for the purchase of alcoholic beverages.

Smoking Prohibition

Smoking is prohibited in all UT Southwestern buildings, including private offices. A limited number of specifically designated smoking areas represent the only exceptions to this policy. Employees found smoking in areas other than those specifically designated and posted will be subject to disciplinary action, up to and including termination.

Possession of Lethal Weapons

Possession of firearms, explosives or other lethal weapons on property owned or controlled by UT Southwestern, including in personal automobiles, is prohibited. Employees who violate this policy may be subject to criminal prosecution and/or disciplinary action, up to and including termination.

Use of UT Southwestern and State of Texas Resources

Contracts

Only employees expressly authorized by the president may sign contracts on behalf of UT Southwestern. Such authorizations must be documented in delegation of authority letters signed by the president. The Office of Contracts Management maintains a list of authorized signatories for various types of contracts. Contact the Office of Contracts Management *beforehand* to verify whether a particular employee may sign a contract on behalf of UT Southwestern. Agreements signed by unauthorized persons may be judged void and unenforceable.

Purchasing

All University purchases must comply with UT System and UT Southwestern purchasing and bidding procedures. Employees who make purchases on behalf of UT Southwestern must make every effort to obtain the best value for each dollar of expenditure, and no bidder or individual offering a sale may receive any special consideration. Employees who make purchases on behalf of UT Southwestern may not accept any personal gifts or gratuities that might in any way result in an obligation to individuals or firms seeking business from UT Southwestern. UT Southwestern shall abide by the Historically Underutilized Business (HUB) purchasing good faith effort.

Purchases from or sales to a UT Southwestern employee (or the employee's spouse) must have the prior approval of the university president and appropriate UT System vice chancellor or the UT System chancellor. Purchases from a UT Southwestern employee are allowed only if they cost less than from any other known source. This policy does not apply to sales or purchases made at public auction.

Personal Purchases

Some vendors of gift items or other personal items target educational institutions with on-line sales promotions, and some will only take orders from customers affiliated with an educational institution, such as UT Southwestern. Employees may not open personal accounts with these vendors, because the invoice will be sent to the university for payment. Employees who do open these accounts may be subject to disciplinary action.

UT Southwestern employees should not order any items for billing or delivery to the university unless making a valid purchase on behalf of the university with a purchase order, PRO form or procurement card.

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Personal packages should not be sent to UT Southwestern. If personal packages are received, the receiving department will send them to the mailroom where employees may pick them up.

Stewardship of State-Owned Property

The university entrusts tools, equipment, and supplies to its employees to enable them to do their jobs. Under state law, it is illegal for state employees to intentionally or knowingly misapply a "thing of value" belonging to the university that is in his or her possession by reason of his or her employment in order to obtain a benefit or harm another person. In other words, university assets – such as telephones, computers, office supplies, credit cards, software, machines, vehicles, and other tools and equipment – may only be used for business-related purposes, and personal use of university assets is generally prohibited.

State law requires telephones to be used for institutional purposes. Incidental use for local personal calls or messages not interfering with work responsibilities, however, is not considered misapplying a "thing of value." Personal long distance telephone calls should not be charged to the University, and must be reimbursed by the employee if charged inadvertently.

Employee time, like other tools, equipment, and supplies, is considered a "thing of value" belonging to the state. Employees may not use work time for personal business.

Employees must take *reasonable care* to prevent the loss, theft or damage of all resources assigned to them. Under Texas law, employees can be required to pay for university property that is lost, stolen or damaged through their negligence. Report missing or stolen property to the university police immediately.

Employees should lock their offices or labs whenever they leave, even if for a short period. Keep storage areas locked at all times. Employees doing maintenance or construction should take care not to leave tools and materials unattended.

Laptop computers require special diligence because they are often used off campus, and their high value and small size makes them frequent targets for theft. When in use, laptops should be fastened with a security cable to a fixed object. Never leave a laptop unattended. If left in a car, the laptop should be locked in the trunk or otherwise secured out of sight. Never leave a laptop in a vehicle during hot weather, since it can be permanently damaged.

Data stored on computers is also property of UT Southwestern, and employees must protect it from loss due to computer failure or virus infection. Data stored on hard drives should be backed up at regular intervals. Store the back-up disks or tapes in another location. Be sure your computer has *up-to-date* virus and firewall protection

software and run virus scans frequently. Beware of e-mail attachments and shareware from unknown sources. They can be used as vehicles for viruses that can destroy valuable data.

UT Southwestern tools and equipment may not be removed from university premises without permission. To obtain permission, a *Removal of Equipment from Campus* form must be completed and approved by the department head. The form must be sent to Inventory Control and a copy of it kept with the equipment at all times.

Information Security, Access and Acceptable Use

All employees are responsible for maintaining the security and confidentiality of UT Southwestern information resources. The university's information resources may only be used for official business, and employees may access or disclose confidential and sensitive information only if permitted by contract, state or federal law or regulation, the scope of the employee's job, or approved medical center policy.

Computer systems at UT Southwestern automatically require you to change your password periodically. Change it any time you suspect someone else has learned your password. Compose your password with a combination of letters and numbers, and do not use a name or complete word. Avoid writing your password down. If you must write it down, store it where it cannot be found by anyone else, including co-workers.

University policy prohibits disclosing your passwords or identification codes to anyone, including co-workers, supervisors and family members. Do not leave your computer unattended while you are logged on. If someone else uses your password or unattended computer, you are responsible for any harm the person does with it. Knowingly accessing a network or computer system without the effective consent of the owner (hacking) is prohibited.

Internet and e-mail usage is subject to applicable state and federal laws as well as UT Southwestern policies regarding confidentiality, information dissemination, or standards of conduct. Internet access and e-mail should not be used for any purpose unrelated to official UT Southwestern business or to UT Southwestern's missions.

Use of the Internet and e-mail for personal reasons is acceptable only when the use does not interfere with work or academic responsibilities, and only if incidental amounts of time – time periods comparable to reasonable coffee breaks during the day – are used.

Use of Internet access or e-mail for any personal financial gain or illegal purpose is prohibited. Inappropriate use, including communication of any racist, sexist, threatening, harassing, obscene, or otherwise offensive, discriminatory or

derogatory material also is prohibited. Failure to abide by these policies may result in Internet or e-mail privileges being withdrawn, or in disciplinary action, up to and including termination.

UT Southwestern treats all e-mails sent or received through its systems as university property and subject to university examination. No employee, however, may examine the e-mail of another employee without the employee's permission or without prior written approval of the executive vice president for business affairs or the president. E-mails and Internet-related information and records, including Internet path records, may be subject to the Texas Public Information Act, and may be disclosed by the university upon request.

Sometimes using the Internet results in your receiving unsolicited e-mail advertisements (SPAM). Information Resources attempts to intercept such e-mails before they are delivered to your Groupwise account. If you receive SPAM, please forward it to Abuse@mednet.swmed.edu.

For further information about information Security, consult the *Information Security Manual*, available on the Information Resources home page, <http://inside.utsouthwestern.edu/irhome/>.

Copyright and Intellectual Property

Intellectual property is the product of the human mind. It includes inventions and discoveries, literary and artistic works, trademarks and logos, commercial and architectural designs, and computer software. Intellectual property is an important asset of UT Southwestern.

The UT System Intellectual Property Policy defines who may own intellectual property created at the university. Intellectual property created as part of someone's employment, supported by federal funds, or using UT Southwestern's resources, funding or time, belongs to UT Southwestern. All rights to the intellectual property discovered/developed by UT Southwestern personnel and others using medical center facilities or resources must be assigned to UT System. An important exception to this general rule relates to "scholarly works," such as, scholarly, educational, artistic, musical, literary or architectural work in the author's field of expertise. Students, professionals, faculty, and non-faculty researchers usually may retain copyrights for their scholarly works.

Faculty, staff and students must disclose to UT Southwestern inventions created in the scope of work at UT Southwestern prior to public disclosure by filing an *Intellectual Property Questionnaire* with the Office for Technology Development.

National and international copyright and patent laws protect intellectual property. Using another's intellectual property without express permission is illegal and prohibited by UT Southwestern.

Copyrighted Materials

Copyright laws exist in part to prevent unauthorized copying of books, periodicals and other materials without the consent of the author or copyright owner. Most works should be considered copyright protected, whether they contain a copyright statement or not. Copyright laws have changed since 1976 to protect works for a longer period. Older works may no longer have copyright protections, but do not assume they are in the public domain without thorough investigation.

Though a "fair-use" exception exists for certain educational purposes, it is extremely limited, and there is no unanimous agreement on its boundaries. Do not assume what you believe is fair use of a work actually is a permissible fair use under copyright law. If you are at all uncertain whether the fair-use exception applies, contact the Office of the Vice President for Legal Affairs.

Computer Software

Computer software is almost never sold outright. The software producer merely sells a license to use it. Employees who use software licensed to UT Southwestern must abide by all software license agreements and may not make copies of the software unless the agreement permits it. Installing licensed software on more than one computer is illegal, unless the license expressly provides for more than one installation. If software is to be used on multiple computers, the appropriate licenses must be purchased.

Even “shareware” is copyrighted and is not free. Do not assume any software is free unless its publisher specifically says so.

Digital Millennium Copyright Act

The *Digital Millennium Copyright Act of 1998* (DMCA) is federal law, and UT Southwestern employees must abide by it. The DMCA protects copyrighted digital materials, such as software, e-books and courseware. It prohibits circumventing measures designed to prevent unauthorized copying of digital material or tampering with the integrity of copyright management information. The DMCA prohibits making or selling devices or services to facilitate unauthorized access to a copyrighted work or unauthorized copying of a copyrighted work. There are certain exceptions to these prohibitions that permit reverse engineering, encryption research, or determination by a nonprofit library or educational institution if it wishes to purchase the work. These exceptions are strictly limited and you should consult the Office of Legal Affairs before taking advantage of them.

The DMCA allows making a copy of copyrighted software when necessary in repairing a computer. However, only one copy may be made, and it must be destroyed as soon as the repair is completed.

Under the DMCA, nonprofit libraries or archives may make up to three copies of a copyrighted digital work for interlibrary loan or preservation. The copies must not be made available to the public outside the library premises. An archive or library may copy a copyrighted digital work into another format, if the original format becomes obsolete and the equipment used to read it is no longer available.

Political Activities and Contributions

Employees, at their own discretion, may participate in political activities; however, UT System Regents' *Rules and Regulations* and state law prohibit the use of state time and equipment for political activities. In addition, an employee may not support or oppose (in writing or orally) legislation or candidates for public office while acting in his or her capacity as a UT Southwestern employee.

Employees may make political contributions of their own funds. Political contributions from any source of UT Southwestern funds are strictly prohibited.

Gifts and Gratuities

Both state law and UT Southwestern policy prohibit accepting or soliciting any gift, favor or service that might reasonably appear to influence the way you discharge your official duties, or that someone offers with the intent of influencing you. Under certain circumstances, accepting or soliciting gifts, favors, or services may constitute a criminal offense.

There are three exceptions to this general prohibition regarding gifts. First, you may receive gifts of nominal value, as long as they are not given in exchange for any specific action on your part, and they are less than \$50 in value (such as T-shirts, caps, mugs, pens, or other small promotional items).

Second, a gift may be acceptable if it's from someone with whom you have a prior, independent relationship, and the gift is given only on account of that relationship.

Third, a gift may be exempt if it's (1) in the form of food, lodging, transportation or entertainment; and (2) you are a guest of the donor; and (3) the donor is present when you use the gift.

Ethics in Research and Scientific Misconduct

UT Southwestern strives to create a climate conducive to high ethical standards in conducting research. Fraud or misconduct in research damages the reputation of those involved and that of the entire educational community. Research misconduct and fraud may take the form of fabrication, falsification, plagiarism or other practices that materially deviate from those commonly accepted by the academic community.

Any suspected misconduct should be immediately reported to the dean of the medical school and/or the associate dean for research.

Conflict of Interest

Faculty must file annual financial disclosure statements with the conflict of interest office. They must disclose any equity, consulting positions and seats on scientific or advisory boards they (or their immediate family members) hold that may result in a conflict of interest with their research. Investigators must disclose all investments and consulting relationships in case a holding or relationship becomes a potential conflict of interest in the future.

The federal government considers equity valued at \$10,000 or greater or 5 percent ownership interest in a company, or cash payments of \$10,000 or greater from a company, to be a significant financial interest that could create a potential conflict of interest. When a researcher submits a protocol to the Institutional Review Board (IRB), the IRB will ask about conflict of interest and will notify the conflict of interest office of the submission. A researcher with an equity position in the contracting company that exceeds the threshold will be excluded from serving as principal investigator.

While serving on pharmaceutical company scientific advisory boards may be appropriate, researchers should avoid positions with private firms that entail decision-making on financial expenditures.

Research with Human Subjects

Safeguarding human subjects in research is of utmost importance. When designing a study, investigators should think first about the study's impact on the human subjects participating.

If you are involved in human subject research, you must have training in the policies protecting the rights and welfare of human subjects in research. This requirement applies to all employees at the following institutions who conduct or collaborate in research using human subjects or private information about humans:

Children's Medical Center of Dallas
Moncrief Cancer Center
Parkland Health & Hospital System
Retina Foundation of the Southwest
St. Paul University Hospital
Texas Scottish Rite Hospital for Children
The University of Texas Southwestern Medical Center at Dallas
Zale Lipshy University Hospital

The Institutional Review Board (IRB) office maintains training records for determining the investigator's qualifications for conducting human subject studies. You must have on file proof you have taken the training if:

- You interact directly with participants in any aspect of a research activity;
- You conduct or supervise research using human subjects or containing protected health information about human subjects in connection with your institutional responsibilities;
- You conduct or supervise research using human subjects or containing protected health information about human subjects, and you use any property or facility belonging to any of the institutions listed above;
- You use nonpublic information kept at one of the institutions listed above to identify or contact human research subjects or prospective subjects;
- You conduct research using human subjects or protected health information about them at an institution listed above or anywhere else;
- You collaborate on any part of a research activity using human subjects conducted at an institution listed above or anywhere else; or
- You have access to subjects' research records, the identity of participants in research, or to medical records or other protected health information used in a research activity.

Consult the IRB office for details about training options.

UT Southwestern currently has four IRBs in place for human subject research. The IRBs have a compliance staff that visits all research sites to ensure their activities conform to the protocols approved by the IRB and that signed consent forms for all human subjects are on file.

If an investigator checks the human subject box on a federal grant application, the database will be checked to ensure the investigator has the appropriate training. A letter listing the investigator's dates of training, signed by the investigator and the associate dean for research, must be included with the application.

Medical Center Contacts for Compliance Issues

Associate Dean for Research	Perrie Adams, Ph.D.	214-648-2258
Billing Compliance Office	Dieter Lehnortt	214-648-6104
Compliance Officer	John Roan	214-648-3572
Conflict of Interest Office	Perrie Adams, Ph.D.	214-648-3935
Environmental Health and Safety	José Lopez, Ph.D.	214-648-2250
Equal Opportunity and Minority Affairs Office	Vernon Mullen	214-648-4343
EthicsLine	Phone	800-500-0333
	Fax	800-500-0993
Ethics Officer	Leah Hurley	214-648-2389
HIPAA Privacy Officer	Jacqueline Mutz	214-648-0207
Institutional Compliance Operations	Al Thibodeau	214-648-6123
Office of Human Resources	Abby Freeman	214-648-9811
Office of Internal Audit	Bob Rubel	214-648-6106
Office of Legal Affairs	Leah Hurley	214-648-2389
Office of News and Publications	Philip Schoch	214-648-3404
Office of Public Affairs	Roy Bode	214-648-7500
Records Retention Officer	John Roan	214-648-3572
Safety Officer	José Lopez, Ph.D.	214-648-2250
University Police	Larry Coutorie	214-648-8311

Directory of Web Resources

Contacts with Media and Investigators - <http://www.utsystem.edu/BPM/32.htm>

Copyrighted Materials -

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

Drug-Free Workplace - <http://www.utsystem.edu/systempolicies/drugwork.htm>

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

Ethical Standards - <http://www.utsystem.edu/OGC/>

Financial Interests - <http://www.utsystem.edu/systempolicies>

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

Health Insurance Portability and Accountability Act (HIPAA) -

<http://www.utsouthwestern.edu/hipaa>

Honorarium - <http://www.utsystem.edu/ogc/ethics/guidenew.htm>

Intellectual Property -

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

Policy for the Use and Protection of Information Resources -

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

Political Activities - <http://www.utsystem.edu/systempolicies/politics.htm>

Records Retention - <http://www.utsystem.edu/systempolicies/record.htm>

UT Southwestern Human Resources Policies - <http://hr.swmed.edu/Policy%20memoranda/Policy%20Memorandum/hrpolicy.htm>

UT Southwestern Purchasing Policies - http://www3.utsouthwestern.edu/materialsmanagement/p_acquir.htm

UT System Board of Regents - Rules & Regulations -

<http://www.utsystem.edu/bor/rules/homepage.htm>

- **Contracts and Agreements** - Part Two, Chapters 11 and 13
- **Equal Opportunity** - Part One, Chapter 1, Section 10.2
- **Family and Medical Leave** - Part One, Chapter 3, Section 16.7
- **Gifts and Gratuities** - Part Two, Chapter 4, Section 1.4
- **Intellectual Property** - Part Two, Chapter 12
- **Outside Employment** - Part One, Chapter 3, Section 13
- **Overtime Compensation** - Part Two, Chapter 5, Section 2.1
- **Sexual Harassment** - Part One, Chapter 3, Section 4.8

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