



Standards of Conduct Guide

UTRGV™

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Contents

A Message from the President	3
Defining Who We Are	4
Our Standards	6
Our Commitment	7
Leadership Competency Model.....	8
Background.....	8
Our Framework	9
Rights & Responsibilities	10
Raising Concerns	10
Non-retaliation.....	11
Working at UTRGV	12
Professional Behavior.....	12
VKind	13
Sexual Misconduct.....	14
Safe and Healthy Workplace.....	15
Drugs, Alcohol, and Tobacco-Free Campus	16
Fraud	17
Declining Gifts, Gratuities, and Kickbacks	18
Responsible Use of Resources.....	18
Avoiding Conflict of Interest and Commitment	19
Political Activities	21
Faculty Rights & Responsibilities.....	23
Privacy, Confidentiality & Security.....	25
The HIPAA Privacy Rule.....	26
Protecting PHI.....	27
Patient Rights	28
Student Confidentiality.....	29
Record Retention.....	30
Information Security	31
Social Media	32
Billing & Coding Integrity	33
Scientific Integrity	34

A Message from the President

Dear UTRGV Family:

UTRGV promotes student access and success by building strength in education and creating a vibrant campus experience. Essential to our success is an absolute commitment to conduct university activities with honesty, integrity, and fairness. UTRGV is dedicated to upholding the highest ethical standards in academics, health care, research, and all university sponsored activities. The federal, state, and local regulations that govern our activities are increasingly complex, and as the University's activities expand in size, scope, and prominence, it is important that all of us understand relevant policies and know what is required in terms of compliance and reporting.

In our *Standards of Conduct*, we discuss the fundamental beliefs, principles, and expectations of everyone at UTRGV. All members of the UTRGV community (employees, students, vendors, contractors, and affiliates) are expected to exercise responsibility appropriate to their positions and delegated authorities. They are responsible for their actions and decisions to each other, UTRGV, and the public. Each person is expected to conduct business using sound judgment and serving the best interests of the UTRGV community. We encourage a spirit of collegiality and mutual respect among all members of our community in pursuit of our shared goals.

When we all “do the right thing” as a UTRGV community, we can achieve our goals, fulfill our mission, and promote the public's trust and confidence in our institution. I want to thank you for adhering to these standards and making ethical decisions that help us stay true to our core values and institutional responsibilities.

Respectfully,



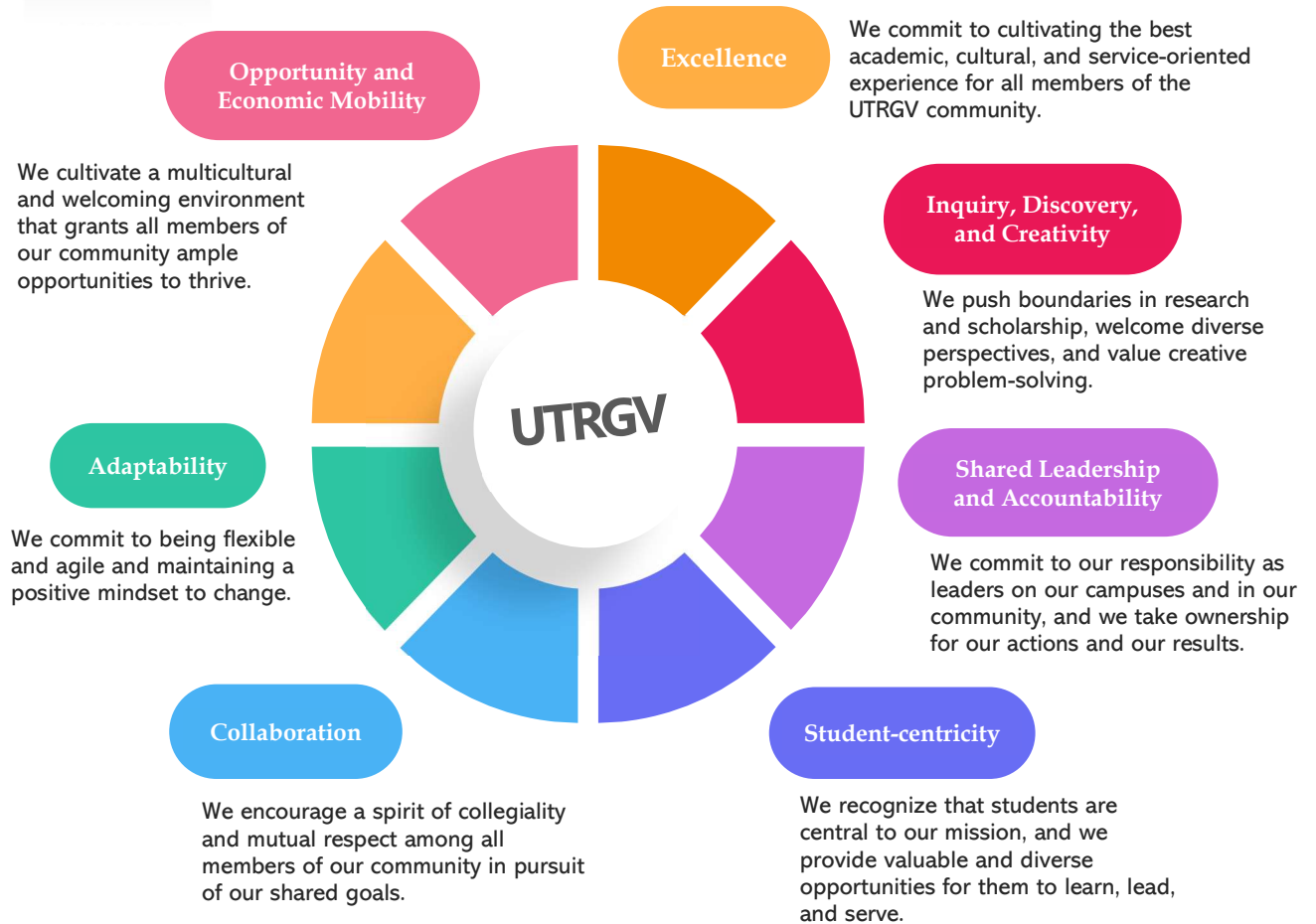
Guy Bailey, Ph.D.
President



Dr. Guy Bailey, UTRGV President

Defining Who We Are

Core Values.



Our Purpose

Transform the Valley, transform the Americas, and transform the world through education.

Rallying the Valley

Excellence throughout the university and in everything we do.

Guiding Principles

Prioritize student access and success and cultivate deep ties within the communities that surround our distributed campuses.

Ethical behavior is doing
the right thing when no
one else is watching – even
when doing the wrong
thing is legal.

Aldo Leopold

(American writer and philosopher)

Our Standards

Why do Ethics Matter?

Ethical conduct is a fundamental expectation of every member of the UTRGV community. We are committed to upholding the highest standards of ethical conduct in everything we do. UTRGV values integrity, trust and credibility, respect for the individual, a culture of open and honest communication, and requires all operations to be conducted with accountability and transparency.

We apply these principles and standards in the course of our daily work. By faithfully observing them, we safeguard the honor of public service and the reputation of our institution. Through them, we hold ourselves and each other accountable for the integrity of our service to our community.

Why do we need standards of conduct?

The *Standards of Conduct* will give you directions and the tools you need to do the right thing and make the right decisions for everything you do at UTRGV. Our standards align with the institution's purpose, guiding principles, and core values.

All members of the UTRGV community are expected to exercise responsibility appropriate to their positions and delegated authorities. All employees should become familiar with and understand policies, procedures, guidelines, laws, and regulations bearing on their areas of responsibility. Each person is expected to conduct business using sound judgment and serving the best interests of the UTRGV community.

Who must comply with our Standards?

All members of the UTRGV community (employees, students, vendors, contractors, and affiliates) must comply with our *Standards of Conduct*.

When Standards are violated - now what?

If someone violates our policies or the *Standards of Conduct*, the impact could damage UTRGV's reputation, compromise UTRGV community safety, threaten our financial health, and decrease public trust in our institution. As a member of the UTRGV community, you are responsible for your actions and decisions. You are obligated to follow the Standards and report any violations or potential violations. Any decision made by UTRGV because of your violation will be prompt, fair, and consistent. It can also result in disciplinary action up to and including termination of employment. Depending on the severity of the issue, there can be civil or criminal penalties for the individuals involved and for UTRGV.

DO THE RIGHT THING

If you are faced with a tough decision, take a simple "ethics check" by asking yourself three questions:

Is it legal?

Will you be violating the UTRGV rule, institutional policy, or federal or state laws or regulations? If so, don't do it.

Is it fair, honest, and balanced?

Will all parties be treated fairly? You should avoid unfair, one-sided decisions. Would your decision still feel right if you were in the other person's shoes?

How will I feel when it is done?

Does the decision go against your own innate sense of what is right? If your actions were published in the newspaper, would you feel good about it?

If an ethical decision fails the ethics check, don't do it. Always refer to your moral compass when you are unsure, and seek guidance from your supervisor, Human Resources, or Institutional Compliance before you act.



Our Commitment

As a member of the UTRGV community, your commitment to ethical service is vital to performing your work and supporting the institution's mission with honesty, integrity, and fairness. Fulfilling the expectation of ethical service requires:

Awareness

Becoming familiar with the principles, rules, and laws that define what is and isn't appropriate conduct. Failure to comply can have serious consequences both for the individual and for UTRGV, affecting reputation, finances, or the health and safety of employees, students, and others.

Engagement

Cultivating habits of asking questions and seeking advice. Nobody has the authority to make you do anything that violates our Standards, our values, or the law. We emphasize integrity over performance. Exercise good judgment, act with integrity, and be honest.

Accountability

It is extremely important to act in ways that reflect the expectations of public service and to hold ourselves and each other accountable. It is always the right thing to do to speak up if you observe or suspect misconduct or unethical behavior.

ETHICAL BEHAVIOR MEANS
BEING HONEST, TELLING
THE TRUTH, AND DOING
WHAT YOU SAID YOU WERE
GOING TO DO.

-BARBARA JORDAN



Leadership Competency Model

Background

A Leadership Competency Model was developed to create a framework that outlines the knowledge, skills, and behaviors needed to be a successful leader at UTRGV. The model focuses on broad leadership competencies (Leads Self, Leads Others, Delivers Results) that apply to all leaders, no matter the level or specific role - everyone supervising others is a people leader. Cultivating these competencies for yourself and your team is essential.

Our Framework

We Live Our Mission

- Understand our mission, our values, and exemplify them.
- Set goals for our future and commit to them wholeheartedly.
- Be enthusiastic about our culture.
- Allow time to reflect on our employees' successes.

We Are Resilient

- BE RESILIENT and others will follow.
- View adversity as an opportunity for growth.
- Demonstrate courage when facing uncertainty.
- Guide and encourage through periods of change.

We Build Trust

- BUILD TRUST in your team and results will follow.
- Listen to concerns and seek meaningful feedback.
- Be approachable and create a positive atmosphere.
- Act with consistency and follow through on achievable promises.

We Communicate Effectively

- Talk to one another with respect and transparency.
- Practice empathy and understanding.
- Consider all points of view and encourage teamwork.
- Engage in polite, appropriate, and prompt communication.

We Are Effective Decision Makers

- Research, plan and execute.
- Enable flexibility in implementation of actions.
- Prepare alternative solutions.
- Gather input from a range of sources; encourage team thinking.

We Build Organizational Talent

- Hire based on merit (knowledge & expertise) and potential for growth.
- Develop talent through consistent training and thorough feedback loops.
- Discuss career goals and create steps for progression.
- Utilize resources to maximize employee output.

We Act with Integrity

- Be an ethical leader by maintaining a moral compass and by modeling ethical behavior.
- Care for and support our employees.
- Follow all rules, policies, and procedures.
- Take ownership of mistakes and view them as learning opportunities.
- Be reliable, fair, and authentic in our actions.

We Inspire

- Create a supportive culture and empower our employees.
- Share success stories and collaborate on our vision.
- Show love for what we do.
- Display dedication and passion through our actions and communications.



Raising Concerns

If you observe or experience conduct that falls short of our high standards or have any compliance concerns, be courageous and speak up. UTRGV takes all reported concerns seriously. There are many ways to raise concerns.

Start local

Your immediate supervisor or department manager.

Reach Out

If you are uncomfortable going to your supervisor, reach out to Human Resources (HR), Faculty Ombudsperson or the Compliance Office.

Stay Anonymous

If you wish to raise your concern anonymously, you can use our Compliance Hotline, (877) 882-3999 or EthicsPoint website, utrgv.ethicspoint.com. The Compliance Hotline will document your concerns in detail and forward them to the Compliance Office.

What happens next?

Regardless of how you choose to report, your concern will be reviewed. Any information you provide will be shared only with people who need to know to help resolve the issue.

If the concern is substantiated, HR will make a recommendation to the individual's manager regarding what, if any, disciplinary action is needed using the UTRGV policies and guidelines. The reporter will be notified when the matter is resolved, although details of the outcome or corrective actions will likely not be shared to protect the confidentiality of the investigation.

Faculty and staff are encouraged to “do the right thing” and uphold the *Standards of Conduct*.

Non-retaliation

UTRGV does not tolerate retaliation against anyone who makes a good faith report of suspected misconduct or otherwise assists in an inquiry or investigation. Every reported concern is treated seriously.

What is “good faith”?

Sharing a concern in good faith means that you reasonably believe that the reported activity occurred or may have occurred.

See HOP at <https://www.utrgv.edu/hop/policies/adm-04-301.pdf>

Our Commitment to encourage reporting.

- We encourage reporting by not tolerating retaliation in any form.
- We address all suspected retaliation.



Working at UTRGV

Professional Behavior

All members of the UTRGV workforce are expected to behave in a manner that is consistent with professional, courteous conduct and supportive of excellence in the workplace. Unacceptable behavior includes demeaning, disruptive, or threatening actions or any actions that interfere with the ability of others to do their jobs. Any such behavior will not be tolerated and should be reported to management.

UTRGV is committed to treating each employee with respect and dignity and expects the same of its employees. As an equal employment opportunity employer, UTRGV does not unlawfully discriminate. We are committed to ensuring that all aspects of employment, including recruitment, promotion, compensation, benefits, and training are based on equal employment opportunity principles. Do not be afraid to do the right thing.

VKind



The goal of Vkind initiatives is to bring everyone at UTRGV together in a kind, civil, and respectful way and to remind everyone that their choices matter and make a real difference in the way we work together. VKind encourages skill building to foster civil discourse and respect to promote individual and community excellence.

Civility is manifested by the following behaviors:

- We will not be afraid to do the right thing.
- We will share ideas, raise questions, and express differences of opinion in a civil manner.
- We will listen respectfully while others share their ideas, allow the speaker to complete his or her thoughts, and be open to considering new approaches.
- We will not raise our voices at each other.
- We will not use a public forum to intentionally create discomfort, disruption, or embarrassment for our colleagues regardless of position, rank, or title.
- We will not curse or use terms that are derogatory to race, ethnicity, gender, age, sexual orientation, or religion.
- We will be sensitive to the impact of tone, language, and content of our written communication, including electronic communication.
- We will respect confidentiality, avoid gossip, and take care not to spread untruths or undermine the professional credibility of our colleagues.
- We will be open to the contributions and talents of people who may not look, sound, speak, or act as we do.
- We will praise in public and share constructive criticism in private.
- We will treat everyone equitably and with respect regardless of their title, and place the same expectations for civility regardless of position, rank, or authority.
- We will check our own behavior and treat everyone with dignity and respect.
- We will get involved. We will not ignore disrespectful or inappropriate behavior of any kind at UTRGV. If it feels safe to do so, tell the person to stop. If you're uncomfortable approaching the person directly, talk to your supervisor, HR, or the UTRGV Compliance Office, or use our anonymous compliance hotline at (877) 882-3999.



Sexual Misconduct

The educational and working environment at UTRGV should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment, which include sexual advances or requests for sexual favors are prohibited. Verbal or physical conduct of a sexual nature that interferes with work performance or creates an intimidating, hostile, or offensive work environment will not be tolerated. Additionally, romantic, or sexual relationships between faculty and their students are prohibited.

UTRGV is committed to maintaining an environment free of sex discrimination, and all employees are designated as Title IX Responsible Employees. Title IX Responsible Employees **must** inform the Title IX Coordinator or a Deputy Coordinator whenever they receive a report of sexual misconduct.

You can submit a report to the Office of Title IX and Equal Opportunity.

See Office of Title IX & Equal Opportunity at <https://www.utrgv.edu/equity/index.htm>

For confidential support resources, visit the Office for Advocacy & Violence Prevention at <https://www.utrgv.edu/oavp/services/advocacy-services/index.htm>

What creates a hostile environment in the workplace?

Visual

- Sexually suggestive pictures, photos, cartoons
- Lewd emails or texts

Physical

- Sexual advances
- Fondling
- Shoulder massages
- Pinching
- Grabbing
- Lewd hand gestures
- Leering

Verbal

- Suggestive comments
- Off-color jokes
- Comments on physical attributes
- Discussion of sexual exploits
- Lewd voice mail messages



Safe and Healthy Workplace

UTRGV strives to create a safe and healthy environment for its employees. It is our policy to comply with all environmental laws and regulations pertaining to our operations. We will act to preserve our natural resources, comply with all environmental laws, and operate within all rules and regulations.

The biggest influence on workplace safety is our UTRGV community members, who are alert and aware, model safe work practices, and look out for our campus community every day. Make sure that you become familiar with and understand how our safety policies and practices apply to your specific job responsibilities and seek advice from your supervisor whenever there is a question or concern.

Employees must immediately report workplace injury or unsafe or unhealthy working conditions to their supervisors or to EHSRM.

The Department of Environmental Health, Safety & Risk Management (EHSRM) provides training sessions to the UTRGV community to align with the UTRGV mission. To learn more, you can access EHSRM at <https://www.utrgv.edu/ehsrn/> or call (956) 665-3690.

Protect yourself and others.

Comply with all health and safety regulations, policies, and procedures, and become familiar with any hazards in your work environment.

Act Safely. Everyday.

Follow posted warning signs and restrictions and wear Personal Protective Equipment (PPE) when required.

Bring your best self to work.

Make sure you are healthy and ready to perform your job safely.



Drugs, Alcohol, and Tobacco-Free Campus

The 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 on property owned or controlled by the University, or while in vehicles used for University business is prohibited. Any employee who violates this policy may be subject to disciplinary action, including termination. See HOP ADM 04-108.

The use of tobacco products and smoking devices (including cigarettes, cigars, smokeless tobacco, electronic cigarettes, and other tobacco products) by students, faculty, staff, and visitors is prohibited on all UTRGV properties.

See University Police, Drug & Alcohol Policy at

<https://www.utrgv.edu/police/crime/information/drug-and-alcohol-policy/index.htm>

Fraud

UTRGV employees are responsible for the prevention of fraud and abuse and minimization of waste. Suspected misuse, misappropriation, and other fiscal irregularities should be reported to the Office of Audits and Consulting Services or the Institutional Compliance Office. These reports will be investigated.

Fraud:

An intentional deception that violates a law or the public trust for personal benefit or the benefit of others, including the University and its colleges, schools or units. Examples of fraud include, but are not limited to:

- Theft or misappropriation of funds, supplies, property or other resources;
- Forgery or alteration of documents;
- Bribery or attempted bribery;
- Unauthorized use of records;
- Unauthorized alteration or manipulation of computer files;
- Intentional unauthorized use of logos, trademarks, copyrights, etc.
- Falsification of reports to management or external agencies;
- Pursuit of a benefit or advantage in violation of the University's conflict of interest policy or other policies;
- Improper handling or reporting of financial transactions;
- Authorizing or receiving compensation for goods not received or services not performed;
- Authorizing or receiving unearned compensation;
- Authorizing or receiving reimbursement for expenses not incurred; and
- Willful violation of laws, regulations, or contractual obligations when conducting University business.

Waste:

The act of using or expending resources carelessly, extravagantly, or to no purpose.

Abuse:

Behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary operational practice given the facts and circumstances. This includes the misuse of authority or position for personal gain or for the benefit of another.

Waste and abuse do not necessarily involve fraud or illegal acts.

Declining Gifts, Gratuities, and Kickbacks

Faculty and staff should not personally accept any material gifts, gratuities, or other payments, in cash or in kind, from any vendor currently doing or seeking to do business with UTRGV. Material gifts are those of more than nominal value. Nominal value means an item of little or no marketable value such as a keychain, notepad, or pen with a vendor's name on it.

Gift solicitation from private sources by any faculty, staff, and students who represent UTRGV must be coordinated with the Executive Vice President for Institutional Advancement. All gifts to UTRGV will be accepted and processed through the Office of Advancement Services unless otherwise noted in *Regents' Rules and Regulations*, Rule 60101, Acceptance and Administration of Gift or UTS 138, Gift Acceptance Procedures. See Division of Institutional Advancement at <https://www.utrgv.edu/institutional-advancement/>

Responsible Use of Resources

It is the responsibility of each UTRGV employee to preserve our institution's assets including time, materials, supplies, equipment, and information. Institutional assets are to be maintained for business-related purposes. The personal use of any UTRGV asset without prior supervisory approval is prohibited. The occasional use of items, such as telephones, fax machines, or email, provided the use complies with UTRGV policies and does not result in additional cost to UTRGV, is permissible.

UTRGV community members may not use UTRGV resources, including time, funds, equipment, or other resources:

- In a wasteful manner,
- For personal benefit or gain,
- To harm another person,
- For political activity, or
- For illegal activity such as bribes or kickbacks.

Your Responsibilities:

- Be accurate and honest in your expense reporting.
- Stay up to date on your annual training to help keep systems and information kept within systems secure.
- Protect university property from theft, fraud, damage, and loss and use them only as intended.
- Follow our policies to keep your equipment safe and secure.

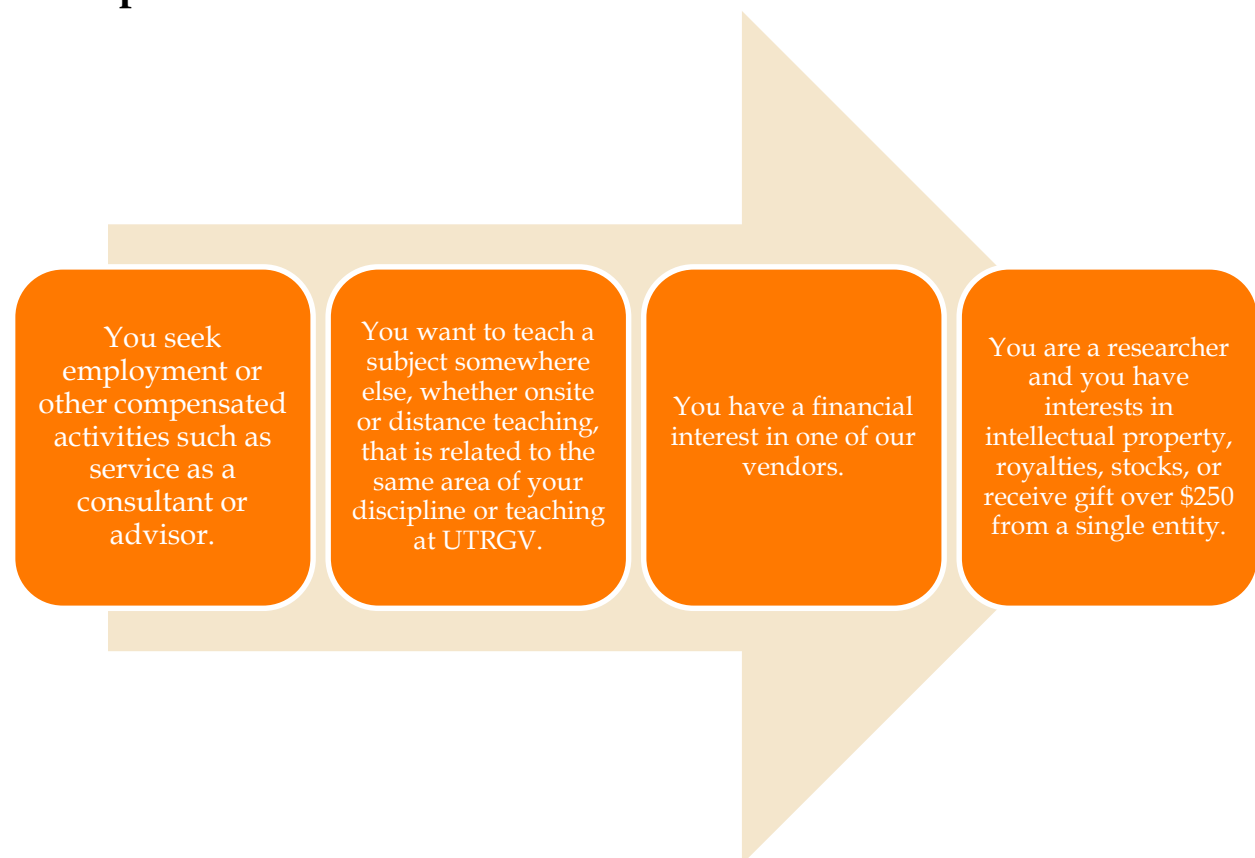
Avoiding Conflict of Interest and Commitment

UTRGV has policies and procedures related to Conflicts of Interest, Conflicts of Commitment, and Outside Employment/Activities. Our primary responsibility as employees of the University is accomplishing the duties and responsibilities assigned to us.

A conflict of interest occurs when an individual is involved in multiple activities (compensated or uncompensated), one of which might compromise objective or professional judgment. Conflicts of interest can arise in the context of business relationships, purchasing decisions, use and appropriation of UTRGV assets, or research activities. The existence of a conflict of interest can create a real or perceived impropriety that can undermine confidence in the individual or the institution.

It is common to assume that we would readily recognize activities or interests that would conflict with our institutional duties or would impair our judgment. Conflicts of interests and commitment have the potential to influence our thinking and decision-making both consciously and unconsciously. Even if an outside activity does not actually impair our ability to act in the best interest of UTRGV, it may appear to the public that independence of judgment has been affected. All actual and potential conflicts of interest must be reported and evaluated so that, when necessary, steps can be taken to reduce, manage, or eliminate the conflict.

Examples of conflicts:



Remember to:

- **Check our policy for more information.** If you are a researcher or involved in procurement or making decisions that financially bind the institutions conflicts of interest may arise.
- **Appearances matter.** It's not just about an actual conflict, but the appearance of one too. If your actions would make others question your motives, don't do it.
- **When in doubt, report it.** It may not always be clear if an outside activity creates a conflict of interest or commitment. With those gray areas, the better thing to do is report it. Most outside activities do not create a conflict of interest or commitment, and when they do, we work it out by creating a management plan.

See Office of Institutional Compliance at <https://www.utrgv.edu/compliance/>

Political Activities

We believe everyone has a fundamental right to participate in the political process.

UTRGV recognizes that freedom of speech and assembly are basic rights and are essential to intellectual development. We encourage you to exercise your civic duty personally and support political causes you deem appropriate, but remember to keep it separate from your job at UTRGV. See HOP ADM 02-300 and ADM 10-301.

Keep your personal politics personal.

Follow all applicable laws and UTRGV policies on individual participation in political activities. Whether you are providing an opinion or donating time or money, be sure to make it clear that your involvement is personal and not on behalf of the institution. Never donate or use UTRGV assets or company time for your political activities.

Be thoughtful and informed when you vote.

UTRGV promotes participation in voting through our 'Rope the Vote' awareness program. Exercise your right to vote and talk to your supervisor about the time needed to vote to minimize disruption to work.



Frequently Asked Questions



Q: May I allow a political campaign or the news media (including print, broadcast, and online media) to list my name, employment title, and affiliation with a UTRGV as a supporter of a candidate or political campaign?

A: The Law prohibits the use of official authority to influence the result of an election. You may allow the use of your name, but you should not allow the political campaign or news media to list your employment title or affiliation with UTRGV, and you should explicitly request that they not do so. In limited circumstances, it may be appropriate to allow the use of your job title for identification purposes only. In those limited circumstances, it is important to stress that your support for a candidate is in your capacity as a private citizen and does not reflect the position of your institution.

Q: I have been asked by the news media to comment on an institutional program that may be of particular interest to a candidate or campaign, such as a program that was established or supported by the candidate in the past. Is this permissible?

A: In such a case, it is permissible to provide objective facts about the program in response to the questions presented. However, care should be taken to avoid comments that could be perceived as institutional support for or opposition to the candidate's campaign, such as positive or negative words about the candidate's accomplishments. The focus of the answers should remain on facts about the program, not the candidate.

Q: I have a good friend who is running for political office and has asked if I would endorse her at a rally being held outside work hours. Is this a problem?

A: No. Just be sure to make it clear that your endorsement is your personal action and that you are not speaking on behalf of UTRGV.

Faculty Rights & Responsibilities

Professional Rights of Faculty

Academic Freedom

Faculty members are entitled to full freedom in research and in the publication of the results, and they are entitled to freedom in the classroom, in accordance with the Constitutional right to free speech, Board of Regents Rule 31004 and HOP ADM 06-106.

Faculty are members of learned professions and officers of an educational institution supported by the State of Texas. When they speak or write as a citizen, they should be free from institutional censorship or discipline, but should make it clear that they are not speaking on behalf of the institution.

University's Commitment to Civic Discourse and Engagement

UTRGV promotes the exchange of ideas, and members of the UTRGV community are encouraged to allow others to participate and express their views openly. Students, faculty, and staff have the right to assemble, speak, and attempt to attract the attention of others, and they also have corresponding rights to hear the speech of others when they choose to listen, and ignore the speech of others when they choose not to listen. These activities, however, are subject to the well-established rights of colleges and universities to regulate time, place, and manner so that these activities do not intrude upon or interfere with the academic programs, administrative processes, or other authorized activities of UTRGV. See HOP ADM 02-300.

Shared Governance

Shared governance is a concept of collegial, cooperative, and trust-based organizational leadership that enables meaningful combined participation by administration and faculty in management of an institution's operation. See HOP ADM 06-101 and Board of Regents Rule 40101.

See UT System Faculty Advisory Council (FAC) Shared Governance at:

https://www.utrgv.edu/facultysenate/_files/documents/content/utsystem_fac_shared_governance.pdf

See AAUP Shared Governance at:

https://www.utrgv.edu/facultysenate/_files/documents/content/aaup_shared_governance.pdf

Impartial Application of University Policies

Faculty shall endeavor to assure that all other UTRGV policies and procedures are enacted and enforced impartially, without regard to rank, background, or perspective.

Right to Expect Civility in the Workplace

Honor, integrity, and respect are the core principles of the Vaquero Honor Code. In keeping with these core principles, members of the UTRGV community are expected to act civilly, cooperate with one another, and strive to create an environment and a culture in which people respect and listen to one another. As leaders in the UTRGV community, the faculty have an obligation to actively promote a culture of civility and respect.

Professional Responsibilities of Faculty

Scholarship

- Practice intellectual honesty.
- Develop and improve scholarly competence.
- Accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge.

Teaching and Students

- Hold before them the best scholarly, pedagogical, and ethical standards of their discipline.
- Demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and mentors.
- Make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit.
- Respect the nature of the relationship between professor and student protected under statutes such as FERPA and Title IX.

Colleagues

- Interact with faculty colleagues and the wider university community in ways that are free from bullying, discrimination, or harassment.
- Respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own.
- Accept share of faculty responsibilities in the governance of the institution.

The University

- Faculty give due regard to their paramount responsibilities within their institution and discipline in determining the amount and character of work done outside it.
- When considering the interruption or termination of their service, faculty recognize the effect of their decision, especially upon students, and give due notice of their intentions.

The Community

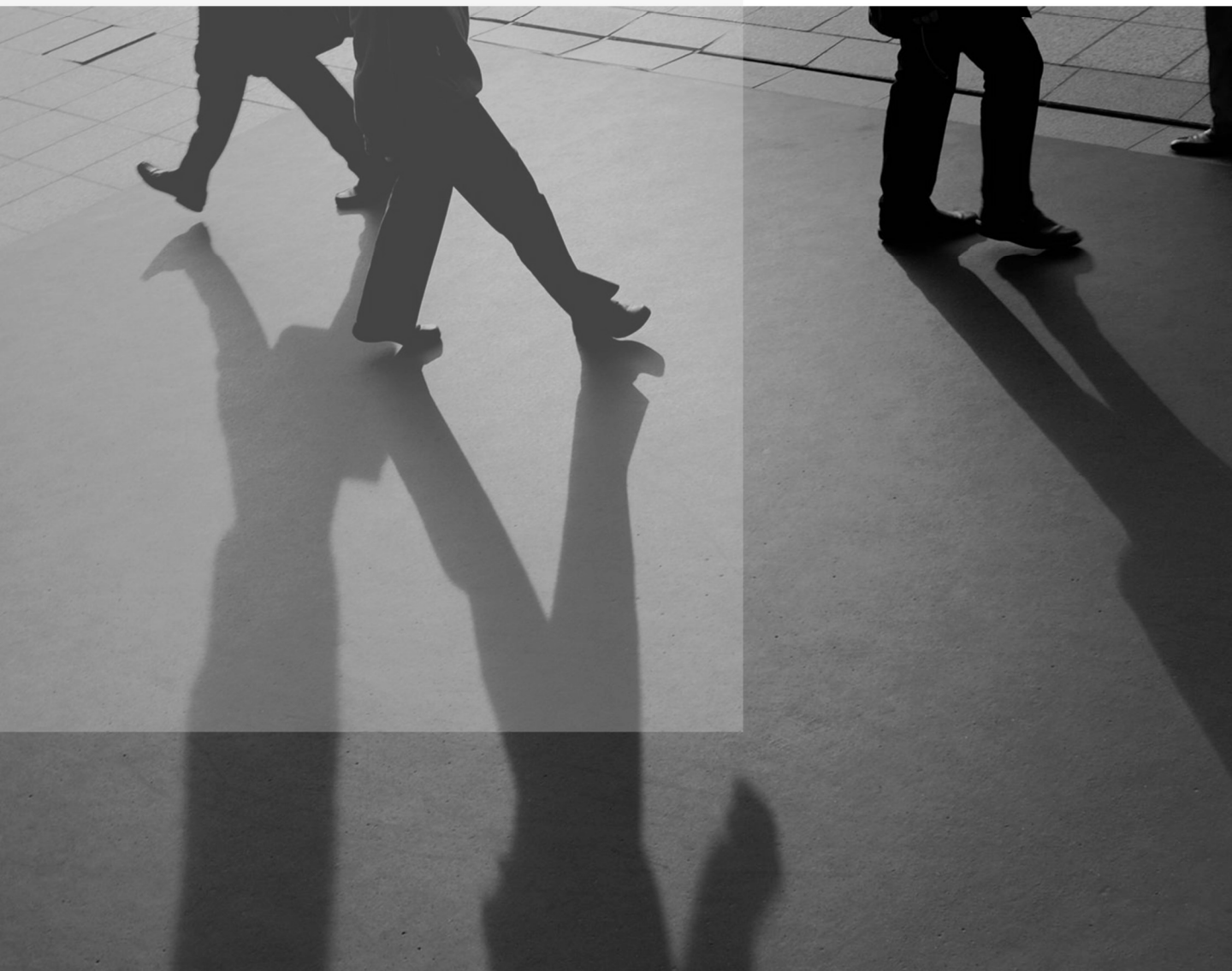
- Faculty balance these obligations in relation to their responsibilities to their subject, to their students, to their profession, and to their institution.
- When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university.
- Faculty have an obligation to promote conditions of free inquiry and to further broaden the understanding of academic freedom.

Note: The professional responsibilities of the faculty above do not cover all responsibilities. Each faculty member might have more responsibilities than others, depending on their roles.

Privacy, Confidentiality & Security

UTRGV is committed to protecting private and confidential information for our students, employees, and patients. Federal laws and UTRGV policies prohibit the unauthorized seeking, using, or disclosing of such information, including confidential information contained in student, employee, or patient records. Such information is to be accessed, used, or disclosed only when authorized and required to complete assigned job duties.

UTRGV recognizes and supports the rights of all patients to high-quality care without discrimination. We will always treat patients and their families with consideration, respect, and recognition of their dignity and right to privacy.



The HIPAA Privacy Rule

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law that establishes standards and privacy protections for the use and disclosure of an individual's health information (*known as Protected Health Information*). Protected Health Information (PHI) is information that can be used to identify a person and is used in connection with that person's physical or mental health or condition, medical treatment, or payment for that treatment.

Identifying information alone, such as personal names, residential addresses, or phone numbers, would not necessarily be designated as PHI. For instance, if such information was reported as part of a publicly accessible data source, such as a phone book, then this information would not be PHI because it is not related to health data. There are 18 HIPAA identifiers that are considered personally identifiable information, the most common being: name, address, birthdate, medical record number, and Social Security number.

A major goal of the Privacy Rule is to guarantee that each person's health information is appropriately safeguarded while permitting the flow of health information required to deliver and promote high-quality healthcare, as well as to safeguard the health and well-being of the public.

The illegal use or disclosure of PHI could lead to identity theft, severe financial loss, discrimination, or other undesirable outcomes. Understanding your responsibility for protecting the privacy of PHI and following privacy rules is crucial for UTRGV community members.

HIPAA Violations

Employees are expected to prevent HIPAA violations that are within their direct control. For example:

- Accessing a medical record of a friend or family member to see how they are doing.
- Sharing of patient information with neighbors or others.
- Reviewing your own medical record.
- Talking loudly in open areas about patients or family members.
- Keeping paper records open so that anyone can see them.
- Writing information about patients or other health information on Facebook, Twitter, or other social networking sites.
- Taking pictures of patients and family members in the hospital with your cell phone or other device, without specific oversight or proper written permission.
- Writing emails that contain patient information to people who do not need to know.
- Accessing medical records to find information to use in employment decisions, such as hiring decisions, verifying why employees were absent, etc.
- Selling patient information.

See HIPAA for Individuals at <https://www.hhs.gov/hipaa/for-individuals/index.html>

See UTRGV HIPAA Privacy Manual at <https://uthealthrgv.org/policies-and-procedures/index.htm>

See UT Health RGV Student Health – Medical Records at <https://www.utrgv.edu/health-services/more-information/medical-records/index.htm>

See UT Health RGV HIPAA Agreement at https://www.utrgv.edu/som/forms/_files/documents/agreements/health-insurance-portability-and-accountability-act-agreement.pdf

Protecting PHI

Everyone must make reasonable efforts to safeguard patient information and avoid prohibited uses and disclosures of Protected Health Information (PHI).

How Can I Protect Written PHI?

- Turnover and cover up notes in common areas.
- Shred papers containing patient information or placing paper in shredding bins, when appropriate.
- Remove PHI from conference rooms, copiers/FAX machines, library, and other locations after use.
- Whiteboards or care logistics boards should display minimal identifiable patient information.
- Patient charts should not be visible to the public. Store charts or documents with the patient's name covered, turned over, or in a wall bin with the name facing the wall.
- Ensure that paper files are in a locked and secure area. Do not leave them in the car.
- Confirm with the intended recipient the mailing address, fax number, or email address before sending PHI.

How Can I Protect Oral PHI?

- Quietly discuss patient issues so that others cannot overhear.
- Avoid conversations about patients and their identifying information in public places such as an elevator, hallway, or lunchroom.
- Conduct walking rounds in lowered voices, whenever possible.
- Close exam room doors during consultations or treatment of patients.
- Conduct end-of-shift reports, telephone conversations, and dictation in private locations, whenever possible.
- Limit access to patient areas; ensure that the area is supervised, and escort non-employees in the area.

How Can I Protect Electronic PHI?

- Never share your password with anyone. Use a strong password that includes symbols such as +*%#!\$" according to UTRGV Information Security Standards.
- Never disclose or share ePHI on any social networking site. Social networking sites include Instagram, Facebook, CaringBridge, and Twitter. Less obvious, but still considered social networking sites are blogs, forums, and YouTube.
- Never send, forward, or auto-forward Electronic Protected Health Information (ePHI) or confidential information to your personal email account or unapproved 3rd parties such as Gmail, AOL, Yahoo, Google Docs, or Dropbox.
- Never take pictures, recordings, or videos of patients without permission.
- When sending emails outside of UTRGV clinics, such as to another hospital or insurance company, send only through SecureMail.
- Store portable electronic media or computers in a physically secure location (locked cabinet, desk, office, etc.). Do not leave them visible in your car or in a public area where they could be stolen or lost.
- Store all electronic files that contain ePHI and confidential information on your department's network drive.

Patient Rights

HIPAA gives patients ten specific rights:

Your HIPAA Responsibilities

You are responsible for complying with HIPAA. Compliance with the provisions of HIPAA includes:

- Protect and safeguard patient information.
- Notify the Privacy Officer of any privacy complaint or concern and/or the Information Security Office of any security complaint or incident or if there has been a loss or theft of PHI or confidential information.

Our HIPAA Responsibilities

Any employee who becomes aware of or experiences any type of retaliation for reporting suspected privacy violations or for assisting in privacy-related investigations should immediately report such as by following **HOP ADM 4-301 Non-retaliation**, or by contacting the HIPAA Privacy Officer.

1. Notice of Privacy Practices - UTRGV clinics must provide a Notice of Privacy Practices (NPP) no later than the first clinical encounter. In addition, all UTRGV clinics must post the NPP at each clinical site in a clear and prominent place. UTRGV clinics must make a good faith effort to obtain written acknowledgment from patients of receipt of the NPP.
2. Patients may ask to see a copy of their medical records and billing records and/or completed test results in a format they request, such as a paper or electronic copy.
3. Patients may request that a copy of their health information be transmitted directly to another person that they have designated with signed authorization.
4. Patients may request changes to their health record if the information is not correct or complete. This is known as an "Amendment Request."
5. Patients may request restrictions or limitations on how their health information is used or released.
6. Patients may request that their health information not be disclosed to their health plan for a health care item or service which they or a family member pays in full.
7. Patients may decide if they want to give their permission before their health information can be used or shared for certain purposes, such as for marketing or fundraising (known as an "Authorization").
8. Patients may receive a report on when and why their health information was shared for certain purposes (known as an "Accounting of Disclosures").
9. Patients may receive confidential communications (such as medical records, billing, etc.) by an alternative means or location such as an alternative address, for example, a PO Box, rather than their home address.
10. Patients may file a complaint if they believe their rights were denied or their health information was not protected. Complaints may be filed with the Privacy Officer, the Office for Civil Rights US Department of Health and Human Services, or the Texas Department of State Health Services.

Student Confidentiality

Family Educational Rights and Privacy Act (FERPA)

Under FERPA, a school must annually notify eligible students of their rights under FERPA. The annual notification must include information regarding an eligible student's rights to:

- Inspect and review their education records.
- Seek to amend their records.
- Consent to the disclosure of Protected Identifiable Information (PII) from their records (except in certain circumstances)
- File a complaint with SPPO regarding an alleged failure by a school to comply with FERPA.

A school is not required to notify eligible students individually but rather is required to provide the notice by any means that are reasonably likely to inform eligible students of their rights.

UT System holds the protection of student education records as a primary responsibility. Following this principle, UTRGV fosters a culture of privacy awareness and ensures that all necessary parties are informed of the proper use and disclosure of such information.

WHAT IS FERPA?

The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the eligible student.

See Family Educational Rights and Privacy Act (FERPA) at <https://studentprivacy.ed.gov/faq/what-ferpa>

To learn more about FERPA, see:

U Central at <https://www.utrgv.edu/ucentral/registration/student-confidentiality-ferpa/index.htm>

U.S. Department of Education <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn>

Record Retention

All information obtained, developed, or produced by UTRGV should be maintained in compliance with the UTRGV Record Retention Schedule.

The Office of Records Management (ORM) is responsible for advising and providing information and services to help university departments become and remain compliant with records retention regulations and to dispose of records properly once they have met their records retention regulations established by the Texas State Library and Archives Commission at <https://www.tsl.texas.gov/slr/rrs>

To store documents and request the disposal of documents, please send an email to ORM at recordsmanagement@utrgv.edu. ORM will notify the requesting office with further instructions.

See Records Management Procedures and Manual at
<https://www.utrgv.edu/recordsmanagement/resources/index.htm>



Information Security

To protect information, UTRGV has rules and controls around the protection of information and the systems that store and process this information. This is commonly achieved through the implementation of information security policies, standards, and guidelines. Additionally, some policies are written to ensure compliance with Federal, State, UT System, or other requirements. Using a model of “Trust but Verify,” these policies and standards can then be audited to validate compliance. See more on Information Security at <https://www.utrgv.edu/is/en-us/index.htm>.

Information Resources Acceptable Use and Security Policy (AUP)

- Users have no expectation of privacy regarding any data residing on university-owned computers, servers, or other information resources owned by, or held on behalf, of the university.
- Users have no expectation of privacy regarding any University Data residing on personally owned devices.
- Use of University Information Resources to intentionally access, create, store, or transmit sexually explicit materials is prohibited unless such use is required as part of the User’s official duties as an employee of the University and is approved in writing by the President or a specific designee.
- Users shall store Confidential Information or other information essential to the mission of the University on a centrally managed server, rather than a local hard drive or portable device.

See Information Resources Acceptable Use and Security Policy Agreement at https://www.utrgv.edu/is/_files/documents/utrgv-aup.pdf

Social Media

Social networking sites can be an effective way to keep in touch. Social media such as Facebook, LinkedIn, X, Google+, WhatsApp, and Instagram have grown in popularity and application, allowing users to post content and share with virtually anyone. UTRGV is rapidly integrating the use of social media into our education, outreach, and marketing strategies. While social media creates new opportunities for communication and collaboration, they also create vulnerabilities for individuals and institutions. The potential impact on the institution's image and the individual's image should be considered. See University Marketing and Communication Policies & Procedures at <https://www.utrgv.edu/umc/policy-and-procedures/index.htm>

When using social media:

Be Respectful. Do not publish material that is obscene, racist, or in any other way discriminatory, threatening, harassing, personally offensive, defamatory, or illegal.

Be Transparent. Only authorized individuals may represent UTRGV's official positions online; be clear that you are expressing your own views and not those of UTRGV.

Don't criticize. Do not say anything disparaging about UTRGV or colleagues, and respect the views of others.

Think before you post. Assume that any personal social media activity can be linked by someone to UTRGV. Consider confidentiality when posting and consider the impact of your posts.

Billing & Coding Integrity

UTRGV makes every effort to prevent the submission of inappropriate or inaccurate bills or claims to Medicare, Medicaid, other third-party payers, the Federal Government, the State of Texas, clinical trial sponsors, or patients. All claims for professional services made by, or on behalf of UTRGV must adhere to applicable billing and coding requirements.

The False Claims Act (FCA) provides that any person who knowingly submits or causes to submit, false claims to the government is liable for three times the government's damages plus a penalty that is linked to inflation. See Code of Federal Regulations at <https://www.ecfr.gov/current/title-28/chapter-I/part-85/section-85.5>.

The FCA allows the United States to pursue perpetrators of fraud on its own and the FCA allows private citizens to file suits on behalf of the government (called "*qui tam*" suits) against those who have defrauded the government. Private citizens who successfully bring *qui tam* actions may receive a portion of the government's recovery. See The False Claims Act at <https://www.justice.gov/civil/false-claims-act>.

If you believe any unacceptable billing practices have occurred or have any billing concerns, you should discuss the issue with your supervisor. If you do not feel comfortable discussing the issue with your supervisor, you may contact the Compliance Hotline at (877)882-3999.

Scientific Integrity



At the core of UTRV's research program is a **strong commitment** to research integrity and **ethical scientific methodologies**. As members of an academic community that **values truth and the pursuit of knowledge**, **scientific misconduct** or fraudulent activities are unacceptable. Examples of misconduct/fraud in research are **fabrication**, **falsification**, **plagiarism**, or other practices that materially deviate from those that are commonly accepted within the academic community for the conduct and reporting of research.

Research Misconduct

Scholars and research personnel of the University are expected to adhere to the highest ethical standards for all research and scholarly work. It is the responsibility of every research investigator to maintain the integrity of research projects by keeping accurate, permanent, and auditable records of all experimental protocols, data, and findings.

Misconduct in science and other scholarly activities is incompatible with the standards of the University, and all allegations of such behavior will be handled promptly.

The University's policy regarding research integrity may be found at the Office of Research Compliance

<https://www.utrgv.edu/research/for-researchers/forms-policies-guidelines/index.htm>

Additional information may be found at Sponsored Programs

<https://www.utrgv.edu/research/know-us/research-administration/sponsored-programs/index.htm>

Conflict of Interest

To comply with the Public Health Service (PHS) and the National Science Foundation (NSF), UTRGV promotes objectivity in research by requiring that employees of the university who engage in Research or Sponsored Programs complete their Disclosure of Outside Activities and Interests on a yearly basis. Faculty and Exempt Staff must log on to the Outside Interest and Activity Online Portal using their UTRGV credentials at, <https://www.utrgv.edu/compliance/outside-activities-portal/index.htm>

This process will ensure that there is no reasonable expectation that the design, conduct, and reporting of research will be biased by any Significant Financial Interest of an Investigator responsible for the research or other educational activity.

Intellectual Property

The development, ownership, management, use, and marketing of intellectual property developed at UTRGV are governed by The Intellectual Property Rule of the University of Texas System. Intellectual property is any invention, creation, discovery, scientific or technological development, computer software, or other form of expression of an idea arising from the activities of personnel covered by UT System policy. The UT System policy does not apply to faculty-authored written or visual work, except computer software, produced in the author's professional field, and such faculty-authored work is owned by the creator.

When intellectual property results from work at the University that the creator believes may be of value, the creator must disclose such intellectual property to the Office of Technology Commercialization at <https://www.utrgv.edu/otc/index.htm>

Export Compliance

Federal regulations and sanctions promulgated and enforced by various federal agencies include:

Department of Commerce – Export Administration Regulations (EAR)

Department of State – International Traffic in Arms Regulations (ITAR)

Department of Treasury – Office of Foreign Assets Control (OFAC)

Prohibits the unlicensed export of specific technologies and items and payments to certain entities and individuals for reasons of national security or protection of trade. University research involving specified technologies controlled under the EAR and/or ITAR, or transactions and exchanges with designated countries, individuals, and entities may require the University to obtain prior approval in the form of a license from the appropriate agency before allowing foreign nationals to participate in controlled research, collaborating with a foreign company and/or sharing research (verbally or in writing) with persons who are not United States citizens or permanent residents.

The consequences of violating these regulations can be severe, ranging from loss of research contracts to monetary and criminal penalties for the individual and/or organization violating these regulations.

Resources

Institutional Compliance

<https://www.utrgv.edu/compliance/>

Audits and Consulting Services

<https://www.utrgv.edu/audits/>

Department of Environmental Health, Safety & Risk Management

<https://www.utrgv.edu/ehsrn/>

FERPA

U Central

<https://www.utrgv.edu/ucentral/registration/student-confidentiality-ferpa/index.htm>

Handbook of Operating Procedures (HOP)

<https://www.utrgv.edu/hop/handbook/index.htm>

HIPAA

HIPAA for Individuals

<https://www.hhs.gov/hipaa/for-individuals/index.html>

UTRGV HIPAA Privacy Manual

<https://uthealthrgv.org/policies-and-procedures/index.htm>

UT Health RGV HIPAA Agreement

https://www.utrgv.edu/som/forms/_files/documents/agreements/health-insurance-portability-and-accountability-act-agreement.pdf

Information Security

<https://www.utrgv.edu/is/en-us/index.htm>

Office of Research Compliance

<https://www.utrgv.edu/research/>

Records Management Procedures and Manual

<https://www.utrgv.edu/recordsmanagement/resources/index.htm>

Student Conduct and Discipline

<https://www.utrgv.edu/hop/policies/stu-02-100.pdf>

Texas State Auditor's Office

<https://sao.fraud.texas.gov/>

University Marketing and Communication Policy & Procedures

<https://www.utrgv.edu/umc/policy-and-procedures/index.htm>

University Police, Drug & Alcohol Policy

<https://www.utrgv.edu/police/crime/information/drug-and-alcohol-policy/index.htm>

U.S. Department of Education

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn>

UT Health RGV Student Health – Medical Records

<https://www.utrgv.edu/health-services/more-information/medical-records/index.htm>