

WORKPLACE CONDUCT AND EMPLOYMENT REQUIREMENTS

FRAUD

The minimization of fraud, waste, and abuse is the responsibility of all employees of UHD. Employees who, in good faith, properly report unlawful activity are protected by the [Texas Whistleblower Act](#) against any retaliation for making such a report.

Internal investigations involving the audit department will be conducted if theft, misappropriation, and other fiscal irregularities are suspected. Employees are required to cooperate with any investigation and may be requested to keep their knowledge of the investigation confidential.

Reports can be made to the Compliance Office (713-222-5340), directly to the UH System Director of Internal Audit (Don Guyton at 713-743-8000), or to the State Auditor's Office (www.sao.state.tx.us or 1-800-892-3848). Alternatively, MySafeCampus provides you with 24 hours a day, 7 days a week anonymous inquiry or reporting option. You can either:

- Log on to www.MySafeCampus.com or
- Call toll-free (800) 716-9007

Reference:

UH System Administrative Memorandum

01.C.04 – [Reporting/Investigating Fraudulent Acts](#)

Texas Government Code Chapter 554: [Texas Whistleblower Act](#)

Question: What is fraud?

Answer: The Association of Certified Fraud Examiners (ACFE) defines "fraud" as: "the use of one's occupation for personal enrichment through the deliberate misuse or misapplication of the employing organization's resources or assets". Common violations include asset misappropriation, corruption, false statements, false overtime, petty theft and pilferage and use of company property for personal benefit. The key is that the activity:

- Is done in secret,
- Violates the employee's fiduciary or trust duties to the organization,
- Is committed for the purpose of direct or indirect financial benefit to the employee, and
- Costs the employing organization assets, revenue or reserves.

Question: What are some examples of fraud?

Answer: The following are some examples of fraud:

- Accepting free items or services in exchange for purchasing goods or services.
- Lying on an employment application in order to gain employment.
- Falsifying any type of records: payroll or time records, procurement records, medical records, and scientific research records.
- Providing false receipts and documentation for any type of reimbursement from UHD, such as, travel.

Question: What are some examples of abuse?

Answer: The following are some examples of abuse:

- Using sick leave when you or your family are not sick.
- Staff taking a long lunch or break without approval.
- Taking small amounts of products or supplies belonging to UHD.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Under the terms of applicable laws and regulations, UH System component institutions may not discriminate against employees or applicants for employment on the basis of race, color, national origin, religion, gender, age (40 or over), U.S. veteran status, disability or sexual orientation. This principle applies to all aspects of employment, including recruitment, retention, promotion, compensation, benefits, and training. Questions regarding EEO issues should be directed to the [Campus Relations/Affirmative Action Officer](#) at (713) 222-5366.

Reference:

UH System Administrative Memorandum

01.D.05 – [Equal Employment Opportunity](#)

Reference UH – Downtown Policy Statement

02.A.21– [Equal Opportunity Policy](#)

Question: I feel like I was passed up for a promotion because I am over forty years of age. Who do I call?

Answer: All allegations of discrimination are managed by the [Campus Relations/Affirmative Action Officer](#) at (713) 222-5366.

HARASSMENT IN THE WORKPLACE

UHD policy prohibits harassment based on race, color, religion gender, national origin, age (40 and over), disability status, sexual orientation, U. S. veteran status and/or retaliation. Unlawful harassment violates, among other laws, Titles [VI](#) and [VII](#) of the Civil Rights Act, [Americans with Disabilities Act](#), [Uniformed Services Employment and Reemployment Rights Act](#) (USERRA) and [Title IX of the Education Amendments](#).

Harassment based on any of the above protected groups may occur whenever an employee is a target of verbal or physical conduct that is sufficient or pervasive enough to create a hostile work environment.

Harassment in the workplace can occur in varying forms. Some forms of unlawful harassment may result in a tangible change in an individual's employment status. Individuals who are treated differently or inappropriately in the workplace because of their membership in one or more protected groups may have a claim of unlawful harassment. If a supervisor or a manager uses an employee's membership in a protected group against that employee, the employee may allege that he or she is being unlawfully discriminated against if the conduct is offensive, unwelcome and unreasonable. Typically, individuals accused of engaging in harassing behavior have supervisory or managerial authority. Incidents of harassment may, however, occur between co-workers.

Examples of possible conduct or behavior that may be considered hostile environment harassment include but are not limited to:

- Derogatory words, phrases or epithets of a sexual nature
- Demonstrations of a racial/ethnic nature that would offend particular racial/ethnic groups-including gestures, pictures or drawings
- Comments about a person's skin color and/or racial ethnic characteristics
- Disparaging remarks pertaining to a person's race
- Negative comments about an employee's religious beliefs (or lack of religious beliefs)
- Conveying negative stereotypes regarding an employee's birthplace/ancestry
- Negative comments regarding an employee's age (over 40)
- Derogatory or intimidating references to an employee's mental or physical impairment(s)

Questions regarding harassment or misconduct should be directed to your supervisor, UHD management or to the [Campus Relations/Affirmative Action Officer](#) at (713) 222-5366. Report any incident of harassment immediately to your supervisor, any member of management and/or to the [Campus Relations/Affirmative Action Officer](#).

Any employee, faculty or staff member wishing to initiate an EEO complaint either regarding discrimination or harassment has sixty (60) days of the date of the last alleged incident(s) in which to initiate such a complaint.

Reference:

UH System Administrative Memorandum

02.A.03 – [Guidelines for Sexual Harassment Policies and Procedures](#)

UH – Downtown Policy Statement

02.A.15 - [Sexual Harassment Policy](#)

02.B.01 - [Staff Grievance Policy](#)

[02.B.09 -Title IX and Other Discrimination Complaints](#)

[02.B.10 -The Americans with Disabilities Act](#)

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

Answer: Since the e-mails continued after you asked her to stop, immediately contact your supervisor and the [Campus Relations/Affirmative Action Officer](#).

Question: My supervisor makes remarks containing sexual language clearly directed at me. What can I do?

Answer: You may ask your supervisor to stop the remarks; however, if you don't feel comfortable talking to your supervisor, immediately contact the [Campus Relations/Affirmative Action Officer](#).

Question: I am of Middle Eastern descent (I am/am not Muslim) and for the past several months I have been berated by e-mails that are harshly critical of Islam and Muslims. The majority of the e-mails refers to Muslims as violent terrorists and also threatens physical harm to me. I have not responded to the e-mails, but I am afraid this person is a UHD student and can easily find me. What can I do?

Answer: Please contact the UHD Police Department at (713) 221-8911 and the [Campus Relations/Affirmative Action Officer](#).

Question: A student in my class makes comments that depict gay men and lesbian women as sinners and evil. Although I am not gay or lesbian, the comments offend me and I know they offend another student in the class who happens to be gay. What should I do?

Answer: Contact the [Campus Relations/Affirmative Action Officer](#) for advice or available remedies available to the student offended by the statement.

Question: I am a faculty member and I have received several harassing voice and e-mail messages from someone who appears to be a student, given he complains about me as a teacher, my teaching style and my grading system. The messages are not threatening in nature, just annoying. What can I do?

Answer: Although the messages are an annoyance, they do not necessarily violate UHD policies that relate to harassment. You may wish to contact the [Campus Relations/Affirmative Action Officer](#) for clarification, or Information Technology to determine if the source of the e-mails/phone calls can be determined. Additionally, you should notify your Chair of the situation.

Question: A student in my class who has a failing grade arrived at my office late in the semester, closed the door and proceeded to inquire as to what type of "things" she could do for me in order to receive a passing grade. She goes on to tell me that her parents will be very upset if she comes home with a failing grade on her report card and that she will do "anything" to get at least a C in my class.

Answer: Inform the student that the best way to earn a passing grade is to attend class on a regular basis, take notes, ask questions, read the text book, and study for the examinations. In addition, document the incident via e-mail to your Chair.

Overtime Compensation

The federal Fair Labor Standards Act ("FLSA") entitles non-exempt UHD employees to additional compensation if they are required or permitted to work in excess of forty hours in a workweek. (This excludes faculty and exempt employees.) Additional compensation for excess hours can either come in the form of:

- Compensatory time off, or
- Payment for overtime at the rate of time and one-half.

Permission to work overtime must be obtained **in advance**.

With supervisory approval, employees are eligible to earn State compensatory time on a straight time basis for hours worked on holidays. They may also earn State compensatory time if the hours worked and the hours of paid leave or holidays exceed 40 in a workweek.

Non-exempt employees may accumulate compensatory time off up to 240 hours of FLSA. Employees engaged in public safety or emergency response may accumulate up to 480 hours of compensatory time.

Reference:

UH System Administrative Memorandum

02.B.02- [Overtime and Compensatory Time](#)

02.B.07 – [Fair Labor Standards Act](#)

UH – Downtown Policy Statement

02.A.01- [Policy on Working Hours](#)

Question: I am not clear on when I must use my accumulated compensatory time. I am not clear on when I should use my accumulated compensatory time.

Answer: State compensatory time earned at straight time (1.0) must be used within 12 months from the end of the workweek in which it was earned. If not, it is lost. State compensatory time earned at 1.5 should also be used within 12 months from the end of the workweek in which it was earned. If not, it is paid out at the rate of 1.5 when the payment is processed and charged to the department's budget. State compensatory time does not transfer from one department to another or between State agencies. Non-exempt employees are expected to use FLSA compensatory time as soon as it is practical to do so.

FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act of 1993 (FMLA) is a federal law that makes available to all eligible employees up to 12 weeks (26 weeks for military caregiver leave) of job-protected unpaid leave in a 12-month period for specific situations. FMLA leave for State employees is unpaid and must run concurrently with any accrued paid leave. Employees are eligible for leave under the FMLA if they have worked for the State of Texas for at least 12 months (the months need not be continuous), and have worked for at least 1,250 hours during the 12 months prior to the first day of leave.

An employee who takes FMLA leave must be returned to the same job or a job with equivalent benefits, working conditions and pay. The employee may return to work at the expiration of the FMLA leave with a proper return to work release from the employee's treating physician.

The employee must use all applicable accrued paid leave balances, including sick leave and vacation leave, while taking unpaid FMLA leave, unless the employee is receiving temporary disability benefits or worker's compensation benefits. Any portion of FMLA leave not covered by accrued paid leave will be unpaid. The order in which paid leave will be used while on FMLA leave is first sick, then compensatory time at 1.0, compensatory time at 1.5, and finally vacation leave. FMLA leave is approved through the Office of Employment Services and Operations. Questions regarding FMLA should be directed to the Assistant Vice President of Employee Services at (713) 221-8072.

Reference:

UH System Administrative Memorandum

02.D.06 - [Family and Medical Leave](#)

02.D.08 – [Parental Leave](#)

UH – Downtown Policy Statement

02.A.11 - [Family and Medical Leave Policy](#)

Question: My wife and I are adopting an infant next month. Am I eligible for Family Medical Leave? How long may I take off?

Answer: You may be eligible for FMLA. FMLA allows for a total of 12 weeks off for birth or adoption of a child. Sick leave may be used in adoption of a child when the child is under age 3 regardless of whether the child is ill at the time of adoption. Check with Employment Services and Operations for specific eligibility requirements and for information on requesting leave.

OUTSIDE EMPLOYMENT

The primary employment responsibility of the faculty and staff is to the University of Houston-Downtown. Outside employment should not interfere with a faculty or staff member's responsibility to UHD. No member of the faculty or staff may accept outside employment, on a temporary or regular basis, that actually or potentially results in any conflict of interest with, or intrudes upon or detracts from the individual's responsibilities to the programs, policies, and objectives of UHD. Consulting and other professional commitments, paid or unpaid, that present conflicts of interest or may impinge upon institutional commitments of the employee are to be avoided, even if the outside employment only presents potential problems. No full-time employee shall be employed by an outside entity and receive a retainer fee, or salary, until a description of the nature and extent of the outside employment has been filed with and approved by the appropriate administrative officials in his or her operating unit.

Faculty members are allowed the opportunity to accept outside consulting and professional activities which contribute to their effectiveness as a teacher and scholar, and meet the University's obligation of public service. Faculty members engaged in consulting or other paid professional services, including teaching on a temporary basis at another institution, must

ensure that such activities do not require commitments of time averaging more than one day per calendar week, and must arrange such activities so as not to interfere with regularly scheduled classes.

Faculty and professional/administrative staff who wish to arrange consulting activities and/or outside employment must obtain prior written approval from the appropriate supervisor. The forms are available online attached to:

Reference:

UH System Administrative Memorandum

02.A.08 – [Consulting and Outside Employment](#)

UH – Downtown Policy Statement

02.A.04 – [Outside Employment of Faculty/Professional Staff](#) (Revised 2002)

Question: May I work for a local department store at times when I am not working my normal hours at UHD?

Answer: Working at a department store is permissible as long as it does not present a conflict of interest nor interfere with normal UHD working hours.

Question: One of our vendors has asked me to handle their bookkeeping for them on the weekends. Is there anything wrong with this?

Answer: Yes. You may not accept employment from any outside firm that also does business with UH System Administration. Whenever in doubt, check with your supervisor or Employment Services and Operations.

FINANCIAL INTEREST

State laws, court decisions, opinions of the Texas Attorney General, and the policy of the UH System Board of Regents prohibit employees of UHD from incurring an obligation of any nature that is in substantial conflict with or might reasonably tend to influence the discharge of the official duties of the employee. This includes, but is not limited to having a direct or indirect interest (financial or otherwise) in a corporation or business, as well as engaging in a professional activity that is in conflict with the interest of UHD.

Reference

UH System Administrative Memorandum

02.A.09 – [Conflict of Interest](#)

UH – Downtown Policy Statement

01.A.12 – [Standards of Conduct Policy](#)

Question: My family owns a catering business that often does business with my department and others at UH System Administration. Is this a conflict of financial interest?

Answer: Not necessarily. If you do not make the catering decisions for your department and others, then there should be no conflict. You do need to disclose this information to your supervisor.

Question: I own a small amount of stock in UPS and my department ships packages via UPS. Does a conflict of interest exist?

Answer: No. Investments in publicly traded companies such as UPS are not considered to be a conflict of interest.

Question: I've been buying stock in a company that does business with the University of Houston System. After my next purchase, I'll own 10% of the company. Does this pose a problem?

Answer: Potentially. If you have the authority to award contracts, select vendors, or influence purchases of goods or services, then you must report your ownership to the Vice President for Administration and Finance for further review.