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The Faculty Affairs Committee had a couple of general questions:

1. Who prepared this?
2. Is this Board of Trustees authorized? Is this Board policy?
3. To whom does this apply? Does it apply to all employees of any sort who work for any UT System university, or for the System itself?
4. Is this document self-contained, or is it modified by any of the links it refers to?

Specific comments and questions are embedded in the document itself, below, as comments.

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UNIVERSITY OF TENNESSEE SYSTEM POLICY
HUMAN RESOURCES

POLICY NO: **HR0580** SUBJECT: CODE OF CONDUCT

EFFECTIVE: 07/01/2012

REVISION NO: 8

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OBJECTIVE:

To provide employees of the University of Tennessee with guidance on how to conduct themselves in an ethical and responsible manner.

POLICY:

Introduction[\[top\]](#)

The Code of Conduct was developed to supplement and clarify existing university policies, procedures, and rules. It does not replace, limit, or otherwise alter any existing policies. Employees are expected to familiarize themselves with the Code and to abide by it. Employees who violate the Code will be subject to appropriate disciplinary action. Employees should direct specific ethical or compliance questions to their supervisor or the university's [director of compliance](#).

The university's Code of Conduct is comprised of 1) general principles and statements of ethical and responsible conduct and 2) specific examples of prohibited conduct.

General Principles and Statements of Ethical and Responsible Conduct[\[top\]](#)

1. Ethical and Responsible Conduct[\[top\]](#)

In carrying out its educational, research, and public service missions, the university relies on the ethical and responsible conduct of all employees. Even the appearance of unethical or irresponsible conduct can be damaging to the public's trust in the university.

Employees are expected to conduct themselves fairly, honestly, in good faith, and in accordance with the highest ethical and professional standards and to comply with applicable laws, regulations, contractual obligations, and university policies.

2. Responsible Reporting of Suspected Violations and University Response[\[top\]](#)

a. General Statement of Reporting Obligation

Employees are expected to report any good-faith concern that compliance violations might have occurred, including, but not limited to, the following: violations of state or federal law or regulations; fraud in the operations of government programs; misappropriation of state or federal resources; acts that endanger the health or safety of the public or employees; and mismanagement of programs, funds, and/or abuses of authority. Employees are expected to report compliance concerns at the earliest possible opportunity by contacting their immediate supervisor, the next level of supervision, the appropriate campus/institute compliance officer, Audit and Consulting Services (865-974-6611), or the Institutional Compliance office (865-974-4438). Employees wishing to remain anonymous should report their concerns to the State Comptroller's

Comment [DPR1]: This statement doesn't appear to be completely true. There appear to be statements in this document that establish de novo expectations and requirements.

Comment [DPR2]: Note: this document establishes some policies that conflict with policies elsewhere—especially in the Faculty Handbook dealing with academic freedom. This statement appears to establish supremacy of the Code.

Also, who decides what is a violation? Is there a procedure for deciding what constitutes a violation? Is there an appeal procedure? Later, the document discusses "the appearance" of unethical conduct. It appears an employee can be disciplined for the appearance (rather than an actual instance of) unethical conduct. Is this so? Who determines the appearance of unethical conduct? Where are the penalties spelled out? Who determines what is an appropriate disciplinary action?

Comment [DPR3]: Compliance with what? Is a compliance question one about compliance with the Code of Conduct? If so, this should be made more clear. If not, then what employees are supposed to be complying with should be made clear.

Comment [DPR4]: Does this mean the appearance, but not the actual violation, may result in disciplinary actions? That doesn't seem fair. The next sentence states employees should abide by laws, etc., which is certainly reasonable. The prior section seems to expand this to appearances, which is not reasonable.

Comment [DPR5]: A definition of "compliance" is needed here. Compliance with what? The Code of Conduct? If employees are expected to report violations, then the definition of "Compliance Violations" needs to be made clear.

Fraud Hotline (1-800-232-5454). Concerns will be referred to the appropriate university office for investigation. Employees are expected to cooperate fully in investigations. As required by [Fiscal Policy FI0130 Fraud, Waste and Abuse](#) department heads and other management officials must report suspected fraud, waste, and abuse of university resources, and all allegations of such activity made to them, immediately to Audit and Consulting Services.

b. **Mandatory Reporting of Child Abuse and Child Sexual Abuse**

Employees must comply with Tennessee laws on mandatory reporting of child abuse and child sexual abuse. Tennessee laws mandate reporting by any person who has knowledge of physical or mental harm to a child if: 1) the nature of the harm reasonably indicates it was caused by brutality, abuse, or neglect; or 2) on the basis of available information, the harm reasonably appears to have been caused by brutality, abuse, or neglect. Tennessee law also mandates reporting by any person who knows or has reasonable cause to suspect that a child has been sexually abused, regardless of whether it appears the child has sustained an injury as a result of the abuse. A report of child abuse or child sexual abuse must be made immediately to one of the following authorities:

- The Tennessee Department of Children’s Services (call the Central Intake Child Abuse Hotline at 1-877-542-2873 or 1-877-237-0004).
- The sheriff of the county where the child resides.
- The chief law enforcement official of the city where the child resides.
- A judge having juvenile jurisdiction over the child.

University police departments are not included in the list of authorities. Reporting to university police, a supervisor, or any other university official or employee does not satisfy an individual’s duty to report child abuse or child sexual abuse to one of the authorities listed above.

c. **Protection from Retaliatory Discharge**

Employees are protected from retaliatory discharge if in good faith they report or attempt to report illegal activities, or if they refuse to participate in illegal activities. For purposes of this policy, illegal activities are violations of the civil or criminal code of this state or the United States or any regulation intended to protect the public health, safety, or welfare. Employees are also protected from other forms of retaliation for reporting or seeking guidance regarding potential or actual criminal conduct.

3. **[Respect for Others](#)**[\[top\]](#)

People are the University of Tennessee’s most important resource for accomplishing its teaching, research, and public service missions. Accordingly, employees are expected to be committed to creating an environment that promotes academic freedom, diversity, fair treatment, and respect for others. Employees are expected to treat one another, students, and the general public in an honest and respectful manner.

4. **[Avoiding Conflicts of Interests](#)** [\[top\]](#)

Comment [DPR6]: Note that employees are not protected from retaliatory discharge for refusing to participate in the more general ethical violations specified above in Section 1. This means that employees are subject to discipline (for insubordination) for refusing to engage in questionable but not illegal behavior. But under the terms here, the employee is also subject to discipline for engaging in it if directed to do so.

This protection from retaliatory discharge is inadequate to protect an employee from protecting his or her job by attempting to comply with the statements in this document.

Objectivity and integrity are essential qualities for employees of a public institution such as the University of Tennessee. For the university to carry out its missions with unquestioned credibility, employees are expected to maintain the highest levels of integrity and objectivity as they perform their duties. Employees are expected to take all reasonable precautions and seek appropriate guidance to ensure that their outside interests do not place them in conflict with carrying out their duties and responsibilities as UT employees. Employees must disclose outside interests in accordance with university policies so that they can be reviewed and managed or eliminated, as appropriate.

5. [Responsible Use of University Resources](#)[\[top\]](#)

Employees must use university property, funds, technology, time, and other resources for legitimate business purposes. Employees must not use university resources for personal gain or to benefit third parties, unless a specific exception has been granted in accordance with policies. **Employees are expected to be responsible stewards** when using university funds for business travel or entertainment.

Comment [DPR7]: This seems to be overly broad, or perhaps insufficiently precise. What does this mean? Who determines what is responsible stewardship? Is this in addition to the statements earlier in the paragraph?

6. [Responsible Conduct in Research](#) [\[top\]](#)

As members of a research university, employees must conduct research with the highest integrity and in compliance with federal, state, and local laws and regulations and university policies. Employees must recognize that failure to do so can result in significant penalties or criminal prosecution for both employees and the university. Employees involved in conducting research are expected to become familiar with applicable laws, regulations, and policies and to consult with their campus/institute research or compliance office whenever they have concerns or questions. Employees are expected to submit accurate, timely, and complete reports and documents related to research.

7. [Commitment to Environmental Health and Safety](#) [\[top\]](#)

Employees are expected to be committed to protecting the health and safety of all university students, faculty, staff, volunteers, patients, and visitors. To accomplish this, the university provides information and training to employees about health and safety hazards and safeguards. Employees are expected to exercise good health and safety practices and to comply with all health and safety laws and regulations.

8. [Responsible Use and Protection of Confidential Information](#) [\[top\]](#)

Employees are entrusted with a variety of confidential information about students, faculty, staff, alumni, donors, research sponsors, licensing partners, patients, and others. Employees must access, use, protect, disclose, preserve, and dispose of confidential information in compliance with applicable laws, regulations, contracts, and university policies.

9. [Additional Information](#)[\[top\]](#)

For university policies, statements, guidelines, and available training related to each of the principles of the Code of Conduct, visit the [Office of Institutional Compliance website](#).

Comment [DPR8]: Does this other material constitute additional required behaviors or prohibitions for this Code of Conduct?

Specific Examples of Prohibited Conduct[\[top\]](#)

No Code of Conduct can list all prohibited conduct. The following information, which is not all-inclusive, illustrates some examples of specifically prohibited conduct that may lead to disciplinary action, up to and including, termination, as either unsatisfactory work performance or work-related behavior, or gross misconduct, under university policy.

10. Respect for Persons[\[top\]](#)

- a. Disorderly conduct, including, but not limited to, using discriminatory, abusive, or threatening language; fighting, provoking a fight, or attempting bodily harm or injury to another employee or to any other individual or threatening physical action or injury on university property or during university activities; or other conduct that threatens or endangers the health, safety, or well-being of any person.
- b. Violation of any university policy against harassment, discrimination, or retaliation.

11. Respect for Property[\[top\]](#)

- a. Willful or negligent damage to university property.
- b. Theft or dishonesty.
- c. Tampering with or wantonly destroying university data, records, or other information; gaining unauthorized access to such information; disclosing confidential information; or otherwise misusing university data or information.
- d. Unauthorized use of university vehicles, mail services, identification and credit cards, telephones, computers, computer equipment, or other university equipment or materials. Computers and computer accounts are provided to employees to assist them in the performance of their jobs. Employees do not have a right to privacy in anything they create, send, or receive on a university computer. The university has the right to monitor, for business reasons, any and all aspects of any university computer system, including employee e-mail.
- e. Soliciting, collecting money, or circulating petitions on university property at any time without permission of the chief business officer or designee.

Comment [DPR9]: I think this may violate academic freedom guarantees. It also clearly violates the principle of shared governance. It appears that selling Girl Scout cookies or Knox Count Schools coupon books and collecting money for a flower fund to pay for flowers sent in sympathy for a family tragedy or illness are violations of the code of conduct. Circulating petitions for legitimate shared governance or professional purposes are also violations. Who is the system chief business officer and who is his or her designee?

12. Standards of Safety[\[top\]](#)

- a. Possession of firearms, explosives, or other dangerous materials on university property or during university activities, unless the employee is authorized either by university policy or law to carry firearms, explosives, and other dangerous materials and it is also necessary to do so in the course of employment (police officers, R.O.T.C. personnel, etc.).
- b. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol, illegal drugs, intoxicants, or controlled substances; abuse of prescription drugs while on duty; use of alcohol in a university vehicle on or off university

property; possession or use of alcohol while on duty (except at university-sponsored events and other events an employee is expected to attend as part of his or her duties); or reporting to work under the influence of illegal drugs or alcohol or while unlawfully using controlled substances.

Comment [DPR10]: This seems hypocritical.

- c. Refusal to obey security officials, Emergency Management personnel, or other proper authorities in emergencies.
- d. Failure to comply with safety rules, regulations, or common safety practices.
- e. Failure to report an accident involving on-the-job injury or damage to university property.
- f. Smoking in violation of university policy.

13. Compliance with Laws and University Policies [\[top\]](#)

- a. Falsification of university records.
- b. Misrepresentation of academic credentials, which is defined by Tennessee law as follows: “A person commits the offense of misrepresentation of academic credentials who, knowing that the statement is false and with the intent to secure employment at or admission to an institution of higher education in Tennessee, represents, orally or in writing, that such person1) has successfully completed the required course work for and has been awarded one or more degrees or diplomas from an accredited institution of higher education; 2) has successfully completed the required course work for and has been awarded one or more degrees or diplomas from a particular institution of higher education; or 3) has successfully completed the required course work for and has been awarded one or more degrees or diplomas in a particular field or specialty from an accredited institution of higher education.” Misrepresentation of academic credential is a Class A misdemeanor.
- c. Behavior or conduct unacceptable to the university or the community at large.
- d. Violation of federal government security regulations as outlined in contracts.
- e. Any violation of any law in the performance of duties or that affects the ability to perform duties satisfactorily.
- f. Failure to comply with Tennessee laws on mandatory reporting of child abuse and child sexual abuse.
- g. Failure to comply with laws regarding mandatory reporting requirements applicable to health care professionals’ interactions with patients while acting within the scope of university employment.
- h. Failure to comply with the university’s conflict of interests policy.
- i. Fabrication, falsification, plagiarism, or other serious unethical or illegal deviations from accepted practices in proposing, conducting, reporting the results of or reviewing research of service activities, in violation of university policy or state or federal law or regulations.
- j. The access, use, or disclosure of a person’s financial, personal, protected health information, or other confidential information without authorization or legal justification, in violation of university policies or law, e.g., privacy provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Federal Educational Rights and Privacy Act (FERPA).
- k. Gambling on university property or during university activities.

Comment [DPR11]: This is clearly a violation of academic freedom. In addition, the statement is overly broad and should be deleted. This means, for example, that same-sex couples could be disciplined for holding hands on campus, or for arguing pro-choice positions, or any number of other activities which are legal and constitute free speech. Who determines what is acceptable to the community at large? Who determines what is acceptable to the University?

1. **Flagrant violation or failure to observe traffic or parking regulations.**

Comment [DPR12]: This is silly. What aspect of University integrity is manifest by adherence to parking rules? Aren't the fines enough?

14. Work Performance [\[top\]](#)

- a. **Insubordination or refusal of an employee to follow instructions or to perform designated work or to comply with directives of authorized university officials.**
- b. Failure to wear proper uniform or identification in the prescribed manner as may be required by the university.
- c. **Sleeping on the job.**
- d. Failure or refusal to maintain or obtain required licensure, certification, or registration.
- e. Instigating or participating in deliberate low productivity and/or interfering with another employee's work.

Comment [DPR13]: This is insufficiently tied in with the requirement to report unethical behavior and the protection from reprisals above. An employee could be reasonably put in a situation in which following unethical instructions could result in dismissal, as would refusing to follow the instructions. That certainly isn't fair.

Comment [DPR14]: I think a 20 minute nap can be very helpful at times. This blanket prohibition is silly.

15. Standards of Attendance [\[top\]](#)

- a. **Unexcused Absence.** An absence without proper notification or satisfactory reason is unexcused. An absence of three consecutive days without notification or satisfactory reason is considered a voluntary termination.
- b. **Repeated Tardiness.** Tardiness is defined as arriving at work past the appointed starting time without supervisory approval.
- c. **Other Absences.** Such absences include the failure of employees to report to their work place at the beginning of the work period, leaving work before the end of the work period, and failure to inform the supervisor when leaving the work area.