



Human Resources Department
3410 Taft Boulevard
Wichita Falls, Texas 76308-2099
Office: 940-397-4221 Fax: 940-397-4780

Sec. 6. STANDARDS OF CONDUCT FOR STATE EMPLOYEES.

None of the funds appropriated by this Act shall be expended to pay the salary of a state employee who:

- (1) accepts or solicits any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct;
- (2) accepts other employment or engages in a business or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of the official position;
- (3) accepts other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;
- (4) makes personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and in the public interest; or
- (5) intentionally or knowingly solicits, accepts, or agrees to accept any benefit for having exercised the employee's official powers or performed the employee's official duties in favor of another.

A state employee who violates the Standards of Conduct or the university ethics Policy #3.314 is subject to termination of employment or other employment sanction. Additionally, an employee who violates the Standards of Conduct is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute.

The head of each agency of the state shall furnish each employee of such agency with a copy of this section, and shall take a receipt therefore from each employee. The preceding sentence shall not be construed to mean the new receipts are to be obtained each year from continuing employees who have previously received from copies of identical provisions relating to the conduct of state employees. The receipts shall be kept accessible for public inspection.



APPROPRIATIONS BILL, SEVENTY-FIFTH LEGISLATURE,
STATE OF TEXAS, 1997. ARTICLE IX, SECTION 5

Sec. 5. **Political Aid and Legislative Influence Prohibited.** None of the moneys appropriated by this Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition shall not be construed to prevent any official or employee of the state from furnishing to any Member of the Legislature or committee upon request, or to any other state official or employee or to any citizen information in the hands of the employee or official not considered under law to be confidential information. Any action taken against an employee or official for supplying such information shall subject the person initiating the action to immediate dismissal from state employment.

No funds under the control of any state agency or institution, including but not limited to state appropriated funds, may be used directly or indirectly to hire employees or in any other way fund or support candidates for the legislative, executive, or judicial branches of government of the State of Texas or the government of the United States.

None of the funds appropriated by this Act shall be expended in payment of the salary for full-time employment of any state employee who is also the paid lobbyist of any individual, firm, association or corporation. None of the funds appropriated by this Act shall be expended in payment of the partial salary of a part-time employee who is required to register as a lobbyist by virtue of the employee's activities for compensation by or on behalf of industry, a profession or association related to operation of the agency or institution for which the person is employed. A part-time employee may serve as a lobbyist on behalf of industry, a profession or association so long as such entity is not related to the agency with which he or she is employed.

Except as authorized by law, none of the funds appropriated by this Act shall be expended in payment of membership dues to an organization on behalf of the agency or an employee of an agency if the organization pays all or part of the salary of a person required to register under Chapter 305, Government Code.

No employee of any state agency shall use any state-owned automobile except on official business of the state, and such employees are expressly prohibited from using such automobile in connection with any political campaign or any personal or recreational activity.

None of the moneys appropriated by this Act shall be paid to any official or employee who violates any of the provisions of this section.



ARTICLE 8. PROPERTY ACCOUNTING

Property accounting system

Sec. 8.01. (a) All real and personal property belonging to the state shall be accounted for by the head of the agency which has possession of the property.

(b) The commission shall administer the property accounting system. The state auditor shall administer the property responsibility system. The commission shall issue rules and regulations and a manual of instruction and prescribe such records, reports, and forms necessary to accomplish the objects of this article subject to the approval of the state auditor. The state auditor is directed to cooperate with the commission in the exercise of the commission's rulemaking powers herein granted by giving technical assistance and advice.

(c) The commission shall maintain a complete and accurate set of centralized records of state property. Where the commission finds that an agency has demonstrated its ability and competence to maintain complete and accurate detailed records of the property it possesses without the detailed supervision by the commission, it may direct that the detailed records be kept at the principal office of such agency. Where the commission issues such order, it shall keep only summary records of the property of such agency and the agency shall keep such detailed records as the commission directs and furnish the commission with such reports at such times as directed by the commission.

(d) Each agency head shall cause each item of state property possessed by his agency to be marked so as to identify it. The agency head shall follow the instructions issued by the commission in marking state property.

Responsibility for property accounting

Sec. 8.02. (a) All state agencies shall comply with the provisions of this article and keep the property records required.

(b) All real property owned by the state shall be accounted for by the agency which possesses the property. The real property administered by the General Land Office shall be accounted for by that office and not by the system prescribed herein, and the real property administered by the permanent funds established by the legislature and people shall be accounted for by the agency now charged with its administration and not by the system prescribed herein.

(c) All personal property owned by the state shall be accounted for by the agency that possesses the property. The commission shall by regulation define what is meant by personal property for the purposes of this article, but such definition shall not include nonconsumable personal property having a value of \$250 or less per unit. In promulgating such regulations, the commission shall take into account the value of the property, its expected useful life, and if the cost of record keeping bears a reasonable relationship to the cost of the property on which records are kept. The commission shall consult with the state auditor in making such regulations and the auditor shall cooperate with the commission in the exercise of this rulemaking power by giving technical assistance and advice.

(d) All medical, surgical, and technical equipment and supplies provided by the Texas Department of Health to local public health units, local public health laboratories, state institutions, and nonprofit institutions, contributing to the promotion and maintenance of public health by the usage of such medical, surgical, and technical equipment and supplies shall be accounted for by that department and not by the system prescribed in this article. The Texas Department of Health shall maintain at all times a complete record of such medical, surgical, and technical equipment and supplies provided and such records shall be verified by the state auditor and available to the federal auditors for the agency of the federal government making such grants for assistance in the purchase of such medical, surgical, and technical equipment and supplies.

Property manager; property inventory

Sec. 8.03. (a) Each agency head is responsible for the proper custody, care, maintenance, and safekeeping of the state property possessed by his agency.

(b) Each agency head shall designate either himself or one of his employees as property manager. The commission shall be informed in writing by the agency head of the name of the property manager and shall be informed of any changes. Where the commission finds that convenience and efficiency will be served, it may permit more than one property manager to be appointed by the agency head.

(c) The property manager shall maintain the required records on all property possessed by the agency and shall be the custodian of all such property.

(d) No person shall entrust state property to any state official or employee or to anyone else to be used for other than state purposes.

(e) When an agency's property is entrusted to some person other than the property manager, the property manager shall require a written receipt for such property executed by the person receiving custody of the property. When the possession of property of one agency is entrusted to another agency on loan, such transfer shall be done only when authorized in writing by the agency head who is lending such property and the written receipt shall be executed by the agency head who is borrowing such property. The property manager is relieved of the responsibility for property which is the subject of such a receipt.

(f) Each agency shall make a complete physical inventory of all property in its possession once a year. The inventory shall be taken on the date prescribed for the agency by the commission.

(g) The agency head shall forward a signed statement describing the method by which the inventory was verified, along with a copy of such inventory, within 45 days after the inventory date for the agency.

(h) The commission shall supervise the property records of each agency so that the records accurately reflect the property currently possessed by the agency. The commission shall prescribe the methods whereby items of property are deleted from the property records of the agency. Property that has become surplus or obsolete and no longer serviceable and has been turned over to the commission for disposal under the laws relating thereto shall be deleted from the records of that agency upon the authorization of the commission. Property that is missing from the agency or property that is disposed of directly by the agency in a legal manner shall be deleted from the commission's records upon the authorization of the state auditor.

Change of property managers

Sec. 8.04. When there is a change in agency heads or property managers, the incoming agency head or property manager shall execute a receipt for all agency property accounted for to the outgoing agency head or property manager. A copy of such receipt shall be delivered to the commission, the state auditor, and the outgoing agency head or property manager. No further warrants in favor of the outgoing agency head or property manager shall be drawn or paid until the state auditor has certified that the agency property has been properly accounted for. The state auditor may make this certification without requiring that a physical inventory be taken.

Liability for property

Sec. 8.05. Where agency property disappears, whether through theft or other cause, as a result of the failure of the agency head, property manager, or agency employee entrusted with the property in writing to exercise reasonable care for its safekeeping, such person shall be pecuniarily liable to the state for the loss thus sustained by the state. Where agency property deteriorates as a result of the failure of the agency head, property manager, or agency employee entrusted with the property in writing to exercise reasonable care to maintain and service the property, such person shall be pecuniarily liable to the state for the loss thus sustained by the state. Where agency property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee, such person shall be pecuniarily liable to the state for the loss thus sustained by the state. The liability prescribed by this section may be found to attach to more than one person in a particular instance; in such cases, the liability shall be joint and several.

Reporting to state auditor

Sec. 8.06. When any state property has been lost, destroyed, or damaged through the negligence or fault of any state official or employee, the agency head responsible for such property shall immediately report such loss, destruction, or damage to the state auditor. Upon learning in any manner of such property loss, destruction, or damage, the state auditor shall investigate the matter. If the investigation discloses that an injury has been sustained by the state through the fault of a state official or employee, the state auditor shall make written demand upon such state official or employee for reimbursement to the state for the loss so sustained.

Legal action to recover monetary loss of property

Sec. 8.07. In case the demand made by the state auditor for reimbursement for property loss, destruction, or damage is refused or disregarded by the state official or employee upon whom such demand is made, the state auditor shall report the facts to the attorney general. If, after an investigation of the facts, the attorney general finds that legal liability may be adjudged against the state official or

employee, he shall take such legal action to recover the monetary loss of the state property occasioned by the loss, damage, or destruction as in his opinion may be deemed necessary. Venue for all such suits instituted against a state official or employee shall lie in the courts of appropriate jurisdiction of Travis County.

Failure to keep records

Sec. 8.08. When any agency fails to keep the records required under the provisions of this article or fails to take the annual physical inventory, the commission shall so inform the comptroller and the comptroller may refuse to draw any warrants on behalf of such agency.

Transfer of personal property

Sec. 8.09. (a) Any state agency is authorized to transfer any personal property of the state under its control or jurisdiction to any other state agency with or without reimbursement between the agencies; provided, however, that the provisions of this article shall not apply to any real property.

(b) When any personal property under the control or jurisdiction of one state agency is transferred to the control or jurisdiction of any other state agency, such transfers shall be immediately and simultaneously reported to the commission by the transferor and the transferee on forms prescribed by the commission, and it shall adjust the inventory records of the agencies involved in making the transfer. Whenever any transfer is made with reimbursement from funds deposited in the state treasury, the transferee shall issue a voucher payable to the transferor, and the comptroller of public accounts shall issue warrants for reimbursement.

Distribution of this article Sec. 8.10. Each agency head shall distribute a copy of this article to each official and employee of his agency and shall give a copy to each new employee of the agency.

Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System

As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel. This assistance is offered at local offices across the state. These local offices also provide other workers' compensation system services from the Texas Department of Insurance. This is the state agency that administers the system through the Division of Workers' Compensation.

You can contact the Office of Injured Employee Counsel by calling the toll-free telephone number 1-866-EZE-OIEC (1-866-393-6432). More information is available on the Internet at: www.oiec.state.tx.us.

You can contact the Division of Workers' Compensation by calling the toll-free telephone number 1-800-252-7031. More information about the Division is available on the Internet at: www.tdi.state.tx.us/wc/indexwc.html.

Your Rights in the Texas Workers' Compensation System

1. You may have the right to receive benefits.

You may receive benefits regardless of who was at fault for your injury with certain exceptions, such as:

- You were intoxicated at the time of the injury;
- You injured yourself on purpose or while trying to injure someone else;
- You were injured by another person for personal reasons;
- You were injured by an act of God;
- Your injury occurred during horseplay; or
- Your injury occurred while voluntarily participating in an off-work activity.

2. You have the right to receive medical care to treat your workplace injury or illness. There is no time limit for this medical care.

3. You have the right to choose your treating doctor. If you are in a Workers' Compensation Health Care Network, you can choose your doctor from the network's treating doctor list. If you are not in a network, you can choose a doctor from the Approved Doctor List kept by the Division of Workers' Compensation. It is important to follow all the rules in the workers' compensation system. If you don't follow these rules, you may be held responsible for payment of medical bills.

4. You have the right to hire an attorney at any time to help you with your claim.

5. You have the right to receive information and assistance from the Office of Injured Employee Counsel at no cost. Staff is available to answer your questions and explain your rights and responsibilities by calling the toll-free telephone number 1-866-EZE-OIEC (1-866-393-6432).

6. You have the right to receive ombudsman assistance if you do not have an attorney and a dispute resolution proceeding about your claim has been scheduled. An ombudsman is an employee of the Office of Injured Employee Counsel. Ombudsmen are trained in the field of workers' compensation and provide free assistance to injured employees without attorneys. Ombudsmen cannot sign documents for you, make decisions for you or give legal advice. Proceedings about your claim may include benefit review conferences (BRCs) or contested case hearings (CCHs). Proceedings are held at local field offices. At least one ombudsman is located in each local office.

7. You have the right for your claim information to be kept confidential. In most cases, the contents of your claim file cannot be obtained by others. Some parties have a right to know what is in your claim file, such as your employer or your employer's insurance carrier. Also, an employer that is considering hiring you may get limited information about your claim from the Division of Workers Compensation.

**Notice of Injured Employee Rights and Responsibilities in the
Texas Workers' Compensation System**

**Your Responsibilities in the Texas Workers'
Compensation System**

1. You have the responsibility to tell your employer if you have been injured at work or in the scope of your employment. You must tell your employer within 30 days of the date you were injured or first knew your injury or illness might be work related.

2. You have the responsibility to know if you are in a Workers' Compensation Health Care Network ("network"). If you do not know whether you are in a network, ask the employer you worked for at the time of your injury. If you are in a network, you have the responsibility to follow the network rules. Your employer must give you a copy of the Texas Department of Insurance network rules. Read the rules carefully. If there is something you do not understand, ask your employer or call the Office of Injured Employee Counsel. If you would like to file a complaint about a network, call the Consumer Help Line at 1-800-252-3439. Or file a complaint on the Internet at:
www.tdi.state.tx.us/consumer/complfrm.html#wc

3. You have the responsibility to tell your doctor how you were injured and whether the injury is work-related.

4. You have the responsibility to send a completed claim form (DWC-41) to the Division of Workers' Compensation. You have one year to send the form after you were injured or first knew that your illness might be work related.

Send the completed DWC-41 form even if you already are receiving benefits. You may lose your right to benefits if you do not send the completed claim form to the Division of Workers' Compensation. Call toll-free 1-800-252-7031 or 1-866-393-6432 for a copy of the DWC-41 form.

5. You have the responsibility to provide your current address, telephone number, and employer information to the Division of Workers' Compensation and the insurance carrier.

6. You have the responsibility to tell the Division of Workers' Compensation and the insurance carrier any time there is a change in your employment status or wages.

Examples include:

-You stop working because of your injury; -You start working; or you are offered a job.

Contact the Office of Injured Employee Counsel by calling the toll-free telephone number 1-866-EZE-OIEC (1-866-393-6432). More information is available on the Internet at: www.oiec.state.tx.us.

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Midwestern State University Policy Manual

4.161 Human Resources

SEX DISCRIMINATION AND SEXUAL HARASSMENT

Date Adopted/Most Recent Revision: 08/04/2006

- A. **Policy Statement** It is the policy of Midwestern State University to prohibit discrimination on the basis of sex, including sexual harassment. Sex discrimination and harassment on the basis of sex constitute violations of Title IX of the Education Amendments Act of 1972 and of Title VII of the Civil Rights Act of 1964. Any faculty, staff, or student will be subject to disciplinary action for violation of this policy.
- B. **Definition**
1. Sex discrimination is defined as conduct directed at a specific individual or group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education on account of sex.
 2. Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or
 - b. submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual, or
 - c. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, educational or living environment.
- C. **Confidentiality**
Cases involving sexual harassment will be considered sensitive, and special attention to issues of confidentiality will be given. Dissemination of information relating to the complaint will be limited, in order that the privacy of all individuals involved is safeguarded as fully as possible. Every effort will be made to protect the complainant from retaliatory action by the respondent or other individuals.
- D. **Informal Disposition of Complaint**
A person who believes he/she is the victim of sex discrimination or sexual harassment is encouraged to seek an informal resolution. All complaints will be considered informal until they are filed in writing through the prescribed formal process.
1. Any member of the MSU community (faculty, staff, or student) having a complaint of sex discrimination or sexual harassment should notify his/her immediate supervisor within ten (10) calendar days of knowledge of the alleged conduct. If the complaint is against the immediate supervisor, the complainant should contact the next higher administrative level. The immediate supervisor for an employee is the university official to whom the employee reports. The immediate supervisor for a student is the chairperson of the academic department where the alleged incident occurred, for incidents that occur within an academic setting, and the dean of students for incidents that occur in a non-academic setting.
 2. The complainant's supervisor, dean of students, or department chairperson, receiving the complaint, hereinafter referred to as the administrator, will counsel with the complainant to determine the extent of the alleged sex discrimination or sexual harassment.

3. The administrator will verbally inform the EEO coordinator (director of human resources) that an informal complaint of sex discrimination or sexual harassment has been filed.
4. The administrator will review the evidence presented by the complainant and will determine if there is cause to believe that a sex discrimination or sexual harassment violation occurred.
5. If in the judgment of the administrator a violation did not occur, the complainant will be so advised and given a verbal explanation of the reason for the determination.
6. If it is determined by the administrator that there is sufficient justification to believe that sex discrimination or sexual harassment did occur, the administrator will notify the respondent that an informal complaint has been filed against him/her and that the complainant wishes to seek an informal resolution. The administrator will inform the respondent that retaliation against the complainant is prohibited and offer the respondent an opportunity to confirm or rebut the charge. Both parties will meet with the administrator, together or separately, and try to reach a mutually agreeable resolution. No formal investigation is involved in the informal resolution process.
7. The administrator shall document the informal process and any informal resolution. Such documentation shall be kept confidential to the extent permitted by law, and shall be retained by the administrator and the EEO coordinator.

E. Formal Disposition of Complaint

A complaint may be taken through the formal process. An informal resolution meeting shall not be considered a precondition for the filing of a formal written complaint. A formal complaint must be submitted in writing within ninety (90) calendar days of the occurrence of the alleged violation. A complainant shall send a formal written complaint to the appropriate person, hereinafter designated as the investigator.

1. The designated investigator will be:
 - a. the associate vice president for student affairs for a student's complaint arising from incidents which occurred in a non- academic setting,
 - b. the relevant dean of the college for a student's complaint arising from incidents which occurred in an academic setting, or
 - c. the relevant dean of the college or department director (equivalent budgetary unit head), as appropriate, for an employee other than a student.
2. The written complaint must contain the following information:
 - a. complainant's name, address, telephone number, e-mail address,
 - b. name of respondent,
 - c. date(s), place(s), and time(s) of alleged violation,
 - d. detailed description of specific conduct in violation of policy,
 - e. copies of any documents pertaining to the incident(s),
 - f. names of any witnesses to the violation,
 - g. resolution action requested by complainant,
 - h. other relevant information, and
 - i. signature of complainant and date of filing.

3. The investigator will inform the EEO coordinator (director of human resources) that a formal complaint has been filed and provide the EEO coordinator with a copy of the complaint.
4. Within five (5) working days of receipt of a formal written complaint, the appropriate investigator receiving the complaint will send the complainant a written acknowledgement of receipt of the complaint.
5. An investigation will be initiated if it is determined that the formal complaint is complete, timely, and within the scope of the policy. If it is determined that the complaint does not meet the requirements of this policy and the university will not proceed with an investigation, the complainant will be notified in writing by the investigator. The complainant may appeal the determination to not proceed with the investigation to the complainant's senior administrator, in writing, within ten (10) working days of the notification. If the decision to dismiss is upheld, the decision is final. If the decision is overturned, the investigation will continue.
6. If it is determined that the university will proceed to investigate the complaint, the investigator will give the respondent written notification of the investigation. The investigator will inform the respondent that retaliation against the complainant is prohibited and offer the respondent an opportunity to file a written response within ten (10) working days.
7. The investigator will interview both the complainant and the respondent and persons who are considered to have pertinent factual information relevant to the complaint. Findings will be based on the totality of circumstances related to the incident or conduct and will be considered on the basis of severity, frequency, and nature of the offense. The investigation will be kept confidential and on a need-to-know basis.
8. The investigator will provide a written statement of findings with supporting documentation and a decision for disposition of the complaint to the EEO coordinator and to the senior administrator representing the department of the complainant.
9. The investigator will provide written notification of the decision to the complainant and to the respondent within fifteen (15) working days after the conclusion of the investigation.
10. Decisions involving disciplinary action will be administered in accordance with university disciplinary policies. The supervisor of the respondent will be notified by the EEO coordinator if disciplinary sanctions are imposed upon an employee of the university.

F. Right of Appeal

If the complainant or respondent is not satisfied with the disposition of the formal complaint, either party may appeal to the president for a grievance hearing.

1. The grievant must send a formal written request for a hearing to the president within ten (10) working days of receipt of the written notification of the disposition of the formal complaint. The request for a hearing must be signed by the grievant. Within ten (10) working days of the date filed, a hearing date shall be set.
2. The president shall appoint an ad hoc committee to review the formal complaint, hear the appeal, and render a decision. The hearing committee shall consist of five (5) persons who are employees of the university, two (2) persons from each classification (faculty, staff, or student) of the principals involved and a chairperson designated by the president. Each principal involved shall have one (1) preemptive challenge.
3. The complainant, respondent, administrator, investigator, and EEO coordinator shall, in advance of the hearing, receive a copy of the written appeal filed with the president. All affected parties shall receive a written notice of the date, time, and place of the hearing. A copy of the written complaint and the appeal will be furnished to the hearing committee.
4. All formal hearings shall be closed to the public except as otherwise required by law. The president's designee shall preside and conduct the business of the hearing. The principals shall have the opportunity to present their cases through testimony, relevant evidence, and witnesses.
5. The chair of the grievance committee shall within five (5) working days of the conclusion of the hearing submit a written report of the committee's decision to the complainant, the respondent, the EEO coordinator, and to the president of the university.

G. Disposition of Hearing Committee's Decision

The president of the university will receive the committee's report and may review the matter on the record only. Unless the president acts within ten (10) working days following receipt of the committee's written report, the grievance committee's decision is upheld. The decision of the president is final.

H. Retaliation

Retaliation in any form against individuals who report cases of sexual harassment or sex discrimination, whether those individuals are directly or indirectly involved, is strictly prohibited and will result in appropriate disciplinary action up to and including possible suspensions or termination.

I. False Charges

False charges of sexual harassment/discrimination, if proven, may result in disciplinary action against the complainant by the university or civil action against the complainant by the respondent if the charges were known to have been false at the time they were made.

J. Sexual Harassment/Discrimination Awareness Training

Within thirty (30) calendar days of their respective dates of employment, all new employees must receive appropriate training in sexual harassment/discrimination awareness and be given a copy of the university's sexual harassment policy. Such training, which will be conducted by the human resources department, must include the definitions of sexual harassment/discrimination, instruction in how to recognize and report instances of sexual harassment/discrimination, and the penalties for violating the university's sexual harassment/discrimination policies. All university employees must receive this training at least once every two (2) years and there must be a statement signed by the employee acknowledging completion in his or her personnel file.

K. Monitoring

A copy of a sexual harassment/discrimination complaint and a report on the final disposition to remedy the complaint will be filed with the EEO coordinator. It will be the responsibility of the EEO coordinator to conduct appropriate follow-up and monitoring of all sex discrimination and sexual harassment complaints to ensure that recommended corrective actions have been taken and that the offensive behavior has not been repeated.

HIV, AIDS and the Workplace

Fact Sheet

You may be wondering what HIV and AIDS could have to do with your job and workplace. Well, it depends on the type of work you do. Some people, like health care workers, have to deal with HIV and AIDS every day. Most of us, though, don't need to give much thought to HIV or AIDS when it comes to our jobs. And that makes a lot of sense, because HIV is not spread through the type of casual day-to-day contact that most of us have with other people in our jobs. On the other hand, it does make sense to be familiar with HIV and AIDS for our own personal health, as well as with the situations that might come up at work that do involve HIV and AIDS.

What you should know about HIV, AIDS and the workplace:

- HIV is the virus that causes AIDS, a disease that destroys a person's immune system.
- There are only a few ways that a person can be infected with HIV - most of which don't involve work-related situations.
- It is easy to protect yourself from being infected with HIV, both in your personal life and in workplace settings.

Some general information about HIV/AIDS:

Acquired Immune Deficiency Syndrome (AIDS) is the final stage of an infection caused by the **Human Immunodeficiency Virus (HIV)**. HIV attacks the body's immune system, hurting the body's ability to fight off diseases and other infections.

There is no cure for HIV infection or AIDS. There are also no clear symptoms of HIV infection, although some people may have flu-like symptoms for a few days after they are infected with HIV. But, even if an infected person has no symptoms, feels, and looks healthy, he or she can still pass the virus to others.

HIV is spread from person to person in the following body fluids:

- blood
- semen
- vaginal secretions
- breastmilk

HIV is **NOT** spread through the environment; it is a very fragile blood-borne virus. HIV-infected persons do not pose a threat to co-workers or clients during casual, day-to-day activities and contacts.

You CANNOT be infected with HIV through:

- handshakes
- hugs or casual touching
- close working conditions
- telephones, office equipment, or furniture
- sinks, toilets, or showers
- dishes, utensils, or food
- sneezing or coughing
- air, water, or insects

There are only a few ways for a person to come in contact with HIV:

- by having sex, either anal, oral, or vaginal, without the use of a condom;
- by sharing needles, syringes, and other instruments that break the skin, such as tattoo and/or ear/body piercing needles;
- from an HIV-infected mother to her baby during pregnancy, birth, or breastfeeding; and
- by coming in contact with HIV-infected blood either through an open wound or through a blood transfusion. Risks from transfusions, however, are now very low because of blood-screening, which started in 1985.

Texas Department of State Health Services ▲ HIV/STD Program



-OVER-

HIV, AIDS and the Workplace

Fact Sheet

How HIV/AIDS affects you in your workplace:

As you can see from the information on the last page, most of the behaviors that pass HIV from one person to another do not occur in the workplace. The only way that most people in the average workplace could be exposed to HIV would be if they had an open wound and someone else's infected blood entered their body through that broken skin.

How to avoid HIV infection in the workplace:

It is easy to avoid being exposed to HIV and other blood-borne diseases by using good personal hygiene and common sense at all times:

- keep broken skin covered with a clean, dry bandage;
- avoid direct contact with blood spills;
- wear gloves to clean spills that contain visible blood; and
- clean blood spills with an appropriate disinfectant or 1:10 solution of freshly mixed household bleach and water. After cleanup, wash hands thoroughly with soap and running water. (NOTE: The above recommendations are part of the Centers for Disease Control and Prevention's —Precautions for the Prevention of HIV Transmission in Health-Care Settings." Health care workers should consult the recommendations for precautions during specific medical procedures.)

Ways to reduce your risk for HIV infection in your personal life:

- Do not have sex (abstain)
- Delay having sex until you are in a faithful relationship with one person who you know does not have HIV.
- If you choose not to abstain from sex or to limit sex to one faithful, uninfected partner, then always use a latex condom **every time you have sex** (oral, anal, or vaginal). If used correctly and every time you have sex, latex condoms can provide protection against HIV and other sexually transmitted diseases (STDs).
- If you have a drug habit, do not share needles or syringes. If you can't stop sharing needles/syringes, clean them with bleach and then rinse them with water between every use. Also, do not share any other type of needles, such as tattoo and ear/body piercing needles.
- The best thing for your health is to stop using drugs. If you need help to stop using, call the National Drug Abuse Hotline at 1800-662-4357.

If you work with someone who has HIV and/or AIDS:

If you have a cold, flu or other virus, remember that people with HIV or AIDS do not have a healthy immune system. They are more likely to become ill from a virus that a healthy person's body could easily fight. Remember, too, that people with HIV or AIDS are just like anyone else living with a disease: they need caring, support, and understanding.

Call these free numbers to get more information about HIV/AIDS:

Texas HIV/STD InfoLine

1-800-299-2437 (English/Español)

Web site: www.dshs.state.tx.us/hivstd

CDC-INFO (National HIV/STD Hotline)

1-800-CDC-INFO

(English/Español) 1-888-232-6348

(TTY) Web site: www.hivtest.org

-END (Revised 4/2006)

Texas Department of State Health Services ▲ HIV/STD Program





MSU ETHICS POLICY 3.314

3.314 Human Resources

ETHICS POLICY FOR EMPLOYEES OF MIDWESTERN STATE UNIVERSITY

Date Adopted/Most Recent Revision: 08/04/2006

A. Introduction:

It is of the highest importance that the people of the State of Texas have complete confidence in the integrity of their public servants. This need is especially critical in the area of state-supported higher education. The responsibility for educating and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles. It is for this reason that this statement of ethical principles and its accompanying guidelines are promulgated by the Board of Regents of Midwestern State University (MSU). These principles and guidelines shall apply as appropriate to all persons employed by MSU regardless of rank or position. In the event of a conflict between the terms of this policy and any existing policy, this policy will take precedence. If a topic has also been addressed in other policy statements or manuals of MSU, the procedures and statements contained therein are hereby reaffirmed and made a part hereof for all purposes.

B. Principals of Ethical Conduct

1. MSU employees shall not hold financial interests that are in conflict with the performance of their official duties and responsibilities.
2. MSU employees shall not engage in any financial transaction in order to further any private interest using non-public information which they obtain in the course of their employment.
3. MSU employees shall put forth honest effort in the performance of their duties.
4. MSU employees shall make no unauthorized commitments or promises of any kind purporting to bind MSU.
5. MSU employees shall not use their public offices for private gain. Consultation by employees for remuneration is not prohibited as long as state resources are not utilized.
6. MSU employees shall act impartially and not give preferential treatment to any private or public organization or individual with the expectation of personal gain.
7. MSU employees shall protect and conserve public property and shall not use it for other than authorized activities.
8. MSU employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official duties and responsibilities.
9. MSU employees shall promptly disclose waste, fraud, abuse, and corruption to appropriate authorities.
10. MSU employees shall adhere to the laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, or disability.
11. MSU employees shall endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of MSU.
12. MSU employees shall not utilize university computers in a manner that is contrary to the mission of the university.

C. Conflicts of Interest

1. Ethics Commission Financial Disclosure Statements

The President of the academic institution is required to file a financial statement with the Texas Ethics Commission annually. Forms prescribed by the commission shall be utilized.

2. Disclosure of Interest for Non-CEO's

All MSU employees who are authorized to execute contracts on behalf of MSU, who exercise discretion with regard to the management of MSU, or who exercise discretion with regard to the investment or management of MSU funds shall file annually with the President a report disclosing the following information regarding themselves, their spouses, and their dependent children (if the reporting individual had actual control over that activity at any time during the preceding calendar year.):

- a. The names and addresses of all corporations and not-for-profits, for which the person serves as a member of the governing board in the capacity of a director, advisory director, trustee, or others.
- b. The names and addresses of all corporations for which the person serves as an executive officer.
- c. The name and address of any partnership, limited partnership, proprietorship, or other business association of which the person is a partner, joint venturer, or owner.
- d. The amount of any compensation received for services related to a., b., and c. above, including any benefits, direct or indirect.
- e. All business entities in which the person holds a controlling interest or is the principal shareholder.
- f. All business entities in which the person owns a ten percent (10%) or greater interest, whether voting or nonvoting, in shares, stock, or otherwise, or receives ten percent (10%) or more of the profits, proceeds or capital gains.
- g. Whether the person is employed by any business entity (including self-employment), and the name and address of the employing entity.
- h. Whether any of the business entities described in a. through g. above, have any relationship to MSU, and a brief description of such relationship, if known.

3. Outside Employment and Service of President and Vice Presidents

Any outside employment of the President, the Provost, or Vice Presidents, including service on the Board of Directors of a corporation, shall be approved in advance by the Chairperson of the Board of Regents, or the Chairman's designee.

4. Disclosure of Interest in Property to be Acquired

As an officer of the government, the President is required to disclose any legal or equitable interest in property that is to be acquired with public funds. Such disclosure shall be made by filing an affidavit containing specific information as required by statute. The affidavit must be filed with the county clerk of the county in which the individual resides and the county clerk of each county in which the property is located. Such filing must be completed within ten (10) days before the date on which the property is to be acquired by purchase or condemnation. "Public funds" includes only funds collected by or through a government.

D. Travel

Detailed MSU policies regarding travel regulations may be found in sections 2-15 through 2-18 of the *MSU Handbook of Fiscal Regulations and Procedures*, or by contacting the MSU Business Office.

1. Transportation, Meals, and Lodging

- a. The President is entitled to receive the following when traveling to conduct official business:
 - 1. Reimbursement for actual amounts expended for meals and lodging, excluding

unallowable items as defined by law, with actual receipts provided.

2. Reimbursement for transportation and incidental expenses at rates specified for state employees.
- b. Other MSU employees are entitled to receive the following when traveling to conduct official state business:
 1. Actual cost of lodging and meals for in-state travel, except that the reimbursements may not exceed the current maximum established by law, in order to receive such reimbursement, the employee must be on duty away from headquarters, and stay overnight. Actual receipts for lodging must be provided.
 2. For out-of-state travel, employees may receive actual costs for lodging and a per diem for meals not to exceed the locality-based allowance provided by the Federal Travel Regulations for lodging and meals unless the State Comptroller determines in advance of the travel that local conditions warrant a change in the lodging rate for a particular location. Actual receipts for lodging must be provided.
3. **Exceptions:**

The university will allow the full cost of lodging only under the following conditions:

- a. Where the employee can evidence cost benefit of staying at a specific hotel.
- b. Where attendance at a program or conference is necessary for the university to maintain a program or accreditation.
- c. Where the employee is an officer of a professional organization or has been invited as a speaker or presenter for a professional program.

Only departmental local funds may be used for reimbursements under these exemptions and appropriate justification must be attached to travel vouchers submitted for payment. Only departmental local funds may be used for reimbursements under these exemptions and appropriate justification must be attached to travel vouchers submitted for payment.

Improper Travel Reimbursement:

When an MSU employee engages in travel for which compensation is to be received from any source other than MSU funds, the employee shall not submit a claim under the provisions of the MSU travel regulations. An MSU employee who receives an overpayment for a travel expense shall reimburse MSU for the overpayment.

"Official Business" for Purpose of Travel:

To qualify for travel reimbursements and use of MSU vehicles, the purpose of a trip must be "state business" or "official business" of MSU. State or official business is the accomplishment of a governmental function directly entrusted to MSU, including the reasonably necessary means and methods to accomplish that function.

Per Diem for Employees Travel Under Contracts and Grants:

Employees traveling under contracts and grants (federal, state, private) shall be reimbursed for travel expenses and allowances on the same basis as other MSU employees, except in those instance where the terms of the contract or grant specify travel guidelines and reimbursement rates which differ from State of Texas reimbursement rates.

Travel Bonus (Frequent Flyer) Awards:

MSU employees who earn credit with airlines, hotels, car rental companies, etc., for official travel are not required to account for such credit or to use such for official travel only.

State Credit Cards:

MSU employees may not use state credit cards for personal expenses. State credit cards may only be used for legitimate MSU travel business expenses. Payment of charges on individual cards is the sole responsibility of the

individual employee. MSU shall not be responsible for the charges, regardless of the types of charges. Employees may use state credit cards to charge for items that, while they qualify as official business, are not fully reimbursable under state and/or MSU guidelines for reimbursement.

Official Travel by Spouses and Relatives of Employees:

Spouses and other relatives of employees may qualify to have travel expenses paid by MSU if their presence at a function or on a trip is for an official purpose benefitting MSU and/or the State of Texas. All such travel must be approved in advance by the President. In making a determination of whether the presence of a spouse or relative is for an official purpose, the factors to be considered are the nature and duties of the employee's office, the traditional role, if any of the employee's spouse or relative, the purpose of the particular trip, and the spouse or relative's connection with that purpose. Request for reimbursement of expenses or for direct departmental payment of travel expenses for such persons must be approved in writing by the President.

Foreign Travel:

Request for travel related to official state business outside of the United States must be approved by the President and Chairperson of the Board of Regents thirty (30) days in advance of the travel if the source of funding is money other than gift funds or contracts and grants. This requirement does not apply to travel to Canada, Mexico or any state or possession of the United States.

E. Benefits, Gifts, and Honoraria

A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare an employee has a direct and substantial interest.

1. Bribery

No MSU employee may solicit, offer, or accept any benefit in exchange for his or her decision, opinion, recommendation, vote, or other exercises of official power or discretion. A benefit that is otherwise allowed by MSU policy is nevertheless prohibited if it is offered in exchange for official action, as described above.

Prohibited Benefits

An MSU employee who exercises discretion in connection with contracts, purchases, payments, claims and other pecuniary transactions or government may not solicit, accept or agree to accept any benefit from any person the employee knows is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving the employee's discretion. This prohibition does not apply to:

- a. Gifts or other benefits conferred on account of kinship or a personal, professional or business relationship independent of the employee's status as an MSU employee
- b. A fee prescribed by law to be received by the employee or any other benefit to which the employee is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as an MSU employee
- c. A gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305 of the Government Code; and
- d. Items having a value of less than \$50, not including cash or negotiable instruments. An employee who receives an unsolicited benefit that he or she is prohibited from accepting by law may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for education, religious, or scientific purposes.

Food, Lodging, Transportation, and Entertainment Received as a Guest

An MSU employee may accept food, lodging, transportation, or entertainment from persons or entities he or she knows or reasonably should know are interest in or likely to become interested in a contract, purchase, payment, claim, decision, or transaction involving the exercise of the employee's discretion only if the employee is a "guest" as defined by Texas law. An employee is a "guest" if the person or a representative of the entity providing the food, lodging, transportation, or entertainment is present at the time the food, lodging, transportation, or entertainment is received or enjoyed by the employee. All such travel by employees of MSU must be approved in advance by the President. The President is required to report any such benefits valued at over \$250 on the annual disclosure

statement filed with the Texas Ethics Commission.

Gift Items:

An MSU employee shall disclose to his or her respective Vice President (Provost) any gift received in the course of official business having a value of more than \$50. The President shall make such disclosures to the Board of Regents.

From Friends, Relatives, and Associates:

An MSU employee may accept benefits from personal friends, relatives, or business associates with whom he or she has a relationship independent of his or her official status, so long as the benefit is not offered in exchange for official action or decision.

Awards:

An MSU employee may accept plaques and similar recognition awards, including achievement and recognition awards from MSU.

Honoraria:

An MSU employee may not solicit, accept, or agree to accept an honorarium in consideration for services he or she would not have been asked to provide but for his or her official position or duties. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. However, he or she may accept the direct provision of or reimbursement for expenses for transportation and lodging incurred in connection with a speaking engagement at a conference or similar event. Meals provided as part of the event or reimbursement for actual expenses for meals may also be accepted. Participation by the employee must be more than merely perfunctory.

F. Public Officials and Political Activities.

1. Entertainment:

If an MSU employee provides tickets to a public official to allow the official and/or his guests to attend an event, an officer or employee of MSU will serve as host to the official, and must attend the event.

2. Perishable Food Items

An MSU employee may provide public officials with small, infrequent gifts of perishable food items delivered to the offices of the public officials. These are not considered to be "benefits" for purposes of the provision of the Penal Code prohibiting such.

3. Expenses for Public Officials:

MSU may pay expenses in order to furnish information to state officials relevant to their official positions, including presentations about the programs and services of MSU.

4. Use of Official Authority Prohibited:

No MSU employee may use his or her official authority or influence, or permit the use of a program administered by MSU, to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. No MSU employee may do any act or attempt to interfere with anyone who seeks to pay, lend, or contribute private funds or private property to a person or political organization for political purposes. Any MSU employee who violates either of these provisions is subject to immediate termination of employment, in accordance with the Texas Government Code 4.

5. Use of MSU Funds or Property:

No MSU employee shall expend or authorize the expenditure of any MSU funds, services or supplies for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure. No MSU funds may be expended for the payment of full or partial salary of any employee who is also the paid lobbyist of any individual, firm, association, or corporation.

6. Voting and Political Participation:

As employees of the State of Texas, MSU employees have the rights of freedom of association and political participation guaranteed by the state and federal constitutions, except as limited by valid state laws. MSU employees shall be allowed sufficient time off to vote in public elections with deduction from pay or from accrued leave time.

7. Employees as Candidates and Officeholders:

MSU employees may run for election and serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts. No campaign activities may be conducted during official business hours unless the employee has requested and received permission to use leave time for such purpose. Any employee elected to such a position may not receive any salary for serving as a member of such governing bodies. It is the policy of MSU that an employee who intends to be a candidate for any public office, other than a local office for which no emolument of any kind is received, must resign unconditionally from employment with MSU prior to announcing his or her candidacy.

8. Political Contributions from Employees:

MSU employees may make personal contributions to candidates for office and political organizations with the exception that no state employee may contribute personal services, money, or goods of value to a candidate campaigning for speaker of the Texas House of Representatives.

G. Dual Office Holding

1. Non-elective State or Federal Office

An MSU employee may hold non-elective offices with boards, commissions, and other state and federal entities provided that the holding of such office:

- a. Of benefit to the State of Texas, or is required by state or federal law, and
- b. Is not in conflict with the employee's position with MSU.

Such appointments must be approved by the President. Prior to the President, Provost or Vice Presidents accepting an invitation to serve in an additional non-elective office, the Board of Regents must determine that the appointment meets the two requirements stated above. The Board must also make an official record of any compensation to be received by the President, Provost or Vice Presidents from such appointment, including salary, bonus, per diem or other types of compensation.

2. Positions of Employment with Government Agencies

MSU officers may hold other positions of employment with agencies, boards, commissions, or other entities of government so long as the holding of such positions is consistent with the prohibitions against dual office holding in the Texas Constitution. Consulting arrangements with federal, state, or local governmental agencies of a detached and independent advisory nature are not considered to be appointments of such agencies.

H. MSU Property and Services

1. Misuse of Authority:

It is a violation of state law for an MSU employee acting with the intent to obtain a benefit or with intent to harm another to intentionally or knowingly misapply anything of value belonging to the government that comes into his or her custody or possession by virtue of his or her office or employment.

2. Misuse of Official Information:

It is a violation of state law if an MSU employee in reliance on information to which he or she has access in his or her official capacity and which has not been made public:

- a. Acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; or
- b. Speculates or aids another to speculate on the basis of the information.

3. Telephones:

From time to time MSU employees may need to make personal telephone calls during working hours. Normally, such use does not result in additional costs or damage to MSU and generally will not hinder the day-to-day operation of any office. Incidental use of MSU telephones during working hours by an MSU employee for local calls is not considered to be misapplication of state property, and is permissible so long as it does not unduly interfere with the employee's assigned responsibilities or the normal functioning of an office. Use of the telephone is considered to be misapplication of state equipment if it results in additional costs being incurred by MSU, including long distance charges, or damage to the equipment.

4. Personal Computers:

University-owned computers and electronic mail services may be used for incidental personal purposes provided that the use does not:

- a. Directly or indirectly interfere with the University's operation of computing facilities or electronic mail services;
- b. Burden the University with additional expenditures or cause interference with the employee's assigned responsibilities;
- c. Disrupt the normal functioning of an office or work area;
- d. Violate University Principles of Ethical Conduct.

Use of university computers or electronic mail services to download, post or transport material that is illegal or in violation of university contracts is considered a violation of the university's Principles of Ethical Conduct.

5. Other MSU Equipment

No MSU employee shall entrust state property to any state official or employee or to anyone else to be used for other than state purposes. An MSU employee shall not use MSU equipment or property for his or her own benefit or pleasure.

6. MSU Vehicles:

No MSU employee shall use any vehicle owned by MSU for any purpose other than official business of MSU. Employees may not use such vehicles in connection with any political campaign or for any personal or recreational activity. The President may assign vehicles for permanent use or twenty-four hour use when determined to be critical to the operations of MSU (examples: police and maintenance).

I. Employment

1. Supplementary Pay and Perquisites:

Compensation for the President, Provost, and Vice Presidents of Midwestern State university shall be a fixed amount of money as determined by the Board of Regents. No such officer shall receive any emolument, supplement, perquisite, or other benefit from MSU without specific approval of the Board of Regents.

2. Outside Employment and Consulting:

Full-time MSU employees are expected to devote their time and talents on a full-time basis to their assigned duties and responsibilities. Refer to the *MSU Policies and Procedures Manual 3.134* for details on MSU policies concerning outside employment of faculty.

3. Nepotism

Refer to the *MSU Policies and Procedures Manual #3.323* to review MSU policies concerning employee nepotism.

4. Sexual Harassment:

All MSU employees are expected to comply with the provisions of the *MSU Policies and Procedures Manual #4.161* relating to sexual harassment. The employment and education environment throughout MSU shall be free from all

forms of sexual discrimination and sexual harassment. Conduct constituting sexual harassment is specifically prohibited and will result in appropriate sanctions.

5. Confidential Information

All MSU employees shall not disclose confidential information gained through employment with MSU or use such information for his or her personal benefit. Refer to *MSU Policies and Procedures Manual #4.149* to review the MSU policy concerning Open Records and Public Disclosure of Information.

Texas Government Code § 572.051 STANDARDS OF

CONDUCT; STATE AGENCY ETHICS

POLICY (a) A state officer or employee should not:

(1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;

(2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;

(3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or

(5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

(b) A state employee who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's state employment or another employment related sanction. Notwithstanding this subsection, a state officer or employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

(c) Each state agency shall:

(1) adopt a written ethics policy for the agency's employees consistent with the standards prescribed by Subsection

(a) and other provisions of this subchapter;

and (2) distribute a copy of the ethics policy and this subchapter to:

(A) each new employee not later than the third business day after the date the person begins employment with the agency; and

(B) each new officer not later than the third business day after the date the person qualifies for office.

(d) The office of the attorney general shall develop, in coordination with the commission, and distribute a model policy that state agencies may use in adopting an agency ethics policy under Subsection (c). A state agency is not required to adopt the model policy developed under this subsection.

(e) Subchapters E and F, Chapter 571, do not apply to a violation of this section.

(f) Notwithstanding Subsection (e), if a person with knowledge of a violation of an agency ethics policy adopted under Subsection (c) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney, then, not later than the 60th day after the date a person notifies the

prosecuting attorney under this subsection, the prosecuting attorney shall notify the commission of the status of the prosecuting attorney's investigation of the alleged violation. The commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation. This subsection does not apply to an alleged violation by a member or employee of the commission.

(g) Not later than November 1, 2007, the office of the attorney general shall:

- (1) develop a model ethics policy as required by Subsection (d); and
- (2) distribute the policy to each state agency required to adopt an ethics policy under Subsection (c).

(h) Not later than January 1, 2008, each state agency shall:

- (1) adopt an ethics policy as required by Subsection (c); and
- (2) distribute a copy of the ethics policy and this subchapter to each employee of the agency.

(i) Subsections (g) and (h) and this subsection expire January 15, 2008.

Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [629](#), § 1, eff. September 1, 2007.



Human Resources Department
3410 Taft Boulevard Wichita Falls, Texas 76308-2099
o 940.397.4221 f 940.397.4780

September 26, 2013

You are receiving this form due to the Affordable Care Act (Obama Care).

If you are eligible for insurance through Midwestern State University, you have already been contacted by the MSU Human Resources Department.

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. **Please visit HealthCare.gov or call (800) 318-2596 for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.**

Human Resources Department
Midwestern State University



New Health Insurance Marketplace Coverage Options and Your Health Coverage

Form Approved
OMB No. 1210-0149
(expires 11-30-2013)

PART A: General Information

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace and employment-based health coverage offered by your employer.

What is the Health Insurance Marketplace?

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

Can I Save Money on my Health Insurance Premiums in the Marketplace?

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that doesn't meet certain standards. The savings on your premium that you're eligible for depends on your household income.

Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer's health plan. However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.¹

Note: If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution—as well as your employee contribution to employer-offered coverage—is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

How Can I Get More Information?

For more information about your coverage offered by your employer, please check your summary plan description or contact _____.

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit HealthCare.gov for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.

¹ An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs.

PART B: Information About Health Coverage Offered by Your Employer

This section contains information about any health coverage offered by your employer. If you decide to complete an application for coverage in the Marketplace, you will be asked to provide this information. This information is numbered to correspond to the Marketplace application.

3. Employer name		4. Employer Identification Number (EIN)	
5. Employer address		6. Employer phone number	
7. City	8. State	9. ZIP code	
10. Who can we contact about employee health coverage at this job?			
11. Phone number (if different from above)		12. Email address	

Here is some basic information about health coverage offered by this employer:

- As your employer, we offer a health plan to:
All employees.

Some employees. Eligible employees are:

- With respect to dependents:
We do offer coverage. Eligible dependents are:

We do not offer coverage.

If checked, this coverage meets the minimum value standard, and the cost of this coverage to you is intended to be affordable, based on employee wages.

** Even if your employer intends your coverage to be affordable, you may still be eligible for a premium discount through the Marketplace. The Marketplace will use your household income, along with other factors, to determine whether you may be eligible for a premium discount. If, for example, your wages vary from week to week (perhaps you are an hourly employee or you work on a commission basis), if you are newly employed mid-year, or if you have other income losses, you may still qualify for a premium discount.

If you decide to shop for coverage in the Marketplace, [HealthCare.gov](https://www.healthcare.gov) will guide you through the process. Here's the employer information you'll enter when you visit [HealthCare.gov](https://www.healthcare.gov) to find out if you can get a tax credit to lower your monthly premiums.

The information below corresponds to the Marketplace Employer Coverage Tool. Completing this section is optional for employers, but will help ensure employees understand their coverage choices.

13. Is the employee currently eligible for coverage offered by this employer, or will the employee be eligible in the next 3 months?

Yes (Continue)

13a. If the employee is not eligible today, including as a result of a waiting or probationary period, when is the employee eligible for coverage? _____ (mm/dd/yyyy) (Continue)

No (STOP and return this form to employee)

14. Does the employer offer a health plan that meets the minimum value standard*?
Yes (Go to question 15) No (STOP and return form to employee)

15. For the lowest-cost plan that meets the minimum value standard* offered **only to the employee (don't include family plans): If the employer has wellness programs, provide the premium that the employee would pay if he/ she received the maximum discount for any tobacco cessation programs, and didn't receive any other discounts based on wellness programs.**

a. How much would the employee have to pay in premiums for this plan? \$ _____

b. How often? Weekly Every 2 weeks Twice a month Monthly Quarterly Yearly

If the plan year will end soon and you know that the health plans offered will change, go to question 16. If you don't know, STOP and return form to employee.

16. What change will the employer make for the new plan year?

Employer won't offer health coverage

Employer will start offering health coverage to employees or change the premium for the lowest-cost plan available only to the employee that meets the minimum value standard.* (Premium should reflect the discount for wellness programs. See question 15.)

a. How much will the employee have to pay in premiums for that plan? \$ _____

b. How often? Weekly Every 2 weeks Twice a month Monthly Quarterly Yearly

Date of change (mm/dd/yyyy): _____

* An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs (Section 36B(c)(2)(C)(ii) of the Internal Revenue Code of 1986)