

FACULTY ETHICS AND COMPLIANCE TRAINING

Table of Contents

Ethics and Compliance.....	2
Appropriate Use of Information Resources	3
Information Security.....	4
Copyright Protection	5
FERPA.....	6
Conflicts of Interest	7
Drug-Free and Weapon-Free Workplace	8-9
Reporting Abuse of Minors.....	10-17

Module I: Ethics and Compliance

To meet Texas State's mission, faculty must clearly articulate the university's commitment to ethical conduct and integrity.

Ethical conduct and compliance are each faculty member's personal responsibility. The university holds each faculty member accountable for his or her own conduct. This responsibility includes more than following university policies. During working hours' faculty represent the university, and their actions reflect on the university. Faculty are responsible for using university resources efficiently to accomplish university goals.

Faculty are not only responsible for their behavior; they are also responsible for reporting workplace issues that do not comply with university policy to the appropriate authority. Everyone must report suspected instances of unethical behavior or non-compliance whether they are directly involved or just observe it.

At Texas State, anyone reporting a problem in good faith is protected from retaliation. The university takes legitimate complaints very seriously. It protects the person making the complaint, investigates the issue, and, if necessary, takes steps to correct the problem.

The [Faculty Handbook](#) contains guidelines for reporting personnel issues. For other issues the university has provided the hotlines listed below.

Ethicspoint toll free hotline: 866.294.0987

University Audit and Analysis Website: www.txstate.edu/audit_compliance

University Audit and Analysis Hotline: 512.245.1707 (leave voice mail)

State Auditor's Office Hotline: 800.TX-AUDIT

Compliance is about doing what policies, regulations, and laws require. Ethics is about doing what you should do because it is right. "An ethical person chooses to do more than the law requires and less than the law allows." - Christopher Stone

Module II: Appropriate Use of Information Resources

A university information resource is any university-owned or university-managed device, tool, function or process capable of receiving, storing, managing or transmitting electronic data, as well as the data itself.

Texas State is a public institution, and as such, is subject to the Texas Public Information Act (TPIA), formerly known as the Open Records Act. The TPIA states that all recorded information owned or accessed by a governmental body is public information, with certain exceptions.

- You may have to disclose e-mail messages in response to open records requests, subpoenas, court orders and similar directives.
- You may make incidental personal use of the university's information resources.
- Don't use university resources for personal gain or commercial purposes.
- Protect your identity. Never share your password with anyone else, including your co-workers or members of your family.
- You may not use resources to influence the result of any election or for other political purposes.

Don't think of your university e-mail as private. The university reserves the right to access all of the system's contents. E-mail can be viewed by authorized staff, such as auditors and server administrators, in the performance of their assigned duties and for internal investigations of crimes and policy violations, such as claims of harassment and fraud.

Please review the university's appropriate use policy [UPPS 04.01.07](#) every time you change your password.

Report inappropriate use of the university's information resources to Information Technology at:

The Information Technology Assistance Center (ITAC)

245.ITAC (4822), itac@txstate.edu

IT Security, 245.4225, itsecurity@txstate.edu

Module III: Information Security

Every university employee is responsible for safeguarding both the university information system and the data it contains. Electronic files that contain restricted or confidential data must be encrypted or stored in the university data center ([UPPS 04.01.01](#)).

The university automatically applies patches for operating systems (e.g. Mac, Windows), and application, anti-virus, and anti-spyware software. If you use a personal computer in conjunction with your university account, you need to perform these updates to keep university information safe.

Best Practices for Passwords and Accounts:

- Follow the [university standards](#) for passwords and PINs
- Use separate user accounts to control computer access, *Administrator* (for downloading and installing) | *Normal user* (for daily activities such as browsing, editing)

Best Practices for Mobile Devices and Media, including netbooks, laptops, PDAs, smart phones, USB drives, CDs or DVDs, or other devices or media that carry and store data.

- Don't store confidential information on portable devices or media. If this is absolutely required, you must use encryption
- Always use a password or PIN if this feature is available

Wireless Activities: Suggestions to help protect your wireless activities:

Wireless access at Texas State

- Texas State University: (An open network). This network is not secured or encrypted. Due to the public nature and easy access by anyone, use it only for non-confidential activities.
- Texas State WPA: (A secured, encrypted network). Requires a Texas State Net ID and password to log in and is protected from unauthorized access. The university recommends using this network.

Texas State University Policies

- Security of Texas State Information Resources [UPPS 04.01.01](#)
- Appropriate Use of Information Resources [UPPS 04.01.07](#)

Module IV: Copyright Protection

Works of authorship are protected and include literary works, musical works, motion pictures, sound recordings, architectural drawings, dramatic and graphic works, and computer software.

Under the Texas State University System's Regents' Rules, an employee who authors a work owns the copyright to the work unless one of the following applies:

1. the university commissioned the work
2. the university provided substantial resources to the employee in developing the work
3. there is a contract that provides otherwise for ownership

Computer Software

The university licenses software, databases and other information resources for use by its students, faculty and staff. Use these resources as allowed by the license provisions and terms of use, which can vary across products.

Unauthorized duplication of copyrighted software violates federal copyright law. Users must abide by all software license agreements. Users may copy licensed software only as permitted by the license agreement. Read the agreement with the software vendor or consult a copyright specialist.

Students, faculty and staff may not make, use or distribute unauthorized copies. Any such use is without consent of Texas State and may expose the user to personal liability.

More information is available at:

- Intellectual Property: Ownership and Use of Copyrighted Works: [UPPS 01.04.27](#)
- Chapter III, Section 11, "Copyright Policy" in [The Texas State University System Board of Regents' Rules](#)

Module V: FERPA

The Family Educational Rights and Privacy Act (FERPA) guarantees students access to their educational records and restricts access by others. "Education Records" include information related directly to a student that an institution maintains. These records need not be related to an educational purpose.

The university may disclose information from a student's education records if it is directory information, if the student provides written consent to the release, or in other limited instances. No consent is required if the information is disclosed to other school officials with legitimate educational interests. "Other school officials" include university employees, faculty members, and contractors providing services to the university.

The university may disclose education information to a student's parents if the parents carry the student as a dependent on either parent's federal income tax return, in which case both parents may have access to their child's records.

Directory information consists of a student's name, address, telephone number, honors and awards received, and other information not generally considered private information. A student may elect to have directory information withheld from public disclosure. The student's election is binding until the student rescinds it. In a health or safety emergency, the university may disclose a student's education records to anyone who needs to know.

Especially important is the requirement that faculty not post student grades in places where others might see them and easily trace the student's identity. Faculty should never post grades using the student's name, social security number, university identity number, or any parts of these, or any other number that makes the student's identity easily traceable.

At Texas State, [UPPS 01.04.31](#) contains the university's FERPA policy. It contains a notice to students of their rights under the FERPA law and a detailed listing of information that the university considers directory information.

Module VI: Conflicts of Interest

A conflict of interest is any outside employment or activity, as determined by the president, that interferes or conflicts with the employee's Texas State duties and responsibilities, and includes, as a minimum, the situations described in [UPPS No. 01.04.02](#), Ethics Policy; [UPPS No. 02.02.07](#), Investigator Conflicts of Interest and Conflicts of Commitment in Sponsored Research and Other Sponsored Activities, and Chapter V, Sections 4.83 and Chapter VII of [The Texas State University System Regents' Rules](#).

An officer or employee of a state agency shall report to that agency's chief executive, not later than the 10th day after the date on which a private consultant submits an offer to provide consulting services to the agency, any financial interest that:

- the officer or employee has in the private consultant who submitted the offer; or
- an individual who is related to the officer or employee within the second degree by consanguinity or affinity, as determined under Chapter 573, has in the private consultant who submitted the offer. (Texas Gov't. Code Ann. § 2254.032: Conflicts of Interest)

A faculty member must obtain authorization to use, in classes he or she teaches, any textbook, notebook, manual or other materials written or prepared by a university faculty member for which a charge is made. [PPS 4.10](#) - Faculty Authored Teaching.

The university prohibits personal use of university property and equipment. Under some circumstances, state law allows minimal use with the prior written approval of the employee's supervisor. Examples include an employee's receipt of a personal communication on a university fax machine or an employee who is taking a university class using one of his or her office computers to type a term paper. [UPPS No. 05.01.01](#) (06.01) For any other questions, please refer to the [Faculty Handbook](#).

Module VII: Drug-Free and Weapon-Free Workplace

Drug-Free Workplace

What is Prohibited?

- The unauthorized purchase, manufacture, distribution, possession, sale, storage, or use of an illegal drug or controlled substance at Texas State is prohibited.
- Being under the influence of intoxicants, including alcohol, or illegal drugs on the premises at any time is prohibited.

What is Permitted?

- Alcohol is permitted at official functions approved by the President.
- Prescriptions and over-the-counter medications are usually permitted and can be used as directed by a physician.

What are the Consequences?

- Possessing, using or selling alcohol or drugs on Texas State premises, OR Being under the influence of alcohol or drugs while on Texas State premises, OR Bringing, manufacturing, or distributing alcohol or illegal drugs on premises. Can result in disciplinary action, including dismissal.

Weapon-Free Workplace

- Texas State prohibits weapons in all facilities except as allowed by the laws of the State of Texas and the President's Rules Regarding the Carrying of Concealed Handguns by License Holders on Texas State University Campuses.
- ROTC, commissioned law enforcement including UPD, and lawfully armed security guards are authorized to have firearms on Texas State premises.
- A holder of a concealed carry license or license to carry is allowed to carry a concealed handgun on Texas State premises in locations that are not designed gun-free locations. The Campus Carry website contains specific information about the manner in which the concealed handgun may be carried and the designated gun-free locations.
- The Department of Theatre and Dance may use realistic props in their productions.
- It is not okay for an employee to make threatening remarks about using a weapon.

Module VII: Drug-Free and Weapon-Free Workplace

Additional information is available:

Drug Free Workplace

- [UPPS 04.04.45](#)

Drug Free Schools and Communities Act

- [UPPS 04.04.48](#)

Alcoholic Beverage Policy and Procedure

- [UPPS 05.03.03](#)

Concealed Carry of Handguns by License Holders on University Premises

- [UPPS 01.04.45](#)
- www.txstate.edu/campuscarry

See also Chapter VII, Section 4.5, Prohibition of Weapons, [Texas State University System Rules and Regulations](#)

Module VIII: Reporting Abuse of Minors

Texas State University is committed to providing a safe environment for minors who utilize facilities on the Texas State campuses, this training is provided to Texas State employees who may become aware of situations where minors may be abused and how to report such abuse. It is our goal to help employees recognize, prevent and report abuse of minors. This module provides the reporting of abuse of minors in Texas Education Code §51.976.

Section A: The Definitions of Child Abuse and Child Molestation

The purpose of Section A is to clearly define what constitutes child abuse and child molestation. The section will also identify the different types of abuse as well as the effects of child abuse.

Did You Know?

- A report of child abuse is made every ten seconds.¹
- In 2010, more than 90% of the child maltreatment reports in Texas were reports of sexual abuse or neglect.⁶
- More than 90% of juvenile sexual abuse victims are abused by people they know.⁶
- About 30% of abused and neglected children will later abuse their own children, continuing the horrible cycle of abuse.¹

Defining Child Abuse

The Texas Administrative Code (Title 25, Part 1, Chapter 1, Subchapter Q, Rule 1.203) defines a child as, “A person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.” (25 TAC 1.203) According to Chapter 261 of the Family Code, child abuse is an act or omission that endangers a child’s physical, mental or emotional health and/or development. Child abuse may take several forms, including:

- **Physical Abuse** – Any non-accidental bodily harm or injury to a child. This could include hitting, kicking, slapping, shaking, burning, shoving, whipping, and any other use of physical force.¹
- **Emotional/Psychological Abuse** – Any attitude or behavior that interferes with a child’s mental health, social development, or psychological functioning. Examples include making fun of a child, name-calling, shaming, rejection, threatening, and attacking a child’s self-image through labels or ridicule.^{1,2}

Module VIII: Reporting Abuse of Minors

- **Neglect** – The failure to ensure a child’s physical, medical, emotional, and safety needs are met. This includes a lack of supervision, inadequate provision of food, inappropriate clothing for season or weather, abandonment, denial of medical care, and inadequate hygiene.¹
- **Sexual Abuse** — Child sexual abuse or molestation is criminal behavior that involves children in sexual behaviors for which they are not personally, socially, or developmentally ready. The Texas Administrative Code (25 TAC 1.203) defines Sexual Abuse as, “Any sexual activity, including any involuntary or nonconsensual sexual conduct that would constitute an offense under the Penal Code 21.08 (indecent exposure) or Chapter 22 (assaulting offenses), involving a facility and a patient or client. Sexual activity includes but is not limited to kissing, hugging, stroking, or fondling with sexual intent; oral sex or sexual intercourse; and request, suggestion or encouragement for the performance of sex.”

Sexual abuse can occur through touching and non-touching means.

- Non-touching sexual abuse offenses include:
 - Indecent exposure/exhibitionism
 - Exposing children to pornographic material
 - Deliberately exposing a child to the act of sexual intercourse
 - Masturbation in front of a child
- Touching sexual offenses include:
 - Fondling
 - Making a child touch themselves or anyone else’s sexual organ(s)
 - Any penetration of a child’s vagina or anus by an object for anything other than a medical purpose

Child sexual abuse may be violent or non-violent, and many times the children are not forced into the sexual situation. Rather, they are persuaded, bribed, tricked, or coerced. All child sexual abuse is an exploitation of a child’s vulnerability and powerlessness in which the abuser is fully responsible for the actions.

Effects of Child Abuse

- While there is no single set of behaviors that is characteristic of children who have been abused and/or neglected, the US Department of Health and Human Services³ has documented several emotional and psychological effects that are commonly associated with children who have been victimized, including:
 - Low self-esteem
 - Depression and anxiety
 - Post-traumatic stress disorder (PTSD)
 - Attachment difficulties
 - Attention disorders
 - Eating disorders
 - Poor peer relations
 - Self-injurious behaviors (e.g. suicide attempts)
 - Lower academic achievement

Ultimately, the effects of child abuse and neglect can be wide ranging in severity and duration depending upon the circumstances of the abuse or neglect, the personal characteristics of the child, and the child's environment.

Section B: Signs, Symptoms, and Reporting of Suspected Abuse

Section B will discuss the warning signs and symptoms of child abuse, recognition of these signs, and steps for responding when you learn of suspected abuse.

The first step in helping children who have been abused or neglected is learning to recognize the signs of child abuse and neglect. Often times a child may not report abuse; therefore, it is vital that you are aware of and look for signs of abuse or neglect.

Listed below are some signs, compiled by the US Department of Health and Human Services,³ that may present themselves in a child, parent or caregiver who are in an abusive relationship. When reviewing these signs, it is important to note that children who have been abused may exhibit several symptoms or no symptoms at all. The presence of a single sign is not proof that a child has been abused, but a closer look at the situation may be warranted when these signs appear repeatedly or in combination.

Signs of Abuse

- The child:
 - Shows sudden changes in behavior or performance

Module VIII: Reporting Abuse of Minors

- Has not received help for physical or medical issues brought to the parents' attention
- Is always watchful, as though preparing for something bad to happen
- Is overly compliant, passive, or withdrawn
- Arrives early, stays late, and does not want to go home
- The parent/caregiver:
 - Shows little concern for the child
 - Asks/Permits program counselors to use harsh physical discipline if the child misbehaves
 - Sees the child as entirely bad, worthless, or burdensome
- The parent/caregiver and child:
 - Rarely touch or look at each other
 - Consider their relationship entirely negative
 - State they do not like each other

Signs of Physical Abuse

- The child:
 - Has unexplained burns, bites, bruises, broken bones, or black eyes
 - Seems frightened of the parents or protests when it is time to go home
 - Shrinks at the approach of adults
 - Reports injury by a parent or another caregiver
- The parent/caregiver:
 - Offers conflicting, unconvincing, or no explanation for the child's injury
 - Uses or condones/encourages harsh physical discipline with the child

Signs of Sexual Abuse

- The child:
 - Has difficulty walking or sitting
 - Suddenly refuses to change for, or participate in, physical activities
 - Reports nightmares or bedwetting
 - Experiences a sudden change in appetite
 - Demonstrates bizarre, sophisticated, or unusual sexual knowledge or behavior
 - Reports sexual abuse by a parent or caregiver
- The parent/caregiver:
 - Is unduly protective of the child

- Severely limits the child's contact with other children, especially of the opposite sex
- Is secretive and isolated

Signs of Emotional Abuse

- The child:
 - Shows extremes in behavior, such as overly compliant or demanding, extreme passivity or aggression, etc.
 - Is delayed in physical or emotional development
 - Is either inappropriately adult (parenting other children) or infantile
 - Has attempted suicide
 - Reports a lack of attachment to the parent/caregiver
- The parent/caregiver:
 - Constantly blames, belittles, or berates the child
 - Is unconcerned about the child and refuses to consider offers of help for the child's issues
 - Overtly rejects the child

Signs of Neglect

- The child:
 - Is frequently absent
 - Begs for or steals food or money
 - Lacks needed medical or dental care, immunizations or glasses
 - Is consistently dirty and has severe body odor
 - Lacks sufficient clothing for the weather
 - Abuses alcohol or drugs
 - States that there is no one at home to provide care
- The parent/caregiver:
 - Appears indifferent to the child
 - Seems apathetic or depressed
 - Behaves irrationally or in a bizarre manner

The presence of any of these signs may be a serious indicator of abuse or neglect and a person noticing these symptoms should pay particular attention to a child who exhibits them. These behaviors are not, in and of themselves, conclusive evidence that a child has been abused; however, the presence of any of these behaviors may indicate that a child is being or has been abused or neglected. Even without these signs, listen to children closely as they may share subtle hints that someone in their social circle is causing harm.

Responding to Suspected or Reported Abuse

If a child discloses that he or she has been abused by someone, it is important that you listen to them most of all.

DO NOT¹

- Investigate to determine if the reported abuse is true
- Ask leading questions (a question that suggests the answer or contains the information the questioner is looking for – That man touched you, didn't he?)
- Make promises
- Notify the parents or the caretaker

DO¹

- Believe the child
 - Provide a safe environment (be comforting, welcoming, and a good listener)
 - Tell the child it was not his/her fault
 - Listen carefully
 - Document the child's exact quotes
 - Be supportive, not judgmental
 - Know your limits
 - Tell the truth and make no promises
 - Let the child know the information will not be shared with other children, while acknowledging that, in order to help the child, it will be necessary to discuss the situation with others who are in a position to help
-
- Ask ONLY four questions
 - What happened?

Module VIII: Reporting Abuse of Minors

- Who did this to you?
 - When did this happen?
 - Where were you when this happened?
 - Asking any additional questions may contaminate a case!
-
- Report it!

Once the incident is reported to law enforcement, notification must be given to the camp or program director. The program director must file an online report with the Texas Department of Family and Protective Services at the following link:

<http://www.txabusehotline.org/Login/Default.aspx>

Due to the sensitive nature of this type of report, it is important to maintain the highest level of confidentiality and professionalism when reporting. It is critical that the report be made as soon as possible. The more time that elapses between the incident and the report, the more difficult it is for authorities to investigate and to get the child the needed and necessary care.

More than 3 million reports of child abuse are made every year in the United States.¹ Unfortunately, many more cases go unreported. The reasons for choosing not to report may be numerous and may include:

- Unsure about where and how to make a report
- Fear of being wrong about the suspected abuse
- Fear of making an inaccurate report
- Fear of negative reactions by coworkers, parents, or others
- Concern that CPS or law enforcement does not generally provide sufficient help to maltreated children
- Fondness for the parents and a belief that they would not hurt their own child
- Fear of misinterpreting cultural disciplinary styles
- Apprehension about getting involved

Charges of abuse and neglect are serious, so feelings of fear, apprehension, or concern are understandable; **however, these reports are not only vital in order for the child to get the needed care, they are also mandated by state law. Knowingly failing to report abuse or neglect is a Class A Misdemeanor §261.109.**

References & Citations

- ¹ Childhelp®. Definitions retrieved from <http://www.childhelp.org/child-abuse/>. Statistics retrieved from <http://www.childhelp.org/child-abuse-statistics/>.
- ² Office of the Attorney General of Texas. Retrieved from https://www.oag.state.tx.us/ag_publications/txts/childabuse1.shtml.
- ³ Child Welfare Information Gateway. U.S. Department of Health and Human Services. Retrieved from <http://www.childwelfare.gov/can/identifying/>.
- ⁴ U.S. Department of Health and Human Services. Child Maltreatment 2010. Available from <http://www.acf.hhs.gov/programs/cb/pubs/cm10/cm10.pdf>.
- ⁵ Child Welfare Information Gateway. U.S. Department of Health and Human Services. Retrieved from <http://www.childwelfare.gov/pubs/usermanuals/childcare/chapterthree.cfm>.
- ⁶ U.S. Department of Health and Human Services, Child Maltreatment, 2010. Available from <http://www.acf.hhs.gov/programs/cb/pubs/cm10/cm10.pdf>