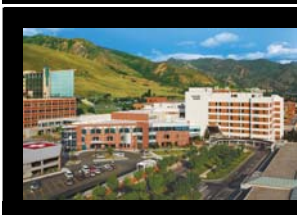




THE UNIVERSITY OF UTAH

ETHICAL **S**TANDARDS
AND
CODE OF **C**ONDUCT

1ST EDITION



MESSAGE FROM THE PRESIDENT

The University of Utah is an institution with a remarkable history of world-class achievements brought about by the shared vision of many talented individuals. Our successes are well known and acknowledged, providing a solid foundation for future growth as we build on our potential.

As the flagship institution of the Utah State System of Higher Education, we are committed to the highest professional standards in teaching, research, and community service. It is our collective efforts and stewardship that will allow us to move the University forward.

As we move forward, the values and standards embedded in our organizational missions will be subject to scrutiny and challenge. If we are to effectively meet the challenges that await us, it is essential we individually, and collectively, understand the responsibilities each of us has in making a positive contribution to the success of the University of Utah. A key component in acting responsibly is an understanding of ethical practices and what they mean at the University of Utah.

The Ethical Standards and Code of Conduct handbook has been developed as a guide for all employees at the University of Utah to support us in our different stewardship roles. The Handbook is not intended to be exhaustive but to provide direction to appropriate resources to assist us in acting responsibly and doing the right things as we navigate our way through the many different and complex situations we encounter.

Acting responsibly and doing the right thing are central to our future success at the University of Utah and I look forward to working together, and demonstrating to each other and our many partners, our shared commitment to making collective stewardship and ethical behavior part of our everyday activity.

Sincerely yours,



Michael K. Young
President



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INTRODUCTION

Many business functions require a high degree of cooperation within and across the University campus and are administered centrally. However, to meet individual unit goals, the University organization structure is largely decentralized. This means that responsibility has been delegated to individual units for many administrative processes and procedures. University policies and procedures such as those identified in this guideline enable the University to operate efficiently and cooperatively as one organization while continuing to meet individual unit goals.

To assist in the effort to meet University goals, the ethics program at the University of Utah has the objective to:

- communicate the University's expectations of proper conduct and what professional conduct the University values and
- support employees in identifying and resolving potential ethical or legal issues.

This document provides an overview of the policies that guide employee conduct at the University and is meant as a complementary publication to policies and guidelines already established. In the event of a conflict, University Policies and Procedures control. In addition to general information on selected topics, information on the various policies outlined within can be obtained from departments referenced on page 25.

Faculty and staff at all levels of the organization must ensure that prescribed policies are followed when conducting University activities. Each employee is responsible for adhering to these policies and should be familiar with those addressed in this publication as well as any policies applicable to their specific work area.

If you become aware of activities that are inconsistent with the guidelines included in this document, contact your supervisor or other managers. You can also contact the Division of Human Resources, the Office of the General Counsel, Department of Public Safety (Police), or the Internal Audit Department (see page 25).

INTRODUCTION

The university codes of conduct establish guidelines for professional conduct by those acting on behalf of the University including executive officers, faculty, staff, and other individuals employed by the University, using University resources or facilities, and volunteers and representatives acting as agents of the University.

This publication is not an attempt to define specifically what one should and should not do, but to communicate the University's expectations of proper conduct and what professional conduct the University values.

CONDUCT

Those acting on behalf of the University have a general duty to conduct themselves in a manner that will maintain and strengthen the public's trust and confidence in the integrity of the University and to take no actions incompatible with their obligations to the University.

With regard to professional conduct, those acting on behalf of the University should practice:

- Integrity by maintaining an ongoing dedication to honesty and responsibility;
- Trustworthiness by acting in a reliable and dependable manner;
- Evenhandedness by treating others with impartiality;
- Respect by treating others with civility and decency;
- Stewardship by exercising custodial responsibility for University property and resources;
- Compliance by following State, Federal, NCAA and other laws and regulations and University policies related to their duties and responsibilities;
- Confidentiality by protecting the integrity and security of University information such as student records, employee files, patient records, and contract negotiation documents.

Those acting on behalf of the University shall seek appropriate guidance when faced with ethical dilemmas (see Getting Help, page 25).

The University's Policies and Procedures Manual is the principal source of rules employees must follow. Links to the full text of all of the policies and procedures can be found at <http://www.admin.utah.edu/ppmanual/>. The following University policies and state of Utah codes are particularly relevant to employee conduct:

Code of Conduct for Staff

<http://www.admin.utah.edu/ppmanual/2/2-27.html>

Code of Faculty Rights and Responsibilities

<http://www.admin.utah.edu/ppmanual/8/8-12-1.html>

<http://www.admin.utah.edu/ppmanual/8/8-12-3.html>

<http://www.admin.utah.edu/ppmanual/8/8-12-4.html>

Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 et seq. (http://www.le.state.ut.us/~code/TITLE67/67_0D.htm) also sets forth standards of conduct for employees of the state.

REPRESENTING THE UNIVERSITY

There are many occasions when faculty and staff act as representatives of, or ambassadors for, the University to outsiders. Examples include: recruiting meetings for potential students or student-athletes; meetings with peers from other universities; presenting at or attending professional conferences; interviewing for potential faculty and staff; negotiating contracts with outside persons and entities; interacting with community, state, and federal government officials; visiting with members of the community; and participating as a member of a performing arts group.

University employees who leave the campus after work to attend work-related activities remain representatives of the University. It is important that each such representation be characterized by professionalism, honesty, and accuracy.

Many University employees have opportunities to interact directly with University patrons. Any contact with patrons and potential University donors requires both professional and ethical behavior.

All faculty, staff, student employees, and others acting on behalf of the University are expected to comply with relevant laws, grant and contract requirements, regulations, policies and practices, and all applicable University and professional standards.

A faculty or staff member may be considered an agent of the University if s/he acts on behalf of the University and within the scope of duties assigned by the University. With certain exceptions, agents acting within the scope of their employment will be covered by the University's Self-Insurance Plan. Among other things, an agent may not be covered under the Plan for liability or damages caused when the agent was acting with actual malice, engaged in willful misconduct, or when the agent was acting under the influence of drugs or alcohol.



CONTRACTS OBLIGATING THE UNIVERSITY

Individuals must follow University policies with regard to entering into contracts with entities or individuals outside of the University. Contracts generally require input and legal review by the University of Utah Office of General Counsel. Contracts must be signed by an authorized representative of the University with the authority to bind the organization—a vice president or a person to whom a vice president has delegated signature authority. If you are unsure of whether you have authority to enter into a contract on behalf of the University, you must check with the University Vice President with authority over your area. For more information, see Processing and Signing Official Documents, University Policy 1-5, located at <http://www.admin.utah.edu/ppmanual/1/1-5.html> and Board of Trustees Review of Significant Transactions, located at <http://www.admin.utah.edu/ppmanual/1/1-5.1.htm>.

ETHICS IN RESEARCH

The University is committed to excellence in research. Personnel must create and maintain a research environment which fosters individual rights, safety, privacy, and integrity in the research enterprise. Investigators and all other individuals involved in conducting research must comply with applicable laws and ethical standards regarding the protection of human research participants and the humane use of animal subjects in research. Research activities also must comply with laws related to contracts with funding sources and ethical integrity in conducting and reporting research.

For more information, see:

<http://www.research.utah.edu/irb/>

<http://www.research.utah.edu/integrity/index.html>

<http://www.admin.utah.edu/ppmanual/6/6-1-1.html>

The University cooperates with legally authorized government investigations. If a University employee is approached by a person who identifies him/herself as a government investigator, the employee should immediately contact the Office of General Counsel at 585-7002. The Office of General Counsel will help you follow proper procedures for cooperating with the investigation.

In some cases, government investigators (or individuals presenting themselves as government investigators) may contact employees outside the workplace, during non-work hours or at home. Do not feel pressured to talk with the person under those circumstances without first contacting the Office of General Counsel. Employees have the legal right to contact legal counsel before responding to questions from an investigator. Requests from private attorneys should be shared with your supervisor.

Any employee who receives a subpoena or other written governmental request for University information should contact the Office of General Counsel. Subpoenas are always time sensitive, so it is important to have these reviewed and processed immediately.

University employees must never:

- Destroy or alter any document or record in anticipation of a request for that document or record by a government agency, court, or other individual.
- Make a false or misleading statement to any government investigator, or persuade others to do so.
- Refuse to cooperate with a government investigation.

BEING A UNIVERSITY EMPLOYEE

Employment at the University carries with it a commitment to work to meet the objectives, goals, and mission of the organization. The excellence of the institution is based upon the high quality and outstanding contributions of all its employees. Should personal issues arise that interfere with the employee's ability to fully contribute and live up to the University's standards of excellence the employee should seek assistance to resolve those issues. Eligible University employees can seek assistance through the Employee Assistance Program. (<http://www.med.utah.edu/eap/>)

It is part of the culture of this great University for employees to treat all members of the university community with dignity and respect. This includes students, faculty, staff, alumni, participants in university sponsored events or organizations, and friends of the institution. All employees are expected to comply with the University's nondiscrimination policy, which prohibits any form of harassment or discrimination at the University based on race, color, national origin, gender, religion, sexual orientation, age, or status as a disabled person, disabled veteran, or veteran of the Vietnam era. Evidence or complaints of practices not consistent with these policies should be reported to the Office of Equal Opportunity and Affirmative Action. (<http://www.admin.utah.edu/ppmanual/2/2-6.html>)

Sexual harassment is a form of sex discrimination. Sexual Harassment involves behavior that is sexual or romantic in nature, unwelcome and unwanted, and creates an intimidating, offensive or hostile work or academic environment for the victim. (<http://www.admin.utah.edu/ppmanual/2/2-6a.html>)

Consensual relationships where a power imbalance exists (e.g. professor/student, supervisor/subordinate) are prohibited. (<http://www.admin.utah.edu/ppmanual/2/2-6a.html>)

Individuals may not be retaliated against for initiating or participating in an OEO/AA or Employee Relations grievance process or objecting to a discriminatory employment practice.

The University of Utah seeks to provide qualified individuals with disabilities equal access to University programs, services and activities. Reasonable prior notice is needed to evaluate requests for accommodation and to implement them when appropriate. Employees seeking accommodation should be referred to the Office of Equal Opportunity and Affirmative Action.

Resources are available to assist employees to understand and comply with University policies, procedures, rules, and regulations that prescribe proper conduct on the part of both the employer and employee in matters involving conditions of employment and the promotion of a productive work environment. See Getting Help on page 25.

Q: A supervisor is giving an employee a written warning for unsatisfactory job performance. When the employee receives the written warning, he tells his supervisor that she is discriminating against him. Does the supervisor need to rescind the written warning?

A: No. A supervisor can take disciplinary action for legitimate business reasons. Once the supervisor receives her subordinate's complaint, she should refer him to the OEO/AA and let him know that he can discuss his concerns with the OEO/AA. If the supervisor has questions about their subordinate's complaint or would like to discuss that complaint, she should contact the OEO/AA.

Q: An employee tells his direct supervisor that he is being sexually harassed by a supervisor in another department. The employee wants his direct supervisor to keep his complaint confidential because he wishes to resolve the issue by himself. Can the supervisor keep this information to himself?

A: No. Policy and Procedure Manual 2-32 states that any university representative who is contacted by an individual with a sexual harassment concern shall inform the OEO/AA of this concern. Through these policies, the OEO/AA is able to evaluate and investigate sexual harassment concerns and ensure that immediate and appropriate action is taken to maintain an environment free of sexual harassment.

MANAGING CONFLICT OF INTEREST

A conflict of interest can arise if an employee's professional judgment is, or may be, influenced by personal interests, and this influence could cause the interests of the University to be compromised, or could interfere with the employee's performance of duties on behalf of the University. As members of academic disciplines, professions, and other fields of work, our professional, business, and service activities extend beyond the University.

The Policies on Conflicts of Commitment (<http://www.admin.utah.edu/ppmanual/2/2-26.html>) and Conflict of Interest (<http://www.admin.utah.edu/ppmanual/2/2-30.html>) establish guidelines for permissible outside activities and provide for disclosure and regulation as circumstances warrant.

University faculty and staff must report their connection with any activity or event that may give rise to a conflict of interest to their immediate supervisor. Activities that fall under the policies on conflicts of commitment and interest must also be approved by the unit executive officer. Formal disclosure is required for research activities funded by granting agencies. Activities that present an actual conflict of interest must be approved by the Conflicts of Interest Committee.

The Utah Public Officers' and Employees' Ethics Act (Utah Code Ann. § 67-16-1 et seq. prohibits University of Utah employees from soliciting or accepting a gift that is intended to, or could, improperly influence a public employee in the performance of his/her public duties. Occasional non-monetary gifts with a value of not more than \$50 are generally excluded from the Act. Employees who violate the Act are subject to termination and criminal penalties. Contact your supervisor or the University Conflicts of Interest Officer for more information on this subject.

Free Dinners

- Q:** Are University employees prohibited from accepting free dinners?
- A:** The Public Officers' and Employees' Ethics Act, referenced below, prohibits University employees from accepting "gifts" that could improperly influence the performance of the University employee's duties. Occasional non-monetary gifts, which could include a dinner, with a value of no more than \$50 are allowed under many circumstances. For more information on this issue, contact your supervisor or the Conflicts of Interest Officer.

Conflict of Interest

The University recognizes that many potential conflicts of interest do not constitute actual conflicts or may be acceptable with proper oversight and safeguards. The complexity and diversity of professional relationships has grown increasingly intertwined with outside entities in research and other University activities. Increased research support from private entities, changes in federal law and regulations encouraging technology transfer and the need for the University and its employees to demonstrate public accountability mandate new approaches in the discovery and management of potential conflict of interest situations. This may require reevaluation of previously acceptable activities. The most effective way to address conflict of interest is to establish a process by which employees disclose and obtain evaluation of potential conflict on a case by case basis. (<http://www.admin.utah.edu/ppmanual/2/2-30.html>)

RESPECTING CONFIDENTIALITY

Respect for individual and institutional privacy requires the exercise of care and judgment. University employees are entrusted with personal and institutional information that should be treated as confidential information. While the University of Utah, a public institution, keeps its business affairs open to public scrutiny, there is some information that must be treated as confidential, such as student records, employee files, patient records, and contract negotiations.

A University employee, accessing University information, assumes a responsibility for the information and must ensure its confidentiality. Such information is to be used only for conducting University business. Faculty, staff, and students are expected to exercise responsible, ethical behavior when using the University's computers, networks, or other resources. These responsibilities include the proper storage, access control, and disposal of private and confidential data presented to the user in any form. Individuals must also report known or suspected security violations through their chain of command or department executive.

Q: A potential employer has requested an employment reference for a former employee in my unit. Should I respond to his request? What is my responsibility?

A: Staff are not required to furnish employment references. You may refer this employer to the appropriate human resources office. It is advised that you communicate only fact-based information, such as dates of employment, position(s) held, and duties.

Requests for Information

Institutional Information

Requests for institutional information and all media requests should be referred to the Office of the Vice President for Public Relations.

Employee Information

Requests for employee or past employee information should be referred to the Division of Human Resources.

Student Information

Release of student information is governed by the Family Educational Rights and Privacy Act (FERPA), and requests for student information should be referred to the Office of the Registrar.

Subpoenas

Requests for documents or information by subpoena should be referred to the Office of General Counsel.

Donor Contact

Requests for information concerning donors and giving opportunities should be directed to the Office of Development or to your college or school development officer.

Medical Information

Release of medical information is governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and requests for medical information should be referred to the Privacy Office, Health Sciences Center.

FOLLOWING GOOD BUSINESS PRACTICES

One of the responsibilities of the department head is the management of financial resources to accomplish the mission of the department. The department head must manage the resources in conformance with University policies, good business practices, and the parameters of fund restrictions.

The department head must determine the appropriate balance between the need for control and the operating efficiency of the department. Part of this determination involves the delegation of signature authority. While signature authority may be delegated, budgetary responsibility remains a function of the department head.

Business activities should be designed so that no single employee will be responsible for all aspects of a transaction. For example, one individual ordering, approving the order, and receiving the goods would provide an opportunity for inappropriate transactions. Similarly, the department's monthly budget statements should be reviewed by an individual who does not approve vouchers and requisitions to provide a crosscheck on the transactions posted to the department's accounts. This will limit opportunities to misappropriate assets and provide a deterrent to theft.

Employees such as department heads, business managers, and principal investigators responsible for account accuracy should:

- Ensure that monthly reports of account activity are reviewed to determine that all transactions are accurate and complete, and that adequate supporting documentation exists to substantiate all transactions;
- Verify that all entries made to each account are appropriate, comply with University policy, and are allowable based on the restrictions, if any, of the funding source; and
- Take corrective action to resolve inappropriate transactions posted to the account.

Q: Do I have any blame as a supervisor if my subordinates are discovered to have been stealing money or goods from the University?

A: You may. As a supervisor, you have a fiduciary responsibility to review and approve accounts and transactions. If subordinates are able to steal due to your failure to fulfill this fiduciary responsibility, you could be subject to discipline.



PROTECTING UNIVERSITY ASSETS

All University employees are entrusted with protecting the property, equipment, and other assets of the University. Responsibilities of this trust include actions ranging from locking doors and cabinets to reporting observed patterns of unusual behavior.

Misuse of assets takes many forms and can involve some deception or misrepresentation of facts and information for personal gain as well as deliberate appropriation of property or funds for personal use. Examples include: falsification of time worked; falsification of expenses claimed for reimbursement; theft of cash or property; personal use of University facilities, vehicles, equipment, or supplies; and conducting personal activities during work hours. Other examples include the misrepresentation of the University's name and logo and inappropriate use of University procurement system or discounts to the advantage of individuals or non-University entities.

The use of University funds or assets for any unlawful or improper purpose is prohibited by state statute.

Departmental organizations are required to safeguard assets by establishing clear lines of authority and responsibility and segregate, where practical, the operating and reporting functions of the department. Department heads are responsible for safeguarding University assets by providing the necessary supervision, control, and inventory of University property. All property to which the University acquires title, regardless of funding source, must be disposed according to the University's Property Management policy. (<http://www.admin.utah.edu/ppmanual/3/3-40.html>)

University employees are to manage University assets to ensure the assets are used only for authorized purposes in accordance with University policy, rules, and applicable law. If you have reason to believe this policy has been violated, you are instructed to report the incident(s) and all relevant information to your supervisor. If you are not comfortable discussing the issue with your supervisor, contact a higher level supervisor, Human Resources, or the Compliance Hotline.

Q: If I report a misuse of assets or a violation of information security, could I be subject to retaliation?

A: Retaliation against an employee who files a report of inappropriate activity is prohibited.

Q: My department has decided that they do not want a piece of office furniture. Can I take it home for personal use?

A: No. State owned equipment has specific disposal requirements. Property Accounting on campus is responsible for disposal of equipment. The department should contact the Property Accounting office for instructions on the disposal of the office furniture (see Page 25, Getting Help).

PROPER ACCOUNTING FOR UNIVERSITY ASSETS

All revenue generated by University activities and all expenditures for goods and services must be recorded and accounted for within the University of Utah financial systems. The recording of all financial transactions should be timely and accurate, leading to a clear identification of the true business nature of the transaction. All University employees who are required to administer financial transactions should be familiar with the University's accounting structure and the policies that guide these transactions. (<http://www.admin.utah.edu/ppmanual/3-tbl.html>)

Payments made on behalf of the University are to be approved only for the purpose described on supporting documents. All contracts with people or businesses outside the University must be signed by a University officer or designee and reviewed by the Office of the General Counsel.

Bank accounts may not be established by individual schools, departments or units, or others acting on their behalf for the purpose of supporting any University activity without the prior written approval of the Vice President for Administrative Services. No credit relationship may be established with any vendor without the express approval of the Purchasing Department and through a contract approved by the Office of the General Counsel.

Q: I received money to do research for a corporation. Can I set up a University Bank Account and fund my research out of the account?

A: No. Funds received for research must be recorded in established University accounts.

Q: Can I treat my staff to dinner on grant funds to recognize a job well done?

A: No. Funds received for research must be used for research. Employee recognition dinners are not allowed unless specifically included in the grant budget.

SAFEGUARDING UNIVERSITY RECORDS

Information documented on University records is a valuable asset. As such, the safeguarding of University records is just as important as safeguarding property and equipment. As a public institution, most University records are open to public scrutiny as prescribed by the State of Utah's Government Records Access and Management Act (GRAMA).

(http://www.le.state.ut.us/%7Ecode/TITLE63/63_01.htm)

Therefore, record retention helps ensure information is available. Records produced or received by any agency or employee of the University in the transaction of university business become University property. No university records shall be discarded or destroyed except upon the prior approval of the Archivist pursuant to the finding and recommendation by the administrative unit involved that such records have no further administrative value. University Archives policy:

(<http://www.admin.utah.edu/ppmanual/1/1-3.html>)

Q: Are electronic documents, e.g., data files, e-mail, departmental web pages, covered by the General Rules policy noted above?

A: Yes. Please contact the campus Archivist to help develop a records management policy for your paper and electronic files.

Q: I have files, letters, vouchers, and financial records, how long do I need to keep them, and can I discard or destroy them?

A: The length of time to keep records will vary and is in part dependent upon each department. Prior to destroying or disposing of any documents that are records of the University, your department must consult with University Archives to develop a records management plan and a record retention schedule. The schedule should address each type of record you have in your department specifying a desired retention period for each. The Archives will determine the retention period for your records with careful consideration of several factors:

- 1) Your department's interest in the records or future administrative purposes.
- 2) Any legal and audit retention requirements.
- 3) Any historical significance represented by the records.

Records considered to be of permanent value can be transferred to University Archives under a records disposition schedule. Please contact the University Archivist to help your department develop a records management plan and records retention schedule for your paper and electronic records.

USING COMPUTER, NETWORK, AND TELEPHONE RESOURCES

The University provides resources to support the work of faculty, staff, and students. Users of the University's resources (including computer networks, telephone and communication systems, electronic and magnetically stored information) must know and adhere to the University's policies (<http://www.admin.utah.edu/ppmanual/1/1-15.html>) for responsible use of these resources.

Authorized persons may use University resources for purposes related to instruction, coursework, research, and administration. The resources are not to be used for commercial use or reselling of network services if it is not directly related to the mission of the University. The University computing and network facilities may not be used for improper or illegal purposes, such as unauthorized use of licensed software, intent to breach security, sending chain letters, and introduction of computer viruses.

Q: Can I use the telephone for personal calls?

A: The University telephone system is provided for the conduct of official business. Use of these facilities for personal business should be kept to a minimum and toll calls for private business made through the University telephone system should be charged to the individual's home telephone or personal calling card.

Q: You suspect that one of your employees is using his work computer to view pornography during his break and lunch time. Can you have University IT staff review his hard drive to determine whether this is happening? Can you take disciplinary action?

A: Maybe. If other employees are allowed to "surf the net" during their breaks and lunch, this would not be recommended. If however, you suspect the employee is viewing child pornography, a violation of state and federal law, contact Human Resources or the Office of General Counsel.

Individuals are responsible for protecting assigned access codes, passwords, and other authentication data and not sharing passwords with other users.

Q: Is it permissible for me to occasionally send personal e-mail to colleagues outside the University?

A: The University computer resources enable faculty and staff to carry out their teaching, research, and administrative duties. E-mail for personal use should be kept to a minimum.

ETHICS AND COMPLIANCE REPORTING

The Ethics and Compliance Hotline ((801) 585-1593 is a resource provided by the Internal Audit department for all University faculty and staff to ask questions, raise issues, seek advice, and report concerns related to proper business conduct and ethical dilemmas.

Reports may be made anonymously.

Any dishonest or improper act by an employee (i.e. that violates the law, wastes money, or endangers public health or safety) is of great concern to the University. All employees are encouraged to report suspected improprieties to their supervisor, or directly to a higher level if the supervisor is involved. If you are aware that a crime has been committed, you should report it immediately to University Police.

When facing an ethical dilemma, the best course of action may not always be clear. Questions to ask yourself include:

- What feels wrong about this situation?
- Is this situation against University policy or the law?
- How will the action impact the reputation or image of the University?
- Will the action pass the newspaper test?

Additional information is available on the Ethics and Compliance website.
(http://www.utah.edu/Internal_Audit/ethics.htm)

Utah Public Officers' and Employees' Ethics Act (http://www.le.state.ut.us/~code/TITLE67/67_0D.htm)

Q: Why would I call Internal Audit?

A: Perform an Ethics Quick Test to determine if an action is appropriate by asking yourself:

- Is the action legal?
- Does it comply with our University Standards?
- If you do it, will you feel bad?
- How will it look in the newspaper?
- If you know it's wrong, **don't do it!**
- If you're not sure, **ask**. Keep asking until you get an answer.

If you still are not sure, call the Ethics and Compliance Hotline (801) 585-1593.

Employees are one of the University's most valuable assets. As such, employee safety is just as important as safeguarding property, equipment, and records. It is the obligation of every employee to practice safe work habits and to identify potential safety issues.

Tips to Increase Safety for Employees

- Do not let people into a locked building or office, unless you work with them or they have been properly identified. If the person gives you any problems - call the police.
- Never walk alone at night.
- Walk in an alert and confident manner and actively pay attention to your surroundings.
- In the event that a suspicious person should be seen roaming around, or suspicious calls are received, please contact the police department immediately.
- Always tell someone where you are going and when you expect to return.
- Always keep the door to your room locked when you are working alone.
- Make an effort to choose the best-lit, most traveled paths.
- Make quick eye contact with those around you to let them know you are paying attention.
- Keep a safe distance from cars, alleys, and other blind spots.
- Look for suspicious people before leaving your building.
- Take a self-defense course.
- Do not give out personal information about yourself on the phone unless you actually know the caller.
- Don't investigate a suspicious person or noise outside by yourself. Call the police.
- When returning to your vehicle, have your keys in your hand.
- Keep a good distance from loud disruptive crowds.
- Keep a charged cell phone with you in case you need emergency assistance.
- Keep a list of emergency numbers with you.
- Keep up with local and national news reports.

CODE OF CONDUCT AND ETHICAL STANDARDS SPECIFIC TO THE HEALTH CARE ENVIRONMENT



The mission of University Health Care is to serve the public by improving health and quality of life. We accomplish this through our commitment to excellence and leadership in education, research, and clinical care. Each of us at University Health Care is called to accept accountability for fulfilling our mission, as well as with following University policies, the policies of our compliance program, and the applicable laws and regulations that apply in the health care environment. Our actions are guided by the principle that all individuals who interact within the organization deserve to be treated with dignity, respect, and courtesy—particularly in the context of a demanding health care environment. All faculty, staff, students and volunteers (referred to in this document as “employees”) are expected to meet the ethical and professional standards of their specialty, and to exercise high integrity and good judgment.

We provide health care to individuals regardless of race, color, religion, national origin, sex, age, sexual orientation, disability, or veteran status. We treat all patients with dignity, respect, and courtesy. Patients will be involved in decisions regarding their care. We will inform patients about therapeutic alternatives and the risks associated with the suggested interventions.

Patients' emergent medical care will not be delayed by financial screening in accordance with the Emergency Medical Treatment and Labor Act (EMTALA). Patients receive stabilizing treatment before transfer to another hospital, as required by law. Contact Risk Management if you are concerned about EMTALA issues.

As health care providers, it is important for us to note errors or deficiencies, even those that seem small, in order to improve future care. Report quality issues to your supervisor, Risk Management, or Quality Improvement.

UNIVERSITY HEALTH CARE COMPLIANCE OFFICE AND COMPLIANCE HOTLINE



The Compliance Office is available as a resource to all University Health Care employees. In addition, the Compliance Hotline is intended to supplement regular communication channels, such as talking with your supervisor, the Compliance Office, or Human Resources. In addition to questions regarding business conduct and ethical dilemmas, University Health Care employees may call the Compliance Hotline with questions concerning:

- Billing/coding rules
- Medicare/Medicaid rules
- Patient privacy laws
- Relationships/conflicts of interest
- Government investigations
- Ethical/legal issues

When you call the Compliance Hotline, we will keep your name confidential unless we are required to disclose your name for legal reasons. Calls may be made anonymously. The University prohibits retaliation against an individual who files a complaint, expresses a concern, or asks for advice about a compliance issue. For more information about the Compliance Program, see <http://uuhsc.utah.edu/compliance/>.

We have a legal and ethical responsibility to safeguard the privacy of all patients and protect the confidentiality of their health information. Use of protected health information is restricted to those who have a legitimate need to use it for treatment, payment, or other routine health care operations. Most other disclosures require patient authorization. Individuals are required to follow privacy policies and to report any suspected breaches of patient privacy policies to the Privacy Office. Contact your supervisor or the Privacy Office with questions or concerns about privacy or security issues. Privacy policies, as well as the Confidentiality and Information Security Agreement are located at <http://www.privacy.utah.edu/intranet/>.

ACCURACY OF RECORDS

We expect all patient and business records to be legible, accurate and complete, and retained for the periods required by law and University policies. Medical records must satisfy requirements of the bylaws of the medical staff, facility policies, and accreditation standards. Medical records may be amended to correct an error or complete documentation only in accordance with established medical records procedures. All financial transactions must be recorded in a manner that complies with generally accepted accounting principles and University policies and procedures.

BILLING PRACTICES

University Health Care providers and facilities charge for services in accordance with billing policies, only to the extent that the services for which charges are being initiated:

1. were actually rendered to the patient and were medically appropriate;
2. were rendered by a medical professional with an appropriate license;
3. are supported with complete and accurate documentation in the medical record;
4. were accurately coded based on current payer and government standards;
5. were billed in accordance with the terms of the third party contract, if applicable; and
6. will be retained for the period of law required by law and University policy.

REPORTING OF INAPPROPRIATE CONDUCT

University Health Care employees should promptly report known or suspected inappropriate conduct or non-compliant practices to their departmental manager and/or to the Compliance Office at (801) 213-3948 or to the Compliance Hotline at (801) 585-1593. In addition, federal and state laws permit employees to raise their concerns with an outside regulatory agency if they believe that University Health Care is not adequately resolving the concern internally.

PROTECTION AGAINST RETALIATION (PROTECTION FOR WHISTLE-BLOWERS)

It is forbidden for any employee to harass or retaliate against any employee who, in good faith, has reported a suspected violation of the law or University Health Care policy. Not only is it against University Health Care policy to retaliate against those who report concerns, it is also illegal under both state and federal law. Any employee who violates the non-retaliation policy may be subject to discipline, up to and including termination of employment.

FEDERAL FALSE CLAIMS ACT

It is illegal under the federal False Claims Act and a violation of University Health Care policy to submit a claim for property or services that were not provided, or to submit a false claim that includes or is supported by any written statement which is false or omits a fact that the person has a duty to include. It is also a violation of University Health Care policy and the law for any person to make or submit a statement that the person knows or has reason to know is false or omits a fact that the person has a duty to include, which results in a false claim.

PENALTIES

When a false claim or statement is detected, violators may be subject to legal action in addition to discipline under relevant University of Utah Policies and Procedures. Government penalties may include fines up to \$5,000 for each statement and between \$5,000 - \$10,000 for each claim. The violator may also be required to pay for the damages

suffered by the government, and the government could initiate administrative or contractual action against the person as authorized by law, including suspension or debarment from entering into contracts with the federal government.

UTAH LAWS

In addition to the federal False Claims Act, there is a Utah False Claims Act. This Utah law makes it illegal to submit a false statement or false claim in order to receive a medical benefit or payment for a medical benefit. False claims and false statements include misrepresentations, omissions of key facts, and other deceitful statements and claims. Criminal penalties, up to a second-degree felony, may be imposed upon violators; violators may also be required to make full and complete restitution to the state for all medical benefits and payments improperly obtained, to pay enforcement costs, and to pay civil penalties. Utah law also contains a whistleblower protection statute which prohibits employers from retaliating against employees who raise, in good faith, concerns about the waste of public funds or about the violation or suspected violation of law. Violators may be subject to civil fines and penalties.

DETECTING AND PREVENTING FRAUD

University Health Care strives, and it expects, that its employees will do everything they can to prevent and detect false claims and potentially fraudulent behavior. The following are examples of measures that University Health Care takes to accomplish this:

- providing staff training;
- investigating reports of potential violations from staff;
- investigating complaints regarding potential violations from patients, family members and friends, and visitors;
- internally monitoring higher risk areas;
- performing internal audits;
- protecting employees who report potential fraud or abuse;
- performing internal risk assessments; and
- corresponding with state and federal agencies regarding potential concerns.

MORE INFORMATION

If you have questions about billing, contact your departmental manager or the University Health Care Compliance Office. If have reason to believe that improper billing is occurring, immediately alert your supervisor or a higher-level manager. In addition, you may contact the Compliance Office at (801) 213-3948 or the Compliance Hotline at (801) 585-1593.

STARK AND ANTI-KICKBACK LAWS



The Stark and Anti-Kickback laws prohibit many financial relationships with actual or potential referral sources. Contracts or other financial relationships with non-University Health Care clinicians or referral sources must be properly documented and accurately describe the services to be provided and reasonable compensation for those services. The Compliance Office and the Office of General Counsel can provide more information on these regulations.



INTERACTIONS WITH COMPETITORS

In addition to research and education, University Health Care operates in the competitive health care services market. We operate in this market in a fair, honest and consistent manner. Laws designed to provide for fair competition in our market could be violated by discussing certain business matters with competitors. Information need not be confidential or proprietary to be considered “sensitive” or “inside information.” Employees must protect information entrusted to them by actual or potential vendors, referral sources, contractors, service providers, and others. Topics to avoid include labor and employment costs, how our prices are set, disclosing the terms of supplier relationships, and disclosing contractual information. Contact the Office of General Counsel for more information on this issue.

GETTING HELP

<u>Department</u>	<u>Telephone</u>	<u>Address</u>	<u>Web Address</u>
Archives	801-581-8242	666 Guardsman Way	Not available
Athletics	801-581-8171	1825 East S Campus Drive	http://utahutes.collegesports.com
Budget and Institutional Analysis	801-581-6948	110 Park Building 201 S Presidents Circle	http://www.obia.utah.edu/
Compliance Office Health Sciences	801-715-7285	UU Health Sciences Center 60 North 1900 East Salt Lake City, UT 84132-9521	http://uuhsc.utah.edu/compliance/
Department of Public Safety	801-585-2677	1735 East South Campus Drive	http://www.uupd.utah.edu/
Ethics and Compliance Hotline	801-585-1593	407 Park Building 201 S Presidents Circle	http://www.utah.edu/Internal_Audit/
Governmental Accounting	801-581-5635	406 Park Building 201 S Presidents Circle	http://www.utah.edu/govacct/
HSC Privacy Office	801-587-9443	UU Health Sciences Center 50 North Medical Drive	http://uuhsc.utah.edu/privacy
Human Resources	801-581-2169	420 Wakara Way, Suite 105	http://www.hr.utah.edu
Information Security Office	801-585-1012	Eccles Broadcast Center 101 South Wasatch Drive	http://www.iso.utah.edu/
Internal Audit	801-585-1593	407 Park Building 201 S Presidents Circle	http://www.utah.edu/Internal_Audit/
Office of Equal Opportunity and Affirmative Action	801-581-8365	135 Park Building 201 S Presidents Circle	http://www.hr.utah.edu/oeo/
Office of General Counsel	801-585-7002	309 Park Building 201 S Presidents Circle	http://www.admin.utah.edu/legal
Office of Software Licensing	801-585-0675	585 Komas Drive	http://www.osl.utah.edu/
Office of Sponsored Projects	801-581-6903	1471 East Federal Way	http://www.osp.utah.edu/
Property Accounting	801-581-8673	411 Park Building 201 S Presidents Circle	http://www.utah.edu/property/
Purchasing	801-581-7241	151 Annex Building 1901 East South Campus Drive	http://www.purchasing.utah.edu
Registrar	801-581-5808	2nd Floor, Student Service Building	http://www.sa.utah.edu/regist/
Research Accounting	801-581-7343	406 Park Building 201 S Presidents Circle	http://www.utah.edu/research_accounting/
Research Integrity and Compliance	801-581-7170	1C369 School of Medicine 50 North Medical Drive	http://www.research.utah.edu/integrity/
Tax Services	801-581-5414	408 Park Building 201 S Presidents Circle	http://www.tax.utah.edu/

A complete listing of university policies can be found at <http://www.admin.utah.edu/ppmanual/>.

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