

TEXAS A&M UNIVERSITY-COMMERCE

Department of Human Resources

Acknowledgement of Receipt

Privacy Notice: State law requires that you be informed that you are entitled to (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information, and (3) have the information corrected at no charge. To request this information contact Human Resources at 903-886-5881.

INSTRUCTIONS This form is used by Human Resources to document that the employee received required information on policies, programs and benefit plans. The Acknowledgement of Receipt will be maintained in the employee's official personnel file.

I acknowledge and certify that I have reviewed materials on the follow topics:

- **Drug and Alcohol Abuse and Rehabilitation Program**
 - **System Policy 34.02**
 - **System Regulation 34.02.01**
 - **University Rule 34.02.99R1**
- **HIV, AIDS and the Workplace**
- **Ethics Policy (System Policy 07.01)**
- **Texas Hazard Communication Act**
- **Texas Deferred Compensation Program**
- **Extended Pay Plan for employees on less-than-12-month appointments (System Regulation 31.01.05)**
- **Notice of Privacy Practices for Medical Information.**

I acknowledge that I am responsible to be familiar, and comply at all times, with System policies and regulations, and Texas A&M University-Commerce rules and standard operating procedures. This information can be found online at <http://rules-saps.tamu.edu> .

Employee Name (please print)

Employee Signature

Employee UIN

Date

34.02.01.R1.01 Drug Free Workplace and Campus Procedure

Approved August 6, 2012

Next Scheduled Review August 6, 2017



Procedure Statement

Texas A&M University-Commerce is committed to a campus wide plan to educate students and employees about alcohol and drug issues, deter the irresponsible use of alcoholic beverages, and prohibit the unlawful manufacture, use, possession, or distribution of controlled substances. The university will act to ensure compliance with all local, state and federal laws and The Texas A&M University System (system) policies dealing with controlled substances, illicit drugs, and use of alcohol.

Reason for Procedure

Administrators should exercise extreme caution in all matters relating to drug and alcohol policies. They should assure that procedures are carefully followed and that substantial evidence from reliable sources supports a decision to confront a student or an employee concerning a possible violation. The appropriate administrator will contact The Texas A&M University System Office of General Counsel and secure their advice before taking any action regarding testing.

Procedures and Responsibilities

1. GENERAL

1.1 To implement an effective alcohol and drug abuse prevention plan, the university will use both formal and informal channels of communication to:

1.1.1 Disseminate information describing patterns of addiction and the physical, mental, and emotional consequences that result from the abuse of alcohol and controlled/illegal substances.

1.1.2 Distribute information that describes and encourages the use of counseling and treatment modalities available to both students and employees in the local and

regional area.

- 1.1.3 Make available to the campus population referrals to local treatment centers and counseling programs. These referrals will be made within a supportive, confidential and non-punitive environment under the auspices of the University Health Services, Counseling Center, and/or Human Resources.

2. LEGAL REQUIREMENTS CONCERNING THE USE OF ALCOHOL

- 2.1 Any use of alcoholic beverages on campus or at university functions is subject to the alcoholic beverage laws of the State of Texas.

2.2 These laws prohibit:

- 2.2.1 The purchase, consumption, or possession of alcohol by a minor.
- 2.2.2 The purchase of alcohol for a minor; furnishing alcohol to a minor.
- 2.2.3 Misrepresentation of age by a minor.
- 2.2.4 Public intoxication.
- 2.2.5 Driving while intoxicated.
- 2.2.6 Consumption of alcohol while operating a motor vehicle (open container law).

- 2.3 Additionally, state law prohibits the sale of any type of alcoholic beverage unless the seller possesses a valid license or permit. A license to sell beer and wine on campus will be held by the university's contract food service company and trained food service employees are the only approved servers of alcoholic beverages. The term "sale" is broadly interpreted by law enforcement authorities to include such practices as charging admission to events when alcohol is being served. In addition, tickets, activity fees, membership dues, or other exchanges that are in any way restrictive, are viewed as indirect payment for alcoholic beverages and are, therefore, illegal unless the alcohol is obtained through a valid liquor license.

4. UNIVERSITY RULES CONCERNING THE USE OF ALCOHOL ON UNIVERSITY PROPERTY

The following apply to all persons on campus:

- 4.1 The university prohibits the use or possession of alcoholic beverages on campus by any individual under the age of 21. Failure to comply with this rule violates state law and the rules governing student conduct and will subject the individual to disciplinary action.
- 4.2 The possession or use of alcoholic beverages on university property will not be permitted except in special use buildings and facilities as may be designated by the president, approved by the chancellor, and subsequently reported to The Texas A&M University System Board of Regents. The authorized locations, and the restrictions that apply, are defined in the A&M-Commerce procedure *34.03.01.R0.01*.

- 4.3 In addition, students of lawful age under Texas Statutes may be permitted to possess and/or consume alcoholic beverages in the privacy of their rooms or apartments in the campus residence halls. However, residence hall occupants and their guests must comply with state and local statutes concerning possession, sale, and consumption of alcoholic beverages. Further restrictions can be found in the current *Student Guidebook*.
- 4.4 Except as noted in *34.03.01.R0.01*, the possession of open containers and consumption of beer, wine, and/or distilled spirits is prohibited in all public areas of the campus. For the purposes of this procedure, residence hall balconies, and patios are considered public areas. Although students of lawful age may possess and consume alcoholic beverages in the privacy of their rooms or apartments, all alcoholic beverages transported through public areas on university property and in the residence halls must be unopened and concealed.
- 4.5 Any purchase of alcoholic beverages by a unit of the university must comply with System Policy *34.03* and University Procedure *34.03.01.R0.01*.
- 4.6 Athletics has specific procedures relating to the inappropriate use of alcohol by intercollegiate athletes.
- 4.7 Additional rules applying specifically to employees will be discussed later in this document.

5. UNIVERSITY RULES REGARDING THE USE OF DRUGS

- 5.1 In compliance with the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and system policy, the university is committed to provide and maintain a safe and healthy workplace for learning and work. Drug abuse will not be tolerated.
- 5.2 All members of the university community are expected to abide by state and federal laws pertaining to controlled substances and illicit drugs. Standards of conduct strictly prohibit the unlawful manufacture, distribution, possession, or use of controlled substances or illicit drugs on university property, at university-sponsored activities, and/or while on active duty. Individuals may use prescriptive medications that are medically necessary and prescribed for them by a licensed physician.
- 5.3 Students or employees found violating the drug rules will be subject to the disciplinary measures of all pertinent local, state, and federal statutes. In addition, the disciplinary procedures outlined in the *Student Guidebook*, *University Rules and Procedures*, and other relevant university publications will be enforced. Sanctions may include completion of an appropriate rehabilitation or assistance program, expulsion from school or termination from employment, other disciplinary action, or referral to authorities for prosecution.

6. RULES SPECIFICALLY RELATED TO EMPLOYEES

- 6.1 A copy of the university's drug and alcohol rules will be provided to each employee in the university enrollment packet. The university may require that the employee sign an acknowledgment of receipt of the rules. The signed statement will be kept on file.
- 6.2 Employees are prohibited from using or being under the influence of controlled substances during working hours, except for the legal use of a controlled substance prescribed by a licensed physician, who will be used only in the manner, combination, and quantity prescribed and which will only be used by the person for whom it is prescribed.
- 6.3 Any employee whose off-duty use of alcohol, drugs, or other controlled substances results in absenteeism, tardiness, impairment of work performance, or is the cause of workplace accidents, will be referred to an assistance program and may be subject to discipline (up to and including discharge) if he or she rejects participation in the program.
- 6.4 Employees whose work-related performance gives cause for reasonable suspicion of use or possession of alcohol or a controlled substance may be subjected to testing for the substance in accordance with System Regulation *34.02.01*. A refusal to submit to a test, combined with a reasonable suspicion of usage, may be a sufficient basis for termination.
- 6.5 Any disciplinary action will be governed by the university and system policies on discipline and dismissal and on tenure. A record of the action will be placed in the employee's personnel file.
- 6.6 As a condition of employment, employees on government grants or contracts must abide by the required notification statement and must report any criminal drug statute conviction for a violation occurring in the workplace or on university business to their employer no later than five days after such conviction. The employer, in turn, must so notify the contracting federal agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction and within 30 days must impose sanctions on the employee involved. Such sanctions may take the form of personnel actions against such an employee, up to and including termination or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.
- 6.7 Faculty members have the responsibility to supervise student activities on field trips. Faculty members should inform students that actions violating state laws, local regulations, and university rules regarding alcohol and drugs will not be permitted on any university field trip. Students who violate these guidelines regarding alcohol and drug use on field trips will be subject to disciplinary action.

7. DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM

- 7.1 Texas A&M University-Commerce will establish or participate in an alcohol and drug-free awareness program to inform students and employees about: (1) the dangers of alcohol and drug abuse; (2) the system policy of maintaining a workplace and learning environment free from alcohol and drug abuse; (3) any available alcohol and drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon students and employees for alcohol and drug abuse violations.
- 7.2 Student Access and Success as well as Student Health Services will work with other offices, such as Human Resources and the University Police, to create an effective program. Drug and alcohol abuse prevention measures will include, but are not limited to:
 - 7.2.1 The distribution of relevant printed materials to all students and employees, as explained below in 7.2.3.
 - 7.2.2 The presentation of campus workshops, seminars, and other programs to educate students and employees about alcohol and drug abuse prevention.
 - 7.2.3 The posting of current, relevant printed material concerning the prevention of drug/alcohol abuse in the residence halls, the Student Center, the employee/ faculty lounges, and other locations. Postings may be electronically provided.
 - 7.2.4 The development of evaluation/assessment methods to identify drug and alcohol issues among the students and employees, as well as the efficacy of current policies.
 - 7.2.5 The distribution of relevant information on drug use to students and employees through Health Services, the Counseling Center, and Human Resources. Information may be posted electronically on university web sites.
 - 7.2.6 The development of informal small-group inquiry and information sessions in the residence halls to encourage peer support and counseling for residents.
- 7.3 As part of the drug and alcohol prevention program, the university will distribute annually to each employee:
 - 7.3.1 Standards of conduct that clearly prohibit, at a minimum, the unlawful manufacture, possession, use, or distribution of illicit drugs and alcohol by students and employees on the university's property or as part of any university activity.
 - 7.3.2 A description of the key applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs or alcohol.
 - 7.3.3 A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

7.3.4 A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students or employees.

7.3.5 A clear statement that the university will impose disciplinary sanctions on students and employees (consistent with local, state and federal law), and a description of those sanctions, up to and including expulsion from school or termination from employment and referral for prosecution, for violations of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

7.4 The university will conduct a biennial review of its drug and alcohol abuse prevention program to: (1) determine its effectiveness and implement changes if needed and (2) ensure that sanctions are consistently enforced.

7.5 Texas A&M University-Commerce will have available for review by the Secretary of Education, or designee, other applicable government agencies, and the general public, if requested, copies of all documents distributed to students and employees under the drug and alcohol abuse prevention program and also copies of the biennial review.

7.6 The university shall certify the availability of a drug abuse prevention program for officers, employees and students of the institution, as required under 20 USC, Section 1094.

8. SUSPICION OF USAGE (EMPLOYEES)

8.1 Administrators or supervisors seeking advice on appropriate responses to possible violations of alcohol or drug rules by employees may consult with the Human Resources Office and/or System General Counsel. A discussion of general procedures follows.

8.1.2 If a supervisor reasonably suspects that usage of a controlled substance, illicit drug, or alcohol has affected an employee's job performance, the supervisor will immediately notify the appropriate department head, or other designated administrator. Upon direction, the supervisor or other designated administrator will discuss with the employee the suspected alcohol or drug-related problems. The employee should be advised of any available alcohol and drug counseling, rehabilitation, or employee assistance programs, and the terms of any applicable disciplinary sanctions. Prior to imposing any disciplinary action, supervisory or administrative personnel should consult with the Human Resources Office. If requested, that office will provide assistance in referring the employee to appropriate local community agencies.

8.1.3 The Human Resources Office can provide employees with information on community resources and can provide referrals. These guidelines apply to referrals:

8.1.3.1 If the employee is responsible for any cost/fees incurred for professional services provided by community agencies.

8.1.3.2 To the extent possible, information concerning an employee's diagnosis, referral and treatment will be kept strictly confidential.

8.1.3.3 The rights of employees will be respected by all administrative and supervisory personnel. Employee rights are delineated in *University Rules and Procedures*, and other University publications.

8.1.4 All meetings between the employee and the supervisor or other designated administrator to address the suspected alcohol or drug-related problem and/or its resolution will be documented and filed in the employee's personnel file.

8.1.5 Should discussions and/or participation in any available alcohol or drug counseling, rehabilitation, or employee assistance program fail to resolve the suspected alcohol or drug-related problems, or should the employee fail to meet the terms of any applicable disciplinary sanctions, the employee may be subject to disciplinary action up to and including termination, or a chemical screening may be required.

9. SUSPICION OF USAGE (STUDENTS)

9.1 Students suspected or found in violation of university drug and alcohol policies, rules and regulations will be notified in writing to appear for a hearing with the Office of Judicial Affairs. Procedures for hearings are outlined in the Student Code of Conduct in the *Student Guidebook*. Procedures for intercollegiate athletes who have demonstrated a reasonable suspicion of drug use are outlined in the Athletics Code of Conduct.

9.2 Students will be advised of available alcohol and drug counseling at the University Counseling Center and/or referred to a community organization. The University Counseling Center and the University Health Services can provide assistance and referral to appropriate local community agencies. The following guidelines apply to referrals:

9.2.1 The student is responsible for any cost/fees incurred for professional services provided by community agencies.

9.2.2 To the extent possible, information concerning a student's diagnosis, referral and treatment will be kept strictly confidential.

9.2.3 Student rights are delineated in the *Student Guidebook* and other university publications. The rights of students will be respected by all administrative and supervisory personnel.

9.3 Sanctions for violations of drug or alcohol rules, policies and regulations may include expulsion, suspension, probation, and/or a letter of reprimand.

10. RULES AND PROCEDURES FOR TESTING (SCREENING)

- 10.1 System Regulation [34.02.01](#) discusses the procedures for testing employees suspected of usage, including employees in sensitive positions under Department of Defense contracts. Please refer to System Regulation [34.02.01](#) for specific information. The decision to require a chemical screening for an employee whose work patterns create a reasonable suspicion of usage must be reviewed with legal counsel before the screening.
- 10.2 The university will comply with Department of Transportation rules requiring routine testing of employees who drive certain types of vehicles. The Department of Transportation alcohol testing rules apply to entities that employ: (1) drivers of motor vehicles carrying more than 15 passengers; (2) drivers of trucks weighing more than 26,000 pounds; and/or (3) drivers of any size motor vehicle used to transport material considered hazardous under the Hazardous Materials Transportation Act and required to be placarded under the Hazardous Materials Regulations.
- 10.3 Rules and procedures related to testing of students may be developed by the university and approved by System General Counsel. Drug screening procedures for intercollegiate athletes are outlined in *Athletics Policies*.

Related Statutes, Policies, or Requirements

20 U.S.C. § 1011i, [Drug and Alcohol Abuse Prevention](#)
41 U.S.C. Ch. 10 (§§ 701-707), [Drug-Free Workplace Act of 1988](#)
34 C.F.R. Pt. 86, [Drug and Alcohol Abuse Prevention](#)
System Policy [34.02 Drug and Alcohol Abuse](#)
System Regulation [34.02.01 Drug and Alcohol Abuse and Rehabilitation Programs](#)
System Regulation [34.03 Alcoholic Beverages](#)
University Rule [34.02.01.R1 Drug Free Workplace and Campus](#)
University Procedure [34.03.01.R0.01 Alcoholic Beverages on University Property](#)
University Procedure [34.03.01.R0.02 Alcoholic Beverages at University-Sanctioned Tailgate Events](#)

Definitions

“Drugs or other controlled substances” mean any substance, including alcohol, Capable of altering an individual's mood, perception, pain level or judgment.

A "prescribed drug" is any substance prescribed for individual consumption by a licensed medical practitioner. It includes only drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

An "illicit drug" or chemical substance is: (a) any drug or chemical substance, the use, sale or possession of which is illegal under any state or federal law, or (b) one that is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

"Controlled substance" means a substance listed in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C.S. 812) or whose possession, sale or delivery results in criminal sanctions under the Texas Controlled Substances Act (Texas Health and Safety Code, Chapter 481). In general, controlled substances include all prescription drugs, as well as those substances for which there is no generally accepted

"Alcohol" refers to any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

"Alcohol abuse" means the excessive use of alcohol in a manner that interferes with: (1) physical or psychological functioning; (2) social adaptation; (3) educational performance; or (4) occupational functioning.

"Reasonable suspicion" shall be established by: (1) observation of the actions/behaviors of the individual; (2) supervisor or other reliable individual witnessing possession or use; or (3) any other legal measure used for alcohol or drug detection.

"Sanctions" may include completion of an appropriate rehabilitation or assistance program, suspension or expulsion from school, suspension or termination from employment, other disciplinary action, or referral to authorities for prosecution. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.

Contact Office

Office of Human Resources
903.886.5041

34.02 Drug and Alcohol Abuse

Approved February 27, 1995 (MO 44-95)
Revised September 26, 1997 (MO 181-97)
Revised September 24, 1999 (MO 225-99)
Revised January 22, 2009 (MO 029-09)
Next Scheduled Review: April 3, 2014



Policy Statement

The Texas A&M University System (system) strictly prohibits the unlawful manufacture, distribution, possession or use of illicit drugs or alcohol on system property, and/or while on official duty and/or as part of any system activities.

Reason for Policy

This policy is established to help members maintain a safe and healthy environment for all students and employees, to ensure compliance with applicable law and to require the adoption and implementation of a program to help prevent the use of illicit drugs and alcohol abuse by students and employees.

Procedures and Responsibilities

1. All members and member students and employees are expected to abide by state and federal laws pertaining to controlled substances, illicit drugs and the use of alcohol. Each member will adopt a plan consistent with this policy that will include implementation of an awareness and prevention program on the use of illicit drugs and the abuse of alcohol by students and employees.
2. Sanctions (consistent with local, state and federal law) will be imposed on students and employees for the violation of this policy. Sanctions may include disciplinary actions up to and including expulsion, termination of employment and referral for prosecution.
3. This policy is in addition to any alcohol or drug abuse policy or policies relating to participation in intercollegiate athletics.
4. The chancellor is authorized to implement regulations to ensure full compliance with applicable statutes and administrative rules or guidelines.

Related Statutes, Policies, or Requirements

[20 U.S.C. § 1011i, *Drug and Alcohol Abuse Prevention*](#)

[41 U.S.C. Ch. 10 \(§§ 701-707\), *Drug-Free Workplace Act of 1988*](#)

[34 C.F.R. Pt. 86, *Drug and Alcohol Abuse Prevention*](#)

[System Regulation 34.02.01, *Drug and Alcohol Abuse and Rehabilitation Programs*](#)

Contact Office

Office of General Counsel
(979) 458-6120

System Human Resources Offices
(979) 458-6169

07.01 Ethics

Approved February 27, 1995 (MO 44-95)
Revised September 1, 1995 (MO 286-95)
Revised July 26, 1996 (MO 169-96)
Revised November 30, 2000 (MO 229-00)
Revised December 5, 2008 (MO 408-2008)
Revised January 31, 2013 (MO -2013)
Next Scheduled Review: January 31, 2015



Policy Statement

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. The Board of Regents (board) of The Texas A&M University System (system), therefore, promulgates the following ethical principles and standards to ensure that the board members and all persons employed by the system, regardless of rank or position, are held to the highest ethical standards.

Reason for Policy

This policy sets the tone throughout the system that promotes integrity-rich behavior, ethical conduct beyond reproach and a commitment to compliance. Additionally, Texas Government Code, Section 572.051 requires all state agencies to adopt a written ethics policy consistent with the standards set forth therein.

Procedures and Responsibilities

1. PRINCIPLES OF ETHICAL CONDUCT

Board members and system employees shall conduct themselves in a manner that strengthens the public's trust and confidence by adhering to the following principles:

- (a) honesty, accountability, transparency, respect and trust;
- (b) integrity of the highest caliber;
- (c) conduct that is indisputable and beyond reproach;
- (d) openness and fairness; and
- (e) commitment to compliance.

2. CODE OF ETHICAL CONDUCT

Board members and system employees:

- (a) shall be honest and ethical in their conduct and the performance of their duties;
- (b) shall adhere to all applicable state and federal laws and regulations, system policies and regulations, and member rules and procedures;
- (c) shall protect and conserve system resources and shall not use them for unauthorized activities;
- (d) shall endeavor to avoid any actions that would create the appearance that they are violating the law, system policies and regulations or member rules and procedures;
- (e) shall not hold financial interests that are in conflict with the conscientious performance of their official duties and responsibilities;
- (f) shall not engage in any financial transaction in order to further any private interest using nonpublic information which they obtain in the course of their employment;
- (g) shall not make unauthorized commitments or promises of any kind purporting to bind the system;
- (h) shall not use their public offices for private gain;
- (i) shall act impartially and not give preferential treatment to any private or public organization or individual;
- (j) shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official duties and responsibilities;
- (k) shall promptly disclose fraud, waste, abuse and corruption in accordance with System Policy *10.02, Control of Fraud, Waste and Abuse*; and
- (l) shall strictly adhere to all state and federal laws and regulations, system policies and regulations, and member rules and procedures regarding sexual harassment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, disability, genetic information or veteran status.

Related Statutes, Policies, or Requirements

[Texas Government Code § 572.051](#)

[System Policy 07.03, *Conflicts of Interest, Dual Office Holding and Political Activities*](#)

[System Policy 07.04, *Benefits, Gifts and Honoraria*](#)

[System Policy 08.01, *Civil Rights Protections and Compliance*](#)

[System Regulation 08.01.01, *Civil Rights Compliance*](#)

[System Policy 10.02, *Control of Fraud, Waste and Abuse*](#)

Contact Office

Office of Ethics and Compliance
(979) 458-6008

SUBCHAPTER C. STANDARDS OF CONDUCT AND CONFLICT OF INTEREST
PROVISIONS

Sec. 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.

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

Amended by:

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

THE TEXAS HAZARD COMMUNICATION ACT

The Texas Hazard Communication Act originally became effective on January 1, 1986 and was revised in 1993. The purpose of this act is to reduce the incidence of chemically related occupational illness and injury and to provide a means for the general public to learn about the chemical hazards associated with businesses in the community. The Act sets the minimum requirements employers must meet for providing information about hazardous chemicals in the workplace to employees and other interested parties. It is patterned after the federal Occupational Safety and Health Administration (OSHA) Hazard Communication Standard and is enforced by the Texas Department of Health.

Under the Act, the University of Texas Health Science Center (UTHSC) must notify employees of their rights under the Act, compile workplace chemical lists for the nonresearch areas, train all exposed employees regarding the hazards associated with the chemicals they use, maintain a file of Material Safety Data Sheets (MSDS), and supply the appropriate emergency response personnel with information.

The Hazard Communication Act defines a hazardous chemical as one which presents a physical or a health hazard. Physical hazards include flammable materials, combustible liquids, compressed gases, oxidizers, organic peroxides, explosives, reactive and water reactive compounds. Health hazards include toxic and highly toxic chemicals, corrosives, irritants, and carcinogens. The definitions of these terms and guidelines for proper handling of these chemicals are addressed later in this section.

The purpose of this booklet is to provide general information to employees and students in the use and handling of hazardous chemicals. Topics addressed include definitions of hazardous chemicals, guidelines for use and storage, factors affecting chemical action on the body, Material Safety Data Sheets and other reference sources (See Appendix I), emergency procedures, proper protective equipment, first aid, disposal procedures, and employee rights and responsibilities under the Hazard Communication Act. Specific information concerning those materials to be handled in research laboratories must be provided by the principal investigators.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

The Hazard Communication Act gives employees certain rights. Employees who may be or may have been exposed to hazardous materials in the workplace under normal conditions or foreseeable emergencies are covered by the Act. Graduate and medical students are considered to be employees under this definition.

Employee rights are listed in the "Notice to Employees" found in Appendix II. They include:

1. The right to be informed of exposures to hazardous chemicals.
2. The right to ready access to Material Safety Data Sheets and other references regarding chemical hazards.
3. The right to receive training on the hazards of the chemicals and on measures which can be taken to protect them from these hazards.
4. Employees may not be required to work from unlabeled containers of hazardous chemicals, except for portable containers for immediate use, the contents of which are known to the user.
5. Employees may file complaints with the Texas Department of Health and may not be discharged or discriminated against in any manner for the exercise of any rights provided by this act.

Under the University's Hazard Communication plan, both faculty and staff (including students) have certain responsibilities with respect to hazard communication.

Principal investigators are responsible for determining who among their staff fall under the provisions of the Act. They are to have their new staff attend a mandatory general training sessions given by Institutional Safety ([Laboratory Safety & Hazardous Waste Generator safety training course info](#)). The principal investigators are then responsible for training staff members concerning the hazards of the specific chemicals in their laboratories ([Specific Hazardous Chemical Training form](#)). To ensure that knowledge is kept current the Act requires that training be performed as needed and documentation be maintained. Principal investigators are also responsible for ensuring compliance with the labeling requirements of the Act.

Staff members are responsible for only using chemicals for which they are adequately trained. They are expected to identify hazardous chemicals in the workplace by using the chemical lists provided in the manual or by determining if the chemical falls into any of the hazard categories as discussed below. Staff are expected to consult references, including Material Safety Data Sheets, to determine hazard characteristics and handling procedures. The staff is expected to follow supervisor's instructions regarding the use of hazardous chemicals and to observe the guidelines stated here.

HAZARD DETERMINATION

Before working with any chemical it is important to determine the hazards inherent in handling the material. The primary source of information is the label on the container. Manufacturers are required to provide the user with safety information for proper handling. Material Safety Data Sheets for all products purchased by the University are available on request from Institutional Safety.

Additional safety references are available through the library and the Safety Office. All new materials should be thoroughly investigated before being put to use. It is important to remember that a chemical may have several different health and physical hazards which must be considered when deciding safe use conditions.

MATERIAL SAFETY DATA SHEETS

A Material Safety Data Sheet (MSDS) gives information and details on chemical and physical dangers, safety procedures, emergency response procedures, and the safe handling of a substance. There are several formats for MSDS but they all must contain the same basic information divided into the following categories:

1. Identification
 - a. Identifies substance by trade name, synonyms, chemical name and various types of identifying numbers. The trade name and/or chemical name will match the name on the container label.
 - b. Identifies hazardous components of mixtures.
2. Physical Characteristics
Physical description, boiling point, melting point, specific gravity, vapor pressure, solubility, vapor density.
3. Fire fighting data
 - a. Flash point
 - b. Type of extinguisher
 - c. Fire fighting instructions
4. Reactivity
 - a. Chemical stability
 - b. Materials with which the substance is incompatible
 - c. Conditions to avoid
5. Health Hazards
 - a. Toxicity information
 - b. Health effects of exposure
 - c. First aid measures
6. Spill and Leak Procedures
Includes waste disposal information
7. Personal Protective Equipment
Types of gloves, respirators, eye protection that should be used with this material.
8. Storage and Special Information

Suppliers of hazardous chemicals are required to supply UT Health Science Center with one copy of the MSDS. Usually the MSDS is sent to Institutional Safety where a master file is maintained. If a MSDS is received with a shipment please forward a copy to EH&S.

Copies of MSDS may be requested by contacting Institutional Safety. If one is not on file for the material of interest one will be requested from the supplier. Requests should be made on a copy of the form in Appendix III.

BOTTLES AND CONTAINER LABELS

Labels on bottles and containers of hazardous chemicals purchased after Nov. 25, 1985, should have hazard warnings on them. The labels on stock bottles should not be defaced or removed. When transfers are made from the stock bottles to other containers, the secondary containers should be labeled with the name of the chemical, using the same nomenclature as the stock bottle. Identical labeling will facilitate hazard determination. The only exception to the labeling requirement is for containers filled by an employee who is going to use the material during the immediate work shift.

TRAINING REQUIREMENTS

The Hazard Communication Act requires that all employees covered by the Act at UT Health Science Center, receive training on the hazards of the chemicals and on proper handling methods to protect them from the chemicals during use, storage, and disposal.

The institutional compliance plan divides the training into two parts. A general training class "Hazardous Chemicals in the Laboratory," given by Institutional Safety is required for all new employees and students covered by the Act. Institutional Safety will contact new employees to determine their status under the Act and to notify them of the times and dates of the general training class. New faculty will be trained on an individual basis by EH&S.

Once an employee has attended the general training class, continued training becomes the responsibility of the principal investigator. The investigator will ensure that all personnel under his supervision understand the hazards associated with the chemicals in the laboratory and that these chemicals are properly handled, stored and disposed. Faculty members are required to keep safety training for their staff current. It is recommended that at least on an annual basis training be performed.

Institutional Safety will keep the faculty informed of any developments regarding the Act or the institution's compliance plan that might have an effect on faculty responsibilities regarding training.

The Texas A&M University System
Overview of Voluntary Supplemental Retirement Savings Programs
The 403(b) Tax-Deferred Account Program and the 457(b) TexaSaver Deferred Compensation Plan

Regardless of the mandatory retirement program you participate in (TRS or ORP), you can choose to save additional money for retirement on a tax-deferred basis through the Tax-Deferred Account (TDA) Program and/or TexaSaver Deferred Compensation Plan (DCP). All Texas A&M University System employees are eligible to participate in one or both of these voluntary supplemental pre-tax savings programs at any time.

The TDA and DCP programs allow you to save money for retirement and postpone paying federal income tax on your savings and investment earnings until you begin receiving the money. This will generally be after retirement, when your income may be less and your tax bracket is likely to be lower. While employed, you may make financial hardship withdrawals, though the plans' definitions of a hardship differ. Upon termination of employment or retirement, you can rollover your TDA and DCP accounts to another retirement plan (including an IRA) if you meet the requirements for a rollover distribution.

You decide how much you want to save, from a \$25 minimum monthly contribution for the TDA and a \$20 minimum monthly contribution for the DCP to the maximum allowed by federal law. Contributions are processed through convenient payroll deduction. You can change the amount you save once each month. You may also choose to defer part or all of a lump sum payment of annual leave upon termination of employment or retirement. However, you must enroll in the DCP or TDA prior to your final day of employment in order to defer your annual leave lump sum payment. Under the TDA Program, you must choose an investment vendor from the A&M System list of active vendors. Under the DCP, you choose investment options from those companies authorized by the State of Texas. You are responsible for choosing investment vendors and investment options and for any gains or losses on your account. There are no employer matching contributions under either plan.

TAX-DEFERRED ACCOUNT PROGRAM

Enrollment

The Tax-Deferred Account Program is subject to Internal Revenue Code section 403(b), which allows you to defer a portion of your current pre-tax or post-tax (Roth) income until retirement.

When you enroll in a TDA, you agree to have a specific amount or percentage of gross pay deducted from each paycheck and sent to the vendor you choose from the A&M System list of active vendors, available on the Retirement Programs web site at www.tamus.edu/offices/benefits/retirement/activevendors. You may enroll in a TDA at any time and invest with up to two active vendors simultaneously. To enroll, you complete a TDA Salary Reduction Agreement (SRA) and turn it in to your Human Resources or Payroll Office, along with a copy of your completed vendor application. The TDA form is available from your Human Resources Office or online at www.tamus.edu/offices/benefits/publications/#rforms.

Your TDA contribution will be deducted from your pay during or after the effective month you state on the SRA form, depending on when your Human Resources or Payroll office receives your form. For example, if you are paid monthly and turn in a SRA form stating an effective month of January before the payroll runs in January, the first deduction will be made from the paycheck you receive at the beginning of February. If you are paid biweekly and turn in a SRA form stating an effective month of January on or before the payroll first runs in January, the first TDA deduction will be made from your paycheck that covers the first pay period that begins on or after January 1. The initial deduction for biweekly employees will depend on the payroll schedule during the month in which the TDA enrollment is effective.

IMPORTANT: If your TDA deduction amount is greater than your net pay for any pay period, no TDA deduction will be taken.

Distribution Options

Because the purpose of a TDA is to provide retirement income, you may begin receiving distributions from your account without penalty any time after you reach age 59½. You must pay federal income tax on your TDA savings when you receive payments unless you have a Roth TDA. Because Roth TDA contributions are made after taxes, your distributions upon retirement are tax-free. Federal law requires that you begin receiving payments by age 70½, unless you are still employed. You choose how your benefit will be paid from the payment options offered by your investment vendor(s). Your beneficiary will receive your account balance if you die before payment begins or will receive any survivor benefits you choose if you die after you begin receiving payments.

Under the TDA Program, if you withdraw money before age 59½, you generally must pay a 10% penalty tax in the year in which the money is withdrawn unless you withdraw because you become disabled and unable to work, you die, you leave A&M System employment after age 55, or elect an annuity payout upon termination or retirement at any age.

While you are employed with the A&M System, you may withdraw money from your TDA account only for one of the above reasons unless you have a financial hardship as defined by federal law. This includes major unreimbursed medical expenses, college costs for immediate family members, purchase of your primary residence or payments to prevent eviction from or foreclosure on your primary residence. If you receive a financial hardship withdrawal, federal law requires that contributions to the plan be suspended for six months. Some investment vendors allow you to take a loan from your TDA account, some do not. Contact your TDA vendor to determine loan availability.

If you leave A&M System employment before retirement, you may leave your account invested, but you may make no further contributions. You may also choose to withdraw your funds and pay any taxes due (including the penalty tax in most cases) or roll your account balance into a similar plan at a new employer or an individual retirement account.

Additional Resources

- System Regulation 31.02.10 Tax-Deferred Account Program (tamus.edu/offices/policy/31-02-10.pdf)

For additional information, review the following documents on the Benefits Administration web site (www.tamus.edu/offices/benefits/retirement):

Retirement Programs Booklet
Selecting a TDA Vendor
TDA Vendors List
TDA Fee Summary
TDA Annuity Product Summary
Maximum Contribution Limits TDA and Texa\$aver DCP
Comparison TDA and Texa\$aver DCP
TDAs: *An Investment in Your Future*

TEXA\$AVER DEFERRED COMPENSATION PLAN

Enrollment

The Texa\$aver Deferred Compensation Plan is subject to Internal Revenue Code section 457(b), which allows you to defer a portion of your current pre-tax income until retirement. The DCP is managed by the Employees Retirement System of Texas, and Great West is the third-party administrator who can answer any questions you have about the program. To enroll in the Texa\$aver Deferred Compensation Plan, visit the web site at www.texasaver.com, click on "457 Plan" for information about the plan and how to enroll. Next, download enrollment form, enroll online or call at (800) 634-5091 to visit with a customer service representative who will assist you in enrolling in the Texa\$aver Program. You must identify yourself as an A&M System employee and be prepared to provide the representative with the following information: name, Social Security number, address, date of birth, date of hire, phone number, agency name, deferral amount and investment elections. Deferral instructions received by Great West by 3 p.m. Central Time (CT) on the last business day of the month will be effective the following month.

In the following example, the initial DCP deferral for an employee paid monthly is deducted in a new tax year, although the effective enrollment date is December 1 of the previous year. The initial deduction for biweekly employees will depend on the payroll schedule during the month in which the DCP enrollment is effective.

Enrollment period:	Before 3 p.m. CT on last business day of November
Effective date:	December 1
Initial deduction:	January 1 pay voucher (December earnings but included in new tax year)

IMPORTANT: If your DCP deduction amount is greater than your net pay for any pay period, no DCP deduction will be taken.

Distribution Options

Although the purpose of a DCP is to provide retirement income, you may begin receiving distributions from your account when you leave state employment. You must pay federal income tax on your DCP savings when you receive payments. Federal law requires that you begin receiving payments by age 70½, unless you are still employed. You choose how your benefit will be paid from the payment options. Your beneficiary will receive your account balance if you die before payment begins or will receive any survivor benefits you choose if you die after you begin receiving payments.

While you are employed with the A&M System, two types of withdrawals are available through the DCP: financial hardship and de minimus. The financial hardship withdrawals can be taken from your account to help cover the costs of an unforeseeable emergency. The amount withdrawn cannot exceed the amount needed to satisfy the emergency. If you receive a financial hardship withdrawal, your contributions to the DCP will be suspended for six months. De minimis withdrawals can be taken from your account if you have a balance of \$5,000 or less and you have not made contributions for two years or longer. Hardship withdrawals are not subject to a penalty tax. However, the financial hardship and de minimus withdrawals will be taxed as regular income in the year in which the money is received.

You may borrow funds from your Texa\$aver Deferred Compensation Plan (DCP) account for a general loan (12-60 months) or a residential loan (61-180 months). Great West will process your request for loans and answer questions. Unlike hardship withdrawals, contributions are not suspended for six months when you borrow funds from your DCP. Amounts borrowed through the DCP loan program are not

taxable unless you fail to repay the loan. Contact Great West at (800) 634-5091 if you have questions regarding the loan process.

If you leave A&M System employment before retirement, you may leave your account invested, but you may make no further contributions. Or, you may withdraw your funds and pay regular income taxes (with no penalty tax) or roll your account balance into a similar plan at a new employer or an individual retirement account.

Additional Resources

- System Regulation 31.02.11 Deferred Compensation Program
(www.tamus.edu/offices/policy/policies)

For additional information, review the following documents on the Benefits Administration web site (www.tamus.edu/offices/benefits/retirement):

Maximum Contribution Limits for TDA and TexaSaver DCP
Comparison TDA and TexaSaver DCP

Additional information about the TexaSaver Program is available online at texasaver.com click on “457 Plan.” Links are provided for various features of the TexaSaver DCP.

Participation in the 403(b) Tax-Deferred Account Program or 457(b) TexaSaver Deferred Compensation Plan entails certain responsibilities for the participant, including selection and monitoring of the vendor and individual investments. The Texas A&M University System has no fiduciary responsibilities for the financial stability of the vendor or the market value of individual investments chosen by the participant. Each employee bears the risk of the performance of the product(s) of his/her choosing under these voluntary retirement programs, and The Texas A&M University System is not liable for any tax consequences occurring under these retirement programs.

The contents of this document are intended for informational purposes only and should not be construed as tax or legal advice, which can be rendered only when related to specific fact situations. In all cases, you should consult your attorney or tax adviser if you have questions about your individual situation.

31.01.05 Extended Pay Plan

Approved April 24, 1996
Revised September 30, 1998
Revised January 24, 2011
Next Scheduled Review: January 24, 2013



Regulation Statement

The Texas A&M University System (system) provides an optional method to delay receipt of a portion of net pay for employees who work less than 12 months.

Reason for Regulation

This regulation provides guidance for the eligibility and implementation of the extended pay plan (EPP).

Procedures and Responsibilities

1. GENERAL

The system offers an EPP that allows employees who work less than 12 months each year to extend their pay over 12 months. This voluntary plan is offered for the convenience of the employee. It was designed as an option for employees budgeted for either 9 or 10 1/2 months but may be used by any eligible employee to defer a portion of his/her "take-home" pay until the summer.

2. ELIGIBILITY

All employees who are listed in the position identification database in a budgeted position for 50 percent or more time for a period of at least 4 1/2 months, but for less than 12 months, excluding employees in positions for which student status is a requirement for employment, are eligible to participate in this program.

3. OPTIONS

Eligible employees may elect to participate at any time and may choose to have either 12.5 percent or 25 percent of net pay set aside each month. During the summer months, employees receive paychecks from those funds previously set aside.

4. TAXES

For employees who choose to participate in EPP, federal income and Social Security taxes will be deducted from pay during the months employees work. All pay is taxed before any money is placed in the EPP fund. Thus, for tax calculation and reporting purposes, 9-month employees are still considered 9-month employees, and 10 1/2-month employees are considered 10 1/2-month employees. All money held for summer payment in the EPP fund is after-tax “take home” pay.

5. INSURANCE

For employees who choose to participate in EPP, insurance premiums will be deducted from each paycheck during the regular work year. An additional amount, equal to 25 percent of monthly out-of-pocket insurance premiums, will be withheld each month to cover summer premiums. EPP participants will have their summer premiums deducted from their May paychecks, but they will be reimbursed from their EPP funds for those summer premiums. All health and dental premiums continue to be paid on a pre-tax basis if employees elect the EPP option.

6. PAYMENT FROM THE EPP FUND

Money in an employee’s EPP fund will be divided evenly and paid to the employee on the regular monthly paydays for June, July and August. This money will already have been taxed, and insurance premiums will already have been deducted. Employees who gain additional employment from the system during the summer will receive pay for that work in addition to the payments from their EPP funds.

7. CANCELLATION

7.1 Employees may cancel their participation in EPP at any time and may request payment of the balance of their EPP funds. Withdrawals will be made only on the full balance of the funds. Refunds will be disbursed once a month, to be paid with the regularly scheduled monthly payroll. Once an employee asks for a refund, that employee may not participate in EPP for the remainder of that fiscal year. Employees who cancel participation in EPP are eligible to enroll in EPP the next fiscal year.

7.2 An employee may choose to cancel participation in the EPP and elect not to receive payment of the balance of funds already deposited. The balance of the EPP fund will then be disbursed as requested by the employee during the summer. No funds may remain in an EPP fund at the end of the fiscal year.

8. INTEREST

No interest is paid to the employee who participates in EPP.

9. DIRECT DEPOSIT

Direct deposit of wages is not affected by participation in EPP. Summer payments for EPP will be made via direct deposit if a direct deposit authorization form is on file. Refunds during the academic year will be made only via check and will not be direct deposited.

10. BIWEEKLY EMPLOYEES

Biweekly-paid employees employed for less than 12 months are also eligible to participate in EPP. Authorization forms are available from the payroll workstation.

Definitions

Eligible employee – an employee who is listed in the position identification database in a budgeted position for 50 percent or more time for a period of at least 4 1/2 months, but for less than 12 months, excluding employees in positions for which student status is a requirement for employment.

Summer months – the calendar months of June, July, and August.

Contact Office

Office of the Chief Business Officer
(979) 458-6100

THE TEXAS A&M UNIVERSITY SYSTEM

NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

A federal regulation, known as the “HIPAA Privacy Rule” requires that we provide detailed notice in writing of our privacy practices.

I. OUR COMMITMENT TO PROTECTING HEALTH INFORMATION ABOUT YOU

In this notice, we describe the ways that we may use and disclose health information about you. The HIPAA Privacy Rule requires that we protect the privacy of health information that identifies an individual or where there is a reasonable basis to believe the information can be used to identify an individual. This information is called “Protected Health Information” (PHI). This notice describes your rights and our obligations regarding the use and disclosure of PHI. We are required by law to:

- Maintain the privacy of PHI about you;
- Give you this notice of our legal duties and privacy practices with respect to PHI; and
- Comply with the terms of our notice of privacy practices that is currently in effect.

We reserve the right to make changes to this notice and to make such changes effective for all PHI we may already have about you. If and when this notice is changed, we will post this information on our website and provide you with a copy of the revised notice upon your request.

II. HOW WE MAY USE AND DISCLOSE PROTECTED HEALTH INFORMATION ABOUT YOU

A. USES AND DISCLOSURES FOR TREATMENT, PAYMENT, AND HEALTH CARE OPERATIONS

The following categories describe the different ways we may use and disclose PHI for treatment, payment, or health care operations. The examples included with each category do not list every type of use or disclosure that may fall within that category.

Treatment: No disclosures are anticipated in this category since medical care and treatment is provided only by licensed physicians and medical providers and not the A&M System benefit programs, per se.

Payment: We may use and disclose PHI so that we can bill, collect and remit premiums and eligibility information to your designated health benefit carrier with the A&M System. For example, we must provide your health carrier with periodic reports showing that you are eligible for benefits and have paid your premiums for their coverage. We may use and disclose PHI when you apply for any insurance coverage that requires you to provide a medical history. We may use and disclose PHI when you apply for disability retirement or disability benefits that require you to provide your detailed medical records. We may use and disclose your PHI to verify your health benefit enrollment to a health benefit carrier or health care provider when you seek medical treatment or care. We may use and disclose your PHI to an insurance carrier that provides you with, or has previously provided you with, additional health coverage. We may use and disclose your PHI to the members of a health plan grievance review panel convened at your request to consider the denial of a medical claim by our third-party administrator.

Health Care Operations: We may use and disclose your PHI in performing business operations that are called health care operations. We may use and disclose your PHI to our consulting actuary when we evaluate the cost of our health plans and determine premiums. For example, we periodically review large medical claims in detail to determine cost patterns and their impact on our health plan costs. We may use and disclose your PHI to a third-party claims reviewer who has contracted with the A&M System to audit claim payments. We may use and disclose your PHI as part of the demographic information that is included when we solicit bids on our health plans. We may use and disclose your PHI as requested by federal or state legislative bodies as they review health costs. We may use and disclose your PHI to provide training to new employees who work with PHI within the scope of their employment in the A&M System.

Communications From Our Office: We may contact you to provide you with information about changes to your health benefit plans or other health-related benefits and services that may be of interest to you. For example, if the A&M System offered a new dental benefit option, we would contact you.

B. OTHER USES AND DISCLOSURES WE CAN MAKE WITHOUT YOUR WRITTEN AUTHORIZATION

Uses and Disclosures for Which You Have the Opportunity to Agree or Object: We may use and disclose PHI about you in some situations where you have the opportunity to agree or object to certain uses and disclosures of PHI about you. If you do not object, then we may use and disclose these types of PHI.

Individuals Involved in Your Care or Payment for Your Care: We may disclose PHI about you to your family member, close friend, or any other person identified by you if that information is directly relevant to the person's involvement in your care or payment for your care. If you are present and able to consent or object (or if you are available in advance), then we may use or disclose PHI only if you do not object after you have been informed of your opportunity to object. If you are not present or you are unable to consent or object, we may exercise professional judgment in determining whether the use or disclosure of PHI is in your best interests. For example, if you are unable to communicate normally with us for some reason, we may find it is in your best interest to give your benefit eligibility and premium payment information to the friend or relative who is with you. We may also use and disclose PHI to notify such persons of your location, general condition or death. We also may coordinate with disaster relief agencies to make this type of notification. We may also use professional judgment and our experience with common practice to make reasonable decisions about your best interest in allowing a person to act on your behalf to pay premiums or communicate information about your benefits that contains PHI about you.

C. OTHER USES AND DISCLOSURES WE CAN MAKE WITHOUT YOUR WRITTEN AUTHORIZATION OR OPPORTUNITY TO AGREE OR OBJECT

We may use and disclose PHI about you in the following circumstances without your authorization or opportunity to agree or object, provided that we comply with certain conditions that may apply.

Required By Law: We may use and disclose PHI as required by federal, state or local law. Any disclosure must comply with the law and is limited to the requirements of the law.

Public Health Activities: We may use or disclose PHI to public health authorities or other authorized persons to carry out certain activities related to public health, including the following:

- To prevent or control disease, injury or disability;
- To report disease, injury, birth or death;
- To report child abuse or neglect;
- To report reactions to medications or problems with products or devices regulated by the federal Food and Drug Administration or other activities related to quality, safety, or effectiveness of FDA regulated products or activities;
- To locate and notify persons of recalls of products they may be using;
- To notify a person who may have been exposed to a communicable disease in order to control who may be at risk of contracting or spreading the disease; or
- To report to your employer, under limited circumstances, information related primarily to workplace injuries or illness, or workplace medical surveillance.

Abuse, Neglect, or Domestic Violence: We may disclose PHI in certain cases to proper government authorities if we reasonably believe that a patient has been a victim of domestic violence, abuse, or neglect.

Health Oversight Activities: We may disclose PHI to a health oversight agency for oversight activities including, for example, claims audits, investigations, inspections, licensure and disciplinary activities, and other activities conducted by health oversight agencies to monitor the health care system, government health care programs, and compliance with certain laws.

Lawsuits and Other Legal Proceedings: We may use or disclose PHI when required by a court or administrative tribunal order. We may also disclose PHI in response to subpoenas, discovery requests, or other required legal processes when efforts have been made to advise you of the request or to obtain an order protecting the information requested.

Law Enforcement: Under certain conditions, we may disclose PHI to law enforcement officials for the following purposes where the disclosure is:

- About a suspected crime victim if, under certain limited circumstances, we are unable to obtain a person's agreement because of incapacity or emergency;
- To alert law enforcement of a death that we suspect was the result of criminal conduct;

- Required by law;
- In response to a court order, warrant, subpoena, summons, administrative agency request, or other authorized process;
- To identify or locate a suspect, fugitive, material witness, or missing person;
- About a crime or suspected crime committed at the workplace; or
- In response to a medical emergency not occurring at the workplace, if necessary to report a crime, including the nature of the crime, the locations of the crime or the victim, and the identity of the person who committed the crime.

Coroners, Medical Examiners, Funeral Directors: We may disclose PHI to a coroner or medical examiner to identify a deceased person and determine the cause of death. In addition, we may disclose PHI to funeral directors, as authorized by law, so that they may do their jobs.

Organ and Tissue Donation: If you are an organ donor, we may use or disclose PHI to organizations that help procure, locate, and transplant organs in order to facilitate an organ, eye, or tissue donation and transplantation.

Research: We may use and disclose PHI about you for research purposes under certain limited circumstances. We must obtain a written authorization to use and disclose PHI about you for research purposes except in situations where a research project meets specific, detailed criteria established by the HIPAA Privacy Rule to ensure the privacy of PHI.

To Avert a Serious Threat to Health or Safety: We may use or disclose PHI about you in limited circumstances when necessary to prevent a threat to the health or safety of a person or to the public. This disclosure can be made only to a person who is able to help prevent the threat.

Specialized Government Functions: Under certain circumstances, we may disclose PHI:

- For certain military and veteran activities, including determination of eligibility for veterans benefits and where deemed necessary by military command authorities;
- For national security and intelligence activities;
- To help provide protective services for the president and others;
- For the health or safety of inmates and others at correctional institutions or other law enforcement custodial situations for the general safety and health related to the facility.

Disclosures Required by HIPAA Privacy Rule: We are required to disclose PHI to the Secretary of the United States Department of Health and Human Services when requested by the Secretary to review our compliance with the HIPAA Privacy Rule. We are also required in certain cases to disclose PHI to you upon your request to access PHI or for an accounting of certain disclosures of PHI about you as described in Section III of this notice.

Workers' Compensation: We may disclose PHI as authorized by workers' compensation laws or other similar programs that provide benefits for work-related injuries or illness.

D. OTHER USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION REQUIRE YOUR AUTHORIZATION

All other uses and disclosures of PHI about you will be made only with your written authorization. If you have authorized us to use or disclose PHI about you, you may revoke your authorization at any time, except to the extent we have taken action based on the authorization.

III. YOUR RIGHTS REGARDING PROTECTED HEALTH INFORMATION ABOUT YOU

Under federal law, you have the following rights regarding PHI about you:

Right to Request Restrictions: You have the right to request additional restrictions on the PHI that we may use for treatment, payment, and health care operations. You may also request additional restrictions on our disclosure of PHI to certain individuals involved in your care or benefit coverage that otherwise are permitted by the Privacy Rule. We are not required to agree to your request. If we do agree to your request, we are required to comply with our agreement except in certain cases, including where the information is needed to treat you or verify coverage in the case of an emergency. To request restrictions, you must make your request in writing to our Privacy Official. In your request, please include (1) the information that you want to restrict, (2) how you want to restrict the information (for example, restricting use to this office, restricting disclosure only to persons outside this office, or restricting both), and (3) to whom you want those restrictions to apply.

Right to Receive Confidential Communications: You have the right to request that you receive communications regarding PHI in a certain manner or at a certain location. For example, you may request that we contact you at home, rather than at work. You must make your request in writing to our Privacy Official. You must specify how you would like to be contacted (for example, by regular mail to your post office box and not your home). We are required to accommodate reasonable requests.

Right to Inspect and Copy: You have the right to request the opportunity to inspect and receive a copy of PHI about you in certain records that we maintain. This includes your insurance and billing records but does not include information gathered or prepared for a civil, criminal, or administrative proceeding. We may deny your request to inspect and copy PHI only in limited circumstances. To inspect and copy PHI contact our Privacy Official. If you request a copy of PHI about you, we may charge you a reasonable fee for the copying, postage, labor, and supplies used to meet your request.

Right to Amend: You have the right to request that we amend PHI about you as long as such information is kept by or for our office. To make this type of request, you must submit your request in writing to our Privacy Official. You must also give us a reason for your request. We may deny your request in certain cases, including if it is not in writing or if you do not give us a reason for the request.

Right to Receive an Accounting of Disclosures: You have the right to request an accounting of certain disclosures that we made of PHI about you. This is a list of disclosures made by us during a specified period of up to six years *except for disclosures made:*

- For treatment, payment, and health care operations;
- For use in or related to a facility directory;
- To family members or friends involved in your care;
- To you directly;
- Pursuant to an authorization of you and your personal representative;
- For certain notification purposes (including national security, intelligence, correctional, and law enforcement purposes);
or
- Before April 14, 2003.

If you wish to make such a request, please contact our Privacy Official, who is identified below. The first list that you request in a 12-month period will be free, but we may charge you for our reasonable costs of providing additional lists in the same 12-month period. We will tell you about these costs, and you may cancel your request at any time before costs are incurred.

Right to a Paper Copy of this Notice: You have a right to receive a paper copy of this notice at any time, even if you have previously agreed to receive this notice electronically. To obtain a paper copy of this notice, contact the Privacy Official.

IV. COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with us or the Office for Civil Rights, United States Dept. of Health and Human Services, 1301 Young Street, Suite 1169, Dallas, TX 75202. To file a complaint with us, please contact our Privacy Official at the address and number listed below. We will not retaliate or take action against you for filing a complaint.

V. QUESTIONS

If you have any questions about this notice, please contact our Privacy Official at the address and telephone number listed below.

VI. PRIVACY OFFICIAL CONTACT INFORMATION

You may contact our Privacy Official at the following address and telephone number:

Mr. Kevin P. McGinnis
Director of Risk Management and Benefits Administration
The Texas A&M University System
John B. Connally Building, 5th Floor
301 Tarrow
College Station, TX 77840
Phone: (979) 458-6160