

1. Title

Jury Service and Witness Service and Fees

2. Policy

Sec. 1 Policy Statement. It is the policy of The University of Texas System Administration to provide leave and fees consistent with applicable State law for employee service as a juror or as a witness in a judicial proceeding or legislative hearing.

Sec. 2 Purpose. The purpose of this policy is to provide for the administration of leave and fees for service as a juror or as a witness in a judicial proceeding or legislative hearing.

Sec. 3 Jury Service. No deduction shall be made from the salary or wages of an employee of the U. T. System who is called for jury service, nor shall the employee be required to account to the U. T. System for any fee or compensation received for jury service.

Sec. 4 Witness Service and Fees.

4.1 An employee called to appear in his or her official capacity in any judicial proceeding or legislative hearing will neither accept nor receive any witness fee for such a governmental appearance.

4.2 If the appearance as a witness is not in an official capacity but is for the purpose of testifying from personal knowledge concerning matters related to the proceeding or hearing, the employee may accept any customary witness fees for appearance.

4.3 Any employee appearing as an expert witness in a judicial proceeding or legislative hearing may accept compensation for his or her appearance only when such appearance is made on his or her own leave time and may accept reimbursement for travel expenses only if the expenses are not reimbursed by the State.

4.4 Employees who are serving in an official capacity as a witness in a judicial proceeding or legislative hearing may receive per diem and reimbursement for travel and expenses from either the State or the judicial body, but not from both.

Sec. 5 Reporting of Witness Service and Fees.

- 5.1 With the exception of classified employees, full-time employees who serve as consulting or testifying expert witnesses in a suit in which the State is a party must report this information to the department head, who must notify the Office of Employee Services.
- 5.2 Not later than November 1 of each year, the Texas Higher Education Coordinating Board (THECB) must submit to the governor and to the presiding officer of each house of the legislature a written report regarding compensated service by members of the faculty or professional staff of institutions of higher education as consulting or testifying expert witnesses in suits in which the State is a party during the preceding State fiscal year. The information in the report will not identify specific individuals.
- 5.3 The report must specify (1) the amounts of time spent by each faculty or professional staff member in connection with that service; and (2) the names, cause numbers, and outcomes of the cases in which service was rendered, including the amounts of any judgments entered against the State; any prejudgment or post-judgment interest awarded against the State; and any attorney's fees of another party ordered to be paid by the State.
- 5.4 The attorney general and the president of each institution of higher education are charged with the collection of all necessary data for inclusion in the report.

Sec. 6 Procedures.

- 6.1 An employee will notify the supervisor as soon as notice of jury service is received.
- 6.2 In order to qualify for pay during periods of jury service, the employee must furnish documentary proof of service to the immediate supervisor.
- 6.3 On time records, employees will show time away from work for any jury service as "Jury Duty."
- 6.4 When serving as a witness in a non-work-related judicial process or hearing, the employee must report the time as personal leave.
- 6.5 When testifying in an official capacity or serving as a witness in an official or work-related judicial process or hearing, the

employee must report the time as “Other” and explain the nature of the witness duty in the “Remarks” section.

- 6.6 The Office of Employee Services (OES) will obtain data on employee use of “Other” leave for witness duty from the Electronic Time System each year on the first workday in September, and will report on use of such leave to the Office of General Counsel (OGC). An email will be sent to Helen Bright, OGC, providing the name and contact information for each employee using leave for witness duty during the previous fiscal year, the amount of leave used, and any other relevant information provided by the employee on the time record.
- 6.7 OGC will obtain from the employee any additional information needed and will submit the required information for the annual report to the THECB.
- 6.8 The THECB Commissioner will send a memo in August each year to university presidents and the Chancellor, copying the general counsel of the institution, requesting information for the annual report.

3. Definitions

None

4. Relevant Federal and State Statutes

[Texas Government Code Section 659.005](#)

[Texas Education Code Section 61.0815](#)

5. Relevant System Policies, Procedures, and Forms

None

6. Who Should Know

All employees of U. T. System Administration

7. System Administration Office(s) Responsible for Policy

Office of Employee Services

8. Dates Approved or Amended

February 1, 2006

August 24, 2009
August 4, 2011

9. Contact Information

Questions or comments about this policy should be directed to:

- bor@utsystem.edu