



# **OFFICE OF THE DIRECTOR OF POLICE THE UNIVERSITY OF TEXAS SYSTEM POLICY AND PROCEDURE MANUAL**



Subject			Policy Number
<b>CODE OF CONDUCT</b>			<b>212</b>
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## **I. PURPOSE**

The purpose of this policy is to define agency expectations for license holders and non-license holder employees and their on- and off-duty behavior.

## **II. POLICY**

The University of Texas System Police, the communities that we serve, and the general public expect all personnel to maintain the highest standards of professionalism and conduct. The mission of the agency is to ensure public safety, work with all members of the community to preserve life and well-being, maintain and respect human rights, protect property, and promote individual responsibility and community. It is the responsibility of the Institutional Chief of Police to ensure this policy and the impact it will have on personnel processes are shared with their respective Human Resources counterparts.

## **III. CODE OF ETHICS**

All officers shall display and demonstrate the integrity required by the Law Enforcement Code of Ethics:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my agency. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept confidential unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.

#### **IV. GENERAL DUTIES EXPECTATIONS AND MANAGEMENT RIGHTS**

- A. All peace officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas according to the rules, regulations, and general orders of the agency. Peace officers must know when they act under the color of law, they are enforcing the law according to statutes, written administrative guidance in the agency, common usage, and custom. Further, peace officers shall exhibit good moral character in the administration of their duties according to agency directives.
- B. The agency maintains the right to establish oral and written directives to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Peace officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. Management reserves the prerogative to discipline/sanction personnel and/or remedially train for rule violations listed in this written directive and any other agency directives. The decision to discipline and the measure of discipline employed depend on the conduct under review, rule violated, the consequences of the employee's actions, and the employee's prior history and experience.
- D. General Performance Prohibitions
  - 1. As appropriate, corrective action, including termination of employment, may be taken for any of the following reasons:
    - a. Incompetent or inefficient performance or dereliction of duty;

- b. Untruthfulness on the part of the employee: the Director of Police or Institution Chief of Police shall have the right to require any officer to undergo a polygraph examination should a situation arise in which the officer's veracity is at issue and their truthfulness is material to the discharge of official duties, their testimony has been impeached or appears to have been legitimately impeached, an allegation of perjury or criminal conduct has been made or an allegation of untruthfulness in the completion of an official government record has been made against the officer. Such polygraph examinations shall be carried out only by a State of Texas licensed polygraph examiner and only under the conditions noted as generally accepted industry standards. Failure to comply with this requirement will be deemed insubordination. Disciplinary action shall not be taken based solely on the outcome of a polygraph examination.
  - c. Conviction of a felony or misdemeanor involving conduct characterized by a concern regarding moral turpitude, or a pattern of misconduct.
  - d. Failure to report to an appropriate superior authority - incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of conduct violation or negligence of which the employee has knowledge.
- 2. Nothing in these rules and regulations limits the charges or actions taken against employees because the alleged act or omission does not specifically appear in this or other written directives or in the laws for which the agency is responsible for enforcement.
  - 3. No employee of the agency shall be a member of any organization which advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government, or participate in any organization which has a purpose, aim, objective, or any practices which are contrary to the obligations of a law enforcement employees under these rules and regulations.
  - 4. National Courtesies. Uniformed officers shall render a military salute to the United States flag as it is hoisted and lowered and for The Pledge of Allegiance and National Anthem. Officers in civilian dress shall render proper civilian honors to the United States flag and national anthem at appropriate times mentioned above.
  - 5. No member of this agency shall knowingly associate with a convicted felon, habitual offender, a member of a drug trafficking organization, human trafficking organization, organized criminal street gang or outlaw motorcycle gang.

E. Obedience to Rules of Conduct, laws, and orders

Violation of these rules by any employee of the agency shall be considered

sufficient cause for dismissal, demotion, suspension, or other disciplinary action. All employees shall observe and give effect to the Office of the Director of Police policies.

All employees, regardless of rank or assignment, shall be governed by the following general rules of conduct:

1. Obedience to Laws. Employees shall abide by the laws of the United States, the State of Texas and local ordinances at all times.
2. Adherence to Agency Rules. Employees shall abide by the rules of the Office of Director of Police Policy and Procedure Manual, The University of Texas System Board of Regents Rules and Regulations, the Institution Handbook of Operating Procedures, and other properly issued internal directives of the Police Agency.
3. Applicability of Rules. Certain rules may or may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Peace officers are strictly accountable for justifying their actions.
4. Issuance of Unlawful Orders. No supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, or agency rule or policy.
5. Obedience to Unjust or Improper Orders. If an employee receives an order they believe is unjust or contrary to an agency's written directive they must first obey the order to the best of their ability and then may appeal the order to the Institutional Chief of Police via the proper chain of command. No employee is required to follow an unlawful order. Furthermore, if an employee receives an unlawful order, they shall report in writing the full facts of the incident and their actions to the Executive Director of Police via the chain-of-command.
6. Conflicts of Orders. If an employee receives an order that conflicts with one previously given to them by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the agency.

#### F. Conduct Related to Performance of Duty

The fact an employee was deemed competent at the time of hire does not preclude a later determination of incompetence. Grounds for determination of incompetence include apparent unwillingness to perform assigned tasks, failure to take appropriate action or absence from the designated assignment or assigned duty station during a tour of duty. Employees whether on-duty or off-duty shall follow the ordinary and

reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the agency.

1. Attention to Duty. Employees on duty will not watch or listen to a radio, cellular telephone, video device, television or read non-job-related material to interfere with their attention to the police radio, mobile data terminal or other official device or electronic platform used for law enforcement communication.

Employees shall always be attentive to their duties, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any agency rules or procedures manual.

While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.

2. Dereliction of Duty. Employees will, at all times, respond to the lawful orders of higher ranking or classified employees and other proper authorities, as well as requests for assistance from citizens. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the department does not relieve employees assigned to other units from the responsibility of enforcement of those laws and ordinances when the occasion so requires.

Employees assigned to special duty are not relieved from taking action outside the scope of their specialized assignment when necessary. Employees will perform their duties as required or directed by law, departmental rule, policy, or by order of a superior member.

3. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing their orders shall likewise be deemed insubordination. Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.
4. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the University of Texas System Police. They will not permit, or otherwise fail to prevent, violations of the law, agency rules, policies, or procedures. They will report violations of agency rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.
5. Judgment. Employees shall follow established procedures in carrying out their duties as license holders and/or employees of the agency and shall at all times use sound judgment.

6. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond to the inquiry or request for assistance.
7. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression, or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come in contact within an official capacity.
8. Truthfulness. Employees shall be truthful in all verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. Officers who are undercover operating in an investigative capacity or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject. In such occasions, officers must be careful to avoid any deception or inaccuracy while conducting interviews that would constitute coercion or violate a subject's constitutional rights.
9. Peace Officers Always Subject to Duty. Peace officers shall at all times respond to the lawful orders of supervisors, and to the calls of individuals in need of police assistance. The fact they may be off duty shall not relieve them from the responsibility of taking prompt and proper law enforcement action or from being recalled to duty as needed.
  - a. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature, or traffic offenses except for breach of the peace, theft, or assault.
  - b. While off-duty, or in their personal vehicle, officers shall not enforce or take any law enforcement action to enforce Class "C" traffic offenses except in exigent circumstances.
10. Peace Officers Required to Take Action. Except where expressly prohibited, peace officers are required to take prompt and effective law enforcement action conforming to agency policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Peace officers shall promptly and punctually perform all official duties. Peace officers shall render, or cause to be rendered, medical assistance to any injured person.
11. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other license holders and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject

to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Institutional Chief of Police.

12. Exceptional Leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.
13. Prohibition of Personal Business While on Duty. While on duty, employees shall not engage in any activity or personal business which would cause them to neglect their duty.
14. Availability While On-Duty. Employees while on duty shall not conceal themselves except for some authorized law enforcement purpose. Employees shall keep themselves immediately and readily available at all times while on duty.
15. Assistance to Fellow Officers. A peace officer shall not display cowardice in the line of duty or in any situation where the public or another peace officer might be subjected to physical danger. Unless incapacitated themselves, peace officers shall aid, assist, and protect fellow peace officers in time of danger or under conditions where danger is demonstrated or imminent.
16. Prompt Response to All Calls. Peace officers while on duty shall respond without delay to all calls for law enforcement service. Calls shall be answered in compliance with normal safety precautions, traffic laws and agency policy.
17. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations, and police information that come to their attention. Employees shall not conceal, ignore, or distort the facts of such crimes, violations, emergencies, incidents, and information.
18. Responsibility to Know Laws and Procedures. Employees shall know the laws they are charged with enforcing, all agency orders and rules, and the duties and procedures governing their specific assignments.
19. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned areas. Officers also shall be familiar with the names and general locations of streets and highways and the names and locations of hospitals and major public buildings.
20. Sleeping On-Duty. Employees must be alert throughout their tour(s) of duty. Sleeping while on duty is forbidden.
21. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty or suspected of criminal acts to escape arrest, detention or custody, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
22. Studying On-Duty. Employees shall not, during their regularly assigned working hours, engage in any studying activity that is not directly related to

their current job assignments.

23. Maintaining Communications. While officers are on duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, dispatch, or supervisors informed of the means by which they may be reached when not immediately available.
24. Reporting Accidents, Medical Conditions and Injuries. Employees shall immediately report the following accidents and injuries: all on-duty traffic crashes in which they are involved, all personal injuries received while on-duty, all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties, all property damage or injuries to other persons that resulted from the performance of assigned duties, and all accidents involving agency equipment whether on or off-duty. Likewise, medical conditions which are likely to interfere with or impair an employee's ability to perform official duties must be reported.
25. Report Address and Telephone Number. In case of emergency employees shall have a working telephone, cellular telephone, or other means of communication and shall register their correct residence address and telephone number, cellular or other means of communication with the agency. Any change in address or telephone number must be reported immediately.
26. Testifying in Agency Investigations. When directed by a competent authority to make a statement or furnish materials relevant to an agency administrative investigation, employees shall comply with the directive.
27. Carrying of Firearms. All peace officers are required to carry a firearm while on duty. While off- duty, peace officers may use their own discretion as to whether to carry a firearm, remembering the obligation to discharge their duties as a peace officer. Peace officers are strongly encouraged, as a matter of policy, to be armed off duty.
28. Cell Phones. Use of personal cell phones while on duty should be restricted to essential communications and must be limited in length. Engagement in multiple or extended conversations or similar use that interferes with the performance of duty or is an officer safety issue is prohibited. Cell phones should not be used if they are disruptive to others. Cell phones capable of photo messaging or any type of photography may not be used for that purpose while on duty unless in the discharge of official duties. The possession and use of a personal mobile device is a privilege and not a right and their use must not interfere with or distract from official business or duty.

#### G. Cooperation with Fellow Employees and Agencies.

1. Respect for Fellow Employees. Employees shall treat other members of the agency with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language.



2. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the agency or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness, or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charge, citation or allegations.

#### H. Restrictions on Behavior

1. Interfering with Private Business. Employees shall not use their official positions to interfere with the lawful business of any person.
2. Use of Intimidation. Employees shall not use their official positions to intimidate persons.
3. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Institutional Chief of Police, employees may not accept any reward, gratuity, gift or other compensation for any service performed as a result of or in conjunction with their duties as employees of the agency regardless of whether the service was performed while said persons were on or off- duty. Employees also shall not solicit any gift, gratuity, loan, present, fee or reward for personal gain.
4. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or professional bondsmen, or other persons whose vocations may profit from information obtained from the agency.
5. Reporting Bribe Offers. If a peace officer receives a bribe offer, the officer shall make a written report to their supervisor.
6. Accepting Gifts from Subordinates. Without approval from the Institutional Chief of Police, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays, retirements, or birthdays.
7. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments.

8. Personal Use of Police Power. Peace officers shall not use their law enforcement powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
9. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the agency shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.
10. Soliciting Business. Employees shall not, while on duty, solicit subscriptions, sell books, papers, tickets, merchandise, or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Institutional Chief of Police and consistent with state law and Regent's Rules.
11. Intoxication. Employees shall not drink any intoxicating beverages while on duty, or in uniform. Employees shall not be under the influence of or impaired by any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor shall officers be intoxicated off-duty while in public view. While off-duty, officers that have consumed an alcoholic beverage to the extent that their mental and physical faculties are impaired shall refrain from exercising any police authority and shall not be armed. Officers assigned to special units, or assignments where they may consume an alcoholic beverage during the performance of their duties shall not do so to the extent that their mental and physical faculties are significantly impaired. (See H. 12 for exception)
12. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages into an agency building or vehicle except as evidence, or for the purpose of official duties.
13. Entering Bars, Taverns and Liquor Stores. Officers on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store, or other establishment whose primary purpose is the sale and on-premises consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain, or frequent such places. Officers on duty or in uniform also shall not purchase intoxicating beverages.
14. Drug Usage. While on or off duty, employees shall not use any illegal drug (as defined by state or federal law) or any controlled substance not prescribed

for them by a licensed physician.

Employees shall notify their supervisor if they are using any prescribed drug, any other medication or medical device which

- 1) bears a warning on the product label that the substance/device can cause physical impairment or, alternatively,
- 2) in any manner may/can affect the critical decision making or performance on duty of the employee or otherwise create physical or mental impairment.

Ultimately, the decision as to whether impairment did exist shall rest with the Executive Director of Police and/or Institutional Chief of Police.

Employees shall not use anabolic-androgen steroids or metabolic precursors to either testosterone or nandrolone including but not limited to: androstenedione, androstenediol, norandrostenedione, norandrostenediol, and dehydroepiandrosterone (DHEA), or pharmaceutical combinations which can be converted into testosterone or a similar compound in the body; this includes synthetic or designer compounds intended to replicate the physical impact of their pharmaceutical counterparts. The exception to this prohibition is when such usage is prescribed by and under the supervision of a licensed physician for a recognized physical condition, ailment, injury or illness for which the employee is being treated. In the event an employee is being treated by a licensed physician and being prescribed such compounds, medications or pharmaceuticals, the officer must immediately report this circumstance to the Institutional Chief of Police.

The prohibition above also extends to the category of alternative substances known as "Performing Enhancement Drugs" (PED), which are so identified through their primary use for one or more of the following reasons:

- 1) to serve as an alternative to anabolic steroids;
- 2) to alleviate short-term adverse effects associated with anabolic steroid use; or
- 3) to mask anabolic steroid use.

Examples of such subterfuge substances serving as alternatives to anabolic steroids include, but are not limited to, clenbuterol, human growth hormone (HGH), insulin, insulin-like growth factor, and gamma-hydroxybutyrate (GHB).

As a general cautionary note, employees should exercise great care when using non-Food and Drug Administration (FDA) approved or other over-the-

counter products which may contain precursors or derivatives of anabolic or androgen steroids, HGH, and insulin-like growth elements so as not to find themselves unwittingly in violation of this policy. It is assumed for the purposes of enforcement of this policy that employees are aware of the contents of any non-FDA approved or over the counter products which they voluntarily choose to ingest or otherwise introduce into their bodies.

As a matter of policy, if an employee is reasonably believed to be in violation of this policy by their supervisor or Institutional Chief of Police, that employee will be required to undergo a drug screening and fitness for duty examination by a licensed Texas physician of the agency's choice. The Institutional Chief of Police or Executive Director of Police shall direct the manner in which the drug screening and fitness for duty examination is conducted.

15. Use of Tobacco Products on Duty/Secondary Employment/Volunteer Law Enforcement. The use of tobacco products by UTSP employees is prohibited while on duty, engaged in secondary employment, or engaged in law enforcement activities. This includes authorized break times. This prohibition includes the use of electronic cigarettes, vapor cigarettes and smokeless tobacco substitutes.
16. Recreation On-Duty. Officers on duty or in uniform shall not engage in any recreational activities except for the purpose of official duties.
17. Political Activity. While in uniform on-duty or off-duty, officers are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns. Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaigns or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on duty.
18. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this agency any information concerning operations, activities, or matters of law enforcement business, the release of which is prohibited by law, or which may have an adverse impact on law enforcement operations or officer safety.
19. Seeking Personal Preferment. Employees shall not solicit petitions, influence, or seek the intervention of any person outside the agency for purposes of personal preference, advantage, transfer, advancement, promotion or change of duty for themselves or for any other person.
20. Criticism of the Agency. Employees shall neither publicly nor at internal official meetings criticize or ridicule the agency or its policies, university officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, disruptive, obscene, unlawful, undermines the effectiveness of the agency, interferes with the

maintenance of discipline, or is made with reckless disregard for truth. This includes the use of social media platforms for prohibited purposes.

21. Disruptive Activities. Employees shall not perform any action that tends to disrupt the performance of official duties and the obligations of employees of the agency, or which tends to interfere with or subvert the reasonable supervision or proper discipline of employees of the agency.
22. Operation and Use of Police Radios. Operation and use of police radios, mobile data terminals or similar communications devices is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic, inappropriate, racist, derogatory, or obscene language, or making unnecessary sounds are not permitted.
23. Disparaging Speech. No employee shall engage in any form of speech likely to be construed as a racial, ethnic, gender-related, sexual, or religious slur or joke, whether in the presence of the public or other employees.
24. Use of Force. Officers will use no more force in any situation than is necessary under the circumstances, in accordance with State law and established department procedures, to accomplish lawful objectives.
25. Unauthorized Arrest or Search. Officers shall not arrest any person or search any premises or person except with a warrant of arrest, a search warrant, or where such arrest or search is authorized without a warrant under the laws of the State of Texas or the United States, the ordinances of the city, or the written directives of this Department.
26. Treatment of Persons in Custody. No employee shall mistreat persons who are in custody. Employees shall handle such persons in accordance with established department procedures.
27. Indebtedness to Subordinates. Supervisors shall not become financially indebted to subordinate personnel within the agency. This includes working secondary employment where the subordinate would have and/or exercise authority over the supervisor.
28. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, informant, or witness during any active investigation.
29. Duty to be Kind, Courteous, and Patient. Employees shall always be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, or insulting language.

## I. Identification and Recognition

1. Providing Name and Badge Number. Officers shall give their name, badge number and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a law enforcement assignment.
2. Carrying Official Identification. All employees will carry their official agency identification, with at least the employee's photograph on or about their persons while on duty, except as exempted by the Institutional Chief of Police.
3. Personal Business Cards. Employees are not permitted to have or use personal business cards displaying their association with the agency if such cards bear any information not directly pertaining to their work as police employees.
4. Exchange, Alteration or Transfer of Badge. An employee's issued badge shall not be altered or exchanged between employees or transferred to another person except by order of the Institutional Chief of Police. Employees retiring or resigning will not be permitted to retain their badge if doing so will hamper normal operations of the agency. All badges must be purchased unless exempted by the Executive Director of Police.

## J. Maintenance of Property

1. Use of University Property or Service. Employees shall not use or provide any state equipment or service other than for official state business.
2. Responsibility for State Property. Employees shall be responsible for the proper care and use of agency property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.
3. Agency Vehicles. Employees shall operate agency vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever an agency vehicle is involved in a crash, the operator shall notify a supervisor immediately and the local jurisdiction shall be summoned to investigate the crash. Under no circumstances shall an officer investigate their own crash.
4. Reporting Damage. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, may be held responsible for the damage.

5. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
6. Care of Quarters. Employees shall keep their offices, lockers, and desks neat, clean and orderly.
7. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.
8. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to agency policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications, or substitutions shall be made to such equipment unless approved by the Institutional Chief of Police.

#### K. Relationship with Courts and Attorneys

1. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each member shall be familiar with the laws of evidence and shall testify truthfully.
2. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person coming to their attention as a result of an official police matter.
3. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against the University of Texas System or against the interests of the agency in any hearing or trial shall immediately notify the Executive Director of Police through their chain of command.
4. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the agency shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, agency legal counsel or prosecutor.
5. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No employee shall volunteer to testify in civil actions other than in their capacity as a private citizen and unrelated to law enforcement.
6. Notice of Lawsuits against Officers. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Executive Director of Police in writing through their chain of command and furnish a copy of the complaint.

7. Notice of Arrest or Citation. Employees who have become the subject of a citation (other than traffic citations) or police action or intervention in any jurisdiction shall immediately notify the Institutional Chief of Police.
8. Arrest of Officer from another Agency. An officer who arrests a sworn officer or licensed member of another law enforcement agency shall immediately notify their supervisor. The Office of Director of Police should be notified immediately. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest.
9. Arrest of University of Texas System Police Officer. If an officer has probable cause to arrest a sworn officer or other member of this agency, the officer shall first contact their immediate supervisor to review and confirm probable cause. The Executive Director of Police shall be notified immediately.

#### L. Expectation of Privacy

1. Employees shall have no expectation of personal privacy in such places as lockers, desks, agency owned vehicles, file cabinets, computers, electronic devices, state issued cell phones or similar areas under the control and management of this law enforcement agency. While this agency recognizes the need for employees to occasionally store personal items in such areas, employees should be aware that these and similar places may be inspected or otherwise entered – to meet operational needs, internal investigatory requirements, or for other administrative purposes – at the direction of the Executive Director of Police, Institutional Police Chief or their designee.
2. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at their place of residence or in other locations outside the confines of this agency without express permission.

### V. **MEDICAL AND PSYCHOLOGICAL EXAMINATIONS OF A LICENSEE**

The University of Texas System Police strives to provide a safe and productive work environment and ensure that all employees can effectively perform the essential functions of their jobs. Under limited circumstances, the agency may require a professional examination of a license holder's physical or mental capabilities to determine the ability to perform essential functions. For the purpose of this policy, a license holder refers to a peace officer, a telecommunication officer, and/or a jailer. A non-sworn license holder refers to telecommunication officers and jailer license holders.

Monitoring a license holder's fitness for duty, both medically and psychologically, is essential for the safety and welfare of the University of Texas System Police and the community. Medical and psychological examinations of a licensee are to ensure that all license holders of this agency remain medically and psychologically fit for duty and able to perform their essential job functions.



A. License Holder Responsibilities

1. It is the responsibility of each license holder of this agency to maintain physical stamina and psychological stability sufficient to effectively perform the essential duties of the position.
2. Any license holder who feels unable to perform their duties shall promptly notify a supervisor. In the event a license holder believes that another license holder is unable to effectively perform their duties, such observations or beliefs shall be promptly reported to a supervisor.

B. Supervisor Responsibilities

1. All supervisors should be alert to any indication that a license holder may be unable to safely perform their duties due to an underlying physical or psychological impairment or condition. Such indications may include, but are not limited to the following:
  - a. An abrupt and negative change in their usual or normal behavior,
  - b. A pattern of irrational conduct, hostility, or oppositional behavior,
  - c. Personal expressions of instability,
  - d. Inappropriate use of alcohol or other substances, including prescribed medication,
  - e. A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions, and
  - f. Any other factor or combination of factors causing a supervisor to believe the employee may be suffering from an impairment or condition requiring intervention.
2. Supervisors shall maintain the confidentiality of any information consistent with this policy.

C. Reporting

1. A supervisor observing a license holder, or receiving a report of a license holder, who has reason to believe the license holder is unable to effectively perform their duties shall promptly document all objective information or observations using the DP-42 complaint form. The supervisor should attempt to meet with the license holder to inquire about the conduct or behavior giving rise to the concerns. If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document observations and actions in writing and inform the appropriate supervisor within the license holder's chain of command.

D. Duty Status Fitness for Duty Examination

1. The appropriate supervisors within the license holder's chain of command should make a preliminary determination regarding the license holder's duty status.
2. If a determination is made that the license holder can effectively perform

essential job functions, the license holder should be returned to duty and arrangements made for appropriate follow-up.

3. If a preliminary determination is made that there is just cause to believe the license holder's conduct or behavior represents an inability to effectively perform essential job functions, the appropriate supervisor should immediately relieve the license holder of duty pending further examination.
4. License holders relieved of duty shall comply with the administrative leave provisions as set out by agency policy.
5. The Executive Director of Police and Institutional Chief shall be promptly notified if any license holder is relieved of duty.

#### E. Fitness for Duty Examination

1. A fitness-for-duty examination (FFDE) may be ordered whenever circumstances reasonably indicate that a license holder is unfit for duty.
2. A FFDE is a formal, specialized examination of an incumbent license holder that results from:
  - a. Objective evidence that the license holder may be unable to effectively perform a defined job function(s), and
  - b. A reasonable basis for believing that the cause may be attributable to medical or psychological condition or impairment. As such, an FFDE is considered a "medical" examination under the terms of the Americans with Disabilities Act. The central purpose of an FFDE is to determine whether the license holder can effectively perform their essential job functions.

#### F. Threshold Consideration for FFDE

1. Referring a license holder for an FFDE is indicated whenever there is an objective and reasonable basis for believing that the license holder, because of a medical or psychological condition or impairment:
  - a. May be unable to perform one or more essential job functions; or
  - b. Poses a direct threat to themselves or others. An objective basis is one that is not merely speculative but derives from direct observation or other reliable evidence.
2. When deciding whether to conduct an FFDE, both the employer and examiner may benefit from considering its potential usefulness and appropriateness given the specific circumstances, and the employer may consider whether other remedies (for example, education, training, discipline, physical FFDE) are appropriate.
3. The examiner strives to remain impartial and objective and to avoid undue influences by any of the parties involved in the case.
4. Mental health professionals refrain from rendering fitness-for-duty opinions when they are not conducting an FFDE.

#### G. Process for Non-Sworn License Holders

1. The Executive Director of Police or the Institutional Chief of Police, in cooperation with the personnel department, may order a non-sworn license

holder to undergo an FFDE whenever a question arises as to whether the non-sworn license holder is medically or psychologically fit to continue in their duties. The examination shall be conducted by the non-sworn license holder's personal physician, psychiatrist, or psychologist, as required by agency and institution policy.

2. To facilitate the examination of a non-sworn license holder, the agency will provide all appropriate documents and available information to the person or entity responsible for conducting the examination.
3. The examining practitioner will provide the agency with a report indicating whether the non-sworn license holder is fit for duty. If the non-sworn license holder is unfit for duty, the practitioner will include the existing restrictions or conditions in the report.
4. A second examination may be ordered by the appropriate authority if the non-sworn license holder, the civil service commission, or the Executive Director of Police or Institutional Police Chief questions the practitioner's report. The examination will be conducted by a physician, psychiatrist or psychologist appointed in accordance with the procedure adopted by the governing body. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the non-sworn license holder's fitness shall be decided in accordance with applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.
5. All reports and examinations submitted by the examining practitioner shall be part of the non-sworn license holder's confidential medical file.
6. Determinations regarding duty status of non-sworn license holders who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the personnel department.
7. Any non-sworn license holder ordered to undergo a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the non-sworn license holder to discipline, up to and including termination.

#### H. Process for Peace Officers

1. The Executive Director of Police or the Institutional Chief of Police, in cooperation with the personnel department, may order an officer to undergo a FFDE whenever a question arises as to whether the officer is medically or psychologically fit to continue in their duties. The examination shall be conducted by the officer's chosen physician, psychiatrist, or psychologist, as appropriate and in accordance with applicable laws.
2. The Executive Director of Police or the Institutional Chief of Police shall provide written notice of the examination to the officer not later than the tenth business day before the deadline to submit to the examination. Written notice shall include the reasons for the examination.
3. To facilitate the examination of any officer, the agency will provide all appropriate documents and available information.
4. The examining practitioner will provide the agency with a report indicating

whether the officer is fit for duty. If the officer is unfit for duty, the practitioner will include the existing restrictions or conditions in the report.

5. A second examination may be ordered by the appropriate authority if the officer, or the Executive Director of Police or the Institutional Chief of Police questions the practitioner's report. The examination will be conducted by a physician, psychiatrist or psychologist appointed in accordance with Texas Local Government Code 143.081 and .1115. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the officer's fitness shall be decided in accordance with applicable laws.
6. All reports and examinations submitted by the examining practitioner shall be part of the officer's confidential medical file.
7. Determinations regarding duty status of officers who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the personnel department.
8. Any officer ordered to undergo an FFDE shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the officer to discipline, up to and including termination.

#### I. Agency Responsibility to Notify TCOLE

1. The Executive Director of Police shall notify the TCOLE upon a final determination that a license holder is unable to effectively perform essential job functions. This notification shall be in writing and submitted to TCOLE within 30 days of the final determination that the license holder is unable to effectively perform essential job functions. The Institutional Chief of Police shall submit the appropriate documentation to the Executive Director of Police within 10 days of the final determination.
2. The Executive Director of Police shall notify TCOLE if a license holder fails to submit to an examination within the deadline set by the agency. This notification shall be in writing and submitted to TCOLE within 30 days after the deadline set by the agency has expired. The Institutional Chief of Police shall submit the appropriate documentation to the Executive Director of Police within 10 days of the final determination.
3. The Executive Director of Police shall notify TCOLE as soon as practicable if a license holder has completed the required examination or received notice that the license holder's circumstances have been successfully resolved. The Institutional Chief of Police shall immediately submit the appropriate documentation to the Executive Director of Police when notice that the circumstances have been successfully resolved.

#### J. Fitness for Duty Examination Minimum Standards

1. Given the nature of these examinations and the potential consequences to the employer, the examinee, and the public, it is important for examiners to perform FFDEs with maximum attention to the relevant legal, ethical, and practice standards and guidelines. Such standards include, but are not limited to, the American Psychological Association's Ethical Principles of Psychologists and

Code of Conduct. Consequently, it is recommended that these examinations be conducted by a psychologist, psychiatrist, or medical doctor with the appropriate qualifications.

2. Depending on the referral question and the examiner's professional judgment, an FFDE examiner strives to utilize multiple methods and data sources to optimize the accuracy of findings. Examiners integrate the various data sources, assigning them relative weight according to their known reliability and validity. The range of methods and data sources used by an FFDE examiner can vary, but such suggestions and further information about this process can be found in the International Association of Chiefs of Police (IACP) 2018 Psychological Fitness-for-Duty Examination.
3. When conducting the FFDE, it may be necessary for the examiner to receive background and collateral information regarding the license holder's past and recent performance, conduct, and functioning. The information may include, but is not limited to, job class specifications or job description, performance evaluations, previous remediation efforts, commendations, testimonials, internal affairs investigations, formal citizen or public complaints, use-of-force incidents, reports related to officer-involved shootings, civil claims, disciplinary actions, incident reports of any triggering events, health care records, prior psychological examinations, and other supporting or relevant documentation related to the license holder's psychological fitness for duty. In some cases, an examiner may ask the examinee to provide relevant medical or mental health treatment records and other data for the examiner to consider. It is important that all collected information be related to job performance issues or the suspected job-impairing mental condition. Where possible and relevant, it may prove helpful to gather information from other collateral sources.

#### K. Grievance

- a. License holders disputing the application or interpretation of this policy may submit a grievance as provided in the applicable grievance policy.

A handwritten signature in cursive script, reading "Michael Parks". The signature is written in dark ink and is positioned above the printed name and title.

Michael Parks  
Executive Director of Police

Changes/Amendments since last revision

Changes made to clarify the policy applies to all employees unless otherwise specified. June 11, 2025

Changes made to align with TCOLE rules for Medical and Psychological Examination of a Licensee.  
August 12, 2024

Changes made at recommendation of Assistant Chief Glen Cole, UT Arlington PD to update and reorganize policy 212.  
April 1, 2023

Paragraphs IV. H. 17 and 18 revised to clarify prohibition on the use of vapor cigarettes and smokeless tobacco substitutes and Paragraph IV. H. 26 retitled and made more current on disparaging speech.  
March 9, 2017

Paragraphs IV. H. 17 and 18 revised to clarify prohibition on the use of tobacco products while on duty or while engaged in secondary law enforcement employment. June 4, 2014

Paragraphs IV. H. 17 and 18 revised to include a prohibition on the use of electronic cigarettes, December 5, 2013

Paragraph IV.H.18 revised, January 22, 2013

Paragraph II revised to include requirement for Chief of Police to communicate with Human Resources any impact it may have on personnel processes, July 10, 2013

Paragraph IV. H. 16 revised to extend prohibition on drug usage, July 10, 2013