

College/Division Administrator Meeting
Room 302, Melcher Hall
January 9, 2020 - 9 AM to 11 AM

Minutes

Sara Miller, Equal Opportunity Coordinator and Trainer

SB212 and Sexual Misconduct Policy

- Title IX is a 1972 amendment to the Civil Rights Act. Sexual harassment is a form of sex discrimination. This is a Federal law.
- SB212: Reporting on College Campuses
 - Texas law that mandates reporting by university employees and establishes employment and criminal penalties for not reporting
 - This law impacts all employees on campus
- SB212 mandates reporting for the below activities
 - Sexual Harassment, which includes unwanted advances, non-consensual sexual contact, sexual exploitation, and sexual intimidation
 - Sexual Assault
 - Dating/Domestic Violence
 - Stalking
- SB212 requires that all employees:
 - Promptly report any observations witnessed or information received to the Title IX Coordinator (within 24 hours)
 - Call the UHPD if there is an immediate safety concern
 - Report any act that is by or against any member of the community (students, faculty, staff)
 - Report any act whether it is current or a prior incident
 - Report all known information, even if you don't have all of the facts or information
 - Report even if the person that told you does not want you to report
- SB212 provides exclusions for some employees to not report, but these are extremely limited:
 - Employees do not have to report information they hear at designated, official Speak Out events (ex: Take Back The Night)
 - Employees do not have to report incidents in which they are the victim
 - Employees that are designated as Confidential Employees do not have to report. This is a limited group, and include Mental Health Counselors, Health Care Employees, Sexual Misconduct Support Services, and Clergy at the Religion Center.
- SB212 provides very serious consequences for:
 - Knowingly failing to report
 - Filing a false report
 - Intentionally concealing an event
- SB212 consequences are:
 - Mandatory termination of employment, including for individuals with tenure
 - Class B Misdemeanor with up to 180 days of jail time and a \$2,000 fine
 - Class A Misdemeanor with up to 1 year of jail time and a \$4,000 fine (intentionally concealing)
- To Report:
 - Always report in a way where you can document that you did properly file the report.
 - All UH web pages have a link at the bottom to Sexual Misconduct Reporting and Awareness.
 - This takes you to the UH Reporting Page.

- This form will walk you through all of the information that is needed for a report. <https://uh.edu/equal-opportunity/titleIX-sexual-misconduct/>
 - Employees that wish to remain anonymous to the University can also use the Fraud and Non-Compliance Hotline, but employees should retain documentation to prove that they reported.
 - Employees can call EOS and report directly to the Title IX Coordinator, Toni Sanchez Benoit
- Training
 - Training is being developed that will be distributed via the online training tool (TAP)
 - EOS will provide departmental training at the request of the department

Cecilia Alvarez, Assistant General Counsel

Texas Public Information Act changes

- Freedom of Information Act (FOIA) pertains to federal entities
- The University is a State of Texas Agency and as a governmental entity, is subject to the Texas Public Information Act (TPIA).
 - TPIA in general does not apply to private entities, but in some cases it can apply to their information if they do business with a state government entity
- Information includes items:
 - Written, produced, assembled, maintained in association with the conduct of official business
 - This means any transmission created, sent, received, on any device, including personal devices like your own phone or PC
 - This includes: emails, text messages, contracts, calendars, documents listing salaries
 - Information is not limited to current employees; information that former employees may have is also covered
- PIA Requests
 - A PIA request must be made in writing, and must be made for information or records that exist
 - Records do not have to be created, but information in systems generally has to be extracted
 - Requests can range from the formal, such as items from attorneys, to informal, such as requests made on napkins
 - Just because a request is received, it does not mean that it is valid
 - Requests must be made to the Public Information Officer (Dona Cornell)
 - Requests can be submitted by mail, email, fax
 - If you get a direct request, contact the Public Information Office (SAM 03.H.02)
 - The Public Information Office reviews all requests for validity
 - The request could include confidential information that the System cannot release
 - There could be grounds for requesting an Attorney General opinion to not release proprietary information (opinions take about 45 days to receive, but filing the request must be done with in the 10 days)
 - The request could require clarification
 - The Public Information Office will ask you for responsive information.
 - If the request requires clarification (what they are asking for is unclear) to provide responsive information, let them know what clarification you need.
 - This provides additional time to respond – it resets the 10 day clock.
 - Let the Public Information Office know if you have concerns about the information being confidential or proprietary
 - You cannot ask the requestor why they want the information
 - You cannot destroy information
 - You cannot refuse to release information that you don't want released

- Provide the Public Information Office with an estimate of how much time it will take to provide the information. If the time requirement is more than 36 hours, the requestor may be required to reimburse the System for the time.
 - Requests have a strict deadline, responsive information must be provided within 10 days. It is critical that everyone responds to the Public Information Department promptly
 - SAM 03.H.02 policy requires disciplinary action for employees that fail to provide information as well as all other civil and criminal penalties provided under the Texas Public Information Act.
- The 2019 legislature broadened the scope of TPIA to include communications between agencies and contractors related to the contract/work/product.
 - Communications related to solicitation, evaluation, negotiation, or related to the performance of the contract for **all contracts** be retained pursuant to the records retention period.
 - This change went into effect on January 1, 2020.
- Records Retention:
 - The UH Records Retention Schedule is currently being updated for the Texas State Library and Archives Commission records schedule changes. Currently, Administrative Correspondence requires a 3 year retention period.
 - UH's records retention schedule can be found at the following links
 - <https://uh.edu/office-of-finance/accounting-services/property-management/record-retention/>
 - https://uh.edu/office-of-finance/accounting-services/property-management/record-retention/retention_schedule.pdf
- There are special requirements for contracts over \$1M for vendors
 - For contracts that exceed \$1M, vendors are now also required to maintain all “contracting information” pursuant to the University’s records retention policy.
 - All vendors signing contracts executed after January 1, 2020 must sign an acknowledgement form that their records are also subject to request and must be retained. This form also lets vendors know the consequences of failing to comply – their contract can be terminated.
- Compliance
 - SAM 03.H.02 requires that official business records created using personal devices be transferred to System servers as soon as practicable.
 - Mobile devices are included in information, but it can be difficult to extract text messages. While some software exists, the programs are very expensive. You can screen shot text messages and transfer them to the University network.
 - When retaining email, the expectation is that the email be retained in email form so that all meta data is available – printing PDF’s of emails causes the loss of that data.
 - Use your UH Email, which is routed through UH servers.
 - Use Office 365, where information is stored on a server.
- General Counsel will do training for departments, contact Cecilia Alvarez.

Sandra Armstrong, Executive Director Human Resources Operations
David Navarro, Director Payroll and HRIS
Margaret Busch, Payroll Manager

W2's and 1095Cs

- All employees were opted in to electronic receipt of their W-2, but employees can go in and manually opt out
- Payroll is testing the year end processes to produce the W-2

- The target date for W-2 publication is January 24th, with hard copies mailed by January 31st (mailed to those that opted out only)
- 1095C forms are not due until March, but they should be sent out in February

New W-4 Form

- The new W-4 form is very different than previous version, and is extremely complex
- There are now two different sets of income ranges for the tax tables
- Payroll did a comparison between the forms, which will be put on the CDA Meeting website
- Existing employees that have a W-4 on file do not have to fill out a new form, but they can do so if they choose
- Payroll is testing the changes and should have the new W-4 on file by January 24th
- Payroll does not provide tax advice, but can provide employees with information on which sections to fill out
- Payroll is preparing some resources for their website to help employees

Parking

- President Trump repealed the 2018 tax changes as pertain to the taxability of parking benefits for not for-profit organizations
- In September of 2018, as a result of the initial changes, all parking deductions were changed to post-tax
- In January of 2020, as a result of the repeal, parking deductions were changed to pre-tax
- The effect will show up in the employee's next pay check that has a parking deduction

ERS Audit

- In recent years, ERS has changed reporting requirements and is now using the additional information to help ensure that all insurance is handled appropriately
- ERS is doing a state wide audit on ERS Health Insurance
- Potential results:
 - If employees are hired as temporary employees, have a short break, then rehired as temporary employees in a repetitive manner, they may be eligible for health insurance.
 - If a University employee retired from TRS, they are required to have the TRS-care insurance, not the ERS insurance. UH departments may pay a premium for providing this insurance
- HR will review results of the audit and may modify policies on temporary employees
- HR work to identify all TRS retirees and assist the department and the employees

Karin Livingston, Controller

- SAO Contracts Audit results
 - System guidelines will be updated to:
 - put limits on the time length for emergency contracts
 - require that any employee that participates in a formal procurement (is on the committee) has completed the Conflict of Interest and Procurement Training in the most recent training cycle
 - all employees that participate in formal procurements of \$1M or more will sign the State Nepotism Disclosure Form
 - Purchasing will have to modify checklists to ensure that debarment and suspension checks are documented in the procurement file. We are hopeful that the new Vendor Management System will help with the identification of these vendors.

- Contracts Management Guides will be updated to provide additional information on contract monitoring and close out procedures. Finance will develop some sample checklists to assist departments in developing their management methods for each contract.
- Purchasing Director Hiring Timeline
 - The current Purchasing Director is retiring the end of January.
 - We will be posting the position in the next few weeks.
 - While we do not anticipate any delays in processing, contact Samantha Yurus or Karin Livingston should you experience any issues.
- AP Director Hiring Timeline
 - The AP Director position is still posted

Other items from the group