

**UNIVERSITY OF HOUSTON SYSTEM  
ADMINISTRATIVE MEMORANDUM**

**SECTION: Human Resources**

**NUMBER: 02.D.07**

**AREA: Leave Entitlement**

**SUBJECT: Expert Witness Services**

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1. PURPOSE

This administrative memorandum is written to comply with the requirements of the Texas Government Code [§659.005](#) which addresses service as an expert witness by a State employee.

2. POLICY

- 2.1. In accordance with Texas Government Code [§659.005](#), State employees paid from the State-appropriated funds are prohibited from accepting witness fees as defined by these provisions. University of Houston System policy applies this prohibition to all employees, regardless of funding source.
- 2.2. Any state official or employee called to appear in his or her official capacity on behalf of any component of the University of Houston System in any judicial action or legislative investigation shall neither accept nor receive any witness fees for such governmental appearance.
- 2.3. This prohibition against accepting compensation shall not extend to any mileage or per diem allowance tendered to the state employee for expenses incurred while serving as a witness, unless the state employee has also made a claim for such expenses against the state, and in no instance shall there be double reimbursement for expenses.
- 2.4. State regulations permit an employee to appear as a witness and receive a customary witness fee when the employee is called to testify from personal knowledge concerning matters related to the inquiry not on behalf of the System. In this circumstance, the employee's appearance as an expert witness is considered to be in an unofficial capacity. The employee must request paid or unpaid leave to perform this service. However, time away for this type of service must be with the appropriate administrator's prior approval and normal request procedures for compensatory time, leave without pay, or vacation use apply.
- 2.5. An employee who is asked to serve as an uncompensated witness, but is not appearing in an official capacity on behalf of the System, must request paid or unpaid leave to perform this service. However, time away for this type of service

must be with the appropriate administrator's prior approval and normal request procedures for compensatory time, leave without pay, or vacation use apply.

- 2.6. If travel expenses are incurred as a result of appearing as an expert witness in other than in an official capacity, regardless of receipt of a witness fee, such travel expenses may not be paid by the component university.
- 2.7. Whenever an employee is asked to serve as an expert witness and this service would meet the criteria defined as consulting and paid professional service, the provisions of University of Houston System Administrative Memorandum (SAM) [02.A.08](#) shall apply.

3. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice Chancellor for Finance

Review: Every five years on or before August 31

4. APPROVAL

Approved: Carl P. Carlucci  
Executive Vice Chancellor for Administration and Finance

Renu Khator  
Chancellor

Date: April 10, 2015

**REVISION LOG**

<b>Revision Number</b>	<b>Approval Date</b>	<b>Description of Changes</b>
1	11/04/1994	Initial version
2	04/07/2008	Applied revised SAM template to meet current documentation standards. Changed reference in Section 1 and 2.1 from State Appropriations Act, Article V to Texas Government Code Section 659.005. Changed review period from even numbered years on or before December 31 <sup>st</sup> to every five years on or before August 31 <sup>st</sup> . Changed responsible party to AVC for Finance. Added Executive Vice Chancellor for Administration and Finance to approval process
3	04/10/2015	Applied revised SAM template and added new Revision Log. Added Texas Government Code Section 659.005 to Section 2.1. Removed Section 5, Indexing Terms. No additional changes per the Subject Matter Expert (SME)