

# FAYETTEVILLE STATE UNIVERSITY

## ETHICAL CONDUCT

<b>Authority:</b>	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
<b>Category:</b>	Employment - General
<b>Applies to:</b>	●Administrators      ●Faculty      ●Staff
<b>History:</b>	Approved – August 28, 2011
<b>Related Policies:</b>	<ul style="list-style-type: none"> <li>● <i>Conflicts of Interest and Commitment</i></li> <li>● <i>Ethics Helpline</i></li> <li>● <i>Misuse of State Property</i></li> <li>● <i>Use of Computer Resources</i></li> <li>● <i>Public Officers or Employees Benefiting from Public Contracts [NCGS §14-234]</i></li> <li>● <i>Gifts and Favors Regulated [NCGS §133-32]</i></li> <li>● <i>State Government Ethics Act [NCGS, Chapter 138A]</i></li> </ul>
<b>Contact for Info:</b>	Office of Legal Affairs (910) 672-1145 Internal Audit

### I. PURPOSE

Fayetteville State University (University) is committed to maintaining the highest ethical standards in all of its academic and administrative operations and in promoting such standards among its administrators, faculty, staff, and students. In so doing, the University expects all members of the University community to execute their duties and responsibilities with the highest level of integrity, objectivity, and prudence, avoiding acts or the appearance of acts that may be interpreted as improper or unethical.

The purpose of this policy is to ensure that members of the University community are knowledgeable of the policies, regulations and laws that govern the conduct of University employees as such applies to accountability and ethical conduct. This policy applies to all University employees whether full-time, part-time, temporary or permanent.

### II. PERSONAL CONDUCT

Employees are expected to exhibit personal integrity and honesty in all of their actions. Personal interactions among employees and other members of the University community or members of the public should be characterized by mutual respect, openness to new ideas, collaboration, and consideration of the rights of others. Each employee is also obliged to respect the right of others to freedom of thought, opinion, speech, and association.

Employees are expected to not condone dishonesty by other employees, including misuse of University funds or property, fraud, or theft. Employees should consult the University's policy

on the *Misuse of State Property* and notify the University's police department and/or internal auditors when circumstances reasonably indicate fraud or theft of University funds or property has occurred.

### III. CONTRACTS, GIFTS AND FAVORS

University employees shall conduct their duties with contractors, suppliers, agencies, and other persons transacting or seeking to transact business with the University in a completely impartial manner, without showing favor or preference. Decisions regarding these individuals or companies must be based upon what is in the best interest of the University. Thus, employees should become familiar and act in accordance with the following prohibitions:

#### A. Benefiting from Contracts

1. No employee who is involved in *making or administering* a contract on behalf of the University may *derive a direct benefit* from the contract except as provided in this section, or as otherwise allowed by law.
  - a. An employee is involved in *administering a contract* if he or she does either of the following:
    - i. oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract; or
    - ii. participates in the development of specifications or terms or in the preparation or award of the contract.
  - b. A employee derives a *direct benefit* from a contract if any of the following pertains to the employee or his or her spouse:
    - i. has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract;
    - ii. derives any income or commission directly from the contract; or
    - iii. acquires property under the contract.
2. No employee who will derive a direct benefit from a contract with the University, but who is not involved in making or administering the contract, shall attempt to influence any other person who is involved in making or administering the contract.
3. No employee *may solicit or receive* any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the University.
4. No employee who is also an employee or agent of a business entity shall attempt to influence the University to enter into a contract with the business entity that secondarily employs or retains the employee.

**B. Gifts and Favors**

No employee shall accept a gift or favor from any contractor, subcontractor, or supplier who (1) has a contract with the University; (2) has performed under such a contract within the past year; or (3) anticipates bidding on such a contract in the future, if the employee is responsible for either of the following:

- preparing plans, specifications, criteria or estimates for the contract;
- awarding, approving, negotiating, or administering the contract; or
- inspecting or supervising the contract.

The above is not intended to prohibit customary gifts or favors between employees and their friends and relatives or the friends and relatives of their spouses, minor children, or members of their household where it is clear that it is that relationship rather than the business of the individual concerned which is the motivating factor for the gift or favor. However, all such gifts knowingly made or received are required to be reported by the employee to the Chancellor if the gifts are made by a contractor, subcontractor, or supplier doing business directly or indirectly with the University.

The value of the gift does not matter. There is no de minimis or small gift exception.

**IV. CONFIDENTIAL INFORMATION**

University employees shall preserve and respect the confidentiality of University records (i.e., personnel records and student educational records) and recognize the responsibilities of preserving the security and confidentiality of such records. Employees who have access to such confidential information are prohibited from doing the following:

- Making or permitting unauthorized use of confidential information or files;
- Seeking a personal benefit or permitting others to benefit personally by any confidential information which has come to the employee through the employee's work assignment;
- Exhibiting or divulging confidential information to any person except in the conduct of the employee's regular work assignment; and
- Removing any official record of report (or copy) from the office where it is kept except in performance of regular duties or with prior approval.

**V. STATE GOVERNMENT ETHICS ACT**

Certain University officials (members of the Board of Trustees, Chancellor and Vice Chancellors) are governed by the State Government Ethics Act. The purpose of the Act is to ensure that elected and appointed State agency officials exercise their authority honestly and fairly, free from impropriety, threats, favoritism, and undue influence. To this end, the State Government Ethics Act was enacted to ensure that standards of ethical conduct and standards regarding conflicts of interest are clearly established for elected and appointed State agency officials, that the State continually educates these officials on matters of ethical conduct and conflicts of interest, that potential and actual conflicts of interests are identified and resolved, and that violations of standards of ethical conduct and conflicts of interest are investigated and properly addressed.

## **VI. CONSEQUENCES OF FAILURE TO COMPLY WITH THIS POLICY**

Each employee is responsible for ensuring that the employee's own conduct and the conduct of anyone reporting to the employee fully complies with this policy. Violations will result in appropriate disciplinary action up to and including discharge from employment. Conduct representing a violation of this policy may, in some circumstances, also subject an individual to civil or criminal charges and penalties.