

4.7	Ethics Statement	13-117	2013-09-19
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## 4.7 Ethics Statement

### **PURPOSE**

It is important that members of the Board of Regents for Higher Education and the Connecticut State Colleges and Universities and Board of Regents employees conduct themselves with the highest degree of honor and integrity and understand that public service is a public trust. Ethical conduct in our relationships with each other, members of the public, our students, other state agencies, and private entities is of critical importance. This Ethics Statement has been prepared pursuant to Section 1-83(a)(2) of the Connecticut General Statutes, which mandates the development and implementation of an Ethics Statement by each state agency. It applies to the members and employees of the Board of Regents (BOR) and to all employees of the Connecticut State Colleges and Universities (ConnSCU). This Statement is intended to serve as a general guide to assist those individuals in identifying and avoiding prohibited conduct. It does not contain a complete listing of prohibited conduct nor is it intended to replace or supersede the Code of Ethics for Public Officials (set forth in Chapter 10 of the Connecticut General Statutes), other applicable sections of the Connecticut General Statutes, or the regulations of the Office of State Ethics. It is each person's responsibility to become familiar with the provisions of this Statement and comply with them. It is also each person's responsibility to maintain high ethical standards and alert his or her supervisor of any suspected violation of ethical standards, whether or not specifically described in this Ethics Statement. Everyone should be aware that violations may result in the imposition of sanctions by agencies or systems external to the BOR or ConnSCU. Whether this occurs or not, the BOR retains the right to independently review and respond administratively to violations.

### **DEFINITIONS**

1. A "Business with which he is associated" means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his or her immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his or her immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his immediate family is an unpaid director or officer of the not for profit entity. "Officer" refers only to the president, executive or senior vice president or treasurer of such business.
2. A "Gift" means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. Among the nineteen (19) exceptions to the definition of "gift" set forth in Section 1-79 of the Connecticut General Statutes, a "gift" does not include:

- (a) A certificate, plaque or other ceremonial award costing less than one hundred dollars (\$100.00);
  - (b) A rebate, discount or promotional item available to the general public (items such as pencils, ball point pens, note pads and similar items used as advertisement "give-aways" fall within this category);
  - (c) Food or beverage or both, costing less than fifty dollars (\$50.00) in the aggregate in a calendar year, and consumed on an occasion or occasions at which the person paying, directly or indirectly, for your food or beverage, or his representative, is in attendance;
  - (d) Admission to a charitable or civic event, including food and beverage provided at such event (but excluding lodging or travel expenses), at which you participate in your official capacity, provided such admission is provided by the primary sponsoring entity; and
  - (e) Anything having a value of not more than ten dollars (\$10.00), provided the aggregate value of all things provided by a donor to you under this subsection in a calendar year does not exceed fifty dollars (\$50.00).
  - (f) Training that is provided by a vendor for a product purchased by a state or quasi-public agency which is offered to all customers of such vendor.
3. Your "immediate family" consists of your spouse, your children, and any dependent relatives who reside in your household.
  4. "Necessary expenses" are necessary expenses for an article, appearance or speech or for participation at an event, in a person's official capacity, which shall be limited to necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals and any related conference or seminar registration fees.
  5. A "person" means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.
  6. An interest that is in "substantial conflict" with the proper discharge of your duties as a public official or state employee is one in which there is reason to believe or expect that you, your spouse or dependent child, or a business with which you are associated, will derive a direct monetary gain or suffer a direct monetary loss, by reason of your official activity. You do not have an interest which is in substantial conflict with the proper discharge of your duties as a public official or state employee, if any such gain or loss accrues to you, your spouse or dependent child, or a business with which you, your spouse or dependent child is associated, as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group.
  7. A "potential conflict of interest" is one in which you would be required to take an action that would affect a financial interest of yours, your spouse, parent, brother, sister, child or child's spouse, or of a business with which you are associated, other than an interest of a de minimis nature, an interest that is not distinct from that of a substantial segment of the general public, or an interest in substantial conflict with the performance of your official duties.

## **PROHIBITED ACTIVITIES**

As a public official or state employee you may not:

1. Knowingly accept any gift from any person who: (a) is known to be a registered lobbyist or a lobbyist representative; (b) is doing business with or seeking to do business with the System, your university or your department; (c) is engaged in activities which are directly regulated by the System, your university or your department; or (d) is a contractor pre-qualified under section 4a-100 of the Connecticut General Statutes. (A list of registered lobbyists may be found on the website maintained by the Office of State Ethics.) If an employee is offered a benefit from someone whom is not a prohibited donor as described above (that is, a non-regulated donor), and the benefit is offered because of the employee's position with the System, the total value of benefits received from one source in a calendar may not exceed \$100.00.
2. Knowingly accept, directly or indirectly, any gift costing one hundred dollars (\$100.00) or more either from a state employee under your supervision or from a supervisor. Nor may you knowingly give such a gift. The prohibition against accepting such gifts applies also to members of your immediate family.
3. Enter into a contract with the state, valued at one hundred dollars (\$100.00) or more (other than a contract of employment as a state employee), unless the contract has been awarded through an open and public competitive process. This prohibition applies also to members of your immediate family and businesses with which you are associated. According to the Office of State Ethics, an immediate family member may not be hired as an independent contractor through special payroll unless there has been an open and public process.
4. Accept a fee or honorarium for an article, appearance, speech, or for participation at an event in your official capacity. However, you may accept payment or reimbursement for necessary expenses incurred for any such activity. If payment or reimbursement is received for lodging or out-of-state travel or both, you must report the payment or reimbursement to the Office of State Ethics within thirty (30) days of receiving such payment or reimbursement, unless the payment or reimbursement is provided by the federal government or another state government. You may also accept admission to, and food and beverages provided by the sponsor of, an in-state event that you attend in your official capacity and as a principal speaker. Generally, if you are asked to participate in an event, speak, appear or write an article primarily as a result of your official position or authority, then it will be deemed to be in your official capacity. If, however, you have developed an academic expertise in a particular field and you are asked to participate in an event, speak, appear or write an article as a result of such expertise, then you are not prohibited from accepting a fee or honorarium. Note that these situations are very fact specific and you are encouraged to contact the Office of State Ethics, as necessary, for clarification and guidance. Note also that services for which compensation is claimed must be provided on your own time.
5. Use your official position for personal financial benefit, or the financial benefit of a family member or a business with which you, or a family member, are associated. Further, you may not use state time, personnel or materials, including telephones, computers, e-mail systems, fax machines, copy machines, state vehicles, and any other state supplies, for personal, non-

state related purposes. You may refer to the System Office or your university's Computer Use Policy, as applicable, for information relating to hardware and software use.

6. Engage in partisan political activities while on state time or use state funds, supplies, materials, equipment, vehicles or facilities for such purposes.

### **CONFLICTS OF INTEREST**

1. You may not have a financial interest or engage in a business or professional activity that is in substantial conflict with the proper discharge of your duties as a public official or state employee, nor may you take any official action in connection with a matter in relation to which you have a substantial conflict.
2. You may not accept any other employment that will impair the independence of your judgment in carrying out your official duties or induce you to disclose confidential information acquired by you in the course of performing your official duties. Accordingly, you should never accept employment with any consultant, contractor, appraiser or any other organization or individual that has a contract or other agreement with ConnSCU or one of its institutions without full exploration of any potential conflicts of interest. A member of the faculty or a member of a faculty bargaining unit may enter into a consulting agreement or engage in a research project with a public or private entity, provided such agreement or project does not conflict with the member's employment with the constituent unit, as determined by policies established by the board of trustees for such constituent unit.
3. In accordance with the "BOR Policy Regarding Nepotism in Employment," you should not play any role in hiring, promotion, demotion, or other personnel action affecting your relative (defined to include your father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, wife, husband, domestic partner, grandmother, grandfather, grandson, granddaughter, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister), nor should you take any action, directly or indirectly, to coerce, command, or require a state employee to improperly obtain an appointment for any individual to a position in state service. You should be aware that your signing of certain documents may result in a violation of the State Code of Ethics if such action results in a financial benefit being received by a relative. Examples of such documents include personnel forms (including performance appraisals) and vouchers. Caution should be exercised, so that unintended violations do not occur.
4. You may not disclose, for financial gain, confidential information acquired by you in the course of performing your official duties or use such information to obtain financial gain for yourself, your spouse, your child, your child's spouse, your parent, your sibling or for a business with which you are associated.
5. You may not solicit or accept anything of value (including a gift, loan or promise of future employment) based on an understanding that your official action will be or had been influenced thereby.

## **PROCEDURE GOVERNING CONFLICTS OF INTEREST**

If, in the discharge of your duties, you are required to take any action that would present either a substantial or potential conflict of interest, you must prepare a written statement, signed under penalty of false statement, describing the matter requiring action and the nature of the conflict and deliver a copy of the statement to your immediate superior, who will assign the matter to another employee, or, if you have no immediate superior, you shall take such steps as the Office of State Ethics shall prescribe or advise. You may not take any official action whatsoever on a matter with which you have a substantial conflict of interest. With regard to members of the Board of Regents, the Chairman of the Board shall determine whether a regent with a substantial or potential conflict may simply recuse him or herself from the proceeding in question, or if reassignment to another committee is necessary. If the Chairman is personally faced with such a conflict, he or she should deliver a written statement to the Office of State Ethics for guidance as to how to proceed.

## **POST-EMPLOYMENT ACTIVITIES**

The Code of Ethics for Public Officials contains several provisions regarding post-state employment. Before leaving employment with the System, all employees should review the applicable rules and, if necessary, seek guidance from the Office of State Ethics. Once you have separated from state service, you may not:

1. Disclose or use confidential information acquired in the course of and by reason of your official duties for financial gain for yourself or any other person. This is a lifetime prohibition. "Confidential information" is any information not generally available to the public, and may be memorialized in any form (e.g., written, photographic, tape recorded, etc.).
2. Represent any person in connection with any matter: (i) in which participated, personally and substantially, while in state service; and (ii) in which the state has a substantial interest.
3. For a period of one year after leaving state service, represent anyone before your former agency, for compensation.
4. Accept employment with any person (including an individual, sole proprietorship, corporation, limited liability company, partnership, association or any other organization or group of persons) who was a party to a contract or agreement: (i) valued at an amount of fifty thousand dollars (\$50,000.00) or more; and (ii) in the negotiation or award of which you substantially participated, for a period of one year after resigning from state service, if your resignation occurs less than one year after the contract or agreement was signed.

## **CODE OF ETHICS FOR PUBLIC OFFICIALS**

The Code of Ethics for Public Officials is set forth in Chapter 10 of the Connecticut General Statutes. Should you have a question regarding whether certain conduct constitutes a violation of the Code of Ethics, you should consult with your immediate supervisor, the Ethics Officer at your institution, or the Office of State Ethics. The Office of State Ethics is located at 18-20 Trinity Street, Suite 205, Hartford, Connecticut 06106-1660. The Office of State Ethics may be contacted by telephone at (860) 263-2400, by facsimile at (860) 263-2402, and by e-mail at [ose@ct.gov](mailto:ose@ct.gov). The Office of State Ethics maintains a website at "<http://www.ct.gov/ethics>."

### **REVIEW BY AUDIT COMMITTEE OF THE BOARD OF REGENTS**

In accordance with its Charter, the Audit Committee of the Board of Regents will periodically review the administration of the conflict of interest provisions set forth herein as well as the performance of ConnSCU management and operating personnel under the Code of Ethics for Public Officials. The BOR Ethics Officer will apprise the Audit Committee of issues arising under this Statement, including, to the extent permitted by law, those matters reported to the Office of State Ethics.