

University of Idaho Ethics

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Information about Internal Audit: Internal Audit assists University management and the Board of Regents in the discharge of their oversight, management, and operating responsibilities. This assistance is accomplished through independent audits and consultations designed to review and evaluate the procedures and processes used by the organization. [Also, see UI APM 85.10]

Please visit the UI Internal Audit (IA) website, www.auditing.uidaho.edu, for information regarding:

- UI Internal Audit: Mission, Purpose/ Responsibility, Authority, and Principles
- Fraud and financial irregularity info.
- UI Internal Audit Department Review Guide: information regarding the objective, criteria, and risk associated with IA review of different types of departments.
- FAQs:
 - Why was my department selected to be audited?
 - How long will the audit take?
 - What will the auditor need from me? etc.
- Confidential Hotline Information:
 - Message from President Nellis
 - What to report & info about reportable items:
 - Financial, Research, Human Rights & Diversity, Employment, IT, Safety, Academic, and Athletics Issues
 - How to report (can be accomplished anonymously by telephone or online)
- Link to State of Idaho Office of the State Controller's Control Self-Assessment resources

Presentation Information (Desk reference of topics covered in presentation)

Ethics (professional context): the principles of conduct governing an individual or a group
Source: <http://www.merriam-webster.com/dictionary/ethics>, January 12, 2012

Faculty Staff Handbook (FSH) 3170: University Ethics

Preamble. As teaching, research and educational outreach constitute the primary mission of the university; all members of the university will work to maintain an environment conducive to learning, scholarship, and service. All employees of the UI are also subject to the Conflicts of Interest and Ethical Conduct Policy of the Regents...

- A. Ethics.** Within the university community, all participants have rights and obligations to uphold the functionality, dignity, and harmony of the university. This policy sets out the expectations and requirements of employees regarding ethical behavior and actions. Collectively, the policy and referenced related policies allow employees to take actions that are consistent with the institution's core values and that move the institution towards its vision and goals. All UI employees shall work to maintain an environment conducive to research, learning and service, and all employees have an integral contribution to providing a high quality learning environment. All UI employees accept their share of responsibilities for the governance of the institution...
- B. Rules of Ethical Conduct.** The purpose of Rules of Ethical Conduct is to establish and maintain high standards of honesty, integrity, and quality of performance for all employees of the University of Idaho. Individuals in public universities have positions of trust and responsibility that require observation of the highest ethical standards. Ethical conduct is of critical importance in our relationships with the public, students, other employees and agencies, and private contractors. The Rules of Ethical Conduct are intended to establish a general baseline for ethical conduct; they are not intended to be inclusive of all conduct. Guidelines are provided for each of the rules in D below. These guidelines are offered as examples of the issues discussed in their respective sections.

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They are not presented as policy and do not replace approved policy in evaluating issues of ethics and professional conduct.

B-1. Integrity and Quality. The university must operate with integrity that includes, but is not limited to, operating in compliance with laws and regulations and its contractual obligations.

B-2. Adherence to Law. Employees are responsible for becoming familiar with the laws and regulations pertinent to their areas of responsibility. Many but not all legal requirements are embodied in university policies. Failure to comply with laws and regulations can have serious adverse consequences both for the individuals and the university, in terms of reputations, finances, and the health and safety of the community.

B-3. Conflicts of Interest and Commitment. [See FSH 6240 section below]

B-4. Privacy and Confidential Information. No employee shall disclose confidential records or information or use such information for his or her personal benefit. The collection, retention, and dissemination of university records is subject to federal law, including the Family Educational Right to Privacy Act (FERPA), state law, including the Idaho Public Records Law, and university policies. [See FSH 2600 for information regarding FERPA] Confidential information may include but is not limited to personnel information, information subject to a privilege recognized in the law, proprietary information, education records under FERPA, and information identified as confidential.

B-5. Discrimination and Sexual Harassment. The university must strive to maintain a learning and working environment that is safe, supportive and responsible. Discrimination and sexual harassment toward any member of the university community violates federal and state laws and the policies of the University of Idaho. [See FSH 3200, 3210, 3215, and 3220] Incidents of discrimination and sexual harassment should be reported to the Human Rights Access and Inclusion Office.

B-6. Nepotism. UI employees may not give preferential treatment to individuals based on familial or other relationships, nor participate in institutional decisions involving a direct benefit to a family member. [See FSH 6241]

B-7. University Resources. Employees of the university have a responsibility to be financial stewards of the public resource. They are responsible for implementing, maintaining, and following proper administrative and accounting procedures, and for complying with all relevant governmental and regulatory requirements. [APM Chapters 10, 20, 25, 65, 70, 75]

B-8. University Assets. Employees of the university have a responsibility to maintain control and security of university assets. They are responsible for their use and protection including reporting requirements. [APM 10.40, 10.41] [www.uidaho.edu/controller/assetaccounting]

B-9. Contracting Requirements. The UI enters and engages in multiple contracts and agreements to carry out its role and mission. Employees are responsible for being familiar with the various types of contracts, agreements, and memoranda of understanding that they use in the performance of their duties, and for obtaining the necessary review and approval for said contracts. [See APM 60 and State Board of Education/Board of Regents Policy and Procedures Manual (Board Policy), Section V.]

B-10. Political Campaigns and Elections. An employee shall not use institutional time, funds, equipment, or other resources to run for an elected office, work on a political campaign or to influence the passage or defeat of legislation. [See FSH 6220]

B-11. Gifts. University employees concerned with contracts and pecuniary transactions, or who influence the allocation of business or exercise administrative decision making authority must be

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particularly careful to avoid actions that create the appearance of favoritism or that may adversely affect the university's reputation for impartiality and fair dealing and may not accept any pecuniary benefit from persons interested in or likely to become interested in such action.

An employee may not accept a gift or business courtesy when a real or perceived attempt is being made to offer the courtesy in exchange for, or to influence favorable action by the university; motivate the employee to do anything prohibited by law, regulation, or university policy; or gain an unfair competitive advantage by improperly influencing an employee's discretionary decisions.

Notwithstanding the above prohibitions, state law allow for public employees to receive trivial, incidental benefits not to exceed a value of fifty dollars (\$50.00) provided that there is not substantial risk of undermining official impartiality. [See Idaho Code section 18-1356 and 18-1359, and Board Policy Sections I. G, and II. Q.]

- C. Reporting Unethical Behavior.** As state employees, UI faculty and staff recognize their responsibility to report unethical behavior when it is encountered. UI employees can confidentially report concerns about suspected issues of illegal, unethical or irresponsible acts. Information regarding the confidential reporting line may be accessed from the UI home page or directly from the following web site: <http://www.uihome.uidaho.edu/hotline>, or from the office of Internal Audit.

Reports to the confidential hotline or to the internal auditor shall be preliminarily investigated by the internal auditor or referred to another office, as appropriate. If the preliminary investigation results in cause to believe that there may be a violation of policy or law, the internal auditor shall either proceed to a full audit or refer the matter to general counsel for follow up.

Faculty Staff Handbook (FSH) 6240: Conflicts of Interest or Commitment

A. Definitions

A-1. Conflicts of Commitment refers to an individual's distribution of effort between one's university appointment and one's outside activities.

A-2. Conflicts of Interest refers to an individual's involvement in activities in which financial or other personal considerations may directly and significantly affect an employee's professional judgment in exercising any University duty or responsibility.

A-3. Apparent Conflict refers to an individual's involvement in outside professional activities, outside employment, personal direct or indirect financial or other interests, or acceptance of benefits from third parties that create a perceived conflict between the University's mission and an individual's private interests, whether or not there is an actual conflict of commitment or interest. An appearance of conflict exists when a reasonable person would conclude from the circumstances that the employee's ability to act in the University's best interests or perform contractual obligations is compromised by outside interests. For example, an employee may have an outside business interest that appears to influence judgment in University decisions. There may not be an actual conflict, but the situation may have the appearance of compromising a person's professional judgment.

- B. Policy.** Employees are expected to devote their primary professional, time and energy to the University and to the mission of teaching, research and public service. Outside activities and financial interests shall be reported on an annual basis in accordance with this policy and must be arranged so as not to interfere with the primacy of these University duties.

B-1. Employees shall avoid situations that may result in a conflict of interest or commitment with the potential to directly and significantly affect the University's interests, compromise objectivity in carrying out University responsibilities, or otherwise compromise the performance of University responsibilities. Examples of prohibited conflicts are set out in section C-3. Situations that may be

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managed to avoid conflict are set out in section B-2; such situations may proceed if approved in writing by the president or the president's designee, and subject to an authorized management plan that prescribes the necessary steps and management to avoid the conflict.

B-2. University employees who have apparent conflicts are expected to disclose them in compliance with this policy. In all matters, employees are expected to take appropriate steps, including consultation if issues are unclear, to avoid both conflicts of interest and commitment and the appearance of such conflicts.

B-3. In furtherance of this policy, UI requires that, absent circumstances that warrant sole source contracting as set out by the University's Purchasing Department, competitive bidding must be used in the procurement of materials, supplies, equipment, and contractual services over \$5,000 in one time or cumulative value.

C. Conflicts of Interest or Commitment Activities. Activities that may involve conflict of interest or commitment fall into three general categories that differentiate relationships according to potential for adverse impact. These include but are not limited to:

C-1. Activities that **are routinely allowable** and are not required to be disclosed pursuant to this policy include:

a. Membership in and service to professional associations and learned societies; membership on professional review or advisory panels, presentations, participation in conferences, reviewing or editing scholarly publications, and service to accreditation bodies as long as they do not conflict or interfere with the timely performance of primary University duties. These activities are permitted even if they are performed for nominal honoraria or reimbursement of expenses, provided that payment or reimbursement is not in conflict with any other applicable University, State, or federal policy, rule or regulation.

b. Receiving royalties for published scholarly works and other materials or for inventions pursuant to the University's Patent and Copyright Policies.

C-2. Activities that **may be allowable following disclosure** and development of an authorized management plan include but are not limited to:

a. Research Activities.

1. Participating in University research involving a technology owned by or contractually obligated (by license, option, etc.) to a business in which the individual or a family member has a consulting relationship that meets the definition of significant financial interest.

2. Receiving through contract or gift University-sponsored research support (whether in dollars or in kind) for research from a business in which the individual or a family member has a consulting relationship that meets the definition of significant financial interest.

3. Participating in University research involving a technology owned by or contractually obligated (by license, option, etc.) to a business in which the individual or a family member holds a significant financial interest, excluding a consulting relationship.

4. Receiving, through contract or grant, research support under University auspices (whether in dollars or in kind) for research from a business in which the individual or a family member has a significant financial interest, excluding a consulting relationship.

5. Assigning students, postdoctoral fellows, or other trainees to University projects sponsored by a business in which the individual or a family member has a significant financial interest.

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6. Serving on the board of directors or scientific advisory board of a business from which that individual or a family member receives research support under University auspices or with which the University has a substantial contractual relation know to the individual.
7. Assuming an executive position in a not-for-profit business engaged in commercial or research activities in a field related to the individual's University responsibilities.

b. Other Activities.

1. Possessing a significant financial interest in a business that competes with the services provided by the University as part of its academic, research, or training mission.
2. Assuming an executive position having a significant financial interest in a for-profit business engaged in activities in an area related to one's University responsibilities.
3. Possessing a significant financial interest in a business that is in a field related to one's University responsibilities.
4. Engaging in any other activity that has the potential for creating a conflict of interest or commitment as defined above.
5. Ownership of or equity in a corporation used solely for one's consulting activities.
6. Requiring or recommending one's own or one's related individual's (as defined in FSH 6241) textbook or other teaching aids, materials, software, equipment, or the like to be used in connection with University instructional programs from which the person receives income.

C-3. Activities that are presumptively not allowable include but are not limited to:

a. Public Disclosure Activities

1. Accepting support for University research under terms and conditions that results be held confidential, unpublished, or significantly delayed in publication.
2. Publishing or formally presenting results of research under University auspices, or providing expert commentary on a subject, without simultaneously disclosing any significant financial interest relating to such results or such subject.
3. Unauthorized use of privileged information acquired in connection with one's University responsibilities. This is not intended to apply to standard publication activity.

b. Administrative Responsibilities

1. Taking administrative action in the course and scope of University responsibilities that is beneficial to a business in which the individual or a family member has a significant financial interest.
2. Influencing the negotiation of contracts between the University and an outside organization with which the individual or a family member has a significant financial interest.

c. Other Activities

1. Assigning or allowing the participation of students in any consulting relationship of the individual that meets the definition of significant financial interest.
2. Making referrals of University work to an external business or professional office in which such individual or family member has a significant financial interest.
3. Associating one's name or one's work with an external activity in such a way as to profit monetarily by trading on the reputation or good will of, or implying sponsorship or endorsement by, the University. Mere identification of the University as one's employer and

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of one's position at the University is permitted, provided that such identification is not used in a manner that implies sponsorship or endorsement by the University.

4. Accepting or soliciting any gift favor, or service that might influence or appear to influence the employee in the discharge of his or her official duties, or that the employee knows or has reasonable cause to believe is being offered with the intent to influence their conduct. Notwithstanding this prohibition, employees may accept trivial benefits that are not in excess of \$50.00 provided that such benefit is incident to personal, professional or business contacts and involves no substantial risk of undermining their impartiality.

D. Conflict of Interest or Commitment Reporting and Approval Requirements.

D-1. Disclosure of Potential Conflicts: All employees are required to complete and submit a Disclosure of Potential Conflicts of Interest and Commitment on an annual basis whether or not the employee has any situation that presents an actual or potential conflict to disclose. The disclosure form shall be included with the performance evaluation. Persons who disclose a conflict on their performance evaluation shall complete Form 6240A. An updated Form 6240A, must be submitted throughout the year within 30 days of any change that arises that may either create a potential conflict, or eliminate a potential conflict previously disclosed...

D-2. Disclosure of Outside Employment and Consulting: All employees who work more than 20 hours per week for the university and who have outside employment of more than 20 hours per week or who perform consulting for compensation, pursuant to FSH 3260, must complete the Disclosure of Outside Employment or Consulting for Compensation form (Form 3260B/6240B on an annual basis. An updated Form 3260B/6240B must be submitted throughout the year if a person accepts outside employment or consulting.

D-3. Disclosure forms are available below (hyperlinks provided online in FSH 6240):

FSH 6240A: Disclosure of Conflicts (Management Plan Template)

FSH 3260B/6240B: Annual Disclosure of Outside Employment

D-4. The membership and staff of the Committee on Ethical Guidance and Oversight shall be appointed by the president. Membership of the Committee shall be made up of a minimum of four faculty members and two staff members. Committee members shall serve a term of three years, and may be appointed to consecutive terms. Staff to the committee shall serve as directed by the president.

Educate yourself and visit the UI FSH online! <http://www.webs.uidaho.edu/fsh/index.htm>

Remember that not having knowledge of policy does not excuse non-compliance.

Other FSH Sections that comprise the comprehensive UI Ethics Policies:

- FSH 3200 – Policy of Nondiscrimination
- FSH 3210 – Antidiscrimination
- FSH 3215 – Non-discrimination on the Basis of Sexual Orientation and Gender Identity/Expression
- FSH 3220 – Sexual Harassment
- FSH 3260 – Professional Consulting and Additional Workload
- FSH 6241 – Nepotism
- FSH 6242 – Organizations and Oaths