

PR 8

Office of the President
January 27, 2004

Members, Board of Trustees:

PROPOSED UNIVERSITY OF KENTUCKY
ETHICAL PRINCIPLES AND CODE OF CONDUCT

Recommendation: that the Board of Trustees adopt the attached University of Kentucky Ethical Principles and Code of Conduct.

Background: At the December 11, 2001 Board of Trustees meeting, Billy Joe Miles, who was Chairman of the Board, reconstituted the Ad Hoc Committee on Board Structure. The Committee's charge was to review the bylaws of all UK affiliated corporations and all corporations where UK holds shares or interest. The Ad Hoc Committee completed its report and recommendations on May 28, 2002. The Board of Trustees adopted the report and recommendations on June 11, 2002. The first recommendation of the report was for a University-wide Code of Ethics to be written. A draft was reviewed by the Board of Trustees before arriving at this final document.

Action taken: Approved Disapproved Other _____

University of Kentucky

Ethical Principles and Code of Conduct

Ethical Principles

The University of Kentucky Ethical Principles and Code of Conduct are intended to document expectations of responsibility and integrity. Exemplary ethical conduct is critically important in our relationships with colleagues, trustees, students, volunteers, contractors, and the public. This statement reflects the values of the University approved by the Board of Trustees on April 1, 2003. The following core values guide our decisions and behavior.

- Integrity
- Academic excellence and freedom
- Mutual respect and human dignity
- Diversity of thought, culture, gender, and ethnicity
- Personal and institutional responsibility and accountability
- Shared governance
- A sense of community
- Sensitivity to work-life concerns
- Civic responsibility

Each member of the University must endeavor to:

1. promote the best interests of the University of Kentucky
2. foster the Vision, Mission, and Values of the University
3. preserve the public's respect and confidence in the University of Kentucky
4. exhibit personal integrity, honesty, and responsibility in all actions
5. provide an environment of mutual respect, impartiality, and collaboration
6. maintain confidentiality in all matters deemed confidential
7. assure independence of judgment free from conflicting interests
8. ensure that relationships that constitute or could be perceived as conflicts of interest are fully and properly disclosed and University guidelines are followed
9. comply with the policies and procedures of the University of Kentucky and applicable state and federal laws and regulations
10. demonstrate stewardship of University property and resources

Code of Conduct

Those acting on behalf of the University of Kentucky have a duty to conduct themselves in a manner that will maintain the public's trust in the integrity of the University and to act compatibly with their obligation to the University. The Code of Conduct establishes guidelines for professional conduct for University members, including trustees, executive officers, faculty, staff, and other individuals employed by the University, those using University resources or facilities, and volunteers and representatives acting as agents of the University (collectively "University members"). The conduct of students is addressed in the *Student Rights and Responsibilities*.

The Code of Conduct is intended as a general guide to determine what conduct is expected and to help individuals to determine behaviors that should be avoided. Employees are strongly urged to consult with their supervisor to review and evaluate specific situations. In addition to the Code, University members are generally subject to all University codes, regulations, and policies and state and federal law. Violations of this code will be subject to appropriate penalties.

While this Code of Conduct provides overall guidance and in some instances interpretation, additional guidance is found in other official University policy documents, such as the Governing Regulations, Administrative Regulations, Human Resources Policy and Procedures Manual, and Business Procedures Manual.

Nondiscrimination Policy

Equal opportunities shall be provided for all persons throughout the University in recruitment, appointment, promotion, payment, training, and other employment practices without regard to sex, sexual orientation, race, ethnic origin, national origin, color, creed, religion, age, uniform service or veteran status, physical or mental disability, or political belief. All University members are expected to comply with the institution's nondiscrimination policy (*Governing Regulation XII*).

Confidentiality of Information

University members are entrusted with personal and institutional information that should be treated with confidentiality and used only for conducting University business. Respect for individual and institutional privacy requires the exercise of care and judgment. Unless required or permitted by law or University regulations, personal and official information provided by and about faculty, staff and students must not be given to third parties without the consent of the individuals concerned. When doubt exists regarding the confidentiality of information, University members should presume information is confidential until determined otherwise.

Use of the University's Name

University members have a public association with the University, but are also private citizens, thus care must be taken to appropriately differentiate between the two roles. University members may not use or allow the use of the name of the University or identify themselves as employees of the University of Kentucky in the public promotion or advertising of commercial products without prior written approval. Individuals writing or speaking publicly in a professional or expert capacity may identify themselves by their relationship with the University, but if so identified then in all instances where the individual might give even the appearance of speaking on behalf of the University, care must be taken to emphasize that any views expressed are their own and are not representative of the University of Kentucky. University members are encouraged to contribute to public debate as citizens. In instances where University members comment publicly as part of their official University duties, they should do so using University stationery and e-mail accounts; when commenting as citizens, University members must use personal stationery and personal e-mail accounts.

University Resources

University members should be responsible stewards of University resources. University members are entrusted with protecting the property, equipment, and other assets of the University and exercising responsible, ethical behavior when using the University's resources. University assets are intended for University activities. Limited personal use of fixed University resources, such as computers and telephones, which does not result in a charge to the University is permitted as long as the use does not interfere with assigned job duties. In some instances, a University member may use University equipment outside of the realm of his or her professional duties when the goals of the individual and the University coincide. Any such use must have the prior, written approval from the dean or appropriate administrator where the resources are located, and must provide that the University will be reimbursed for the full cost of the use of the equipment. Such use must not interfere with the University of Kentucky's uses, and must occur outside of the University member's regular employment assignment. The Office of the University Legal Counsel can provide an appropriate form of agreement.

Sexual Harassment

To foster an environment of respect for the dignity and worth of all members of the University community, the University is committed to maintain a work-learning environment free of sexual harassment. The

policy of the University of Kentucky, approved by the Board of Trustees, prohibits sexual harassment of students, faculty and staff and assures that complaints of sexual harassment will be treated and investigated with full regard for the University's due process requirements. The University policy and procedures on sexual harassment can be found in *Governing Regulation XII and Administrative Regulation II-1.1-9*.

Personal Relationships

The quality of decisions may be affected when those making decisions have personal relationships with those who are the subjects and possible beneficiaries of these decisions. The critical concern is that personal relationships, whether positive or negative, should not inappropriately or unfairly affect decisions. Conflicts of interest may arise when people are involved in making decisions affecting any members of their families, relatives, or those with whom they have or have had intimate relationships. Decisions affecting present or former business partners should also be avoided. Individuals with personal relationships should excuse themselves from such decision-making. In many cases, potential conflicts can be managed by candid but discreet disclosure of those relationships.

The University strongly urges those individuals in positions of authority not to engage in conduct of an amorous or sexual nature with a person they are, or are likely in the future to be, in a position of evaluating. The existence of a power differential may restrict the less powerful individual's freedom to participate willingly in the relationship. If one of the parties in an apparently welcomed amorous or sexual relationship has the responsibility for evaluating the performance of the other person, the relationship must be reported to the dean, department chair or supervisor so that suitable arrangements can be made for an objective evaluation of the student or employee (*Administrative Regulation II-1.1-9*).

Employment of Relatives

In order to assure independence of judgment that is free from conflicting interest and to avoid relationships that could be perceived as conflicts of interest, no relative of the President shall be employed in a position at the University. Similarly, no relative of the Provost, or any executive vice president, vice president, or any associate provost or associate vice president shall be employed in a position in that officer's administrative area. The Board of Trustees on a stated temporary basis may permit waiver of the above regulation, not to exceed two years, when it is otherwise impractical to fill a position with another fully qualified person. The same individual shall not be eligible for reappointment under the terms of this exception unless approval is given by the Board of Trustees. No relative of any employee of the University may be appointed to any position in the University over which the related employee exercises supervisory or line authority. Employment of relatives within the same department or division shall be approved specifically by the Provost or senior vice president, as appropriate (*Governing Regulation X*). The University shall employ no relative of a member of the Board of Trustees. Members of the Board of Trustees, except those elected to the Board as faculty, staff, or student representatives, are ineligible for employment at the University.

Intellectual Property

University members should be responsible stewards of University resources. All intellectual property conceived, first reduced to practice, written, or otherwise produced by faculty, staff, or students of the University of Kentucky using University funds, facilities, or other resources shall be owned and controlled by the University. Any member of the faculty or staff of the University who produces such intellectual property using University funds, facilities, or other resources shall assign personal rights to the property to the University, or its designate. The traditional products of scholarly activity which have customarily been considered the unrestricted property of the originator, such as journal articles, textbooks, reviews and monographs, and which have been created without involving a material use of University resources, shall be the unrestricted property of the author (*Administrative Regulation II-1.1-3*).

Conflict of Commitment

Decisions and the judgment upon which the decisions are based must be independent from conflicting interests and must hold the best interest of the University of Kentucky foremost. Conflicts of commitment relate to an individual's distribution of effort between University appointment and outside activities. The University of Kentucky permits external employment or self-employment in an employee's profession or specialty (with the exception of employees participating in a practice plan) where there is not a conflict of interest or commitment. Faculty and professional administrative employees are expected to devote their primary professional loyalty, time, and energy to University of Kentucky teaching, research and service endeavors; activities outside the University must be conducted without detracting from these primary commitments. A conflict of commitment generally occurs when the pursuit of outside activities interferes with obligations to students, to colleagues and to the missions of the University. These conflicts may become apparent in regular performance reviews, in connection with annual salary decisions and scheduled reviews incident to promotion, reappointment or tenure decisions and should be addressed by the appropriate department head. The University policy and procedures on outside consulting can be found in *Administrative Regulation II-1.1-1*.

A staff employee may be employed outside the University when the employment does not constitute a conflict with University interests and when the hours of outside employment do not coincide or conflict with hours of scheduled work or affect the employee's ability to perform satisfactorily. A staff employee may also perform outside employment while on vacation, holiday, or special leave as long as the outside employment does not constitute a conflict of interest. Adherence with this policy is the responsibility of the staff employee who seeks outside employment; however, it is recommended the employee advise his or her department head of the outside employment.

Conflict of Interest

The public's respect and confidence in the University of Kentucky must be preserved. Confidence in the University of Kentucky is put at risk when the conduct of University members does, or may reasonably appear to, involve a conflict between private interests and obligations to the University. All University members shall avoid conduct that might in any way lead members of the general public to conclude that he or she is using an official position to further professional or private interests or the interests of any members of his or her family. In conducting or participating in any transaction, full disclosure of any real or perceived conflict with personal interests and removal from further participation in such matters is required.

Administrative Regulation II-4.0-4 Conflict of Interest and Financial Disclosure Policy – Research sets forth specific relationships and activities that pose a potential conflict of interest for faculty, staff, and students involved in research and related activities. The University recognizes that actual or potential conflicts of interest may occur in the normal conduct of research and other activities. A conflict of interest can also arise if an employee's professional judgment is or may appear to be influenced by personal interests. It is essential that potential conflicts be disclosed and reviewed by the University. After disclosure, the University can make an informed judgment about a particular activity and require appropriate oversight, limitations, or prohibitions in accord with this policy. It is important to remember that each relationship is different, and many factors often will need to be considered to determine whether a conflict of interest exists.

Financial Advantage

Members of the University community must exhibit personal integrity, honesty and responsibility in all actions. Official position or office shall not be used to obtain financial gain or benefits for oneself or members of one's family or business associates. Any action that creates the appearance of impropriety should be avoided. Purchases and contracts shall not be made with an employee of the University of Kentucky for any item of supply, equipment, or service, nor may an employee have any interest, directly or indirectly, in any purchase made by the University of Kentucky (*Business Procedures Manual B.2.C*). An indirect interest may be defined as a real or perceived use of a University position or office with

respect to a purchase or contract, leading to financial or other benefits to the individual or a member of his or her family. An indirect interest includes situations where a business owned or controlled by a family member does business with the University area where the employee is assigned.

Acceptance of Gifts or Benefits

University members' decisions and actions should be based on the best interest of the University. No member should accept any type of reward, monetary or non-monetary, if there is an explicit or implicit assumption that influence has been exchanged for the favor. When no favor is asked for or gained, gifts of nominal value or moderate acts of hospitality, such as meals, in relation to one's position with the University may be accepted. The following guidelines should be observed:

- Gifts or acts of hospitality valued up to \$50 annually from any one source need not be reported
- Gifts or acts of hospitality valued between \$50 to \$200 should be reported to the supervisor prior to acceptance
- Acts of professionally related hospitality above \$200 must be specifically justified and reported through the chain of command. Written approval for acceptance must be provided by the Provost or executive vice president, in advance.
- Individuals may not accept gifts valued above \$200. These gifts or benefits acknowledged and accepted on behalf of the University should be directed to the Executive Vice President for Finance and Administration, where they can be acknowledged and accepted on behalf of the University.

Clarifications and Reporting Violations

Like all policies, this policy could not possibly cover all possible situations. When any doubt about the propriety of an action exists, the University's policy requires a full and frank disclosure to an appropriate individual with sufficient authority to address the matter. For interpretation, counsel or advice regarding this policy, contact the Office of the University Legal Counsel.

University members are expected to report violations of this policy to an appropriate individual. The University will not tolerate any retaliation against a University member who makes a good faith report of a violation.