FACULTY SENATE
FACULTY STATUS AND WELFARE COMMITTEE

Recommendations for the Proposed University Code of Conduct

This document is muddy regarding the differences between 1) principles, 2) standards of conduct, and 3) policy statements that involve specific behaviors. In other words, we feel that the Code of Ethics provides a good rundown of guiding principles, but this Code of Conduct should create clear standards – whereas policies should specify behaviors and should NOT be part of either of these documents. We therefore suggest that some of the language in this document that is more policy-oriented should be removed and that the document should provide standards that are broader than specific behaviors. Our specific suggestions are included in the document (attached).

DRAFT 8/10/09
University Code of Conduct

1.   **INTRODUCTION AND PURPOSE**

    a) **Introduction -** As members of the Southern Illinois University community, all faculty, staff, students, members of the Board of Trustees, University Officers and affiliates are responsible for sustaining the highest ethical standards of this institution. The University values respect, integrity, honesty, cooperation, communication, stewardship, continuous improvement, responsibility, accountability and transparency and strives for excellence in carrying out our teaching, research, public service, and patient care mission. The standards of the University Code of Conduct (the "Code"), supported through policies, guidelines, procedures and training, provide guidance for expected behavior in performing work duties, making decisions, and taking actions.

    b) **Applicability** - This Code applies to the following members of the Southern Illinois University ~~c~~Community: a) the members of the Board of Trustees; ~~and~~ b) all employees, including faculty~~,~~and staff~~;~~ and c)students~~.~~ The Code refers to all these persons as "members of the University community" or "community members."

> **Comment [JW1]:** This seems odd to me to list students as a subset of employees. Do people agree that we should reword?

    c) **Purpose –** This Code is a shared statement of our commitment to uphold ~~the~~ ethical, professional and legal standards. All community members must comply with the relevant policies, standards, laws and regulations that guide our work. We are each individually accountable for our own actions and, as members of the University community, are collectively accountable for upholding these standards of behavior and for compliance with applicable laws and policies.

    d) **Violations –** This Code also makes us responsible for bringing suspected violations of ~~applicable~~ universitystandards, policies, laws or regulations to the attention of the appropriate office. Confirmed violations will result in appropriate disciplinary action, up to and including termination from employment or other relationships with the University. In some circumstances, civil and criminal charges and penalties may apply.

    e) **Questions –** Questions regarding the intent or applicability of this Code should be directed to the Senior Vice President for Financial and Administrative Affairs and Board Treasurer.

    f)

> **Comment [D2]:** [why are these the people who should interpret and/or apply this code? The code should be broader than a fiscal or management matter]

2.   **RESPONSIBILITY**

The President and each Chancellor is responsible for disseminating this Code of Conduct and for providing ~~guidance on~~ laws, policies, regulations and procedures to uphold the Code. Each administrator, department head, and department chair is responsible for promoting compliance with this Code and ~~applicable business policies~~the university laws, policies, regulations and procedures; for informing employees of appropriate training opportunities on laws, policies, regulations and procedures; for ensuring that employees receive ongoing training; and demonstrating compliance within their unit. Each employee is responsible for participating in training and education programs, referring to and complying with laws, policies, regulations and procedures applicable to his or her work. [We think it would be appropriate to add a sentence like the following one here, which appears in the Minnesota code of conduct: "The standards of conduct in this Code, supported through policies, procedures, and workplace rules, provide guidance for making decisions and memorialize the institution's commitment to responsible behavior."]

3. **INTEGRITY AND ETHICAL CONDUCT**

Ethical conduct is a fundamental expectation for every community member. Community members are expected to work together to maintain the highest standards of quality and integrity in fulfilling our mission. Community members are expected to conduct University business transactions with respect, honesty, accuracy and fairness. We are each personally responsible for our own actions and should strive to communicate ethical standards of conduct through instruction and leading by example.

4. **HUMAN RESOURCES**

The University is committed to the principles of tolerance, diversity, and respect for differences. When dealing with others, community members are expected to be respectful, fair, civil, and truthful. The University prohibits discrimination and harassment, and provides equal opportunities for community members and applicants.

5. **CONFLICT OF INTEREST / CONFLICT OF COMMITMENT**

Community members are expected to conduct University business free of personal conflict of interest or appearances of impropriety and self-dealing. Community members with other professional or financial interests are expected to disclose them in compliance with applicable conflict of interest and/ conflict of commitment policies.

6. **ACADEMIC FREEDOM AND RESPONSIBILITIES**

[Our feeling is that this section and the next are weak when compared with Minnesota's code – we like the way that document identifies BOTH academic freedom and responsibilities (see Subd 6 of that document) and also includes a section encouraging the community to "Ethically Conduct Teaching and Research" (Subd 7) – our proposed Code of Conduct says nothing specific about teaching. We suggest restructuring sections 6 and 7 of this document to reflect the strengths of the Minnesota code.

Creating an atmosphere conducive to providing a quality education is essential to achieving the University's mission. Community members are expected to promote academic freedom and meet academic responsibilities. This includes encouraging discussions of relevant matters and creative expression, to seeking and stating the truth, and to respecting those with differing views, to submiting knowledge and claims to peer review,; and to working together to foster the education of students.

7. **RESEARCH**

University researchers have an ethical obligation to the University and to the larger global community as they seek knowledge and understanding. Community members are expected to propose, conduct, and report research with integrity and honesty. They should protect human subjects involved in research, the rights of individuals and University intellectual property, and they should humanely treat animalshumanely. Community members should ensure the originality of their work and provide credit for the ideas of others upon which their work is built, be responsible for the accuracy and fairness of information published, and fully assign authorship credit.

8. **FINANCIAL REPORTING – We suggest that this should be a subsection of #9 and that the specific behaviors listed in sections 8 & 9 (i.e. the policy language) should be removed and broadened to reflect a broader set of standards**

University accounts, financial reports, tax returns, expense reimbursements, time sheets and other documents, including those submitted to government agencies should be accurate, clear, complete and transparent. Community members should follow University policies and procedures and sound financial practices. Community members are expected to exercise responsible fiscal management and use strong internal controls.

9.   PROTECT AND PRESERVE UNIVERSITY RESOURCES

The University is dedicated to responsible stewardship. Community members are to promote efficient operations and engage in appropriate accounting and monitoring of University resources. Community members are expected to prevent waste and abuse of University resources. University resources include, but are not limited to, property, equipment, vehicles, finances, materials, systems, data communication and networking services, procurement tools, and the time and effort of staff and students. University resources may not be used for personal gain, and may not be used for personal use except in a manner that is consistent with University policies and procedures.

10.   COMPLIANCE WITH LAWS – We believe that this section and section #12 include too much policy language and should be combined and shortened into a broader set of standards for behavior, including a sentence on non-retaliation – much of this and section #12 is too detailed for a Code of Conduct and should be removed and become part of specific policy directives developed in support of this Code of Conduct

Members of the University community should conduct University business in compliance with applicable laws, regulations, and University policies and procedures. When questions arise pertaining to the interpretation or applicability of a policy, community theymembers should contact the individual who has oversight of the policy.

a) **Contractual Obligations –** The acceptance of an agreement, including sponsored project funding, may create a legal obligation on the part of Southern Illinois University to comply with the terms and conditions of the agreement and applicable laws and regulations. Therefore, only individuals who have authority delegated by an appropriate University official are authorized to enter into agreements on behalf of the University.

b) **Environmental Health and& Safety, including Workplace Health and& Safety –** Members of the University community should be committed to protecting the health and safety of University students, faculty, staff, volunteers, and visitors by providing a safe environment. Community members are expected to participate in applicable education sessions, use appropriate personal safety equipment, report accidents, injuries, and unsafe situations, report suspicious activity, and carefully handle hazardous waste.

c) **Non-University Professional Standards** – Some professions and disciplines represented at the University are governed by standards and codes specific to their profession (such as attorneys, certified public accountants, and medical doctors). Those belonging to such professions are expected to adhere to University policies and codes of conduct in addition to any professional standards. If a community member believes there is a conflict between a professional standard and University policy, he or /she should contact the Office of General Counsel.

11.   CONFIDENTIALITY AND PRIVACY

Community members receive and generate on behalf of the University various types of confidential, proprietary and private information. Community members should understand and comply with federal laws, state laws, agreements with third parties, and University policies and procedures pertaining to the use, protection, disclosure, retention, and disposal of

such information. – do we need to add a sentence here on electronic data security, or is this broad enough to already cover that?

12.   **REPORTING OF SUSPECTED VIOLATIONS** – see comments above for section #10

    a) **Reporting to Management –** Members of the University community should report suspected violations of applicable laws, regulations, government contract and grant requirements, and this Code to the Senior Vice President for Financial and Administrative Affairs and the Board Treasurer, Ethics Officer, Compliance Officer, or other University official as designated within existing policies and procedures. The University complies with the Whistle Blower Protection Act (5 ILCS 430/15) and assures community members that possible violations can be reported without fear of retaliation.

    b) **Other Reporting –** Nothing in this Code of Conduct nor related policies limits or alters the obligations of officials and employees to comply with the relevant provisions of the State Officials and Employees Ethics Act (5 ILCS 430/1 et seq.) ("Ethics Act").

    c) **Cooperation –** Employees are expected to cooperate fully in the investigation of any misconduct.

Attribution

Many major universities have adopted excellent Codes of Conduct. This code incorporates strong language fromwas adapted from codes developed by Washington University of St. Louis, Stanford University, Virginia Commonwealth University, and University of Minnesota.

Comment [JW5]: Ah, here we go again. Is the fact that this Code was not written from scratch going to cause trouble? Personally, I though it should be ok.

Code of Conduct
Adopted: July 12, 1966
Amended: December 8, 2006

UNIVERSITY OF MINNESOTA

BOARD OF REGENTS POLICY

CODE OF CONDUCT

SECTION I. SCOPE.

The Code of Conduct (Code) applies to the following members of the University of Minnesota (University) community:

- members of the Board of Regents;
- faculty and staff;
- any individual employed by the University, using University resources or facilities, or receiving funds administered by the University; and
- volunteers and other representatives when speaking or acting on behalf of the University.

Students taking courses, attending classes, or enrolled in academic programs are governed by Board of Regents Policy: *Student Conduct Code*.

This code is intended to reflect other Board and University policies and procedures. It does not create any additional or different rights or duties of a substantive or procedural nature.

SECTION II. GUIDING PRINCIPLES.

Subd. 1. Values. In carrying out the institution's research, teaching, and public service mission, members of the University community (community members) are dedicated to advancing the University's core values. These values embrace commitment to:

- excellence and innovation;
- discovery and the search for the truth;
- diversity of community and ideas;
- integrity;
- academic freedom;
- stewardship and accountability for resources and relationships;
- sharing knowledge in a learning environment;
- application of knowledge and discovery to advance the quality of life and economy of the region and the world; and
- service as a land grant institution to Minnesota, the nation, and the world.

Subd. 2. Commitment to Ethical Conduct. Community members must be committed to the highest ethical standards of conduct and integrity. The standards of conduct in this Code, supported through policies, procedures, and workplace rules, provide guidance for making

decisions and memorialize the institution's commitment to responsible behavior.

SECTION III. STANDARDS OF CONDUCT.

The University holds itself and community members to the following standards of conduct:

Subd. 1. Act Ethically and with Integrity. Ethical conduct is a fundamental expectation for every community member. In practicing and modeling ethical conduct, community members are expected to:

- act according to the highest ethical and professional standards of conduct;
- be personally accountable for individual actions;
- fulfull obligations owed to students, advisees, and colleagues;
- conscientiously meet University responsibilities; and
- communicate ethical standards of conduct through instruction and example.

Subd. 2. Be Fair and Respectful to Others. The University is committed to tolerance, diversity, and respect for differences. When dealing with others, community members are expected to:

- be respectful, fair, and civil;
- speak candidly and truthfully;
- avoid all forms of harassment, illegal discrimination, threats, or violence;
- provide equal access to programs, facilities, and employment; and
- promote conflict resolution.

Subd. 3. Manage Responsibly. The University entrusts community members who supervise or instruct employees or students with significant responsibility. Managers, supervisors, instructors, and advisors are expected to:

- ensure access to and delivery of proper training and guidance on applicable workplace and educational rules,
- policies, and procedures, including this Code;
- ensure compliance with applicable laws, policies, and workplace rules;
- review performance conscientiously and impartially;
- foster intellectual growth and professional development; and
- promote a healthy, innovative, and productive atmosphere that encourages dialogue and is responsive to concerns.

Subd. 4. Protect and Preserve University Resources. The University is dedicated to responsible stewardship. Community members are expected to:

- use University property, equipment, finances, materials, electronic and other systems, and other resources only for legitimate University purposes;
- prevent waste and abuse;
- promote efficient operations;
- follow sound financial practices, including accurate financial reporting, processes to protect assets, and responsible fiscal management and internal controls; and
- engage in appropriate accounting and monitoring.

Subd. 5. Promote a Culture of Compliance. The University is committed to meeting legal

requirements and to fostering a culture of ethics and compliance.

(a) Expectations - Community members are expected to:

- learn and follow the laws, regulations, contracts, and University policies and procedures applicable to University activities;
- be proactive to prevent and detect any compliance violations;
- report suspected violations to supervisors or other University officials; and
- ensure that reports of violations within their area of responsibility are properly resolved, including disclosure to sponsors or other state or federal authorities as appropriate.

(b) Prohibition - Community members are prohibited from retaliating against another community member for reporting a suspected compliance violation.

Subd. 6. Preserve Academic Freedom and Meet Academic Responsibilities. Academic freedom is essential to achieving the University's mission. Community members are expected to:

- promote academic freedom, including the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write as a public citizen without institutional restraint or discipline; and
- meet academic responsibilities, which means to seek and state the truth; to develop and maintain scholarly competence; to foster and defend intellectual honesty and freedom of inquiry and instruction; to respect those with differing views; to submit knowledge and claims to peer review; to work together to foster education of students; and to acknowledge when an individual is not speaking for the institution.

Subd. 7. Ethically Conduct Teaching and Research. University researchers have an ethical obligation to the University and to the larger global community as they seek knowledge and understanding. Community members are expected to:

- propose, conduct, and report research with integrity and honesty;
- protect people and humanely treat animals involved in research or teaching;
- learn, follow, and demonstrate accountability for meeting the requirements of sponsors, regulatory bodies, and other applicable entities;
- faithfully transmit research findings;
- protect rights to individual and University intellectual property;
- ensure originality of work, provide credit for the ideas of others upon which their work is built, and be responsible for the accuracy and fairness of information published; and
- fairly assign authorship credit on the basis of an appropriate array of significant intellectual contributions, including: conception, design, and peformance; analysis and interpretation; and manuscript preparation and critical editing for intellectual content.

Subd. 8. Avoid Conflicts of Interest and Commitment. Community members have an obligation to be objective and impartial in making decisions on behalf of the University. To ensure this objectivity, community members are expected to:

- avoid actual individual or institutional conflicts of interest;
- disclose potential conflicts of interest and adhere to any management plans created to eliminate any conflicts of interest; and
- ensure personal relationships do not interfere with objective judgment in decisions

affecting University employment or the academic progress of a community member.

Subd. 9. Carefully Manage Public, Private, and Confidential Information. Community members are the creators and custodians of many types of information. The public right to access and the individual's right to privacy are both governed by laws and University policies. To meet these responsibilities, community members are expected to:

- learn and follow laws and University policies and agreements regarding access, use, protection, disclosure, retention, and disposal of public, private, and confidential information;
- follow document preservation and retention guidelines; and
- maintain data security using electronic and physical safeguards.

Subd. 10. Promote Health and Safety in the Workplace. Community members have a shared responsibility to ensure a safe, secure, and healthy environment for all University students, faculty, staff, volunteers, and visitors. Community members are expected to:

- follow safe workplace practices, including participating in applicable education sessions, using appropriate personal safety equipment, and reporting accidents, injuries, and unsafe situations;
- maintain security, including securing University assets and facilities;
- report suspicious activities; and
- protect the environment, including carefully handling hazardous waste and other potentially harmful agents, materials, or conditions.

SECTION IV. DELEGATION OF AUTHORITY.

The president or delegate shall ensure that appropriate administrative policies are maintained to support this Code, and shall effectively promulgate this Code and any related administrative policies or procedures through appropriate and periodic explanation, education, and evaluation.

More information on the Code of Conduct and key related policies can be found at www.instcomp.umn.edu/conduct/index.html.