

# WEST LIBERTY UNIVERSITY BOARD OF GOVERNORS

## POLICY 48: ETHICS

### Section 1. General

Scope: This policy establishes guidelines in accordance with the West Virginia Governmental Ethics Act for all employees of West Liberty University. It requires all employees to avoid conflicts between their personal interests and their public responsibilities. This policy is not intended as a comprehensive treatment on the subject of ethics. It only highlights key elements of the Ethics Act and supplements Higher Education Policy Commission regulations.

Authority: W.Va. Code sections 18B-1-6 and 6B-2-5

History: The Higher Education Policy Commission has delegated general ethics policy responsibility to its member institutions while retaining control over the specific content of such policies (reference HEPC Series 31). Persons serving on institutional governing boards are subject to the conflict of interest standards in the Ethics Act, just as state college and university employees are.

Filing Date: February 11, 2009 (revision)

Effective Date: April 22, 2009 (revision); December 11, 2006 (original).

### Section 2. Approval of Activity

- 2.1 Institutional approval of any activity pursuant to this policy shall be deemed to be part of the employee's employment contract or similar documentation and shall be in writing.
- 2.2 Any institutional approval granted pursuant to this policy may be revoked upon reasonable notice to the employee.
- 2.3 Approval of any activity under this policy may be given only by the president or the president's designee. Such delegation of authority by the president shall be in writing and shall be in accordance with the needs of the University, but in no case shall such delegation be at an authority level lower than vice president or an academic dean.
- 2.4 Approval for any activity may be granted on a case-by-case basis, or when such activities are common within the University, a department, or other category or grouping of employees, to all employees or any sub-grouping thereof.

- 2.5 The University shall establish appropriate administrative procedures for the review and approval of those employee activities covered by this policy.
- 2.6 Disclosures required by this policy are personal in nature and shall be kept confidential, as permitted by law.

### **Section 3. Solicitation of Gifts**

- 3.1 An employee may solicit gifts only for charitable purposes from which the employee or immediate family members derive no direct personal benefit. An employee may not solicit a gift from a subordinate even for a charitable purpose.
- 3.2 An employee may not accept a gift from a lobbyist or from an “interested person” (an individual who seeks to do business with the University or who does business with the University or is otherwise financially interested in the activities of the University) unless the gift fits one of the exceptions identified in the Ethics Act, e.g. meals and beverages, unsolicited gifts of a value of \$25 or less, or free tickets to political, charitable, or cultural events customarily given as a courtesy to the office.
- 3.3 Unless otherwise restricted by one’s supervisor, employees shall be permitted to solicit gifts which directly benefit the University. Solicitations on behalf of a particular department, on behalf of the University’s supporting foundation, or on behalf of an affiliated corporation shall, for the purposes of this policy, be deemed to be a solicitation on behalf of or for the benefit of the University.
- 3.4 Permissible solicitations shall include but not be limited to the following even though the soliciting employee may work in a position which will be directly or indirectly supported thereby: grants or donations from, and contracts with, individuals or entities to support University activities enumerated in the Ethics Act, e.g. teaching, research, publication, and service activities.
- 3.5 Support for teaching, research, publication, and service activities shall include but not be limited to such normal and regular institutional needs as support for salaries, scholarships, capital improvements or repairs, and classroom, laboratory, athletic, medical, scientific, and other similar equipment supplies.
- 3.6 External funds or in-kind items (or services) of value solicited or otherwise received in consideration of advertising, promotion, etc. shall not be acknowledged, reported, or otherwise treated as gifts.

#### **Section 4. Misuse of Public Office**

- 4.1 An employee may not work on personal projects or activities for private gain – including but not limited to, other employment – during hours for which the employee is being paid by the University.
- 4.2 An employee may not use the University’s computers or other equipment, vehicles (including vehicles rented or leased by the University), facilities, supplies, etc. for personal projects or for activities that result in private gain – including but not limited to, other employment – to the employee or to another individual.
- 4.3 An employee may not use subordinate employees to work on personal projects or activities during work hours or compel them to do so on their own time.
- 4.4 A supervisor may not authorize or permit employee projects or activities described above. Moreover, every supervisor shall have an affirmative duty to explain the provisions of this section to his/her subordinates.

#### **Section 5. Interest in Public Contracts**

- 5.1 Each employee shall be required to disclose any interest the employee or any member of the employee’s immediate family may have in the profits or benefits of a contract which the employee may have direct authority to enter into or direct others to enter into or over which the employee may have control (including via participation in preparation of contract specifications and/or participation in the quote/bid and award process) unless such interest is limited within the meaning of W.Va. Code Section 6B-2-5(d)(2). The term “contract” shall include purchase orders and other procurement documents.
- 5.2 The University may review any interest an employee or any member of the employee’s immediate family may have and determine what, if any, restrictions or limitation should be placed on the employee’s activities.
- 5.3 Without limitation, the following represent examples of interests in public contracts which may be permitted:
  - 5.3.1 The employee is the author and copyright holder of a leading textbook in the employee’s teaching field and may wish to require the use of the textbook by his/her students;
  - 5.3.2 The employee is the inventor and patent owner of a scientific tool necessary for research in the employee’s field; and

- 5.3.3 The employee is an expert in the region in a particular field and such consulting expertise is being sought by the University or another governmental agency and the providing of such consulting services is not a part of the employee's duties to the University.

## **Section 6. Copyright**

- 6.1 The Board of Governors and the University respect the copyright protections given by federal law (Title 17, U.S. Code) to the authors of original works of authorship, including literary, dramatic, musical, artistic, and certain other intellectual works whether published or unpublished. In particular, copyrights of textbooks and licensed software shall not be violated.
- 6.2 Members of the campus community are expected to become as knowledgeable as possible regarding copyright and its impact on their responsibilities. Supervisors in academic and administrative departments have an affirmative duty to inform subordinate employees concerning the provisions of this section. Students shall be informed regarding copyright via the Student Handbook.
- 6.3 Faculty, staff, administrators, and students who willfully disregard the law and this policy do so at their own risk and may be subject to personal liability. Any violation of this policy shall be treated as a serious matter and shall be subject to disciplinary action up to and including termination in the case of employees and expulsion in the case of students.

## **Section 7. Reporting Violations of the Ethics Act**

- 7.1 Employees are encouraged to report to their supervisor and/or to the West Virginia Ethics Commission any acts or activities believed to be unethical.
- 7.2 The West Virginia Public Employees Whistle-blower Law, W.Va. Code 6C-1-1 et seq. describes protections available to individuals who report such wrongdoing.