

Policy Title: **CODE OF ETHICS/CONFLICTS OF INTEREST**

Each member of the faculty and staff has an on-going obligation for the stewardship of the public's trust both legally and ethically. Each employee's responsibility is to carry out his/her duties within the spirit of ethical conduct that is consistent with the College's core value of integrity, as well as adhere to the applicable education code provisions of the State of Wisconsin and other local, state, and federal laws.

**Definition**

For purposes of this policy, family is defined as any family member by blood or marriage up to and including the level of first cousin, corresponding "step" relationships or any individual with whom an employee has a close personal relationship such as domestic partner, co-habitant, significant other, or any other person residing in an employee's household.

**Conflicts of Interest and Outside Employment**

It is considered a violation of this code of ethics for an employee to:

1. Accept outside employment during contracted time or otherwise follow a pursuit which does or could interfere or conflict with the proper discharge of his/her duties to the College.
2. Engage in outside employment or any other pursuit during the employee's normal business day, that does or could conflict with the employee's normal duties, or call upon other employees to assist in carrying out of duties related to the employee's outside employment or engage in other activity in violation of this policy.
3. Provide services outside the College that are in competition with services the College provides.
4. Use or dispense of the College's facilities, equipment, supplies, curriculum, or reputation for his/her private gain or that of any family member or business associate.
5. Use his/her position to secure access to positions or business with the College for him/herself or member of the family or business associates that have not followed the open selection process or open bidding process.
6. Use his/her position of influence to exert inappropriate authority relative to subordinate staff to coerce participation or service in a personal capacity or for personal gain or that of any family member or business associate.
7. Fail to maintain confidentiality of privileged information or use confidential information in any way for personal reasons or gain or that of any family member or business associate.
8. Enter into a lease of real property with the College for any business in which the employee owns or controls, directly or indirectly, at least 10% interest, except that the Board of Trustees (or President), upon request, may waive this rule where it is in the best interest of the College.

9. An employee presented with the opportunity for outside employment, including the performance of any kind of work that could be potentially performed as part of the employee's normal duties (e.g. speeches, demonstrations, presentations, consultation) should request that the Vice President for Human Resources or his/ her designee review the proposed activity for possible conflicts of interest with his/her official duties with the College. Such requests should be submitted in writing (paper or electronic) prior to engaging in the outside employment activity and shall be approved in advance.

Fox Valley Technical College's interests are that:

- a. Its facilities, equipment, supplies, reputation, or confidential information are not used in pursuit of any such activity or inappropriately.
- b. The proposed employment is not on College time (i.e. occurs outside regular duty hours, during non-contract time, or during vacation time).
- c. The proposed employment is not otherwise in conflict with this policy or law.

### **Acceptance of Gifts, Favors, or Honoraria**

1. It is a violation of the Code of Ethics for an employee to accept for his/her private gain or advantage or that of his/her family or any organization with which he or she is associated, anything which is not of nominal, insignificant or trivial value, or money from a business or entity for the performance of an act required as part of his/her official duties.
2. No employee who is assigned or acts as a representative of the College in the presentation of papers, instruction, talks, demonstrations, expert testimony, or makes an appearance shall obtain fees, honoraria, or reimbursement for personal gain. Any fees, honoraria, or reimbursement shall be paid to the College provided the College is reimbursing the individual for his/her expenses either directly or through some other source.
3. Fees and honoraria paid for papers, instruction, talks, demonstrations, expert testimony, or appearance made by employees on their own time and not directly part of their official duties, may not be a violation of this rule. Employees should notify the Vice President for Human Resources or his/her designee and receive advance approval prior to accepting fees and honoraria for papers, instruction, talks, demonstration, expert testimony, or appearance if it appears that a potential for a conflict of interest exists.

### **Use of Confidential Information**

1. No employee shall use confidential information gained in the course of or by reason of his/her public position or official duties for personal reasons or private gain or that of his/her family or any organization with which he or she is associated, either financial or non-financial.
2. No employee shall engage in any outside employment or business using College information used to administer courses and/or programs. This includes computer-generated lists, syllabi, and course materials (prepared on behalf of or at the direction of the College).
3. No employee may exploit his/her position with the College or confidential information for the benefit of family members or friends in seeking employment with the College or other remuneration.

## **Unacceptable Employment Relationships**

### ***Consensual Relationships Between Employees***

Relationships between and among employees that foster team cohesion and contribute to a positive working environment are encouraged. However, consensual relationships of a romantic or sexual nature between a supervising employee and a subordinate employee have the potential for being exploitive in nature because of the power differential between the two individuals, may adversely affect the working environment, and may present a real or perceived conflict of interest for the individuals involved.

1. An employee who is involved in a romantic or sexual relationship with another employee should not work for, supervise that employee, or serve in any situation where one employee would be responsible for auditing, controlling, or providing oversight of the work of the other employee, or where any potential for fraud or conflict of interest exists. Employees shall not participate either formally or informally in any employment decision or actions relating to any individual with whom a romantic or sexual relationship exists.
2. When such a situation exists or arises, it is the responsibility of the individuals involved to disclose the nature of the relationship to the Vice President for Human Resources or his/her designee. A determination about what measures are appropriate will be made on a case-by-case basis from the facts of the particular situation. Confidentiality will be respected to the extent possible. The Vice President for Human Resources or his/her designee will:
  - a. Determine to the extent possible whether the reported romantic or sexual relationship is consensual and determine whether a conflict of interest exists.
  - b. Review any employment decision made by the supervising employee relating to the subordinate employee before such decisions become final.
  - c. Explore and assist with options that may include the transfer of responsibility for supervising the subordinate employee or other alternative arrangements.
  - d. Follow up to ensure that appropriate options and/or transfer of responsibility occurs.

It is the responsibility of the employees involved to conform to the alternative arrangements, to report any issues that arise to the Vice President for Human Resources or his/her designee and to follow College policies.

### ***Employment Relationships Between Family Members***

1. An employee who is a family member of another employee should not work for, supervise that employee, or serve in any situation where one employee would be responsible for auditing, controlling, or providing oversight of the work of the other employee or where any potential for fraud or conflict of interest exists. Employees shall not participate either formally or informally in any employment decision or actions relating to a family member.

2. When such a situation exists or arises, it is the responsibility of the individuals concerned to disclose the nature of the relationship to their supervisor or the Vice President for Human Resources or his/her designee. While relatives of currently employed workers can be considered as applicants for an open position, the hiring of a relative may not result in a direct supervisory or managerial relationship or one which would create a potential conflict of interest. This policy applies to hiring and employment decisions affecting all job classifications, including full and part time faculty, managers, union and non-union support staff, adjunct faculty, student employees, and seasonal positions as well as use of independent contractors.
3. All questions and issues relating to an employment-of-relatives situation or concern should be addressed to the Vice President for Human Resources or his/her designee. Employees who become subject to this policy's provisions due to marriage or commencement of a close personal relationship must inform their supervisor or the Vice President for Human Resources or his/her designee as soon as practical. The Vice President for Human Resources or his/her designee will determine on a case-by-case basis what, if any, action should be taken.
4. It is the responsibility of the employees involved to conform to the alternative arrangements, to report any issues that arise to the Vice President for Human Resources or his/her designee and to follow College policies.

### ***Consensual Relationships between Employees and Students***

Positive professional relationships between faculty, staff, and students are encouraged. However, personal relationships, especially those of a romantic or sexual nature, between faculty or staff and students have the potential for being exploitive in nature because of the power differential between the two individuals, may adversely affect the learning environment, and may present a real or perceived conflict of interest for the individuals involved. Staff includes all student employees.

1. No faculty member may initiate or agree to a romantic or sexual relationship with any student who is currently enrolled in his/her class or who is currently receiving professional/academic guidance from him/her.
2. Faculty members are strongly discouraged from developing relationships of a romantic or sexual nature with a student who is currently enrolled in the program in which they primarily teach.
3. If a faculty member has a pre-existing romantic or sexual relationship with a person who subsequently enrolls in the program in which the faculty member teaches, the faculty member must immediately inform his/her dean. Insofar as possible, the student's schedule should be arranged to avoid having the student in a class taught by the faculty member. If it cannot be avoided, the faculty member must inform the appropriate dean of the situation, and that dean will review academic decisions made by the faculty member with respect to that student before they become final.

4. No employee may initiate or agree to a romantic or sexual relationship with any student that involves a real or perceived conflict of interest. For example, a relationship between a student receiving financial aid and an employee working in the financial aid office could involve a potential conflict of interest.
5. If an employee has a pre-existing romantic or sexual relationship with a person who subsequently enrolls as a student, and the employee works in an area in which a potential conflict of interest exists, the employee must inform his or her supervisor. The supervisor will determine on a case-by-case basis what, if any, action should be taken. Confidentiality will be respected to the extent possible.
6. The College trusts and expects its employees to use good ethical judgment and discretion in off-campus interactions with students, appropriate to the professional responsibilities of an employee's position. Faculty members are strongly discouraged from linking to students on the faculty member's personal social media account. It is the responsibility of the employee and student involved to conform to the alternative arrangements that may occur, to report any issues that arise to the appropriate dean and to follow College policies.

#### ***Family Members in Class***

Having a family member in class taught by a faculty member has the potential of a real or perceived conflict of interest.

1. Faculty members are strongly discouraged from having a family member in classes they teach.
2. In some rare cases having a faculty member teach a class that includes a family member may be unavoidable. If it cannot be avoided, the faculty member must inform the appropriate dean/executive dean, who will determine on a case-by-case basis what, if any, action should be taken, which may include review of academic decisions made by the faculty member with respect to that student before they become final.
3. It is the responsibility of the employee and student involved to conform to the alternative arrangements that may occur, to report any issues that arise to the appropriate dean and to follow College policies.

#### ***Family Members Defined***

For purposes of this policy a family member is a person as set forth in Definition of this policy.

#### **Miscellaneous Provisions**

1. It is considered a violation of this policy for an employee to fail to sustain an atmosphere in which controversial issues or different philosophical stances can be presented fairly and in which the dignity of each individual is maintained.
2. Employees, shall not, in their capacity as employees, make an entry in an account or record book or application, certificate, report, or statement, which in a material

respects/he intentionally falsifies, or falsely manipulate, intentionally misrepresent, or falsify College data (e.g. PeopleSoft, course data, etc.) for personal gain or that of any family member or business associate or for personal reasons.

3. As part of each employee's on-going obligation for the stewardship of the public's trust, employees shall not use College time, facilities, or equipment for any purpose not directly connected with the employee's job responsibilities. Use of time, facilities, or equipment for personal purposes, service (such as volunteerism) or any other purpose, requires prior approval from the employee's immediate supervisor or as otherwise set forth in administrative policies.

### **Application and Interpretation of Policy**

If, in the discharge of his/her official duties, an employee is required to take an action that is, or may be prohibited by the policy, the employee shall:

1. Refrain from taking this action.
2. Develop and deliver a written statement to his/her supervisor or other appropriate administrator describing the matter requiring action or decision, and the nature of the possible conflict of interest.

Upon receipt of such a statement, the supervisor or administrator shall:

1. Determine that the activity in question is not prohibited and serves the best interest of the District.
2. Relieve the employee from responsibility for the assignment, and if appropriate, assign the matter to another staff member for whom the matter does not create a conflict, or
3. Take other appropriate action.

### **Violations**

In the event any employee violates this policy, the employee's supervisor and/or the President may consider any and all appropriate discipline including discharge.

- Prevailing policies and procedures related to discipline will be followed.

Those employees whose conduct is governed by the State of Wisconsin Ethics Board in addition to action by the College Board of Trustees, could be sanctioned by the State of Wisconsin Government Accountability Board.

Related Policies:

Board Policies I.A, I.N, IV.E

*Wis. Stats*, Chapter 19, Subchapter II

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