10 Ethics and Code of Conduct

Approved by Board of Trustees
Effective Date: ______________, 2019
Responsible Division: Business and Finance
Responsible Office: Compliance and Enterprise Risk Management
Responsible Officer: Assistant Vice President for Compliance and Enterprise Risk Management

I. Purpose

Middle Tennessee State University (MTSU or University) has a fiduciary responsibility to fulfill its overall mission in compliance with applicable policies, laws, regulations, rules, contracts, grants, and donor restrictions. As the University pursues its mission, it is committed to conducting its business in an ethical and law-abiding fashion; it will maintain a business culture that builds and promotes compliance consciousness.

The University is also committed to the core values of honesty, integrity, respect for diversity, engagement in the community, and commitment to non-violence. As part of the University’s core values, employees are expected to promote the best interests of students; treat others with respect and civility; conduct University business with the highest level of ethical standards and integrity; utilize University resources in a manner that avoids waste, fraud, and abuse; and maintain a culturally rich and diverse environment in which to work and learn. This policy sets forth standards of conduct to support these core values and, in so doing, to protect the reputation, credibility, financial well-being, and legal obligations of the University.

II. Scope

This policy applies to all employees of the University whether employed full-time, part-time, or temporary, and includes student workers where appropriate.

III. Policy

All employees of the University are expected to maintain the highest standards of honesty and integrity in the performance of their employment duties. Accordingly, the following are general standards of conduct related to an employee’s duty to the University.
A. Employees must comply with Policy 12 Conflict of Interest. Employees must refrain from using their position at the University, or any privileges obtained through employment at the University, in a manner that would unduly influence or result in a personal advantage to the employee or to the employee’s immediate family members. Employees shall not have any personal interest, financial or otherwise, or directly or indirectly engage in a business transaction or professional activity that conflicts with the proper performance and responsibilities of their duties in the course of University employment, or that provides the appearance of such conflict. As provided for in Policy 12 Conflict of Interest, employees must disclose information on the nature and extent of any financial interests in entities that do business with the University.

B. Employees must comply with Policy 71 Preventing and Reporting Fraud, Waste, and Abuse, and should become familiar with the reporting process.

C. Employees must comply with Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements as concerns employment outside of, and in addition to, the employee’s responsibilities at the University.

D. Employees shall not accept any compensation for their service as University employees from any source other than the University, except as may be otherwise provided in other policies such as Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements.

E. An employee shall not disclose the confidential information of the University obtained during the course of his/her employment, except as required by law, statute, a valid subpoena, or request by a government entity for educational or investigatory purposes. An employee shall not use such information for his/her personal gain or benefit. Such confidential information includes, but is not limited to, student educational records under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99); pharmacy records, treatment records, medical records, and other protected health information; University business and financial records; and University patents, licenses, inventions, research, or other University intellectual property.

F. An employee shall not engage in conduct or actions that could provide the appearance or impression that improper influence over him/her could favorably affect the outcome of any University contract, award, rank, position, grant, or University-owned asset.

G. Employees must comply with Policy 816 Nepotism. An employee may not be in a direct supervisory line with his/her relative, nor may the employee participate in the process of review, recommendation, and/or decision making in any manner concerning hiring, opportunity, promotion, salary, retention, or termination of a relative.

H. Professional Values. Employees should demonstrate the following behaviors in carrying out fiscal and other professional transactions:
1. According respect to self and others;

2. Exhibiting commitment to both the University and organizational unit;

3. Accepting responsibility; and

4. Striving to enhance one’s own capabilities, and provide the highest quality of performance and counsel.

I. Employees shall, in the performance of their duties, be accountable for:

1. Knowing, supporting, and implementing the University’s and functional area’s operational plans;

2. Exercising prudence and integrity in the management of resources in their custody and in all fiscal transactions in which they participate;

3. Acting in a competent manner and in compliance with applicable policies, laws, regulations, and rules, contracts, grants, and donor restrictions;

4. Not knowingly being a party to, or condoning, fiscal misconduct;

5. Reporting fiscal misconduct as required by University policy;

6. Not knowingly signing, subscribing to, or permitting the issuance of any financial statement or report that contains any material misstatement or that omits any material fact;

7. Knowing and fulfilling the fiscal responsibilities set forth in University policy;

8. Preparing or presenting financial information as required by University policies; and

9. Protecting privileged or confidential information to which they have access by virtue of their position.

J. Healthy Workplace

1. Employees shall not, in the performance of their duties:

   a. Commit abusive conduct against another employee, subordinate, administrator, Board Trustee, or any persons doing business with, or in relation to, the University.
b. Assist another employee in committing abusive conduct in the workplace.

c. Exhibit and/or commit workplace bullying against another employee.

d. Retaliate against any employee who reports incidences of abusive conduct in the workplace, and/or commit such acts of retaliation as defined in Section VII of MTSU Policy 710 Violence on Campus.

2. “Abusive conduct” shall have the same meaning as defined within the Healthy Workplace Act, T.C.A. § 50-1-502, as “any acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, such as:

a. Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;

b. Verbal, non-verbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or

c. The sabotage or undermining of an employee’s work performance in the workplace.

3. “Abusive conduct” does not include:

a. A single act, unless such conduct is determined to be severe and egregious.

b. Disciplinary procedures in accordance with MTSU policies and procedures.

c. Routine coaching and counseling, including feedback about and/or correction of work performance.

d. Reasonable work assignments, including shift, post, and overtime assignments.

e. Individual differences in styles of personal expression.

f. Passionate, loud expression with no intent to harm others.

g. Differences of opinion on work-related concerns or matters.

h. The non-abusive exercise of managerial prerogative.

i. Other, similar non-abusive behavior.

j. Expressive activity protected by federal or state law.
4. Complaints regarding abusive conduct should be submitted to the Assistant Vice President for Human Resources, or his/her designee, and investigated pursuant to university policies and practices. Employees who violate this policy by engaging in abusive conduct will be subject to discipline, up to and including termination.

K. Ethics Training. Employees shall complete online Ethics training on an annual basis in furtherance of MTSU’s community values, mission, and compliance program.

L. Appropriate Use of University Resources

University resources are an important part of the successful delivery of both academic and support services to MTSU’s students and community constituents. All employees of the University are entrusted with the responsibility of preserving University resources, using those resources in a prudent manner for their designated purposes, and are entrusted with fiscal responsibility for their functional area of responsibility. Accordingly, University resources should only be used in furtherance of the University’s mission and operations. Inappropriate use of University resources includes, but is not limited to:

1. Faculty or staff utilizing students or other University employees to advance the faculty or staff member’s personal, monetary, or political interests.

2. Granting external entities access to University services, information, technology, or resources for personal gain.

3. Inappropriate use or misuse of computer or information technology resources in violation of MTSU Policy 910 Information Technology Resources.

M. Fiscal Code of Conduct

1. All Banner Finance users, HRBanner users, procurement card (P-Card) users, and other specified employees shall demonstrate their awareness of, and compliance with, the University’s Fiscal Code of Ethics through the acknowledgement process that follows.

2. Acknowledgment Process. The applicable Fiscal Code of Ethics statement must be signed, as monitored by the responsible party identified in parentheses:

   a. By employees upon signing their letter of offer for employment with the University (the respective department or college);
b. By individuals requesting access to the University’s Finance System/MTSource as Finance System Users, prior to receiving such access (the appropriate University Finance System Access Security Coordinator);

c. By individuals requesting access to the University’s HRBanner and by HRBanner users prior to receiving such access (the appropriate University HRBanner Access Security Coordinator);

d. By individuals asking for authority as a P-Card user, prior to receiving such authority (Procurement Services);

e. By all the principal investigators, project directors, and everyone associated with a grant, as may be required by the terms of the grant or relevant laws, regulations, or policies; and

f. By other employees as required by his/her Vice President.

3. If an individual fails to sign the statement as required, the respective Finance System, HRBanner, or P-Card access will not be provided. If the individual already has access, then the access will be withdrawn. The failure to sign will be reported to the relevant supervisor for appropriate action. Employees who fail to sign as required will be deemed to have failed to meet a condition of their appointment/employment.

IV. Investigatory Process

A. The Office of Compliance and Enterprise Risk Management (CAERM) will meet with the employee who is accused of the alleged ethics violation under this policy.

B. The initial meeting will include:

1. Fact-finding.

2. A review of this policy.

C. Upon completion of the initial meeting, CAERM will perform a review of any relevant materials associated with the ethics allegations, including interviews of individuals who may have relevant information related to the allegations.

D. After a review of all associated materials and the information gathered from all interviews, the Assistant Vice President of CAERM will make a written determination and decision, and will provide the decision together with any recommendations to one (1) or more of the following individuals based on the nature or subject matter, scope, and severity of the case, for further actions, including any disciplinary action:
1. Assistant Vice President of Human Resources

2. Vice President of Business and Finance

3. Office of the University Counsel

4. Audit and Consulting Services

5. Office of Institutional Equity and Compliance

6. The employee’s direct supervisor, manager, and/or Division Vice President.

E. The employee-subject of the ethics investigation will receive a copy of the determination/decision and recommendations issued by CAERM for his/her review, as well as for any further discussion, procedures, and/or disciplinary action by any of the individuals and entities mentioned in Section IV.D.1-6 above. Any additional procedures concerning the outcome, discipline, and next steps determined from the investigation and decision by the Assistant Vice President of CAERM shall be consistent with University policy and Human Resources procedures.

V. Appeals

The employee shall have the right to appeal decision issued by CAERM by submitting a request to the Vice President of Business and Finance within fifteen (15) business days of the date of the issued recommendation and decision. The employee’s appeal must:

A. State the basis for the appeal (i.e. untimely length of the investigation/review; disagreement with the decision issued by the Assistant Vice President of CAERM; and/or disagreement regarding the handling of the investigation/review).

B. Provide a statement and/or documentation to support the employee’s position.

The determination of the Vice President of Business and Finance will be final. Such determination will be issued to the employee by email within ten (10) business days of the date of the final determination.

VI. Enforcement

The Ethics Advisor for MTSU is the Assistant Vice President for CAERM. All allegations of ethics violations should be forwarded to the Office of Compliance and Enterprise Risk Management at carem@mtsu.edu for initial review and investigation.

Forms: none.
Revisions: June 5, 2017 (original); April 3, 2019; _______, 2019.

Last Reviewed: ______ 2019.

References: Policies 12 Conflict of Interest; 71 Preventing and Reporting Fraud, Waste, and Abuse; 710 Violence on Campus; 814 Outside Employment, Extra Compensation, and Dual Services Agreements; 816 Nepotism; 910 Information Technology Resources; Family Educational Rights and Privacy Act; Healthy Workplace Act, T.C.A. § 50-1-502 et. seq.