

## **Administrative Regulation — Ethical Principles and Employee Code of Conduct (*GR XIV*)**

### **A. Ethical Principles**

Exemplary ethical conduct is critically important. To that end, each individual who acts for the University must comply with the following.

### **B. Employee 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 Employee Code of Conduct establishes guidelines for professional conduct for those who act for the University, 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. The conduct of students is addressed in the Student Rights and Responsibilities.

The Employee Code of Conduct is intended 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. Violations of this code will be subject to appropriate sanctions. In addition to the Code, those who act for the University are subject to all University regulations, policies and state and federal law. As applicable, those who act for the University shall comply with:

- Federal laws, regulations and policies;
- Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR);
- University and unit-level policies and procedures including, but not limited to, the *Governing Regulations (GR)*, *Administrative Regulations (AR)*, *Human Resources Policy and Procedure Manual (HRP&P)*, the *Business Procedures Manual (BPM)* and *Faculty Senate Rules*;
- Contract, grant and donor stipulations;
- Accreditation requirements; and
- Generally accepted accounting principles.

While this Employee Code of Conduct provides expectations and interpretation, additional guidance is found in other official University policy documents, such as the *Governing Regulations*, *Administrative Regulations*, *Human Resources Policies and Procedures*, *Business Procedures Manual* and *Faculty Senate Rules*.

## **1. Confidentiality of Information**

Those who act for the University 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 students, faculty and staff must not be given to third parties without the consent of the individuals concerned. When doubt exists regarding the confidentiality of information, those who act for the University should presume information is confidential until determined otherwise.

## **2. Use of the University's Name**

Those who act for the University have a public association with the University, but are also private citizens, thus care must be taken to appropriately differentiate between the two roles. Those who act for the University 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. Those who act for the University are encouraged to contribute to public debate as citizens. In instances where those who act for the University comment publicly as part of their official University duties, they should do so using University stationery and e-mail accounts; when commenting as citizens, those who act for the University must use personal stationery and personal e-mail accounts.

## **3. Civic Responsibility of the Individual**

In their roles as citizens, staff employees and faculty members have the same freedoms as other citizens, without institutional censorship or discipline. When employees speak or write as citizens, they should indicate that they are not speaking for the University.

## **4. Discrimination and 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 prohibited discrimination and harassment, which includes sexual and other forms of harassment. The policy of the University of Kentucky, approved by the Board of Trustees, prohibits discrimination and

harassment of or by students, faculty and staff and assures that complaints of discrimination and harassment shall be treated and investigated with full regard for the University's due process requirements. In addition, allegations of discrimination and harassment by customers, visitors, contractors and employees of contractors will be investigated, and appropriate action shall be taken. The University policy and procedures on discrimination and harassment can be found in AR 6:1.

## **5. 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.

## **6. Employment of Relatives (Nepotism)**

This nepotism policy reflects the realities of today's multi-professional, dual-career families in a manner that addresses nepotism concerns but does not inhibit the ability of the University to hire the best qualified individuals. Nepotism is generally inconsistent with the University's longstanding policy of making employment decisions based solely on unit needs and individual qualifications, skills, ability and performance.

Nepotism is generally prohibited within the University community. Nepotism means actions by a member of the University community that shall directly influence, benefit or cause detriment to the University employment (e.g., hiring, promotion, supervision, evaluation and determination of salary) of any other

member who is a relative. Relative means a person's father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, daughter-in-law and step-relatives in the same relationships.

The employment of relatives within the University is not precluded, if the employment is in compliance with all University policies regarding employment qualifications, performance, promotion and management of situations where nepotism or the appearance of nepotism, is possible.

## **7. Intellectual Property**

Those who act for the University should be responsible stewards of University resources. All intellectual property conceived, first reduced to practice, written or otherwise produced by students, faculty and staff at 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 (See AR 7:6).

## **8. 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 shall be addressed by the appropriate department head. The University policy and procedures on outside consulting can be found in AR 3:9.

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.

## **9. 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 those who act for the University does, or may reasonably appear to, involve a conflict between private interests and obligations to the University. Those who act for the University 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.

AR 7:2, Financial Conflicts of Interest, 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.

## **10. Auditing Services**

To effectively discharge their fiduciary and administrative responsibilities, the University's administration and the Board of Trustees are assisted by internal and external (independent) auditing services. These services provide independent, objective assurances and consulting services with respect to evaluating risk management, control and governance processes. It is a violation of University policy to mislead or give false information to or intentionally omit material facts

from internal or external (independent) auditor(s).

## **11. University Property and Resources**

Those who act for the University shall be responsible stewards of University property and resources. Those who act for the University 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.

University property and resources shall not be used for personal business or commercial activities. However, in some instances, when the goals of the individual and the University coincide, a those who act for the University may use University equipment outside of the realm of his or her professional duties. 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 property and resources. Such use must not interfere with the University of Kentucky's uses and must occur outside of the regular employment assignment of those who act for the University. The Office of Legal Counsel may assist with an appropriate agreement.

## **12. Fiscal Responsibility**

The University is committed to responsible stewardship. The Board of Trustees, President, executive officers, administrators, deans, department chairs, directors, principal investigators and all others functioning as area or unit heads are responsible for setting a tone of accountability and high ethical standards in financial matters. All employees are expected to comply with the requirements outlined in:

- GR I — Declaration of Principles;
- A01-005, UK HealthCare Code of Ethics;
- AR 3:9, External Consulting, Other Outside Employment and Internal Overload Activity;
- AR 7:2, Research Conflict of Interest and Financial Disclosure Policy;
- and
- AR 7:9, Institutional Conflicts of Interest Involving Research

All organizational units (e.g., administrative area, college, department, division, center or office) are expected to maintain a strong internal control environment

for the University as defined in the *Business Procedures Manual*. (See BPM E-1-3, Fiscal Roles and Responsibilities, and E-1-4, Internal Control.)

Each organizational unit head is accountable for the sound financial management of the unit and retains this fiscal responsibility if authority for transactional processing, record keeping, approving and monitoring is delegated to others.

### **13. Financial Advantage**

Members of the University community shall 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. Except as specifically approved by the Board, purchases and contracts shall not be made with an employee of the University 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. 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.

An employee seeking approval under this section shall first make an application to the University Ethics Committee by submitting in writing a full disclosure of all aspects of his or her relationship with the contracting company or business. The Ethics Committee shall make a recommendation to the President, who shall forward to the Board the Committee's recommendation together with his or her recommendation. In recommending approval of a contractual relationship, the Committee shall determine that:

- a. the contractual relationship is in the best interest of the University;
- b. the employee has taken whatever actions are necessary to avoid any conflict of interest or any appearance of a conflict of interest;
- c. if the conflict is subject to the provision of KRS Chapter 45A, the employee's contract shall be the lowest price bid or otherwise provides the best value to the University;
- d. the employee's interest in the contract does not present a conflict with the employee performing his or her job; and,
- e. the nature of the contract and the nature of the employee's interest in the

contract or business shall be fully disclosed to the University community by as broad communications as feasibly possible.

Action taken by the Board shall be in open session, by affirmative vote. The action item shall fully disclose the nature of the conflict, and the reasons for the action.

## **14. Compliance Responsibilities**

### **a. University**

The University is committed to sustaining a culture of ethical behavior, trust and compliance. This culture is one in which individuals are comfortable raising concerns when a good faith belief exists that the actions of those who act for the University or unit are not consistent with laws, regulations, policies or standards. The University shall ensure that appropriate actions are taken to resolve non-compliance and persons making good-faith reports of non-compliance shall not be subjected to retaliation.

### **b. Those Who Act for the University**

Those who act for the University shall take appropriate measures to prevent, detect and report compliance violations or suspected violations. Those who act for the University shall, acting in good faith, report suspected compliance violations through the standard chain of command, through one's supervisor or, if not appropriate because of that individual's potential involvement, to a higher level of management, to Human Resources, to a compliance officer or to the University Ethics Committee. (See AR 1:7) It is the responsibility of all those who act for the University to know and abide by rules, laws, regulations, contracts and University policies and procedures that are applicable to the work or activity undertaken, including, but not limited to the following:

- Federal laws, regulations and policies;
- Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR);
- University and unit-level policies and procedures including, but not limited to the *Governing Regulations (GR)*, *Administrative Regulations (AR)*, *Human Resources Policy and Procedures (HRP&P)*, *Business Procedures Manual (BPM)* and *Rules of the Faculty Senate*;
- Contract, grant and donor stipulations; and
- Accreditation requirements.

## **15. Compliance (Whistle Blower) Protection**

It is a violation of University policy to retaliate against an individual because she



or he has made, in good faith, a disclosure of noncompliance or has participated in an investigation, proceeding or hearing involving noncompliance of any of the above.

## **16. Truth, Honesty and Integrity**

- a. Those who act for the University, with no exceptions, shall:
  - Act with high ethical and professional standards of conduct;
  - Be honest in performing their duties;
  - Propose, conduct and report research and transmit research findings with integrity and honesty;
  - Protect people and humanely treat animals involved in research and teaching;
  - Protect the intellectual property rights of individuals, the University and third parties; and
  - Respect the intellectual property rights of others.
  
- b. Those who act for the University, with no exceptions, shall not:
  - Fabricate information;
  - Change or knowingly omit information to misrepresent events, circumstances, results or outcomes in official University records or documents; or
  - Take credit for another's work or work product without appropriate permission.

## **17. Acceptance of Gifts or Benefits**

Those who act for the University's decisions and actions shall be based on the best interest of the University. No member shall 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 or activities with the University may be accepted. The following limits shall be observed:

- a. Gifts or acts of hospitality valued up to \$50 annually from any one source need not be reported.
  
- b. Gifts or acts of hospitality valued between \$50 to \$200 should be reported to the supervisor prior to acceptance.

- c. Acts of 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.
- d. Individuals may not accept gifts valued above \$200. However, these gifts or benefits shall be directed to the Executive Vice President for Finance and Administration, where they can be acknowledged and accepted on behalf of the University.

UK HealthCare employees shall also abide by more stringent rules outlined in the Employee Code of Conduct Addendum. (See HealthCare Policy A01-005, UK HealthCare Code of Ethics.)

## **18. 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 Legal Counsel.

Those who act for the University are expected to report violations of this policy to an appropriate individual. The University will not tolerate any retaliation against those who act for the University when making a good faith report of a violation.

For questions, contact: [Office of Legal Counsel](#)