

## ***STATEMENT OF ETHICAL PRINCIPLES AND CODE OF CONDUCT***

This *Statement of Ethical Principles and Code of Conduct (Statement)* enumerates principles and standards deemed to be particularly worthy of emphasis in carrying out the work of Murray State University. It is intended to remind all employees of their responsibility for the University's continued success and well-being, and to foster an environment characterized by ethical behaviors, good stewardship of public resources, and transparent processes.

Accordingly, this *Statement* is applicable to all employees of the University including the President, faculty, staff, and student employees. The application of the *Statement* to an employee is not dependent upon the source, *e.g.*, grant, of an employee's salary. Moreover, because a purpose of this *Statement* is to instill further a culture of ethical behavior at Murray State University, its principles and standards of conduct should guide volunteers as they donate work services to the University even though they are not employees.

### **A. Ethical Principles**

All employees must be guided by certain basic principles as they perform their work for Murray State University. These principles are:

1. Dedication to Murray State University's purpose as a public institution of higher education.
2. Dedication to an inclusive environment free from prohibited discrimination.
3. Dedication to their role as public servants responsible for public resources.
4. Dedication to performing all responsibilities with honesty and competence, and with the purpose of serving the best interests of Murray State University.
5. Dedication to maintaining the integrity of the University in all matters.
6. Dedication to observing applicable state and federal law and the policies and procedures established by the University.

### **B. Code of Conduct**

The provisions which follow are applications of the principles stated above. It is not possible fully to detail examples of each principle and employees are not excused from unethical behavior because questionable conduct is not specifically discussed below.

#### **1. Commitment to the Purposes of the University.**

- A. Every employee of the University has a role to play in Murray State's continued achievements and progress.

- B. Accordingly, each employee of the University is obligated to keep the objectives and purposes of Murray State University as the bases for all actions taken and decisions made on behalf of the University.

**2. Commitment to an Inclusive Environment Free From Discrimination.**

- A. Murray State vigorously observes and enforces state and federal laws barring discrimination and its own policies prohibit discrimination based on race, color, national origin, gender, sexual orientation, religion, age, veteran status and disability. *See, e.g.* the University’s “Non-Discrimination Statement” which appears on the web pages of the Office of Equal Opportunity at <http://www.murraystate.edu/HeaderMenu/Administration/OfficeOfEqualOpportunity/AffirmativeActionSexualHarassmentAndGrievances/NonDiscriminationStatement.aspx>
- B. All employees are expected to abide by these laws and policies.
- C. Anyone who believes he or she is the victim of discrimination by the University or any of its employees in violation of law or policy is encouraged to contact the Office of Equal Opportunity.

**3. Commitment to the Responsible use of University Resources.**

- A. All University employees are responsible for University resources.
  - 1. University resources are for the public goals and mission of Murray State University and must be used for University purposes.
  - 2. University resources are to be used efficiently, prudently and responsibly.
- B. Employees must use the time during their regular work hours and University resources for purposes of conducting University business.
  - a. Use of University resources including office equipment, telephones, e-mail and other information technology resources and office supplies; personnel; and facilities in connection with non-University purposes must be in conformity with established policy or procedure. *See, for example* Section 2.12.3 of the *Faculty Handbook* which relates to outside employment.

- b. Occasional use of University resources such as computers, e-mail and telephones, by employees for their personal, non-profit use in connection with routine matters is permitted if there is no cost to the University and if the use does not involve an unreasonable amount of the time for which the employee is paid.
- c. Except as provided below, employees must not use time during their regular work hours or University resources on behalf of or in connection with, or to provide services to, matters unrelated to Murray State including businesses, clubs, causes, political parties or candidates, churches, or charitable organizations (“groups”) or events, affairs or issues related to such groups. Without limiting the preceding, employees must not use time during their regular work hours or University resources on behalf of or in connection with activities directed to the success or failure of a political party or political group, or candidate for publicly elected office.
- d. The preceding Subsection C does not prohibit the use of time and resources by an employee regarding matters unrelated to MSU to the extent the use:
  - i. relates to a regular part of the employee’s duties;
  - ii. relates to a recognized student group and is in compliance with any other University policies or procedures;
  - iii. is for an event, program, or recognized outreach of the University, a University academic department, or a University administrative department;
  - iv. is addressed by any other University policy or procedure related, for example, to the use of facilities; or
  - v. is in connection with matters such as informal conversations, expressions of opinions, or personal communications which do not disrupt the work place, do not result in cost to the University, do not involve an unreasonable amount of the time for which the employee is paid, and is consistent with other University policies and procedures regarding, for example, the use of time.
- e. “Information Technology: Acceptable Use,” found at <http://campus.murraystate.edu/aup/>, states at Section IV (D)(1), “University information technology resources may not be used for personal or commercial profit.”

#### **4. Commitment to Employment Responsibilities.**

- A. Each employee is expected to perform the duties of his/her position in a competent and effective manner and to be aware of and to comply with University policies and procedures applicable to his or her position.

- B. All employees are responsible for creating and maintaining an environment at the University in which ethical behavior, including the principles stated here, is observed.
- C. All employees must avoid influences and interests which conflict with the interests of the University or which conflict with their ability to fulfill their responsibilities to Murray State University with objectivity.
- D. Outside activities must not interfere with an employee's work responsibilities. Employees are directed to the policies regarding outside employment which are found at Policy VI K of the *Personnel Policies and Procedures Manual* and Section 2.12.2 of the *Faculty Handbook*.
- E. All managerial and supervisory employees are responsible for ensuring that the employees for whom they are responsible are aware of their job duties and perform them in a conscientious manner.

## **5. Commitment to Financial Propriety.**

- A. Employees must demonstrate honesty and avoid even the appearance of impropriety in all financial dealings related to the University. No employee will use his/her position for the purpose of securing financial gain beyond the remuneration, reimbursements and benefits provided by the University.
- B. All purchases of goods and services and other contracting on behalf of the University must be accomplished solely to fulfill the purposes of the University and must be accomplished in conformity with law and University procedure. Any purchasing or contracting in connection with any grant or other external program will be for the purpose of such grant or program.
- C. The provisions of KRS 164A.575(8) must be consulted in the event any interest in real estate is to be acquired from an employee.
- D. Except as otherwise provided here, no employee shall have an interest in any contract or purchase for the building or repair of any structure or furnishing of any supplies for the use of Murray State or in any contract between MSU and any business.<sup>1</sup>

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<sup>1</sup> For purposes of this *Statement*, "business" means any corporation, limited liability corporation, partnership, limited liability partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity through which business is conducted for profit.

1. The prohibited interest may arise through an employee's direct contractual relationship with MSU or indirectly through any business entity in which the employee has an ownership interest or is employed.
  - a. The interest prohibited further includes an employee's performing work for or supplying goods to a contractor which has a contract related to any work at the University if the work or goods of the employee are in connection with the contractor's contract.
  - b. Each employee and contractor accepts the risk that, until approved as provided, any contract in which an employee has an interest is voidable and may be disapproved by the President or the Board of Regents.
  
2. Any exception to this Subsection D must be founded upon the best interests of Murray State University.
  - a. An employee will advise the contracting office, *e.g.*, the Director of Procurement Services or Sponsored Programs, of his/her interest in any contract with MSU as soon as he/she learns of the contract and prior to its being finalized. If the employee first learns he/she has an interest in a contract described here after it has been executed, he/she will immediately report the contract to the contracting office. The process described here will also apply if the University learns an employee may have an interest in a contract.
  - b. The employee will describe to the contracting office the nature of his/her interest. The contracting office will review the information provided and will make recommendations regarding the propriety of the contract to the Vice President responsible for the contracting office.
  - c. The Vice President will review the application and make his/her recommendations to the President.
  - d. The President will review the recommendations.
    1. The President has authority to disapprove the propriety of the contract.
    2. The propriety of the contract will be forwarded to the Board of Regents only if the President believes the contract is proper and in the best interests of MSU.
    3. Consideration by Board of Regents.
      - i. In considering the propriety of the contract, the Board of Regents will consider:
        - aa. the best interests of Murray State University;
        - bb. complete disclosure by the employee of the interest in the contract or purchase;

- cc. assurance that all pertinent provisions of the Model Procurement Code are followed and that any award is consistent with its terms;
  - dd. whether the employee has influenced any decision by anyone involved in the approval process.
  - ii. The final recommendation and action by the Board of Regents will be in open, public session and, if the contract is found to be proper, will include a finding that there is no indication the employee has influenced any decision by anyone in the approval process.
- E. No employee will use or allow any improper influence of whatever nature to affect the outcome of any purchasing or contracting decision.
1. No employee will be involved in any procurement or contracting decision on behalf of Murray State in which the employee's relative<sup>2</sup> has an interest.
  2. No employee will be involved in any procurement or contracting decision in connection with which the employee or his/her relative has solicited, been offered, received or will receive anything of value to influence the employee's decision or in which it reasonably appears that anything of value has been solicited, offered, received or will be received in order to influence the employee's decision.
  3. In the event an employee becomes aware that he/she may have a conflict of interest as addressed in this Subsection E, he/she will immediately notify his/her supervisor so that appropriate actions may be taken.
- F. Any employee who undertakes to make purchases or contract on behalf of Murray State must be sure he/she has the authority to do so.
1. In case of doubt, the Director of Procurement Services should be contacted so that the authority of the employee may be clearly understood.
  2. All contracting, including grants, and purchasing are to be accomplished only for proper purposes in accordance with law and University policy.

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<sup>2</sup> Except as otherwise provided, "relative" as used in this *Statement* means the child, spouse, sibling or other close relative of the employee.

G. All employees will act with honesty, integrity and diligence in their own transactions with the University.

1. All requests by an employee for reimbursement of expenses will be accurate and according to University policy.
2. The University is committed to ensuring that wages and salaries should only be paid for time owed.
  - a. All reports of time worked and time off will be completed accurately and in a timely fashion.
  - b. Employees required to submit leave reports will submit them in an accurate and timely manner.

**6. Commitment to Avoiding Conflicts of Interest due to Personal Relationships.**

A. Policies regarding the employment of relatives, found at Policy II F of the *Personnel Policies and Procedures Manual* and Policy 2.3.4 of the *Faculty Handbook*, will be observed. The provisions of KRS 164.360(2) address the employment of the relative of a Regent by the University.<sup>3</sup>

B. Employees are strongly urged to avoid relationships of an amorous or intimate nature with individuals, such as subordinates or students, whom they currently supervise, have an instructional responsibility for or have the responsibility to evaluate.

1. The fact that one individual may exercise authority or supervisory responsibilities over or be in a position to evaluate the other raises the question whether the relationship is, in fact, consensual.
2. If such a relationship develops, the employee in the supervisory position or the faculty member must give notice to his/her supervisor, chair or dean so that appropriate steps may be implemented to ensure a fair evaluative process. If such a relationship involves the President, he/she must notify the Chair of the Board.
3. Murray State University reaffirms its condemnation of sexual harassment and any employee who believes he or she is a victim of sexual harassment is encouraged to contact the Office of Equal Opportunity.

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<sup>3</sup> For purposes of KRS 164.360, “relative” means a person's father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law or daughter-in-law.

Additional information regarding sexual harassment can be found at:  
<http://www.murraystate.edu/HeaderMenu/Administration/OfficeOfEqualOpportunity/AffirmativeActionSexualHarassmentAndGrievances/SexualHarassmentPolicy.aspx>.

## **7. Commitment to Preserving the Confidentiality of Information.**

- A. Employees have access to information and documents regarding the University, employees, and students which must be used only in connection with University business and which must be assumed to be confidential.
- B. No information or documents should be released within the University or to the public without a proper understanding that the release is authorized.
  - 1. Some information and documents are specifically protected by law and University policies, and any disclosure of such records and information must be consistent with that law and policy. For instance, the University's policy regarding student information protected by the Family Educational Rights and Privacy Act (FERPA) is found on the web pages of the Registrar at <http://www.murraystate.edu/Academics/RegistrarsOffice/FERPAPrivacyAct.aspx>.
  - 2. The University, as a public agency, is subject to the Kentucky Open Records Act. However, a request for documents pursuant to those provisions must be properly submitted to the proper individual, who is recognized to be the Secretary to the Board of Regents, for appropriate review.

### **C. Compliance**

- 1. It is the intent of the Board of Regents that the *Statement* be observed by all employees. Employees remain subject to the *Personnel Policies and Procedures Manual*, *Faculty Handbook* and *Student Life Handbook* as applicable.
- 2. Issues arising under this *Statement*, law or other University policy or procedure should be resolved as soon as they arise and *before* there is a violation of the *Statement*, law or other policy.
  - A. Employees should discuss questions related to this *Statement*, law or other University policies with their supervisors.

- B. Guidance may be found in other publications of the University including the *Board Policy Manual* which is accessible at <http://www.murraystate.edu/HeaderMenu/Administration/BoardOfRegents.aspx>, *Personnel Policies and Procedures Manual*, *Faculty Handbook*, and *Student Life Handbook*.
  - C. If resolution of a question cannot be reached the matter may be presented, after approval of the appropriate Vice President, to the Office of General Counsel for review. Issues confronting a Vice President, the President may be referred directly to the Office of General Counsel.
3. Violations and suspected violations of this *Statement*, law or other University policies are to be reported.
- A. Violations and suspected violations are to be reported as follows:
    - 1. To the supervisor of the individual about whom complaint is made if the complaint relates to a staff or faculty employee other than the President; or
    - 2. To the Chair of the Board if the allegations relate to the President.
  - B. Violations or suspected violations of the University's policies against discrimination are to be reported to the Office of Equal Opportunity.
  - C. There will be no retaliation against any individual who in good faith reports a violation or suspected violation of this *Statement*, law or other University policy.
  - D. Complaints arising under this *Statement*, law or other University policy against employees will be addressed and any penalties, up to and including termination, will be assessed in accordance with law and existing University policies and practices.
    - 1. Depending upon the nature of the allegations, the individual to whom the complaint is reported may need to consult with his/her supervisor and other University offices.
    - 2. The failure to address a complaint may result in disciplinary action against the individual to whom the complaint was reported.

- E. Unless addressed by existing law or University policy, complaints against the President will be resolved under procedures to be developed with such consultation as is deemed necessary. Removal of the President is governed by KRS 164.360(3).

**D. Miscellaneous**

- 1. The President is authorized to supplement this *Statement* with respect to employees by additional consistent directives and procedures. The President is also authorized to insert additional or corrected references to policies, procedures and web addresses.
- 2. Each Department, College and Vice-Presidential area is encouraged to implement its own standards of conduct.
  - A. The terms of such standards of conduct will not be less stringent than those provided here and should be founded upon the principles provided in this *Statement*.
  - B. In the event of conflict between this *Statement* and any such standard of conduct the terms of this *Statement* will prevail unless otherwise required by law.

Approved by the Murray State University Board of Regents  
May 20, 2011