

# ARKANSAS TECH UNIVERSITY

## BOARD POLICY

**Policy Number:** 508

**Subject:** Ethics Policy

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**Date Adopted:** May 2019

**Revised:** \_\_\_\_\_

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### Introduction

This ethics policy serves (1) to emphasize the University's commitment to ethical conduct and compliance with the law; (2) to set forth basic standards of ethical behavior; (3) to provide reporting mechanisms for known or suspected ethical violations; (4) to help prevent and detect wrongdoing.

Given the variety and complexity of ethical questions that may arise in the course of carrying out the University's business, this Code can serve only as a general guide. Confronted with ethically ambiguous situations, employees should keep in mind the University's commitment to the highest ethical standards and seek advice from appropriate levels of University administration so as to ensure that this commitment is honored at all times.

This ethics policy has been adopted by the Board of Trustees and is to be administered at the direction of the President. A campus, department, or area may implement more specific associational or professional policies that supplement this policy, but each must be approved by the President and each must have a higher (and not lower) ethical requirement than this policy. In the event of a conflict between this policy and those of a campus, unit, or area, this policy will control.

This ethics policy applies to all Arkansas Tech University employees. This policy may be amended or supplemented from time to time by the Board of Trustees.

Public employment is a public trust. It is the policy of Arkansas Tech University to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the university. The policy is implemented by prescribing essential restrictions against conflict of interest without creating unnecessary obstacles to entering public service.

The institution and its employees shall conduct themselves in a manner that strengthens the public's trust and confidence by adhering to the following principles:

- Conduct that is beyond reproach and integrity of the highest caliber;

- Act with honesty and fairness in good faith and professionalism;
- Accountability, transparency and commitment to compliance with statutory requirements; and
- Being proactive in pursuing ethical conduct in future years.

## Definitions

1. “Confidential information” means any information which is available to an employee only because of the employee’s status as an employee of this state and is not a matter of public knowledge or available to the public on request.
2. “Employee” means an individual drawing a salary from the university and any non-salaried individual performing personal services for the university.
3. “Gift” is defined for purposes of this policy using the definition of the Arkansas Ethics Commission rule §300(b), which is set forth in its entirety in [attachment “A”](#).
4. “Gratuity” means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.
5. “Immediate family” means a spouse, children, parents, brother and sisters, and grandparents.
6. “Personal gain” means a benefit or advantage that relates to a particular person rather than to a business, group or organization.

## General standards of ethical conduct

1. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee’s duties is a breach of a public trust.
2. Employee Conflict of Interest.
  - a. It shall be a breach of ethical standards for any employee to participate directly or indirectly in any proceeding or application, in any request for ruling or other determination, in any claim or controversy, or in any other particular matter pertaining to any contract or subcontract, and any solicitation or proposal therefore, in which to the employee’s knowledge;
    - (i) The employee or any member of the employee’s immediate family has a financial interest;
    - (ii) A business or organization has a financial interest, in which business or organization the employee, or any member of the employee’s immediate family, has a financial interest; or
    - (iii) Any other person, business, or organization with whom the employee or any member of the employee’s immediately family is negotiating or has an arrangement concerning prospective employment is a party.
  - b. “Direct or indirect participation” shall include, but not be limited to, involvement through decision, approval, disapproval, recommendation, preparation of any part of a procurement request, including the content of any specification or procurement

standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

3. Gratuities and kickbacks

- A. It is a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, including the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim, or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.
- B. It is a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract or order. Meals provided as part of a conference are excluded from this provision.

4. Use of confidential information

- A. It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain or for the actual or anticipated personal gain of any other person.

5. Non-employees

- A. Any effort to influence any public employee to breach the standards of ethical conduct set forth herein is also a breach of ethical standards.

6. Violations

Violations of this policy may constitute violations of law as set forth in A.C.A. §19-11-701 et. seq.

7. Reporting suspected violations

Employees wishing to report a suspected violation of this ethics policy may report it anonymously to the Human Resources department or the Office of University Counsel. [Submit a suspected violation.](#)

8. Guidance

All employees must work together to ensure prompt and consistent enforcement of this Ethics Policy. In some situations, it may be difficult to know if a violation has occurred. Because it is impossible to anticipate every situation that will arise, it is important to

approach a new question or problem with confidence. Employees having questions about their obligations under this Code should consult the University's administration and/or the University Counsel.

## Attachment A

Gift - As used in these rules, the term "gift" means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor. It does not include:

- (1) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a public servant regarding his or her official duties (NOTE: payments for travel or reimbursement for any expenses are not informational material);
- (2) The giving or receiving of food, lodging, or travel which bears a relationship to the public servant's office and when appearing in an official capacity;
- (3) Gifts which are not used and which, within thirty (30) days after receipt, are returned to the donor;
- (4) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered, by this paragraph;
- (5) Campaign contributions;
- (6) Any devise or inheritance;
- (7) Anything with a value of \$100 or less (NOTE: The value of an item shall be considered to be less than \$100 if the public servant reimburses the person from whom the item was received any amount over \$100 and the reimbursement occurs within ten (10) days from the date the item was received.);
- (8) Wedding presents and engagement gifts;
- (9) A monetary or other award presented to an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics, Sciences, and the Arts, a university, a college, a technical college, a technical institute, a comprehensive lift-long learning center, or a community college in recognition of the employee's contribution to education;
- (10) Tickets to charitable fundraising events held within this state by a non-profit organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;
- (11) A personalized award, plaque, or trophy with a value of one hundred fifty

dollars (\$150) or less;

(12) An item which appointed or elected members of a specific governmental body purchase with their own personal funds and present to a fellow member of that governmental body in recognition of public service;

(13) Food or beverages provided at a conference scheduled event that is part of the program of the conference;

(14) Food or beverages provided in return for participation in a bona fide panel, seminar, speaking engagement at which the audience is a civic, social, or cultural organization or group;

(15) A monetary or other award publicly presented to an employee of state government in recognition of his or her contributions to the community and State of Arkansas when the presentation is made by the employee's supervisor Or peers, individually or through a non-profit organization which is exempt from taxation under Section 501(c) of the Internal Revenue Code, and the employee's receipt of the award would not result in or create the appearance of the employee using his or her position for private gain, giving preferential treatment to any person, or losing independence or impartiality. (NOTE: This exception shall not apply to an award presented to an employee of state government by a person having economic interests which may be affected by the performance or nonperformance of the employee's duties or responsibilities.);

(16) Any work of art, contracted for prior to January 1, 1998, for public service recognition for members of the Arkansas General Assembly; or

(17) Racing passes provided to and accepted by members of the General Assembly and other constitutional officers for redistribution to their constituents and persons residing outside the State of Arkansas to promote tourism and advance the economic interests of the State.

(18) Anything of value provided by a political party under § 7-1-101 or § 7-7-205 when serving as the host of the following events to all attendees as part of attendance at the event:

(A) The official swearing-in, inaugural, and recognition events of constitutional officers and members of the General Assembly; and

(B) An official event of a recognized political party so long as all members of either house of the General Assembly affiliated with the recognized political party are invited to the official event.