

GLENVILLE STATE UNIVERSITY POLICIES

ADMINISTRATIVE POLICY

ETHICS AND CONFLICTS OF INTEREST

4.1. General

1.1. Scope This policy establishes guidelines in accordance with the West Virginia Governmental Ethics Act and its implementing rules and regulations for Glensville State University (the University), its Board of Governors, officers, faculty, and staff.

1.2. Authority W. Va. Code §§ 18B-1-6 and 6B-2-5(L)

1.3. Effective Date – June 10, 2020

1.4. Repeal of Former Policy This policy repeals and replaces Glensville State University Policy 4 – Ethics [2006].

1.5. Purpose The purpose of this policy is to establish guidelines for compliance with the West Virginia Governmental Ethics Act and to set forth an expeditious procedure for granting approval of exemptions at the University level to faculty and staff members who seek to be relieved of certain statutorily imposed prohibitions of the Ethics Act.

1.6. Nothing in this policy shall be interpreted as restricting or prohibiting the TcTT2 1 Tf .22Aise Tf 4.47 0 employee of the University and includes any employee defined by 16.3. of Board of Governors Policy 16, available online for reference at:

https://www.glensville.edu/stes/default/files/202008/GSU16_FINAL_042120.pdf

2.3. "Immediate Family," with respect to an individual, means a spouse with whom the individual is living and any dependent child or children, dependent grandchild or grandchildren, and dependent parent or parents.

2.4. "Non Classified Employee" is defined in Glenville State University Board of Governors Policy 16 Section 16.3.

2.5. "University Public Official" means any person who is appointed to or given the authority to act in any University office or position, whether compensated or not, and who is responsible for the making of policy or takes official action which is either ministerial or non ministerial, or both, with respect to: (1) Contracting for, or procurement of, goods or services (2) administering or monitoring grants or subsidies or any other activity where the official action has an economic impact of greater than a de minimis nature on the interest or interests of any person. "University Public Official" includes University Board Members, President, Vice Presidents, Senior Vice Presidents, Provosts, Assistant Provosts and President's Cabinet members.

2.6. "Ministerial Functions" means actions or functions performed by an individual under a given state of facts in a prescribed manner in accordance with a mandate of legal authority, without regard to, or without the exercise of, the individual's own judgment as to the propriety of the action being taken.

2.7. "Relative" or "Family Member" means an employee's spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother in law, father in law, sister in law, brother in law, son in law, or daughter in law.

2.8. "Significant Financial Interest for Institutional Conflict of Interest" means a financial interest consisting of one or more of the following interests of a University Public Official or Family Member of the University Public Official that reasonably appears related to the University Public Official's institutional responsibilities.

2.8.1. Equity or ownership interests held by the University Public Official or a Family Member of a University Public Official worth more than Ten Thousand Dollars (\$10,000.00) in the aggregate in any publicly traded, for profit organization, excluding equity interests held in profit or

2.8.4. Payments or a legal right to a payment, including royalty payments, resulting from technology transfer, licensing or any outside business activities that, for any single arrangement, exceeds Ten Thousand Dollars (\$10,000.00) in the aggregate per year. Income from clinical care and tuition income are excluded from this calculation and the requirements of this policy.

4.3. Compliance, Violations, and Disciplinary Action

3.1. All University Public Employees and University Public Officials are required, by West Virginia State law and this policy, to comply with the Ethics Act, including, as applicable, the statutory prohibitions against using his or her office or the prestige of that office, for private gain or the gain of another; soliciting gifts that may confer pecuniary benefits upon the University Public Official or employee; University Public Official or University Public Employee and holding an interest in the profits or benefits of a public contract that the University Public Official or University Public Employee has direct authority to enter into or over which he or she may have control. Faculty on less than twelve month appointments must continue to comply with the Ethics Act and this policy during

State law

substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of their official duties.

3.4.1. The following types of gifts may be accepted: meals and beverages if the payer is present, or any meal totaling \$25.00 or less; ceremonial gifts or awards of an insignificant monetary value, which has been determined to be a value of \$25 or less; unsolicited gifts of nominal value or trivial items of informational value; gifts of tickets or free admission extended to the University Public Official or University Public Employee to attend charitable, cultural, or political events, if the purpose of such gift of admission is a courtesy or ceremony customarily extended to the University Public Official or University Employee; gifts that are purely private and personal in nature; and gifts from relatives by blood or marriage or a member of the same household.

3.5. The Ethics Act permits and the University understands that faculty and non-classified employees will participate in speaking engagements, conferences, and similar pursuits as part of their institutional duties. Faculty and non-classified employees may accept compensation of reasonable expenses, including travel, related to attending such engagements when done on behalf of the University. Reasonable honorariums awarded to the faculty and non-classified employees for such pursuits are permitted to be accepted, so long as the faculty and non-classified staff have been granted approval by their appropriate President's Cabinet administrator to participate in the pursuit as part of their institutional duties.

3.6. Unless otherwise exempted by or approved in accordance with this policy, this policy prohibits University Public Officials or University Public Employees or members of his or her immediate family or business with which they are associated to be a party to or have an interest in the profits or benefits of a contract which the official or employee may have direct authority to enter into, or over which he or she may have control, unless the total value of such contracts, purchases or sales does not exceed One Thousand Dollars (\$1,000.00) in a calendar year. However, nothing contained herein shall prohibit a part-time appointed public official from entering into a contract over which the part-time appointed public official may have direct authority to enter into or over which he or she may have control when the official has not participated in the review by

disposition of a policy violation report, and the results of an investigation or adjudication by law enforcement or the Ethics Commission are not determinative of whether an individual is also responsible for violating this individual

5.2. A University Public Official or University Public Employee who, by virtue of

5.6. No solicitation or other activity permitted by this policy shall be deemed to be the inappropriate use of an employee's public office (position) or the prestige of that office for one's own private gain or that of another person.

5.7. When an employee of Glenville State University uses his or her knowledge and personal prestige for private gain without the use of the employee's public office, or the prestige of the employee's public office, then there is no requirement to obtain an exemption under this ethics policy.

5.8. No finding that the provisions of this policy or the Ethics Act with regard to the use of one's public office, or the prestige of such office, for private gain are inapplicable shall be deemed to constitute a waiver by Glenville State University of any lawful contractual provision in the employment contract of any full time or part time employee.

5.9. All University Public Officials and University Public Employees must comply with the Ethics Act in carrying out all outside

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7.3.3. The University Public Official or University Public Employee is an expert in the region in a

President's design to update any website links contained within this policy without going through the Board's formal rulemaking procedures.

4.16. Conflicts and Severability

16.1. If any provision of this policy conflicts with any mandatory provisions of West Virginia Higher Education Policy Commission Procedural Rule, Title 133, Series 31 or any of its successor rules, the Commission's Procedural Rule will take precedence.

16.2. If any provision of this policy conflicts with the Ethics Act or any of its implementing legislative or procedural rules, the Ethics Act and its implementing rules take precedence.

16.3. If any provision of the foregoing policy is determined to be prohibited or unenforceable, then such provision shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions of this policy.