

Compliance with State Ethics Laws and UA Policies Addressing Ethical Issues

1. **Legal Duty to File Statement of Economic Interest.** Ala. Code § 36-25-14 requires all full-time public employees who make a salary of \$75,000 or higher to file a *Statement of Economic Interests* no later than April 30. Each person who meets the necessary criteria, regardless of whether they retired the previous year or served/worked in the public position for any time (even a portion of one day) during the previous year, is required to file. ***The duty of an employee to comply with the Ethics Act, including the duty to file the Statement of Economic Interests, rests with the employee, not UA.*** Employees who are required to file, but fail to timely file a Statement of Economic Interests with the Ethics Commission may be fined \$10.00 per day not to exceed \$1,000.00 or be charged with a Class A misdemeanor for intentional failure to file [Ala. Code §6-25-14(d) & (e)]. More information is available at: <http://ethics.alabama.gov/forms-ecint2.aspx>.
2. **Proof of Mandatory On-Line Ethics Training Within 90 Days of Date of Hire.** All public employees required to file *Statements of Economic Interest* forms have 90 days from their date of hire to complete state-required training. **If you are hired effective 8/16 you must complete this training no later than November 14.** Evidence of completion of the training must be sent to the Ethics Commission via an electronic reporting system provided on the State Ethics Commission website. The on-line training may be located at: <http://ethics.alabama.gov/info-training.aspx>.
3. **UA Requirement to Timely Provide Proof of Training to HR Service Center.** UA's policy is that ALL NEW FACULTY should take the Ethics training (regardless of salary level). *It is each new faculty member's responsibility to complete your individual online Ethics training within 90 days of your hire date.* You must print out a certificate after you complete your training and return a copy of the certificate to the HR Service Center @ Box 870364 (G-69 Rose Administration). Phone number: (205) 348-7732, Fax: (205) 348-8755, E-mail: hsvctr@ua.edu.
4. **More Information on Amendments to Ethics Act & Gifts to Public Employees.** Additional information about the Ethics Act may be found at: <http://ethics.alabama.gov/news2.aspx>. For example, public employees may not solicit or receive anything for the purpose of corruptly influencing official action, regardless of whether or not the thing solicited or received is a thing of value. Family members of public employees may not receive anything given to them for the purpose of corruptly influencing official action. No public employee shall, other than in the ordinary course of business, solicit *a thing of value* from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity. Excluded from the definition of "thing of value" are meals at educational functions/workshops/widely attended functions or items or services of *de minimis* value, or meals under \$25 (maximum of \$50 per year).
5. **Ethics Law Pertaining to UA Employees Selling Textbooks.** UA employees who consider selling instructor editions or complimentary copies of textbooks provided by textbook publishing companies should be aware of their obligations as state employees under the state ethics law. This law says that *state employees cannot receive personal gain for themselves or members of their families as a result of their state employment.* Violations of the state ethics law occur if a UA employee sells his or her instructor edition or a complimentary copy of a textbook or any related materials (study guides, test banks, supplementary CDs, etc.) to anyone, including a student, bookstore or online textbook reseller, unless the proceeds of that sale are retained by the University rather than the employee. For example, the sale proceeds can be deposited into a departmental account to purchase office supplies or used for similar institutional purposes.

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6. **Faculty Handbook Policy on Textbook Selection.** This policy is designed to ensure compliance with the Ethics Act which prohibits use of position for personal gain (see paragraph 10 below). Each academic department is expected to have a textbook selection committee. If a faculty member wants to use a textbook, lab manual, computer software or other materials from which the faculty member or any person or business associated with the faculty member's family obtains direct financial gain, the faculty member SHALL submit a recommendation to the textbook selection committee at least 3 months prior to the beginning date of the semester in which the course will be taught. The committee reviews the recommendation, considers the appropriateness of the materials and alternative materials, and informs the faculty member and department head or dean of their decision. Decisions on selection of materials authored by a faculty member, or from which the faculty member receives royalties, are effective for all semesters beginning in the next subsequent 12 months, if the faculty member elects to continue using the textbook or materials. Faculty members submitting textbook selections online must certify compliance with this policy.
7. **Ethics Law Pertaining to Selling Football Tickets.** Current UA employees who purchase football tickets are "public employees" subject to Alabama ethics laws. As such, you cannot sell your order sheet or your purchased tickets for a profit. Such a sale is considered using your public position for personal gain, which is a violation of the Alabama Ethics Act. UA officials investigate reports of any employee selling tickets for more than they paid for them. Employees found to have profited from the sale or trade of tickets are subject to being reported to the Alabama Ethics Commission, which can levy fines and criminal charges. In addition, all faculty, staff and retirees who violate this policy are subject to penalties from the Intercollegiate Athletics office. Those penalties include revocation of current season tickets and bans on the purchase of faculty and staff tickets in the future.
8. **University Policies on Use of UA/State Property for Personal Gain.** UA/state property, including equipment, supplies, tools, and building materials are to be used for conducting official business of UA. Private or personal use of UA/state property without proper authorization is prohibited. Faculty and staff shall not: a) make use of property or personnel of UA for the purpose of obtaining compensation from sources external to UA, except when such use is permitted by law and is a normal part of the individual's professional academic activities, or b) use or permit the use of the name of UA in a way that would suggest that the activity is sponsored or endorsed by UA, without prior authorization of the President.
9. **Criminal Act to Use Property/Human Labor for Personal Reasons.** It is a violation of the State Ethics Code (felony or misdemeanor, depending on facts) for a UA employee to use or cause to be used equipment, facilities, time, materials, human labor, or other UA/state property under his/her discretion or control for the private benefit or business benefit of that employee, except as otherwise provided by law or pursuant to a lawful employment agreement. It is also illegal for a person to solicit a UA employee to do these things for that person's private or business benefit, except as otherwise provided by law. (*See Alabama Code Sec. 36-25-5*). This includes using students and/or employees to perform personal errands or favors for non-work related purposes.
10. **Criminal Act to Use Position for Financial Gain/Rules for Contracts with UA.** It is a violation of the State Ethics Code (felony or misdemeanor, depending on facts) for a UA employee to use his/her position with UA to obtain personal gain for themselves, a family member or any business with which the employee is associated. (*See Alabama Code Sec. 36-25-5*). Section 36-25-11 of the Code

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of Alabama 1975, as amended, prevents any public official or public employee, or members of their households, or any businesses associated with these people from entering into a contract that will be paid for using government funds unless the contract has been awarded through the state's competitive-bidding process. The contract must then be filed with the appropriate state official within 10 days of its execution.

11. **Violation of Faculty Handbook Code of Conduct and AAUP Statement on Professional Ethics to Use Students for Private Advantage.** It is a violation of the Code of Conduct for a faculty member to exploit students for his/her private advantage. A faculty member should also acknowledge significant assistance from students, demonstrate respect for the student as an individual, and assure that evaluation of that student reflects their true merit.
12. **University Policies on Patents, Ownership Of Intellectual Property, Conflicts of Interest in Sponsored Programs.** Intellectual property generated during the course of your employment may also be owned by UA. Become familiar with *Patent and Copyright Policies; Policy on Distribution of Royalties, Fees, and Other Financial Returns from Inventions Owned by the University; Policy on Conflict of Interest/Financial Disclosure in Research and Other Sponsored Programs; Policies and Procedures for Participation in Companies Commercializing University Technology, Data Ownership and Retention UA Policies and Procedures & other related policies, which are accessible at http://ott.ua.edu/?page_id=211 and the Office for Sponsored Programs Policies and Procedures website at http://osp.ua.edu/policy_procedures.html.*
13. **Electronic Media Policy.** All electronic media systems, including but not limited to voice mail, text messages, e-mail, the Internet, fax machines, hardware, software, local area networks, files and all information composed, transmitted, accessed, received, or stored in these systems are the property of UA **and employees should have no expectation of privacy in connection with the use of these systems.** Those systems are to be used for conducting UA business, although limited incidental personal use is permitted provided it does not consume a significant amount of computing resources, does not interfere with job performance or work or other employees and does not violate laws, rules, policies or licenses. ***However, the use of this equipment for personal commercial purposes or for personal financial or other gain is strictly prohibited.*** (See Electronic Media Policy, Policy # 115, in the HR Policy manual (<http://hr.ua.edu/hr-policy-manual>).
14. **Rules for Discarding UA/State Property.** As a state-funded entity, employees are prohibited from throwing away or discarding UA/state property. When things are no longer useful to a department, they may be sent to Surplus Property and then sold to the public. The only way an item that was purchased with UA/state funds can be sold is to offer it to the general public through a public auction. (<http://fawp.ua.edu/surplus/surplus-property-2/>).
15. **Inappropriate Conduct Regarding Use of UA/State Property.** Employees are prohibited from engaging in the following conduct and may be disciplined, up to and including dismissal: dishonest acts; appropriating state or student equipment, time, or resources for personal use or gain; misusing or neglecting UA/state property, funds, materials, equipment or supplies; or stealing or possessing without authority any equipment, tools, materials or other UA property or attempting to remove them from the premises without approval or permission from the appropriate authority.

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16. **Participation in Political Activities.** Board Rule 320, recited in the *UA Faculty Handbook*, prohibits the use, or appearance of use, of the UA name or resources in support of a political campaign or organization. This rule recognizes the civil and political rights and responsibilities of UA personnel and encourages them to fulfill their responsibilities as private citizens. It prohibits, however, the use or appearance of use of UA resources, time, or property for or on behalf of any political candidate, campaign, or organization or for any contribution or solicitation of any contribution to a political campaign or organization. No UA employee shall lend or appear to lend the support of UA in connection with any contribution or solicitation of any contribution to a political campaign or organization. When an employee is involved in political activity, it is incumbent upon them to make clear that they are acting in a private and individual capacity and that their activities have neither UA sponsorship nor support. UA employees may not seek or hold public office and remain employed at UA if such activities could or would result in a conflict of interest or interfere with the employee carrying out his University responsibilities. Employees who intend to seek election to public office must first obtain written consent from the Chancellor through appropriate reporting channels.
17. **Employment of Members of the Same Family.** Alabama law (§ 41-1-5) prohibits an employee of UA from appointing (hiring) any person related to him within the fourth degree of affinity or consanguinity to any job with UA. If this rule is violated, the appointment is deemed void and the person can be charged with a misdemeanor and fined up to \$500 and imprisoned for up to one year. In compliance with this law and the Faculty and Staff Handbooks, specific authorization is required from the President before any employee can serve as the immediate supervisor of a member of the employee's family. In addition, the staff handbook provides that individuals who are related by blood, marriage, adoption, or who reside in the same household are permitted to work in the same department provided no direct reporting of supervisor to subordinate relationship exists. That is, no employee is permitted to work within the chain of command when work responsibilities, salary, hours, career progress, benefits or other terms and conditions of one relative could be influenced by the other relative.
18. **Restrictions on re-employment of retirees.** The revolving door provision in the State Ethics law prohibits employees who retired from positions of authority at UA from being re-employed at UA for a period of two years, unless the employee suspends retirement benefits from Retirement Systems of Alabama. See Re-Employment of Retirees, Policy # 291 in the HR Policy Manual (<http://hr.ua.edu/hr-policy-manual>). Retired UA employees need to email the Ethics Commission at info@ethics.alabama.gov for approval to work at UA (and should include his/her former position description). Once the employee receives a decision from the Ethics Commission, they should forward a copy to the appropriate HR partner for the department the retiree will be employed by.
19. **Code of Ethical Conduct.** All employees should adhere to the Code of Ethical Conduct (accessible on the Policies website at <https://www.ua.edu/about/policies>). UA community members are required to bring suspected violations of applicable laws, regulations, policies, and standards to the attention of the appropriate office and are protected from retaliation for making a good faith report.
20. **UA Compliance and Fraud Hotline.** Unethical or illegal behavior in violation of the Ethics Laws should be reported to your supervisor, Dean's office, or anonymously through the UA Compliance and Fraud Hotline: <http://financialaffairs.ua.edu/compliance/>. The University must report ethics law violations to the State Ethics Commission (Alabama Code § 36-25-17).