



## 02.310 ETHICS POLICY

Authority:	Chancellor
History:	Revised March 2019; Revised February 7, 2007; Reformatted and Revised July 11, 2005; April 18, 2001; January 11, 2001; supersedes former MSC 1.00 policy and MSC 1.50 policy
Sources of Authority:	State Government Ethics Act (N.C.G.S. Ch. 163A, Subch. II); N.C.G.S. § 14-234; N.C.G.S. § 133-32; N.C.G.S. § 126-84; UNC Code Section 204
Related Policies:	<a href="#">02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct</a> ; <a href="#">02.220 Improper Relationships between Students and Employees</a> ; <a href="#">07.100 Responsible Use of Electronic Resources</a> ; <a href="#">02.300 Reporting and Investigating Misuse or Theft of University Property</a> ; <a href="#">03.300 Research Misconduct</a> ; <a href="#">03.230 Conflict of Interest or Commitment</a> ; <a href="#">Faculty Handbook</a> ; <a href="#">03.380 Institutional Review Board</a> ; <a href="#">Student Academic Honor Code</a> ; <a href="#">02.230 Equal Opportunity and Affirmative Action</a> ; <a href="#">05.159 Purchase of Gifts for Employees</a>
Responsible Offices:	Chancellor; Office of General Counsel (State Ethics Liaison)

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### I. Purpose

The University of North Carolina Wilmington hereby adopts this ethics statement in the belief that a shared statement of ethical values and description of certain ethical obligations will strengthen the overall quality of the university community.

### II. Policy

- A. General Policy – The university is committed to maintaining the highest professional standards in all of its academic and administrative operations; promoting ethical practices among its Board of Trustees, administrators, faculty, staff, and students; and ensuring a level of accountability appropriate for a public institution. Individuals are expected to obey all federal, state, and local laws and university policies including, but not limited to, those pertaining to ethics, research, purchasing, gifts, equal opportunity, nondiscrimination, harassment, and lobbying.
- B. Intellectual Honesty – Personal interactions among university community members should be characterized by truthfulness, openness to new ideas, civility, and consideration for the rights of others. Each member of the university should respect the right of others to freedom of thought, opinion,

speech, and association.

- C. Personal Conduct – Individuals shall present information accurately, comply with policies to the best of their ability, cooperate in university investigations, and use the institution's resources appropriately. Each employee is responsible for avoiding real or apparent conflicts of interest, ensuring that authority is exercised within a framework of accountability, and ensuring that information is managed in accordance with relevant public record and privacy statutes. Employees must ensure that the university's interests are foremost in all official decision making and shall remove themselves from decision making roles which involve the employee in any personal capacity or which involve friends or family members.
  
- D. Shared Responsibility – The achievement and continuation of an ethical educational and administrative environment is a shared responsibility among administrators, faculty, staff, and students. UNCW's Ethics Liaison is charged with communicating information from the State Ethics Commission to the university community. Individuals shall be free from retaliation for voicing concerns, filing grievances, and for participating in university investigations.
  
- E. Related Policies – A number of university policies establish ethical guidelines or standards for appropriate professional conduct for particular educational or administrative functions (see "Related Policies" above). By way of example, the following are brief summaries of the principles embodied in three key areas.
  - 1. Electronic Resources Ethics – Computing resources are available for processing university business and communications. Access to and use of computing technology places a responsibility on each employee to conduct computing business in the same ethical manner that is required of all other official conduct with added concerns for: 1) legal use of licensed software; 2) protection of confidential information; 3) authorized use of hardware, software, and periphery devices; 4) authorized access to and valid use of data; 5) asset management; and 6) safeguarding security passwords, user identity, and system access.
  
  - 2. Research Ethics – Research shall be characterized by the highest standards of integrity and ethical behavior. Every effort shall be made to ensure that all research data or results of projects or programs sponsored by, or under the administrative supervision of, the university are represented completely and accurately. An employee who is designated as the principal investigator on an awarded contract or grant is prohibited from profiting personally in

connection with its activities. Additionally, all research involving human subjects must be approved by the Institutional Review Board (IRB), and all research involving the use of live, vertebrate animals must be approved by the Institutional Animal Care and Use Committee (IACUC).

3. Business Ethics – Employees must have no financial interest in the outcome of any business dealings in which they have authority to act on behalf of the university. Employees may not utilize the influence of their positions within the university to profit personally from any contract or other business dealings of the university. Employees may not sign university contracts for which they have not received written delegated signature authority.

### **III. Gift Prohibitions**

- A. The exchange of gifts or other items of value among university employees, members of the Board of Trustees, and/or members of the business community creates the potential for conflicts of interest or the appearance thereof. Vice Chancellors are responsible for ensuring appropriate units within their respective divisions receive training on gift restrictions and prohibitions.
- B. North Carolina law, UNC System Policy, and UNCW Policies contain numerous restrictions on the receipt and giving of gifts by University employees and members of the Board of Trustees, including but not limited to:
  1. N.C.G.S. § 133-32(a) prohibits university employees with certain duties relating to preparing, awarding, or administering contracts or inspecting or supervising construction to willfully receive or accept gifts or favors from a person or company who: (1) Has a contract with a governmental agency; or (2) Has performed under such a contract within the past year; or (3) Anticipates bidding on such a contract in the future;
  2. N.C.G.S. § 14-234(a) prohibits university employees from soliciting or receiving gifts, rewards, or promises of rewards in exchange for recommending, influencing, or attempting to influence the award of a university contract;
  3. N.C.G.S. § 163A-212 establishes restrictions on the acceptance of gifts by trustees, vice chancellors, and the Chancellor;
  4. N.C.G.S. § 163A-346(e) prohibits university employees, trustees, and legislative liaison personnel from giving certain individuals athletic tickets for the purpose of lobbying;

5. UNC Policy Manual Section 800.5.1[R] prohibits employees whose duties relate to student admissions, financial aid or loans from accepting gifts from lenders or consolidators of student loans; and
6. [UNCW Policy 05.159](#) establishes standards and procedures governing the purchase of items by the university and given as gifts to employees.

#### **IV. Reporting Concerns and Complaints**

- A. UNCW is committed to creating an environment that encourages the reporting of concerns and that protects employees who report. [North Carolina law](#) prohibits retaliation against employees who, in good faith, report unethical activity. N.C.G.S. § 126-84 encourages employees to report evidence of activities that include a violation of law, fraud, misappropriation of State resources, gross misuse or mismanagement of monies, or abuse of authority.
- B. Individuals who have concerns about the conduct of a particular individual or the propriety of a given situation should: 1) consult with the director of the office responsible for the educational or administrative function at issue; or 2) notify their department chair, dean, director, or an administrator in their supervisory chain at a level sufficient to allow objectivity in evaluating the subject of concern.
- C. Concerns about ethical practices may also be reported anonymously to the State Auditor's Fraud and Abuse Hotline by calling 1- 800-730-8477 or filing an anonymous complaint online at <http://www.ncauditor.net/HotTips/>. The vice chancellor or senior officer responsible for the academic or administrative function at issue shall respond to university community members who express concerns about ethical practices to the extent allowed by law and shall inform the chancellor regarding the response.

#### **V. Ethics Liaison**

- A. UNCW has designated its General Counsel as Ethics Liaison to the North Carolina State Ethics Commission ("Ethics Commission").
- B. The Ethics Liaison is charged with responsibilities delegated by the Ethics Commission, including but not limited to:
  1. Notifying the Ethics Commission of any new or departing covered employees/appointees, as defined by the State Government Ethics Act;

2. Notifying covered employees/appointees of their obligation to file Statements of Economic Interests (SEIs) annually; and
  3. Tracking completion of ethics education requirements in accordance with the State Government Ethics Act.
- C. Questions concerning this policy, general ethical conduct standards, and options for resolution may be addressed to the Ethics Liaison.

## **VI. Legislative Liaison**

- A. In accordance with Part 5 of Article 8 of the State Government Ethics Act, UNCW has designated a legislative liaison.
- B. The legislative liaison must:
1. Maintain registration with the Secretary of State as required by N.C.G.S. § 163A-270; and
  2. File monthly and quarterly expenditure reports as required by N.C.G.S. § 163A-327.
- C. The legislative liaison shall otherwise comply with responsibilities established by UNC Policy 300.1.4 and 300.1.7[R] in this individual's capacity as State Relations Officer and Federal Relations Officer, respectively. (In the event the chancellor assigns the duties of legislative liaison, State Relations Officer, and/or Federal Relations Officer to separate individuals, those individuals shall comply with applicable provisions of state law and UNC policy.)

## **VII. Statements of Economic Interests (SEIs) and Ethics Education**

- A. Members of the UNCW Board of Trustees, the Chancellor, and the Vice Chancellors are considered "covered persons" under the State Government Ethics Act.
- B. These individuals (except for the Student Body President) are required to file annual SEIs with the Ethics Commission prior to their initial appointment or employment and no later than April 15 of every year thereafter.
- C. These individuals, in addition to the Ethics and Legislative Liaisons, are required to attend ethics education and awareness sessions within six months of their appointment or employment, and shall attend refresher sessions at least every two years thereafter. The Ethics and Legislative Liaisons are further required to attend lobbying education and awareness programs as established by the Ethics Commission or Secretary of State.

### **VIII. Violations**

Any member of the university community found in violation of this policy shall be subject to disciplinary action, including probation and suspension for students and including a reprimand, suspension without pay, and dismissal for employees depending on the nature and severity of the violation.

### **IX. Review and Affirmation**

This Policy should be reviewed and affirmed no later than every five years.