Agenda

• Applicable Rules

• Conflicts of Interest:
  - Acceptance of items of value
  - Use of public position
  - Use of university resources
  - Outside activities
  - Use or disclosure of confidential information
  - Awarding contracts
  - Nepotism

• Promoting Ethical Behavior

• Questions & Hypotheticals
Where are the relevant rules?

- The Chancellor and Vice Chancellors, who are considered “state public officials,” must follow Wis. Stat. § 19.45.

- Limited appointees who are not state public officials, faculty, and academic staff must follow Wis. Admin. Code Chapter UWS 8.

- University Staff must follow Regent Policy Document 20-22.
Other Potentially Applicable Rules

- UWM Faculty Policies and Procedures §5.30 – 5.39

- UWM Academic Staff Personnel Policies and Procedures Chapter 113.05(3)

- UWM Code of Conduct (S-65)
  ✓ “Those acting on behalf of the University have a general duty to conduct themselves in a manner that will maintain and strengthen the public's trust and confidence in the integrity of the University and take no actions incompatible with their obligations to the University.

- UPS Operational Policy WE 3: Workplace Conduct Expectations
  ✓ “UW System property, services, resources, or information shall not be used for personal gain.”
  ✓ “All UW System employees shall act according to the highest ethical and professional standards of conduct.”
Acceptance of Items of Value

- Employees should not accept items of value from a person or organization that might lead to an express or implied understanding or perception that their conduct of university business could be influenced.
  - Employees should not accept gifts from vendors or prospective vendors, including birthday or holiday gifts, gift baskets, lunch, other meals, entertainment, textbooks, or vendor-paid travel.
  - Employees may accept items of minimal value, e.g., pens, mugs, etc.

- The same rule regarding acceptance of items of value applies to members of employees’ immediate family or household.

- When an employee is acting as an official representative of the institution, fees, honoraria and expenses reimbursed by non-institutional sources must be deposited into university accounts.
  - Employees are allowed to keep compensations (fees, honoraria, and expenses) from permitted/approved outside activities.
Use of Public Position

Employees may not use or attempt to use their public positions to gain anything of value for private benefit to themselves, their families, or organizations in which they have a significant financial interest.
Use of University Resources

- University resources such as computers, email accounts, office supplies, cell phones, meeting rooms, and work time should be used only for university purposes.

- Lobbying, legislative advocacy, and other political activities must never be done on State time or with State resources.
Outside Activities

FASLI employees must:

• Report, in writing, their involvement in outside activities every April 30.

• Discuss with their dean, director, or the chancellor any activities that may present carryover questions of conflict with job responsibilities during their contract period.
Outside Activities (cont’d)

Absence from university duties in relation to outside activities:

• Seek approval from their dean or director.

• Report activities that may result in a conflict of interest.

• Ensure that activities do not interfere with job performance.
Confidentiality

• Many UWM records are covered by laws or policies requiring confidentiality.
  – Student records: Family Educational Rights and Privacy Act (FERPA)
  – Medical Privacy: Health Insurance Portability and Accountability Act (HIPAA)
  – Other state laws [social security numbers, medical and mental health records]

• Employees may not use or disclose university records or information outside of the exercise of their job responsibilities.
Awarding Contracts

• Only certain designated individuals have the authority to legally bind the institution and execute contracts.

• A university employee may NOT negotiate or enter into, on behalf of the university, a contract in which the employee has a personal interest.
Nepotism

• Employees may not *formally or informally* participate in the decision to hire or promote a member of their immediate family.

• Employees may not give preferential or favored treatment to an immediate family member when supervising or managing them.

• Employees should disclose personal relationships, if needed, so that actions can be taken to minimize or remove any potential conflict of interest.
Who is an “immediate family member”?

- **Wis. Stat. 19.42(7):** Spouse and “relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.”

- **UWS 8.02(9):** Spouse and “any person who receives, directly or indirectly, more than one half of his or her support from an unclassified staff member or from whom an unclassified staff member receives, directly or indirectly, more than one half of his or her support.”

- **UWM Faculty Policies and Procedures 5.39:** member of his or her immediate family, *including domestic partners or others living together as a family.*

- **UWM Academic Staff Personnel Policies and Procedures 113.05(3):** member of his/her immediate family.

- **Per RPD 20-22:** Spouse or domestic partner; “relatives by marriage, consanguinity or adoption; and any other person who receives, directly or indirectly, more than one half of his or her support from an employee or from whom an employee receives, directly or indirectly, more than one half his or her support.”
Consensual Relationships

Board of Regents Policy Document 14-8:

- Ensures employment/academic environment is free from real or perceived conflicts of interest when UWM employees, students, and affiliated individuals, in positions of unequal power, are involved in consensual romantic or sexual relationships.

- Covers both employee/student and employee/employee relationships.

- Instructor cannot commence a relationship with student currently under instruction or likely believed to be in the future.

- Employee/student relationships where there is supervisory, advisory, evaluative, or other authority to influence require disclosure to supervisor/department chair, hiring official or administrator, and steps to mitigate COI or adverse impacts. (Also covers pre-existing Instructor/Student relationships).

- Supervisor must consult with EDS and/or HR to eliminate COI and mitigate adverse effects, including documenting steps taken and providing to all parties.
What can you do?

• Promote better awareness of the rules within your Department.

• Monitor that the rules are being followed.

• Know where to get support: Audit, Legal Affairs, Human Resources, Faculty Ethics Advisory Committee (“Provides consultation and advice on the application of UWS 8 to any member of the faculty”), and Academic Staff Committee (“The Academic Staff Committee shall serve as the Ethics Committee. It is responsible for providing any academic staff member or his/her supervisor with consultation and advice on the application of UWS 8 or UWM Chapter 113”).
Questions & Hypotheticals
Married couple (Tom and Sarah) are members of the same departmental Executive Committee. For the upcoming academic year, the EC needs to elect a new department chair and Sarah has decided to run. Can Tom vote on this decision?
Hypothetical #2

Associate Professor Jane Smith is a member of a departmental Executive Committee. The Department is recruiting a new Assistant Professor, and Jane’s husband, who currently works in private industry, has applied. Jane recognizes that she must recuse herself from the portions of the recruitment directly relating to her husband, and to this end has agreed not to attend his interview, vote on his advancement, etc. However, it is a small department, and Jane is concerned about the quality of any new hire, so has asked to be able to provide input on the other candidates. Can she do so?
Sam Slick is representing Here 4U Student Email Exchange at a national IT conference where he meets Jimmy Cash, UWM email service coordinator. They instantly bond over their love of country music. Sam invites Jimmy to the country music festival at Branson, Missouri, and Jimmy stays at Sam’s time-share condo there. Sam stocks the condo with food and drinks. Jimmy doesn’t have to pay for anything because Sam tells Jimmy – “that’s what friends are for.”

A few weeks later, Sam shows up at UWM to provide information regarding Here 4U’s services. He takes Jimmy out to lunch at Subway to re-live the great weekend at the country music festival.
Hypothetical #3 (cont’d)

UWM will be issuing an RFP for email services and Here4U is expected to submit a proposal. But Jimmy really isn’t the decision-maker – his boss is – and he has no intention of providing favoritism toward Here4U as a result of his friendship with Sam. Has he done anything wrong?

What if Jimmy had actually arranged for his son, who loves country music, to use Sam’s condo in Branson. Would the result be any different from an ethical perspective?
Tim Allen is one of four teaching assistants assigned to Psychology 101. Three weeks into the semester, Tim starts dating Sam Undergrad who he met through a mutual friend. Tim knows Sam is enrolled in Psychology 101, but she is not assigned to his section. Subsequently, all four TAs are tasked with grading the midterm exam. Each TA is assigned to grade the same exam question for all Psychology 101 students to ensure consistency in grading. When Tim is halfway through the stack of exams, he comes across Sam’s test. In a panic, Tim tells the instructor of record, who immediately comes to the Department Chair’s office looking for advice. Is this a problem? What should the Chair do?
Hypothetical #5

Suzie Curl uses university computer hardware and server connections after hours to handle a mail-order business in beauty salon supplies that she operates with her friend, Betty Roller. Is this ok?

What about Professor Prospero who heads a UWM research lab stocked with supplies and equipment. He contracts to do some testing for a local municipality, charging an hourly rate for the testing. He does the testing in the lab. Is this a problem?
The College has an unexpected vacancy for an administrative support position in its XYZ department. It is a critical time – the semester starts in less than a week, the phones are ringing off the hook, and there is simply no time to conduct a recruitment. The Dean’s domestic partner is a very smart, organized, and collegial person and most importantly, is available to help immediately. The Dean indicates that the Department can use her as an LTE until a more formal process can be considered. Is this okay?