

## College Policy 6.01

### Code of Ethics

## Part 1. Policy Statement

Minneapolis Community and Technical College employees are expected to perform all duties with honesty and integrity and to comply with all policies and statutory provisions governing ethical obligations of state employees. The College has zero tolerance for unethical or dishonest behavior, and violations of this policy or statutes governing state employment will result in appropriate discipline.

## Part 2. Applicable Statutory Provisions

### Subpart A. Misuse of State Telephone Service

As set forth in Minnesota Statute Section 10.47, use of long distance telephone service must relate to the business of the College. Employees shall report any evidence of misuse of long-distance telephone service to the President or a Vice President. The President or Vice President shall report the alleged misuse to the Legislative Auditor and the matter shall be investigated. When appropriate, evidence of misuse shall be reported to other authorities including the police.

### Subpart B. Violations of Minnesota Data Practices Act

All employees are expected to comply with the Minnesota Data Practices Act and to use caution when using, maintaining and releasing student or personnel data. Negligent violations of this statute may result in disciplinary action.

As set forth in Minnesota Statute Section 13.09, any person who willfully violates the provisos of the Data Practices Act is guilty of a misdemeanor. Willful violations by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

### Subpart C. Conflicts of Interest

As set forth in Minnesota Statute Section 15.054, no employee shall sell or procure for sale or possess or control for sale to any other state employee any property or materials owned by the state except pursuant to the conditions provided in this section. This section shall not apply to the sale of property or materials acquired or produced by the state or subdivision for sale to the general public in the ordinary course or business. Nothing in this section shall prohibit an employee of the state or subdivision from selling or possessing for sale public property if the sale or possession for sale is in the normal course of the employee's duties.

### Subpart D. Acceptance of advantage by state employees

1. As set forth in Minnesota Statute Section 15.43, no employee of the state in direct contact with suppliers or potential suppliers to the state or who may directly or indirectly influence a purchasing decision or contract by establishing specification, testing purchased products, evaluating contracted services, or otherwise has official involvement in the purchasing or contracting process may:
  - Have any financial interest or have any personal benefit interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale or furnished to a department or agency of the state; or
  - Accept directly or indirectly from a person, firm, or corporation to which a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise, obligation, or contract for future reward.
2. Exemptions. Textbooks, software, and other course materials authored by an employee of the College may be used as required course material. Instructors may accept free samples of textbooks and related teaching materials.
3. Penalties. A violation of this section is a misdemeanor as proscribed by law, and shall be subject to employment disciplinary

action.

## **Subpart E. Officials not to exceed appropriation**

As set forth in Minnesota Statutes Section 16A.138, when there has been an appropriation for any purpose, it shall be unlawful for any state board or official to incur indebtedness on behalf of the board, the official or the state in excess of the appropriation made for such purpose.

## **Subpart F. Misappropriation of money**

As set forth in Minnesota Statutes Section 16A.139, it is illegal for any state employee to use moneys appropriated by law or fees collected for state purposes for any other purpose for which the moneys were appropriated or collected.

## **Subpart G. Political Activities**

As set forth in Minnesota Statutes Section 43A.32, no employee shall, directly or indirectly, during hours of employment, solicit or receive funds for political purposes, or use official authority or influence to compel an employee in the classified service to apply for membership in or become a member of any political organization, to pay or promise to pay any assessment, subscription, or contribution or to take part in any political activity.

## **Subpart H. Statutory Code of Ethics**

MCTC expects all employees to comply with Minnesota Statutes Section 43A.38, Code of Ethics for employees in the executive branch, as set forth below:

Subdivision 1. Definitions: For the purpose of this section the following definitions shall apply:

1. "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in nonprofit or profit making activities.
2. "Confidential information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in nonsummary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.
3. "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

Subd. 2. Acceptance of gifts; favors. Employees in the executive branch in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future benefit from any source, except the state for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be a violation of this subdivision:

1. Gifts of nominal value or gifts or textbooks which may be accepted pursuant to section 15.43.
2. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause.
3. Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the state and which have been approved in advance by the appointing authority as part of the work assignment.
4. Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees on their own time for which they are not compensated by the state.
5. Tips received by employees engaged in food service and room cleaning at restaurant and lodging facilities in Itasca State Park.

Subd. 3. Use of confidential information. An employee in the executive branch shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

Subd. 4. Use of state property.

1. An employee shall not use or allow the use of state time, supplies or state-owned or leased property and equipment for the employee's private interests or any other use not in the interest of the state, except as provided by law.
2. An employee may use state time, property, or equipment to communicate electronically with other persons including, but not limited to, elected officials, the employer, or an exclusive bargaining representative under chapter 179A, provided this use, including the value of the time spent, results in no incremental cost to the state or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.
3. The commissioners of Administration and Employee Relations shall issue a statewide policy on the use of electronic mail and other forms of electronic communications by executive branch state employees. The policy is not subject to the provisions of chapter 14 or 179A. Appointing authorities in the legislative and judicial branches shall issue policies on these issues for their employees. The policies shall permit state employees to make reasonable use of state time, property, and equipment for personal communications and shall address issues of privacy, content of communications, and the definition of reasonable use as well as other issues the commissioners and appointing authorities identify as necessary and relevant. (See MCTC Policy governing Internet Use)

Subd.5. Conflicts of interest. The following actions by an employee in the executive branch shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts, section 43A.39 or disciplinary action as appropriate:

1. use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;
2. acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties;
3. actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf; or
4. the solicitation of a financial agreement for the employee or entity other than the state when the state is currently engaged in the provision of the services which are the subject of the agreement or where the state has expressed an intention to engage in competition for the provision of the services; unless the affected state agency waives this clause.

Subd.6. Determination of conflicts of interest. When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the employee, the appointing authority or the commissioner determines any one of the following conditions to be present:

1. the use for private gain or advantage of state time, facilities, equipment or supplies or badge, uniform, prestige or influence of state office or employment;
2. receipt of acceptance by the employee of any money or other thing of value from anyone other than the state for the performance of an act which the employee would be required or expected to perform in the regular course or hours of state employment or as part of the duties as an employee;
3. employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee;
4. (the performance of an act in other than the employees official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.

Subd.7. Resolution of conflict of interest. If the employee, appointing authority or commissioner determine that conflict of interest exists, the matter shall be assigned to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

Subd.8. Precedence of chapter 10A. Where specific provisions of chapter 10A apply to employees and would conflict with this section, the provisions of chapter 10A shall apply.

Subd.9. Limits. This section shall not be interpreted to apply to any activity which is protected by sections 179A.01 to 179A.25 and collective bargaining agreements and practices thereunder nor to prevent a current or former employee from accepting employment with a labor or employee organization representing employees.

## **Subpart I. Compliance with law**

MCTC expects all employees to comply with Minnesota Statutes Section 43A.39, as set forth below and shall adhere to all penalties as described within the statute:

Subdivision 1. Prohibited acts; penalties. All employees shall comply with and aid in all proper ways the enforcement of the provisions of this chapter. No employee or any other person shall intentionally:

1. Make any false oral or written statement, mark, rating or report concerning any application, examination, certification or appointment made under provisions of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter;
2. Directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in obtaining, a position in the civil service;
3. Defeat, deceive or obstruct any person in rights to examination, eligibility, certification or appointment under this chapter, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to appointment, advancement or retention in the classified service;
4. Violate the provisions of section 43A.37 or 43A.38; or
5. If in the classified service, engage in activities prohibited by section 43A.32.

Subd.2. Noncompliance. Any employee who intentionally fails to comply with the provisions of chapter 43A shall be subject to disciplinary action and action pursuant to chapter 609. An appointing authority shall report in writing to the legislative auditor when there is probably cause to believe that a substantial violation has occurred. Any person convicted of a crime based on violations of this chapter shall be ineligible for appointment in the civil service for three years following conviction.

Subd.3. Violations; position vacated. Intentional violation of section 43A.37 may be cause for disciplinary action and conviction of an employee in the classified service under section 43A.32 shall render the position vacant.

**Date of Adoption: 7/1/1999**

**Date of Implementation (if different from adoption date):**

**Date of Last Review: 7/1/1999**

**Date and Subject of Revisions:**