Scope

This Board of Regents Code of Ethics policy applies to all University of Wisconsin System (UW System) employees. The policy recognizes that faculty, academic staff, and limited appointees (other than state public officials) are subject to Chapter UWS 8 of the Wisconsin Administrative Code, and that university employees who are state public officials will remain subject to Subchapter III of Wis. Stat. Chapter 19. University Staff are subject to the University Staff Code of Ethics set forth in section III below which was closely modeled after Chapter ER-MRS 24 of the Wisconsin Administrative Code, the Code of Ethics for classified state employees.

Purpose

This code of ethics policy is created under the directive of Wis. Stat. § 19.45(11)(b), for the guidance of all UW System employees, to avoid activities which cause, or tend to cause, conflicts between their personal interests and their public responsibilities, and to improve standards of public service. Under 2011 Wisconsin Act 32, the Board of Regents was required to establish a code of ethics for UW System personnel who are not state public officials subject to Wis. Stat. Chapter 19.

Policy Statement

I. Faculty, academic staff, and limited appointees (other than state public officials) are subject to Chapter UWS 8.

II. State public officials will remain subject to subchapter III of Wis. Stat. Chapter 19.
   Individuals holding the following positions are state public officials: chancellors, vice chancellors, UWSA president, senior vice presidents, vice presidents, associate vice presidents, and assistant vice presidents.

III. University Staff Code of Ethics

   A. Introduction

   This code of ethics is created for the guidance of employees designated as University Staff to avoid activities which cause, or tend to cause, conflicts between their personal interests and their public responsibilities as UW System employees.

   The observance of high moral and ethical standards by University Staff employees is essential. Each employee holds his or her position as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust.

   The Board of Regents policy recognizes that:
1. University Staff have personal and economic interests in the decisions and policies of national, state and local government.

2. University Staff retain their rights as citizens to interests of a personal or economic nature.

3. The standards of ethical conduct for University Staff must distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material.

4. University Staff may need to engage in employment other than official duties, or may need to maintain investments, but no employee shall engage in any employment or maintain any investment if the employment or investment conflicts with the specific provisions of this code of ethics.

In adopting the standards of conduct set forth in the University Staff code of ethics, it is the Board’s purpose to prohibit only those activities which will result in a conflict between the personal interests of a University Staff member and that employee’s public responsibilities to the UW System. It is not the Board’s purpose to prohibit University Staff from freely pursuing activities that will not result in such a conflict.

B. Definitions

1. “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include:

   a. Any salary, expenses or other compensation paid by the state;

   b. Any compensation or expenses derived from outside activities permitted under this code of ethics;

   c. Political contributions which are reported under Wis. Stat. Chapter 11; or

   d. Hospitality (e.g., meals or lodging) extended for a purpose unrelated to university business. When it could be concluded that the hospitality would be extended if the guest or a member of the guest’s immediate family was not a UW System employee, that hospitality is extended for a purpose unrelated to university business.

2. “Associated,” when used with reference to an organization, means that a person or a member of a person’s immediate family is a director, officer or trustee or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.

3. “Board” means the Board of Regents of the University of Wisconsin System.
4. “Chancellor” means the chief executive officer of a university, the University of Wisconsin Colleges or University of Wisconsin-Extension.

5. “Domestic partner” is a person with whom a University Staff member has a domestic partnership.

6. “Domestic partnership” means a relationship between two individuals that satisfies all of the following:

   a. Each individual is at least 18 years old and otherwise competent to enter into a contract.

   b. Neither individual is married to, or in a domestic partnership with, another individual.

   c. The two individuals are not related by blood in any way that would prohibit marriage under Wis. Stat. § 765.03.

   d. The two individuals consider themselves to be members of each other's immediate family.

   e. The two individuals agree to be responsible for each other's basic living expenses.

   f. The two individuals share a common residence. Two individuals may share a common residence even if any of the following applies:

      i. Only one of the individuals has legal ownership of the residence.

      ii. One or both of the individuals have one or more additional residences not shared with the other individual.

      iii. One of the individuals leaves the common residence with the intent to return.

7. “University Staff” means members of the university workforce who contribute in a broad array of positions in support of the University’s mission and are not exempt (hourly1) from the overtime provisions of the Fair Labor Standards Act.

   [1Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2013 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to move to Academic Staff or Limited Appointment positions].

8. “Hospitality” includes, but is not limited to, meals, beverages, and lodging which a host other than an organization offers a guest on premises owned or occupied by the host or his or her immediate family as the host’s principal or seasonal residence.

9. “Immediate family” means an employee’s spouse or domestic partner; an employee’s 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.

10. “Institution” means any university or organizational equivalent designated by the Board of Regents.

11. “Organization” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, trust or any other legal entity other than an individual or body politic.

12. “President” means the President of the University of Wisconsin System.

13. “University property” includes, but is not limited to, facilities, vehicles, supplies, equipment, communications equipment and services, information technology equipment and services, stenographic assistance, reproduction services, and research.

C. Standards of Conduct

This code of ethics shall not prevent a University Staff member from accepting outside employment or following a pursuit which in no way interferes with the full and faithful discharge of his or her duties to the UW System, subject to the following:

1. A conflict of interest on the part of the University Staff member exists whenever the University Staff member's action or failure to act propitiously could reasonably be expected to directly or indirectly produce or assist in producing a private benefit for the University Staff member or the University Staff member's immediate family or an organization with which the University Staff member is associated.

2. It is the policy of the Board of Regents to prohibit those activities that will cause a conflict of interest. Therefore:

a. No University Staff member may use or attempt to use his or her position or University property, or use the prestige or influence of his or her position for financial gain or other benefits, advantages or privileges for the private benefit of the University Staff member, the University Staff member’s immediate family or an organization with which the University Staff member is associated.

i. Any UW System salary or other compensation received by the University Staff member from the state for his or her services does not constitute “financial gain” as the term is used in this rule.

ii. Incidental personal use of University property within the limits prescribed by UW System and institutional policies and use of University issued or purchased parking permits for non-work events or activities does not constitute a “private benefit” as the term is used in this policy.
Effective date of this Regent Policy Document: July 1, 2015.

b. No University Staff member may solicit or accept from any person or organization, directly or indirectly, anything of value if it could reasonably be expected to influence such University Staff member's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of such University Staff member.

i. No University Staff member who is assigned or acts as an official representative of a UW System institution in the presentation of papers, talks, demonstrations or making appearances shall solicit or accept fees, honoraria or reimbursement of expenses for personal gain. Any fees, honoraria, or reimbursement of expenses which may be offered in connection therewith shall be paid to the University Staff member's institution.

ii. Acceptance of fees and honoraria paid for papers, talks, demonstrations or appearances made by a University Staff member on the University Staff member's own time, and not directly part of official duties, shall not be a violation of this rule. University Staff members shall notify their supervisor or other appropriate administrator prior to accepting fees and honoraria for papers, talks, demonstrations, or appearances to ensure that no conflict of interest exists.

iii. When a University Staff member is offered an unsolicited award or reward for an exceptional accomplishment or outstanding performance, the appropriate administrator shall determine whether or not it may be accepted by the University Staff member after considering whether acceptance of the award or reward would conflict with the purposes of this policy. University Staff members shall notify their supervisor or other appropriate administrator prior to accepting unsolicited awards or rewards, who in turn shall seek a determination regarding whether acceptance or refusal of the award or reward is appropriate.

c. No University Staff member may intentionally use or disclose information gained in the course of or by reason of the University Staff member's official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person or organization, if the information has not been communicated to the public or is not public information. However, no reprisal may be taken against a University Staff member for the lawful disclosure of information which the University Staff member reasonably believes evidences:

i. A violation of any law, rule, or regulation, or

ii. Mismanagement, a gross waste of funds, an abuse of authority, enforcement of unreasonable university work rules, or a substantial and specific danger to public health or safety.

d. No University Staff member, member of the University Staff's immediate family, nor any organization with which the University Staff member or a member of his or her
immediate family is associated may enter into any contract or lease involving payment or payments of more than $3,000 within a 12-month period, in whole or in part derived from University or state funds unless the University Staff member has first made written disclosure of the nature and extent of such relationship or interest to his or her supervisor or other appropriate administrator and obtained the supervisor’s or other administrator’s written approval. The University Staff member’s supervisor or other appropriate administrator shall approve a University Staff member's interest in a lease or contract unless he or she determines that the University Staff member's personal interest in the agreement will conflict substantially and materially with the University Staff member's discharge of his or her public responsibilities. This paragraph does not affect the application of Wis. Stat. § 946.13, which prohibits private interests in public contracts.

e. No University Staff member may participate, formally or informally, in the decision to hire, retain, promote or determine the salary of a member of his or her immediate family. No University Staff member may, in the supervision or management of another employee who is a member of his or her immediate family, give preferential or favored treatment.

3. The President or a Chancellor may, upon written request and by action within a reasonable time of receipt thereof, waive any provision of this section whenever its literal application would be adverse to the best interests of the institution or would work an unreasonable hardship on an employee.

4. Nothing in this section prohibits a University Staff member from making decisions concerning salaries, salary-related benefits or reimbursement of actual and necessary expenses when the action does not result in preferential or favored treatment of a member of the University Staff member’s immediate family.

D. Action to Avoid Possible Conflict

When it appears that a material conflict may arise between the personal interests of a University Staff member and his or her public responsibilities, the University Staff member shall notify his or her supervisor or other appropriate administrator by submitting a written statement describing the nature of the possible conflict. Within 15 days after receipt of the statement, the supervisor or other appropriate administrator shall advise the University Staff member in writing that:

1. There is no conflict prohibited by this code of ethics, and the University Staff member may proceed; or

2. There may be a conflict, and further consultation is necessary prior to reaching a determination; or

3. There is a conflict which must be resolved.
If the University Staff member is advised that he or she cannot proceed with institutional duties or with personal interests, the employee, within 15 days after notice of the decision of the supervisor or other appropriate administrator, may appeal the decision under the applicable grievance procedures.

E. Sanctions

The President or appropriate Chancellor may investigate possible code of ethics violations whenever the circumstances warrant.

Oversight, Roles & Responsibilities

In addition to oversight by the President and the appropriate Chancellor’s Office, compliance with this code of ethics will be monitored periodically.

Related Regent Policies and Applicable Laws

- Wis. Stat. § 19.41, et seq., Code of Ethics for Public Officials and Employees
- Wis. Stat. § 36.23, Conflict of Interest
- Wis. Admin. Code Chapter UWS 8, Code of Ethics
- RPD13-4, University of Wisconsin System Policy on Institutional and Employee Relationships with Educational Loan Lenders
- RPD 20-7, Outside Activity Reporting
- RPD 25-3, Use of University Information Technology Resources
- U.S. Department of Health and Human Services requirements on reporting conflicts of interest.

History

This Regent Policy Document created by Res. 10151, adopted 12/07/2012.