

**ADMINISTRATIVE PROCEDURE 897**  
**CODE OF ETHICAL CONDUCT**

**I. PURPOSE**

To provide definitions and procedures for implementation of the College's Code of Ethical Conduct and Fiduciary Responsibilities Policy (CP 894).

**II. DEFINITIONS**

Ethical Behavior – All dealings with and on behalf of the College shall be conducted with respect, honesty, integrity and fairness and in compliance with College policy and procedure (see Appendix A) as well as Federal, state and local laws.

Conflict of Interest- Situations in which an employee, officer or Trustee of the College while fulfilling their duties, encounters situations where their activities would result in a direct pecuniary benefit (outside of normal compensation, benefits, and income derived from using faculty-authored materials in the classroom) to themselves, their business relationships, or their family members or unrelated significant others.

Business Relationship – a relationship in which a Trustee, officer, or employee of HACC, or one or more of such individual's Family Members (defined herein) serves as an officer, director, employee, partner, trustee or in any similar position, or who is a substantial owner (owning more than 5% of the company's equity interests or a controlling interest) of an organization.

Family Member – A spouse, parent, sibling, child, grandparent, grandchild, niece, nephew, aunt, uncle, in-law, spouse's in-law, sibling's in-law, cousins, and/or any individual who resides in the same household as the employee, officer, or Trustee.

Unrelated Significant Other – A non family-member who is involved in a significant relationship with an employee, officer, or Trustee.

Confidential Reporting Mechanism – A process to report issues of concern in regard to financial matters, risk and safety matters, human resources issues, conflicts of interest, etc. through an external third party which provides confidentiality and anonymity to the reporter, while also providing a means of follow-up communications between the reporter and the third-party facilitator.

### III. PROCEDURE

A. Policies and Procedures - College Policies and Administrative Procedures are designed to ensure consistent and fair conduct in all that we do. Every member of the faculty and staff should familiarize themselves with the policies and procedures which govern the work that they do and ensure that they are complying with those policies and procedures. Supervisors are charged with ensuring that appropriate policies and procedures (per AP 494, Internal Controls) are in place within the unit to avoid risk to the employees and the College.

B. Outside Employment – Per AP 894, Outside Employment, notification concerning outside employment shall be made in writing and submitted to the employee's ALS on the College-approved form, Notice of Intent to Engage in Outside Employment, before the employment begins.

C. Employment of Family Members - The College permits employment of family members as long as there is not a supervisory relationship between the positions or any other direct relationship which could create a conflict of interest or be potentially disruptive to the workplace. Employment opportunities will not be based upon or influenced by familial relationship. It is the policy of the College to review the concurrent employment of family members with the intent to prevent situations that would tend to compromise the faculty or staff of the College.

1. All instances of concurrent employment of family members or unrelated significant others will be reported to Human Resources. The Executive Director of Human Resources is authorized to request review and to take action when necessary to prevent family members from entering into a supervisor/supervisee relationship with one another or from working within the same department. Examples of conflicts of interest related to the employment of family members or unrelated significant others include hiring decisions, promotions, renewal of contracts, performance evaluations, disciplinary procedures, salary considerations and respect for confidentiality.

2. In the event that this situation does occur, the supervisor in the relationship will not be the sole decision-making authority. He/she will prepare a proposal for consideration of the department head/director where approval may or may not be granted.

3. Employment of family members or unrelated significant others in a single unit or job-related unit where such employment involves a conflict of interest or potential conflict of interest or where decisions of one party have a direct impact on the other is discouraged. If an employee should attain a position within the College that would require him or her to approve, recommend, or act on the appointment, promotion, or salary of a family member or unrelated significant

other, all such actions will subsequently be passed to the next highest administrator or supervisor for approval.

D. Students – Faculty and staff who have family members or unrelated significant others enrolled as students should avoid potential conflict of interest by removing themselves from any situation where he/she has a direct impact on the student’s payment processing, grades, discipline, student records or any situation which would treat the student differently from other students.

E. Consensual Romantic Relationships - Faculty and staff are discouraged from engaging in consensual romantic relationships with their current students and/or subordinates. Conflicts of interest arise in connection with consensual romantic relationships between faculty/staff and students/subordinates and preclude individuals from evaluating the work or academic performance of students or employees with whom they hold these types of relationships. At a minimum, the relationship must be disclosed, and acceptable arrangements must be made for objective decision-making with regard to the student or subordinate. This arrangement must be approved by the ALS.

F. Employees serving in situations requiring them to review appeals or complaints (e.g. Ombudsperson, Grievance Committee, etc.) should recuse themselves should a case involve a family member or unrelated significant other.

G. College Assets, Equipment, Supplies and Services- College assets, equipment, supplies and services may not be used by employees for personal gain, or for purposes outside the scope of their employment unless there is express approval by the Administrative Level Supervisor. Faculty and staff must comply with all policies and procedures regarding purchase, acquisition, use and disposition of supplies, equipment and services including but not limited to those listed in Appendix A.

H. Gifts - No gift or entertainment should ever be offered, given, provided or accepted by any HACC faculty, staff or member of an employee’s family unless it (1) is not a cash gift, (2) is consistent with customary professional practices, (3) is not excessive in value, (4) cannot be construed as a bribe or payoff and (5) does not violate any laws or regulations. Employees should discuss any gifts or proposed gifts which they are not certain are appropriate with their supervisor.

I. Recordkeeping - The College requires honest and accurate recording and reporting of information. This includes reporting true and actual number of hours worked, legitimate and accurate expense financial statements and all College records. Records should be retained or destroyed according to the Department’s record retention policies. See Appendix A for relevant Administrative Procedures.

J. Communications- Records and communications often become public. Employees should avoid exaggeration, derogatory remarks, guesswork, or inappropriate characterizations of people that can be misunderstood. Contacts with the media must follow AP 131 Public Information Releases and News Media Contacts.

K. Scholarly Activities – The Faculty Rights and Responsibilities and Code of Ethics prohibits “fabrication, falsification, plagiarism or other practices that seriously deviate from accepted practices within the academic community for proposing, conducting or reporting research or other scholarly activities.” Refer to the Faculty Handbook and AP 276 Intellectual Property.

L. Political Activities – Refer to AP 896, Political Activities by Employees.

M. Health and Safety- HACC strives to maintain a safe and healthy work environment. All faculty and staff have a responsibility for maintaining a safe and healthy workplace for all employees by following safety and health rules and practices and reporting accidents, injuries and unsafe equipment practices or conditions.

N. Discrimination, Harassment, and Bullying – HACC is firmly committed to providing a workplace that is free from illegal discrimination or harassment of any kind. (AP 875 Harassment and AP 879, Bullying.)

O. Confidentiality – Faculty and Staff may not use their positions or knowledge gained in their positions in a way that would create an actual or apparent conflict of interest or would violate confidentiality including information protected by Family Educational Rights and Privacy Act (FERPA).

P. Employees who feel uncomfortable with what they are being asked to do should always ask first, act later. Anyone who observes behavior which may be in violation of the Code of Ethical Conduct should gather the facts and review the appropriate policies and procedures. Conflicts of interest may not always be clear-cut, thus questions should be directed to a Cabinet Level Supervisor, Human Resources, or the College’s confidential reporting mechanism. Reports will be promptly and discreetly investigated.

Q. Should a potential conflict of interest exist, faculty and staff must remove themselves from any decision-making role that they may have and must avoid behavior which might appear to influence any decisions. Any faculty or staff member who becomes aware of potential fiscal impropriety, conflict of interest or unethical behavior shall bring it to the attention of a Cabinet Level supervisor, Human Resources, or the College’s confidential reporting mechanism. Where steps cannot be taken to avoid a potential conflict, the situation may be managed through disclosure, recusal or other means.

R. Violations- All faculty and staff must ensure that their behavior is ethical at all times. Failure to do so may result in disciplinary action up to and including dismissal.

S. Whistleblower - The College does not retaliate nor does it tolerate retaliation against any employee or student who reports or complains of ethical violations in good faith. Concerns regarding retaliation should be addressed to Human Resources.

#### **IV. HACC STUDENT LENDING**

*HACC is committed to providing students and their families with the best information and processing alternatives available regarding student borrowing. HACC IS A Direct Loan participant and does not steer or recommend any students toward any particular alternative loan product or lender. In support of this and in an effort to rule out any perceived or actual conflict of interest between HACC officers, employees or agents and education loan lenders, HACC has adopted the following:*

- A. HACC does not participate in any revenue-sharing arrangements with any lender as a result of HACC recommending the lender to our students or families.*
- B. HACC does not permit any officer, employee or agent of the school who is employed in the financial aid office or is otherwise involved in the administration of education loans to accept any gifts of greater than a nominal value from any lender, guarantor or servicer.*
- C. HACC does not permit any officer, employee or agent of the school who is employed in the financial aid office or is otherwise involved in the administration of education loans to accept any fee, payment or other financial benefit (including a stock purchase option) from a lender or affiliate of a lender as compensation for any type of consulting arrangement or contract to provide services to a lender or on behalf of a lender relating to education loans.*
- D. HACC does not permit any officer, employee or agent of the school who is employed in the financial aid office or is otherwise involved in the administration of education loans to accept any thing of value from a lender, guarantor, or group of lenders and/or guarantors in exchange for service on an advisory board, commission or other group established by such a lender, guarantor group of lenders and/or guarantors. HACC does allow for the reasonable reimbursement of expenses associated with participation in such boards, commissions or groups by lenders, guarantors, or groups of lenders and/or guarantors.*
- E. HACC does not assign a lender to any first-time borrower through financial aid packaging or any other means.*
- F. HACC recognizes that a borrower has the right to choose any lender from which to borrow to finance his/her education. HACC will not refuse to certify or otherwise deny or delay certification of a loan based on the borrower's selection of a lender and/or guarantor.*
- G. HACC will not request or accept any offer of funds to be used for private education loans to students from any lender in exchange for providing the lender with a specified number or volume of Title IV loans, or a preferred lender arrangement for Title IV loans.*

- H. *HACC will not request or accept any assistance with call center or financial aid office staffing.*
- I. *HACC does not receive compensation for serving on the advisory board of lenders or guarantors.*

## **Appendix A**

### **College Administrative Procedures Related to Ethical Conduct Including But Not Limited To:**

- AP 139 Records Management
- AP 225 Requests for Quotes Requests for Bids and Request for Proposals
- AP 234 Purchase and Control of Capital Equipment
- AP 236 Purchase of Stationery and Office Supplies
- AP 243 Duplicating Services
- AP 278 Contract Development for the Acquisition of Goods and Services
- AP 283 Cellular Device Authorization for Reimbursement
- AP 294 Disposal or Sale of College Property
- AP 311 Key Distribution and Control of Access
- AP 322 Security of Buildings
- AP 331 Major Construction Projects
- AP 371 College Computer Use, Security and Internet Use
- AP 373 Facilities and Equipment Use by Staff
- AP 481 Non-local Travel Authorization
- AP 494 Internal Controls
- AP 841 Personnel Files
- AP 842 Attendance Reporting and Recording
- AP 875 Harassment
- AP 879 Bullying
- AP 894 Outside Employment
- AP 896 Political Activities by Employees