

LINCOLN UNIVERSITY

Policy:	Code of Conduct Enforcement
Policy Number:	HRM – 102
Effective Date:	August 12, 2009
Revisions:	October 1999, August 2011
Next Review Date:	August 2013
Review Officer:	Chief Human Resources Officer
Status:	Approved by President and Active

1. Introduction and Purpose

- 1.1 As stated in the *Code of Conduct at Lincoln University, Revised* (“Code of Conduct”) (Attachment 1), made available on the University website at <http://www.lincoln.edu/hr/policiesboard.html>, the University, acting through its Board of Trustees, has enacted a Code of Conduct which shall be enforced by the Office of Human Resources. This Code of Conduct Enforcement directs the implementation of the Code of Conduct. Unless otherwise indicated, the Code of Conduct and this enforcement policy applies to all trustees, officers, administrators, faculty and full-time or part-time employees, athletic coaches and agents of the University and is not intended to detract from or amend any collective bargaining agreement. The Board of Trustees also has promulgated the *Conflict of Interest and Disclosure Policy for the Trustees and Officers of Lincoln University*, which applies to the trustees and officers of the University, and therefore, trustees and officers are required to follow the more restrictive of the two policies.
- 1.2 Lincoln University of the Commonwealth System of Higher Education (“University”) recognizes that all members of the University community, trustees, officers, administrators, faculty, and all other employees contribute to the care, well-being, interest, and benefit of the institution, and that the success of the University is dependent upon the ethics of its members.
- 1.3 Members of the University community owe a duty, and are expected, to adhere to the ethical principles of the University Code of Conduct that include, but are not limited to, integrity, honesty, good citizenship, and professional conduct.

- 1.4 University members are encouraged to review the Code of Conduct and this enforcement policy often and should consider any situation where one's actions may reflect poorly on the University's reputation, mission, or responsibility to its students and to seek guidance from the Office of Human Resources if such situation should occur.

2. Applicability

- 2.1 As used in this Code of Conduct, the term "University" includes the whole of the university: each of its campuses, schools, divisions, operating and business units, administration, and Board of Trustees.
- 2.2 The behavior and activity of all members of the University community shall be consistent with the Code of Conduct as well as all applicable University policies and procedures, federal, state (Pennsylvania) and local laws and regulations, and professional standards (hereinafter collectively referred to as "Standards").
- 2.3 Compliance with University policies and procedures, including this enforcement policy, whether or not specifically addressed herein, is the duty of all members of the University community. Non-compliance should be reported to a supervisor, the Office of the Internal Auditor or the Office of Human Resources.

3. Ethical Principles and Relevant Standards

3.1 Administrative and Academic Integrity

- 3.1.1. The University is committed to upholding its ethical principles by charging individuals responsible for conducting the affairs of the University and administering its policies and procedures with the duty to perform in a fair, honest, and consistent fashion, without regard to personal bias.
- 3.1.2. Honest Communication. The University expects honesty and cooperation from employees in the performance of job responsibilities that may include communication with attorneys, auditors, and consultants and proper management of University property and proprietary information. No member of the University community shall make false or misleading statements to any student, employee, person, or entity doing business, or seeking to do business, with the University.

3.2 Business and Professional Ethics

Those representing the interests of the University shall exercise sound judgment and exemplify professionalism in all aspects. The University encourages fair and honest business practices.

3.2.1 Ethical Responsibility. The University is committed to upholding the highest standards of business ethics and integrity. Members of the University community will represent accurately and honestly the University and will not engage in any activity or scheme intended to defraud or unfairly deprive anyone of money, property, or services. Professional employees of the University have a duty to perform in full compliance with all applicable professional and business standards.

3.2.2 Procurement Standards. Officers and employees with procurement responsibilities, in addition to this Code of Conduct, should review and follow the Code of Ethics established by the National Association of Educational Procurement (“NAEP”), which may be found at <http://www1.naepnet.org/abcode.shtml>.

3.2.3 Statement of Financial Disclosure. All officers and employees with the authority to commit University funds shall file a Statement of Financial Disclosure as required by the University (Attachment 2) in the Office of Human Resources. Said Statement must be returned to the University within ten days of receipt of the request.

3.2.4 Intercollegiate Athletics. All members of the University community responsible for dealing with student athletes have an obligation to understand and comply with the rules and regulations established by the National Collegiate Athletic Association (“NCAA”) and the University regarding eligibility and administration of student athletes. See the Coaches Compliance Manual for Division II Athletics in the Department of Athletics or visit: http://www.lulions.com/sports/2009/1/22/GEN_0122095625.a.spx.

3.3 Confidentiality

The University is devoted to ensuring the confidentiality of any information entrusted to the University, in accordance with appropriate ethical, legal, and professional standards. Each member of the University community has an obligation to actively protect and safeguard confidential, sensitive, and proprietary information in a manner designed to prevent the unauthorized disclosure of information. Sensitive and proprietary information includes, but is not limited to, Business or Scientific Information, Proprietary Information, Educational Records, Personnel Records, and any other Personally Identifiable Information.

3.4 Conflict of Interest

All members of the University community are expected to carry out their individual employment responsibilities with the highest level of integrity and ethical behavior by discharging such duties in the best interests of the University. The University's policy governing conflict of interest is defined in Section 4 of this policy and discussed in more detail in the Code of Conduct.

3.5 Legal Compliance

The University is committed to ensuring that all business conducted in the interest of or on behalf of the University is in full compliance with the law and the official policies of the University. As a state-related institution of higher education, the University has a legal and ethical obligation to act in compliance with applicable laws, to ensure furtherance of its charitable purpose through use of its resources in a manner that contributes to the common good. Legal Compliance Standards include, but are not limited to, adherence to applicable laws, rules and regulations regarding its public purpose and non-profit status, laws regulating lobbying and/or political activity, environmental concerns, discrimination, and criminal law.

3.6 Fostering Diversity

The University is committed to encouraging an atmosphere of mutual respect that is tolerant and welcoming of diversity in which people of differing perspectives respect one another as valuable individuals.

3.7 Protection of Assets

The University is committed to the preservation, protection, and enhancement of the University's assets by making prudent and effective use of University resources and property. Standards for Protection of Assets include, but are not limited to, internal controls, accurate financial reporting, financial disclosure statements, accurate recording and reporting of travel and entertainment expenses, and personal use of University assets.

4. **Conflict of Interests**

It is essential that everyone within the University community including trustees, officers, and employees act only in the best interests of the University at all times and avoid behavior that involves either a real conflict of interest, or any appearance of a conflict of interest, especially under circumstances where personal use of a University affiliation may or appears to be a means of furthering personal gain. A conflict of interest occurs when a member of the University community uses the authority of his office or employment or any confidential information received in holding the office or employment for his private pecuniary benefit or for that of a member of his immediate family or a business with which he or a member of his immediate family is associated. The term "immediate family" includes a parent, spouse, child, or sibling.

5. **Administration and Application of the Code of Conduct**

Each member of the University community is expected to abide by the Ethical Principles and University Standards set forth herein in conducting business on behalf of the University. All members of the University community are expected to report any activity or practice that may violate any standard or principle to their supervisor, the Office of the Internal Auditor or the Office of Human Resources. An individual acting in good faith will be protected from any retaliation. Nothing in this Code of Conduct is intended to or shall be construed as providing any additional employment or contract rights to any member of the University community.

6. **Enforcement**

6.1 Every officer or employee subject to the Code of Conduct is required to read the Code of Conduct and sign a statement to that effect (Attachment 3).

- 6.2 Failure to abide by the Code of Conduct may lead to disciplinary action or termination of employment. In the event that an employee or agent is covered by the terms of a collective bargaining agreement, discipline shall be administered in accordance with the provisions of the applicable collective bargaining agreement.
- 6.3 The University will not hesitate to take appropriate personnel action if there is evidence that substantiates that an employee has engaged in conduct that is unlawful, inappropriate, or unacceptable, including in certain circumstances improper off-duty conduct that may be relevant to the employee's suitability for his or her position at the University.

Questions about this policy may be addressed to:

***The Office of Human Resources
Lincoln University
PO Box 179, 1570 Baltimore Pike
Lincoln University, PA 19352
484-365-8059***

Attachment 1:

CODE OF CONDUCT AT LINCOLN UNIVERSITY, REVISED

Preamble

Recognizing the importance of the University in the Commonwealth's and the Nation's system of higher education, the University, acting through its Board of Trustees, promulgates this Code of Conduct. Unless otherwise indicated, the various provisions of this Code apply to all officers, administrators, faculty, and full-time or part-time employees of the University. Because certain University functions such as procurement have a particularly high level of vulnerability, they are dealt with in greater detail. This policy is not meant to detract from or amend any collective bargaining agreement.

Conflicts of Interest

1. General. It is essential that everyone within the University community including trustees, officers, and employees act only in the best interests of the University at all times and avoid behavior that involves either a real conflict of interest, or any appearance of a conflict of interest, especially under circumstances where personal use of a University affiliation may or appears to be a means of furthering personal gain. A conflict of interest occurs when a member of the University community uses the authority of his office or employment or any confidential information received in holding the office or employment for his private pecuniary benefit or for that of a member of his Immediate Family or a business with which he or a member of his Immediate Family is associated. Immediate Family includes a parent, spouse, child, or sibling.
2. Conflicting Financial Interests (General). If an officer or employee has any power to Approve or Disapprove a Transaction proposed to be entered into between the University and any Entity that has a Significant Relationship to that officer or employee, or his Immediate Family, he has a potential conflict of interest and may not participate in the process of leading to the Approval or Disapproval of the Transaction unless the underlying facts giving rise to the potential conflict of interest are disclosed and approval for participation is obtained in writing from the individual's supervisor. Disclosure shall be in writing to the supervisor and the officer or employee can continue to participate in the Transaction only on terms approved in writing by the supervisor. A Transaction includes a contract, purchase order or similar commitment of funds or resources by the University. Approve or Disapprove means execution or a decision not to execute a University Purchase Requisition, Check Request, or Purchase Order of Contract. An Entity includes an individual, corporation, partnership, association, or similar legal Entity. A Significant Relationship exists if a person is a director, trustee, officer, or employee of, a partner or member in, or has a Material Financial Interest in the Entity in question. A Material Financial Interest is subject to review but, at a minimum, would include a

situation where the employee or officer owns more than 1% of the outstanding capital (whether debt or equity) of a firm or corporation or has any interest in a partnership or association.

3. Acquisition from Related Parties. The University shall not knowingly solicit or acquire goods or services from any supplier or contractor that has a Significant Relationship to any officer or employee that Approves or Disapproves a Transaction with the supplier or contractor, or any employee in the Purchase Department with authority to contract or his Immediate Family. The President of the University must approve any exception in writing of any Transaction from a related party prior to the issuance of a Purchase Order or other financial commitment on the part of the University. If the President is the officer involved in the Transaction, approval of an exception must be by the Board of Trustees.

Outside Employment

In general, no officer or employee shall have outside employment that is inconsistent with his status as an officer or employee of the University. Moreover, no officer or employee may work for a supplier or contractor of the University. See also Conflicts of Interest, #3, Acquisition from Related Parties. The University will, in the final analysis, determine what outside employment is inconsistent with University interests. Extramural activities by the Faculty are specifically covered by the Collective Bargaining Agreement between the University and the Faculty.

Gifts

1. Except as noted in paragraphs #2 & #3 below, no officer or employee shall accept entertainment, gifts, or favors provided by any person with whom the University has business dealings under circumstances, which would suggest that the donor intends to influence the judgment or conduct of the University officer or employee. Gifts or favors should never be solicited by a University officer or employee. Business dealings include not only present dealings but also where the person seeks to have business dealings.
2. Officers or employees may accept unsolicited advertising or promotional materials, such as pens, pencils, notepads, calendars, and other similar items of nominal intrinsic value. In addition, tickets to entertainment events (offered without the expectation of compensation or special consideration) may be accepted, provided that approval of acceptance by the officer or employee is received in writing from his supervisor. Under such circumstances, the supervisor shall determine whether there appears to be or there is the possibility of there being any influence on any existing or potential business dealings before acceptance is approved.
3. Acceptance of food and refreshment of nominal value on an infrequent, reciprocal basis in the ordinary course of a meeting is permitted.

4. University departments may provide a gift to an officer or employee or an officer's or employee's Immediate Family based upon the University officer or employee relationship under the following circumstances:
 - The departure of a long-time officer or employee.
 - Retirement of the officer or employee.
 - Illness of an officer or employee requiring hospitalization.
 - Death of an officer or employee or the officer or employee's Immediate Family member.
 - Recognition of outstanding performance.
5. No University officer or employee may accept the use of supplier or contractor property, transportation, travel packages, seminars (except those open to the general public), or similar favors unless prior supervisory approval has been sought and received in writing. In the case of the President, prior supervisory approval is by the Board of Trustees. Supplier or contractor includes not only current suppliers or contractors but also those seeking to become suppliers or contractors. Officers and employees may receive bona fide reimbursement for actual expenses for travel and necessary subsistence when it is compatible with other restrictions set forth in this Code of Conduct and for which no reimbursement is received from the University. However, an officer or employee may not be reimbursed for excess personal living expenses, gifts, entertainment, or other personal benefits, nor may an officer or employee be reimbursed for travel while on Official University business.
6. Reimbursement of Faculty expenses for attendance and participation at professional conferences or meeting is addressed in the Collective Bargaining Agreement between the University and the Faculty. Faculty reimbursement for transportation, subsistence lodging, and registration fees is also addressed in the Collective Bargaining Agreement between the University and the Faculty.
7. As a leading academic institution, the University encourages its members to participate in various extramural activities outside the employment setting that may bring professional and personal growth to the University, its departments and the individual. Whenever the University's name is attached, intentionally or otherwise, to the pursuit of these activities, there is at least the potential for portraying the University in an unfavorable light. For example, improperly suggesting that the University lends its support to a commercial endeavor. When in doubt, individuals are expected to contact their supervisor or department head before making commitments that may later have to be disavowed.

Use of Confidential Information

A conflict of interest exists when an officer or employee or his Immediate Family use for personal gain or for the benefit of others any confidential information obtained by the officer or employee as a result of his employment with the University. Information related to Transactions is particularly sensitive. Designs, operational procedures, technical information and pricing practices of suppliers and contractors with the University constitute commercial assess of those entities and as such, any direct or indirect use or disclosure of a supplier or contractor's protected data by a University officer of employee, except for official business, is unethical and prohibited by this Policy.

Misuse of University Property and Misappropriation of Business Opportunities

No officer or employee of the University shall use any University equipment, supplies, or property for his own private gain or for other than officially designated purposes. Officially designated purposes include occupancy by the President of the official residence and unrestricted use of an automobile. In addition, a conflict of interest exist when an officer of employee, without the knowledge and consent of the University, appropriates to himself or to another, the benefits of any business venture, idea, opportunity or potential opportunity about which such officer or employee learned or developed in the course of his employment, which is related to the current or prospective business of the University.

Special Provisions for Officers and Employees in the Purchasing Department

All officers and employees in the Purchasing Department are required to have a particularly highly developed sense of professional ethics. This is because these officers and employees are in a position to commit substantial University funds or to withhold substantial funds and rewards from suppliers or contractors who service the University. Officers and employees in the Purchasing Department, in addition to this Code of Conduct, should review and follow the Code of Ethics established by the National Association of Educational Buyers ("NAEB"), which is attached hereto and made a part hereof. The 12 tenants of the NAEB Code of Ethics repeat and reinforce many of the specific concepts contained in the University's Code of Conduct.

Statement of Financial Disclosure

All officers of the University and employees in the Purchasing Department with authority to commit University funds are required annually to file with Counsel for the University, a Statement of Financial Disclosure. The officer positions of the University are included as an attachment to this Code.

Enforcement

Any officer or employee, who refuses or fails to comply with this Code of Conduct, including the filing of a Statement of Financial Disclosure, where required, shall be subject to disciplinary action including, but not limited to, reprimands, suspensions and termination. Every officer or employee subject to this Code of Conduct shall be required, on an annual basis, to read the Code of Conduct and sign a statement to that effect. Each newly appointed officer and employee hired shall do the same at the time of appointment or hire.

Attachment 2:

LINCOLN UNIVERSITY STATEMENT OF FINANCIAL INTEREST

Instructions:

1. To be completed by President, Vice Presidents, Controller, and employees in the Purchasing Department with authority to commit University funds.
2. Review entire form before completing any items.
3. Complete all sections, indicating NONE or N/A where applicable. The information is to be typewritten or completed in print, using a black or blue ballpoint pen.
4. If additional space is necessary, provide information in the same format on 8 ½ x 11 sheet(s) and securely attach them to this form.
5. Make and retain the completed copy of this statement.
6. FILING PERIODS: Information requested is to cover the preceding calendar year.

TO BE COMPLETED BY OFFICER OR EMPLOYEE

Name of Employee: _____

Title/Department: _____

Home Address: _____

Business Phone: _____ Home Phone: _____

PERSONAL AND BUSINESS INTERESTS

List all ownerships, interests, whether or not financial, in any business entity, including board positions held, whether paid or unpaid, profit or not-for-profit, during the **preceding** calendar year. Financial interests may include stocks, bonds, notes, employment/consulting agreements or other forms of ownership or entitlement. **Exclude** investments in any publicly traded corporation where you own less than 1% of the outstanding capital (debt or equity). Use additional sheets to record required information as necessary.

Name and address of the principal office of the business entity (ies). _____

Nature/Description and estimated value of interest(s), including conditions, liens and encumbrances, etc., if any, in any business entity (ies). _____

EMPLOYMENT

List all payments, compensation, or consideration of any nature (including but not limited to salaried employment, consultant fees, offices, directorships, honoraria, travel/related expenses and other fees, severance payments, etc) earned during the preceding calendar year, excluding University employment.

Name/Address of person(s) and/or entity(ies), for whom the service(s) were, are or will be rendered. _____

Title/Description of service(s). _____

Period(s) of time during which serves were, are or will be rendered. _____

Total amount of monies, compensation, consideration received. _____

GIFTS

List all gifts of value in excess of \$100 from vendors and contractors of the University, including the forgiveness of debt received during the preceding calendar year. For the purpose of this section, gifts received from family members need not be disclosed.

Name/Address of the person(s)/entity(ies) from whom or on behalf of whom the gift was directly or indirectly received. _____

Nature and value of gift(s). _____

CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION PRESENTED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND IS PROVIDED IN COMPLIANCE WITH THE UNIVERSITY'S CODE OF CONDUCT ENFORCEMENT.

Signature

Date

ACKNOWLEDGEMENT OF NEW OR REVISED POLICY

The policy contained herein is only a summary and is not all-inclusive. Supervisors must still manage day-to-day activities and make policy decisions where there are, at times, no strict guidelines. This policy is not to be interpreted as a legal document or an employment contract. Employment with the University is at the sole discretion of the University and does not change the employment at-will relationship with the University, nor does it affect the contractual relationship of those employees subjected to a collective bargaining agreement. Nothing in this personnel policy constitutes an expressed or implied contract or assurance of continued employment.

I acknowledge that I have received the following new or revised policy.

Policy name: Revised Code of Conduct at Lincoln University

I understand that it is my responsibility to read and comply with this policy. I further understand that I should consult with the Office of Human Resources regarding any questions raised by this policy.

The University reserves the right to alter, change, add to, delete from, or delete any policy or procedure at any time.

Understood and agreed:

Employee's Name Printed

Employee's Signature

Date