

# CLARK ATLANTA UNIVERSITY

## Policy 2.4.0: University Code of Ethical Conduct



CLARK ATLANTA UNIVERSITY		
<b>Policy and Procedures</b>	<b>Subject:</b> Code of Ethical Conduct	
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## **1.0 POLICY STATEMENT**

Clark Atlanta University (University) maintains and promotes a reputation for excellence and integrity as promulgated by this policy, which sets forth the general principles to which all will subscribe to and expect from every member of the University - every part-time and fulltime employee, faculty member, officer, trustee, and advisory council committee member shall adhere. These principles have been derived from federal, state, and local laws and regulations, University policies and procedures, contractual and grant obligations, and generally accepted principles of ethical conduct.

### **2.1 ADHERENCE TO THE HIGHEST ETHICAL STANDARDS**

Every member of the University shall, at all times, conduct his or her activities in accordance with the highest professional and community ethical standards.

### **2.2 RESPECT FOR AND COMPLIANCE WITH THE LAW**

Every member of the University is expected to become familiar with those laws, regulations, and University rules which are applicable to his or her position and duties, and to comply with both their letter and spirit. The University implemented a compliance programs to further members' awareness and to monitor and promote compliance. All questions and concerns about the legality or propriety of any action or failure to take action by or on behalf of the University should be referred to either the member's supervisor or Chief Compliance Officer or the Office of General Counsel.

### **2.3 COMPLIANCE WITH ALL CONTRACTUAL AND GRANT TERMS AND CONDITIONS**

Every member of the University is expected to maintain access to and to comply strictly with the terms and conditions of each University grant and contract on which he or she is working. All questions or concerns about whether a particular term or condition violates the law or whether the grantor or contractor has breached its obligations to the University should be referred promptly to the Offices of General Counsel and Chief Compliance Officer.

### **2.4 SUPPORT OF THE UNIVERSITY'S GOALS AND AVOIDANCE OF CONFLICTS OF INTEREST**

Clark Atlanta University is a not-for-profit institution, which is dedicated to teaching, research, and community service. Every member of the University is expected to faithfully carry out his or her professional duties in furtherance of the University's mission. Every member has a duty to avoid conflicts between his or her personal interests and official responsibilities and to comply with University and applicable academic school codes and guidelines for reporting and reviewing actual and potential conflicts of interest and conflicts of commitment. Additionally, a member may not utilize his or her position with the University for his or her personal benefit. Members are also expected to consider and avoid, not only an actual conflict but also, the appearance of a conflict of interest (see University Policy 2.2.0 on Conflict of Interest and Commitment).

**2.5 MAINTENANCE OF THE HIGHEST STANDARDS OF ACADEMIC INTEGRITY**

Every member of the University involved in teaching, research, or community service activities is expected to conform to the highest standards of honesty and integrity. Activities such as plagiarism, misrepresentation, and falsification of data are expressly prohibited. All research at the University must be conducted in strict conformity with the applicable University policies, procedures, and approvals and the requirements of all governmental and private research sponsors.

**2.6 RESPECT FOR THE RIGHTS AND DIGNITY OF OTHERS**

The University is committed to a policy of equal treatment, opportunity, and respect in its relations with its faculty, administrators, staff, students, and others who come into contact with the University. Every member of the University is prohibited from discriminating on the basis of race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, citizenship status, veteran or military status, age, disability, and any other legally protected status; physically assaulting, emotionally abusing, or harassing anyone; and depriving anyone of rights in his or her physical or intellectual property, under University policy, or under federal, state, and local laws.

**2.7 MAINTENANCE AND PRESERVATION OF ACCURATE RECORDS**

Members of the University are expected to create and maintain records and documentation which fully conform to all applicable laws and professional, and ethical standards. Every member of the University who is involved, directly or indirectly, in the preparation or submission of a bill to any governmental or private payor is expected to use his or her best efforts to ensure the bill addresses only those services rendered and products delivered and in the correct amount, supported by appropriate documentation.

**2.8 CONDUCTING BUSINESS PRACTICES WITH HONESTY AND INTEGRITY**

Every member of the University is expected to conduct all business with patients, payors, vendors, competitors, and the academic community with honesty and integrity. This duty includes, but is not limited to: adherence to federal and state anti-fraud and referral prohibitions in dealing with vendors/contractors and referral sources; adherence to all antitrust laws (such as those governing prices and other sales terms and conditions, improper sharing of competitive information, allocation of territories, and group boycotts); and protecting and preserving University property and assets--including proprietary intellectual property, buildings, equipment, books, supplies, and funds.

**2.9 CONCERN FOR HEALTH AND SAFETY; RESPECTING THE ENVIRONMENT**

Every member of the University is expected, in the performance of his or her duties, to comply with all laws and regulations which govern occupational and patient health and safety and to make every reasonable effort to ensure that students, faculty, patients, employees, and visitors are protected from undue health risks and unsafe conditions.

Every member of the University is expected, in the course of his or her activities: to comply with all applicable environmental laws and regulations; to ensure that the University has obtained all necessary licenses, permits, and approvals; and to employ the proper procedures and controls in the storage and handling of radioactive and toxic materials and in the handling and disposition of hazardous and biohazardous wastes.

## **2.10 REPORTING SUSPECTED VIOLATIONS OF THE CODE; ENFORCEMENT OF THE CODE**

This Code of Ethical Conduct has been created and exists for the benefit of the entire University and all of its members. It exists in addition to and is not intended to limit the specific policies, procedures, and rules enacted by the University and each of its academic schools.

Each member of the University is expected to uphold the standards of Clark Atlanta University and to report suspected violations of the Code or any other apparent irregularity to either his or her Supervisor, Human Resources, Athletic Compliance Officer, Research Compliance of the Office of Research and Sponsored Programs, the Office of General Counsel, the University Chief Compliance Officer, or the **University NO CALLER ID COMPLIANCE HOTLINE (404) 589-8006**. If a member prefers, he or she may make the report anonymously by mail to the Compliance Office, Room 215, Harkness Hall, or online at [www.cau.edu/compliance/-reportingline.html](http://www.cau.edu/compliance/-reportingline.html).

The University will, if requested, make every reasonable effort to keep confidential the identity of anyone reporting a suspected violation, to the extent permitted by law, and except if doing so would effectively prevent the University from conducting a full and fair investigation of the allegations.

This Code of Ethical Conduct will be enforced. Reports of suspected violations will be investigated by authorized University personnel. Officers, managers, and supervisors have a special duty to adhere to the principles of the Code, to encourage their subordinates to do so, and to recognize and report suspected violations. Each member of the University is expected to cooperate fully with any investigation undertaken. If it is determined that a violation has occurred, the University reserves the right to take corrective and disciplinary action against any person who was involved in the violation or who allowed it to occur or persist due to a failure to exercise reasonable diligence. Additionally, the University may make an appropriate disclosure to governmental agencies (including law enforcement authorities). Disciplinary actions will be determined on a case-by-case basis and in accordance with the applicable disciplinary codes.

## **2.11 PROHIBITION OF RETALIATION**

The University will not take adverse action, retribution, or other reprisal for the good faith reporting of a suspected violation of this Code, even if the allegations ultimately prove to be without merit. The University will, however, pursue disciplinary action against any member who is shown to have knowingly filed a false report with the intention to injure another.

The University reserves the right, at any time, and without notice, to amend this Code of Conduct in its sole, good faith, discretion. This Code does not form a contract.

## **2.12 COMPLIANCE OFFICE**

### **2.12.1 Compliance Program**

CAU expects its employees to maintain the highest ethical standards and to protect the resources and reputation of the University. To help achieve this, the University's Audit Committee of the Board of Trustees established the Compliance Office. The Chief Compliance Officer is responsible for providing oversight for all functions of the Compliance Office.

The primary function of the Compliance Office is to promote a culture of compliance and

accountability. This office is responsible for making compliance a part of daily operations of the University, monitoring the effectiveness of compliance activities and investigating reported compliance violations. The Compliance Office is located at Room 215 Harkness Hall.

A Compliance Committee provides program direction and oversees the activities of the Compliance Office.

### **2.12.2 University Compliance Committee**

The CAU Compliance Committee provides direction and guidance to the Compliance Office and assists the President in his oversight of the compliance function. The committee's role is an essential component of the compliance program focusing on CAU compliance with applicable legal, ethical and regulatory requirements. The compliance committee is responsible for identifying and recommending appropriate disciplinary actions in response to specific types of compliance violations.

*For a membership list of the Compliance Committee, please see the Compliance Web site at <http://www.cau.edu/compliance/default.html>.*

### **2.12.3 Compliance Training**

A compliance training program has been implemented at the University. All new employees receive compliance training as part of their new employee orientation. All employees who work with government-sponsored grants, contracts or agreements attend mandatory compliance training that was developed to provide guidance in the management of these programs.

#### **References:**

- *The Faculty Handbook*
- *Policy 9.5.13 Weapons Policy*
- *Policy 9.1.1 Ethics and Business Conduct*
- *Policy 7.1.3 Fiscal Code of Ethics*
- *The Staff Handbook*
- *Personnel Policies for Faculty and Staff Members*
- *Policies Applying to Campus Activities, Organizations and Students*
- *Policy 9.1.2 on Sexual Harassment and Procedures for Responding to Reports of Sexual Harassment*
- *University policies on nondiscrimination and affirmative action*
- *Campus, laboratory and Office of the President Principles of Community*

## **QUESTIONS AND ANSWERS**

### **Contacts with the Media**

The news media will on occasion directly contact a faculty member or administrator for a quote or interview to be included in a story. Faculty members are permitted to give interviews on subjects that are in their area of expertise without getting prior approval from the Office of Marketing and Communication (OMC).

When giving an interview, members of the faculty must identify themselves as a professor and never as a dean or other administrator. Identifying themselves as an administrator may incorrectly imply that they represent the University when they are speaking with a member of the media.

After speaking with the media on a topic within their expertise, faculty must contact the OMC to make them aware of the context and content of the interview. If the OMC staff are aware of the interview, they can look for the article, radio or TV broadcast.

All employees who are contacted by the media about University-related issues must not comment. These calls should be referred to the OMC office.

*For more information please refer to the CAU Marketing and Communication policies and procedures document.*

**Q:** What should I do when a reporter calls?

**A:** Get the reporter's name, media affiliation and phone number. Ask what information he or she needs for the story and his or her deadline. If the reporter's questions are not in your area of expertise, or if he or she is seeking an official statement of University policy or an institutional comment, contact the OMC.

### **Responses to External Legal, Law Enforcement, Government or Other Outside Inquiries**

It is the policy of CAU to cooperate in government investigations of the University and its employees. Employees are responsible for notifying their supervisor immediately if they receive a subpoena, summons or other legal request from any government agency regarding CAU business, whether at home or in the workplace. The General Counsel should be contacted immediately. Questions on possible compliance violations, including those related to government-sponsored research, should be forwarded to the Chief Compliance Officer.

**Q:** I work on a government-sponsored research project. What do I do if I receive a letter from the sponsoring agency requesting information that requires a formal response from the University?

**A:** All formal inquiries from sponsoring agencies should be recorded and a copy should be distributed to the Chief Compliance Officer, the Vice President of Finance and Administration and the Provost.

### Political Activities and Public Officials

The University values the intellectual exchange of ideas between its faculty, students, staff and politicians and public officials. However, CAU, as a nonprofit institution with tax-exempt status, is subject to many political limitations. For example, neither the University nor anyone on behalf of the University can endorse or fund any political activity or individuals running for public office. Doing so could jeopardize CAU's tax-exempt status. As a result, campaigning on the CAU campus by any politician is strictly forbidden.

An employee engaging in any partisan political activity, meaning the election of a person to a public office, may not use the University's name, stationery, telephone, office, postal privilege, or anything directly under the University auspices that will portray the University in a partisan political position. Any employee who violates this policy is subject to disciplinary action including dismissal.

When a University-related activity requires contact with a political official, whether from the city of Atlanta or on a state or federal level, it should first be cleared through Human Resources.

*For more information please see section 2.12.7 of the Faculty Handbook or section 1.11 of the Staff Handbook.*

**Q:** As I was walking to a building on campus, I noticed a sign with a political candidate's name on it in an office window of a CAU employee. Is this against University policy?

**A:** Yes. The sign could be construed as an endorsement by the University of the candidate named on the sign.

### Political Participation and Lobbying

CAU encourages employees to engage in political activity by supporting candidates of their choice, participating in fund-raising and, if consistent with their University duties, seeking and holding elective or appointive office. However, no funds or assets of the University may be used to assist any candidate for political office or for nomination to such office, or for any political parties or committees. These prohibitions cover not only direct contributions but also indirect assistance such as furnishing goods, services or equipment to candidates, political parties or committees.

No CAU employee should engage in any lobbying activity without the prior approval of the President. Under federal law, employees who engage in any lobbying activity with federal government officials are subject to registration and reporting requirements. Activities subject to scrutiny include meetings and communications with government officials, as well as the preparation, planning and research for lobbying. Similar restrictions apply to the lobbying of state and local government officials.

OMB Circular A-21 Section J.28 prohibits the charging of lobbying costs as an expense on sponsored programs.

*See Section 1.1.2 of the Staff Handbook for more on Political Participation and Lobbying.*

**Q:** My neighbor is running for city council. Can I bring him to CAU to meet everyone in my office?

**A:** No. It is not appropriate to advertise any political activity or involve CAU administration in partisan politics.

### Contracts and Agreements

Persons authorized to commit the University to contracts of goods and/or contracts for services are limited to the following: the President, Vice Presidents and the Purchasing Manager. Such purchases should be secured by requisition through the Purchasing Department. Commitments include purchases, leases, rentals and contracts.

*For more information on contracts and agreements please see the CAU purchasing policies located on the CAU Web site.*

**Q:** A vendor has approached me about using the facilities at CAU. May I sign a contract or agreement on behalf of the University?

**A:** No. Only those with designated authority can sign such agreements.

### Grants and Contract Proposals for External Funding

The submission of a grant or contract proposal for external funding constitutes a formal transaction between CAU and the funding organization or agency. All proposal submissions for government-sponsored grants and contracts must go through the Office of Research and Sponsored Programs (ORSP). The ORSP coordinates the proposal review and approval for all government-sponsored grants, contracts and agreements. All proposals sent to foundations or other privately funded organizations must go through the Office of Institutional Advancement.

*For more information, please refer to the Policies and Procedures for Government Sponsored Programs document located on the CAU Web-site.*

**Q:** After making a presentation at a professional conference, a representative from XYZ foundation, a private granting agency, requested that I discuss with them the possibility of submitting a proposal in support of my project. How should I move forward with this request?

**A:** Contact the Office of Institutional Advancement

**Q:** A colleague of mine is a Program Officer with a state agency. She encouraged me to send her a proposal for a research project we have been discussing. The deadline is quickly approaching, so I need to send it to her by the end of the week. Can I send her the proposal and copy the ORSP?

**A. No.** To be eligible for submission, the proposal must pass through the review and approval process coordinated by the ORSP. To expedite the process, inform the ORSP right away of the tight deadlines.

### Donations from the University

Donations from CAU can only be made by individuals who have been granted such authority. In most cases, it is inappropriate for any employee to make gifts or donations in the name of CAU, to individuals, groups or organizations.

**Q:** A member of our department has a serious illness and we'd like to make a donation to an affiliated charitable organization. Can we use University funds for the donation?

**A:** No, University funds cannot be used in such a way.

### Athletics

As a member of Southern Intercollegiate Athletic Conference (SIAC), CAU is responsible for compliance with the rules of both the SIAC and the NCAA. Student-athletes are treated in the same way as other students and may not receive any "extra benefit" generally not available to all students. Student-athlete amateurism is strictly enforced.

All prospective student-athletes must be admitted through the Office of Admission and must meet the admission requirements stated in the University's catalog. Student-athletes enrolled in the University will meet all satisfactory academic-progress requirements established by the University and administered by the academic deans. Failure to meet satisfactory academic progress will result in termination of athletics eligibility and athletics-related grant-in-aid. Any employee found to have knowingly violated an NCAA rule is, among other sanctions, subject to termination of his or her employment.

*For more information, please see the policies and procedures for the Athletic Department.*

**Q:** I am collecting donations for a silent auction to benefit my church's high school. Can the Athletic Department donate tickets?

**A:** No. NCAA rules prohibit the Athletic Department from making contributions that may benefit prospective student-athletes in any way, including charitable contributions to high schools and community colleges.

### Confidential Information

CAU is committed to protecting the privacy of its employees, both during and after their service at the University. CAU only releases valid and pertinent information to appropriate requests. Examples of confidential data include: social security numbers, individual health information, credit card data, financial information, student grades, University and personal financial information.

**Q:** I received a phone call from a woman asking whether I would send her copies of correspondence our office had sent to an individual donor. Should I make the copies and send them to her?

**A:** No, individuals verbally contacting you with such a request should be advised to submit their requests in writing to the Office of Institutional Advancement.

**Q:** While typing some employment records, I came across information on a friend of mine. Can I discuss this information with her?

**A:** No, you may not disclose that you saw the information on her employment application.

### Social Security Numbers

CAU is actively phasing out the use of social security numbers as a unique identifier, and will use the social security number only when necessary to fulfill legal requirements.

### Family Educational Rights and Privacy Act (FERPA/Buckley Amendment)

The Family Education Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student records. FERPA gives parents certain rights to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are referred to as "eligible students."

Under FERPA, students have the right to inspect and review their educational records, amend educational records when appropriate and have control over disclosure of information from the records.

Schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.

*For more information on FERPA, please see section 2.17 of the Faculty Handbook.*

**Q:** If a student indicates that he or she does not want any information disclosed by the University, how should the University respond?

**A:** The student must notify the University in writing within ten (10) calendar days of the beginning of classes for the fall term. This request must be filed annually.

### Accurate Document Creation and Retention

The University's books, records and internal reports, as well as documents and reports filed with governmental agencies, must always be prepared accurately and reliably so that an accurate record of the University's transactions is presented. Any deliberate falsification of documents is strictly prohibited. You should report any falsification of records or similar violations to your supervisor and/or the Office of General Counsel.

When litigation or an investigation is pending, relevant records must not be destroyed. Any selective destruction of a document to avoid its being seen by a government official or other party is most likely unlawful and could lead to criminal prosecution. If you are concerned about any document, you should discuss it with the Office of General Counsel.

**Q:** Our department is very short on space. We have many boxes of files that we're ready to get rid of. Can we go ahead and toss them?

**A:** No. CAU has a formal retention schedule that should be followed by everyone. There are procedures that must be followed for destroying most types of records. Contact your supervisor for more information.

**Q:** I have over 1000 messages in my Outbox of my e-mail account. I'd like to clean it out, but I'm afraid I might violate policy. Is e-mail subject to the Records Retention policy?

**A:** Yes, e-mail is subject to records retention, but this does not mean you have to keep all of your e-mail. The retention of a document (or message) depends on the content and authorship of the document—not on whether it is in paper or electronic form. Internal memos, announcements, and informational items that you receive may be deleted as soon as they have served their purpose of informing you. If you are the author of documents or receive business e-mails from outside customers or business partners, you may have an obligation to retain certain messages. Discuss your particular record-retention needs with your supervisor.

### Use and Protection of University Property

**Q:** As an employee can I take University equipment or property home?

**A:** Employees must respect and protect University property. CAU property of any kind, such as equipment (including office equipment), facilities, materials and supplies, should be used only for conducting University business. Employees are permitted to use office equipment for personal purposes as long as such use is limited and reasonable. University property should not be removed from CAU premises unless approved in writing in advance. University property may not be sold, loaned, given away or otherwise disposed of without authorization.

### Computer Usage

Individual users are responsible for the appropriate use of University computers, and for taking reasonable precautions to secure the information and equipment entrusted to them. Users are responsible for adhering to University policies and practices to ensure IT assets are used in accordance with policy guidelines, and reasonable measures are taken to prevent loss or damage of computer information and equipment. Further, they are responsible for reporting inappropriate use of University computers, breaches of computer security, and assisting in resolving such matters.

Destruction, theft, alteration, or any other form of sabotage of University computers, programs, files or data is prohibited and will be investigated and prosecuted to the fullest extent of the law. Accessing or attempting to access confidential data is strictly prohibited.

Confidential information should only be used for its intended purpose. Using confidential information for anything other than its intended use, without prior approval, is prohibited.

*For more information please see the Information Technology and Communications Operating and Security Policy for Students, Faculty and Staff located on the CAU Web site.*

**Q:** While I was on vacation, my supervisor used my computer and accessed some personal information I have stored on the hard drive. What can I do to prevent this kind of “snooping” in the future?

**A:** An individual’s personal information stored on CAU-owned computer equipment is not confidential. As with personal e-mails, information that is stored or transmitted via CAU’s information systems is not private communication.

### Responsible Use of Technology

CAU provides a variety of computing resources including e-mail, Web hosting and Internet connectivity to its employees. These resources are a cost-effective way to conduct business. CAU wants to encourage the responsible use of computer technology by adhering to local, state and federal laws governing computer use. Violations of CAU computing resources include actions such as harmful actions towards minors, threats, harassment, use of obscenity, forgery, unsolicited e-mail, unauthorized access, collection of personal data, reselling services, service interruptions, physical security, copyright and trademark infringement among other things.

**Q:** I suspect that employees in my office are using their computers to conduct business that violates University policy. What should I do?

**A:** Report the suspected activities to your supervisor or the Compliance Office. The following information must be provided: the date and time of the alleged activity and a detailed description of the alleged activity.

### System Access and Passwords

Attempting to access University computers without specific authorization is prohibited. Any form of tampering, including snooping and hacking, to gain access to computers is a violation of University policy, and carries serious consequences. Employees are required to turn off their computers at the end of the day, and when not in use for an extended period of time. This will help prevent computer security breaches and damage due to power surges. In addition, computer users must take other reasonable precautions to prevent unauthorized access of University computers.

Computer passwords are used to protect your computer, electronic files and other data. External attacks on computers often rely on weak passwords based on personal data and common words. By creating strong alpha numeric passwords you are protecting University data.

*For more information on passwords, please see the Information Technology and Communications Operating and Security Policy for Students, Faculty and Staff located on the CAU Web site.*

**Q:** Is it acceptable to share your password when you are in a crunch for time or will be out of the office?

**A:** No. You should never share your password. If additional passwords are required, follow the procedure established to request access. Individuals who share their passwords are accountable for actions taken under their login.

**Q:** I have trouble remembering passwords, so I just use my initials. Is this wrong?

**A:** Yes. Trivial or easily guessed passwords provide very little protection against unauthorized access to University resources. The University security rules require that you use a complex password such as a combination of letters, numbers, and punctuation symbols, even if it's initially difficult to remember.

### Computer Software and Software Licensing

The University does not own computer software, but rather licenses the right to use software. Accordingly, University-licensed software may be reproduced only by authorized individuals in accordance with the terms of the software-licensing agreements. Unauthorized copying, redistributing, and republishing of copyrighted or proprietary material are strictly prohibited. Copyright laws apply on the Internet as well.

Employees should direct questions about applicable software license agreements to their supervisor or OITC.

*For more information, please see the Information Technology and Communications Operating and Security Policy for Students, Faculty, and Staff located on the CAU Web site.*

**Q:** My budget doesn't allow everyone to have a copy of a software program. Is it OK to copy the program from someone else's computer and put it on mine?

**A:** No. This is a violation of federal copyright laws. Check with OITC to determine whether a cost-effective site license is available for the program.

### Computer Theft

Individual users are responsible for securing their PCs and laptops. Stolen hardware must immediately be reported to Campus Security. If that theft results in the loss or compromise of sensitive information, the type and nature of the data lost will also be reported to the Security Manager, Office of Information Technology. Employees should never take personal laptops, flash drives, external hard drives, etc. off campus that contain social security numbers, individual health information, credit card data, financial information, student grades or personal financial information.

### PROPRIETARY INFORMATION

CAU may acquire and develop valuable information which could be central to the institution's success. This information is proprietary and, in most cases, confidential. In addition, CAU considers all work generated during an employee's employment to be proprietary and confidential unless it specifically states in writing that it is not.

The employee's obligation to protect CAU's proprietary and confidential information continues even after he or she leaves the institution. If an employee leaves CAU for any reason, he or she must promptly deliver to the University all correspondence, reports, memoranda, records, manuals, notes, computerized files, drawings, business cards and other material and property

belonging to CAU which may be in his or her possession or under his or her control. Should he or she continue to use CAU's confidential or proprietary information once he or she leaves the University, CAU may pursue a range of legal remedies.

### INTELLECTUAL PROPERTY

It is CAU's policy not to infringe upon the intellectual rights of others, including valid and enforceable patents, trademarks and copyrights. Any employee who suspects an infringement should report the matter to his or her supervisor and the Office of General Counsel.

#### Adherence to Copyright Law

All employees of CAU shall conduct their activities on behalf of the University in such a fashion as to meet and comply with all the requirements of the United States copyright laws and regulations. As a condition of employment, each employee agrees to accept the responsibility for reading and understanding the requirements of the copyright laws and the policy statement and guidelines of the University.

Employees are responsible for knowing and observing the laws concerning the use of copyright material.

*See section 2.12.2 of the Faculty Handbook or section 1.1.4 of the Staff Handbook for more information on the use of copyright material.*

**Q:** I would like to photocopy a portion of a book for use in my class. Would this be okay?

**A:** Faculty are responsible for knowing and observing the laws of copyright material. Section 107 of the Federal Copyright Law Revision of 1978 provides that fair use of a copyrighted work including use by reproduction in copies, for purposes such as teaching, scholarship or research is not an infringement of copyright. Copyright works typically contain a reference describing the permitted use of the work. Where uncertainty exists, the copyright owner should be consulted.

#### Copyright Policy

Except for writings that pertain to an invention or discovery of a patentable nature and writings done directly related to a University project, through a contract with a third party or through external funds, all rights to copyrightable material shall be reserved by the author.

#### Discoveries and Inventions--Patents

All employees shall conduct their activities on behalf of the University, including but not limited to any research or writing activities, in such a fashion as to meet and comply with all of the requirements of all federal intellectual property laws and regulations, as well as the University's guidelines regarding same. Any employee who makes an invention or discovery which grew out of the employee's work with the University, must assign all rights to the invention or discovery to the institution. In addition, the University shall be entitled to rights in any employee invention

made on University time or with the use of the University's facilities, material or information. The University claims ownership and control of worldwide patent rights that result from activities of its employees including all publication rights. The inventor's limited rights are detailed in the Faculty Handbook. All employees agree to these guidelines and obligations.

*For more information on patents, please see section 2.12.2.2 of the Faculty Handbook.*

### **WORKPLACE CONDUCT**

#### **Fraud**

CAU will investigate reported cases of fraudulent or related misuse of University resources or property. Individuals found to have engaged in fraudulent or related misconduct are subject to disciplinary action by the University, which may include dismissal and legal prosecution. Examples of fraud include, but are not limited to, forgery (making or altering documents or computer files with the intent to defraud), purposely inaccurate financial reporting, misuse of University resources, improper handling or reporting of monetary transactions, authorizing or receiving compensation for goods not received or services not performed, authorizing or receiving compensation for hours not worked, falsifying information on an application for employment, etc.

All questions on fraud or fraudulent behavior should be reported to the Compliance Hotline at (404) 589-8006.

**Q:** Can I be terminated if I did not answer truthfully on the CAU application for employment?

**A:** Yes, if your application for employment includes incorrect information, whether it was intentional or not, you may be terminated.

#### **Unlawful Discrimination**

CAU is committed to maintaining a humane atmosphere in which the race, color, religion, sex, sexual orientation, gender identity, age, national origin, marital status, physical or mental status, HIV/AIDS status, military or status as a Vietnam veteran of an individual or group are respected and not disparaged.

*For more information, please see section 2.9.3.3 of the Faculty Handbook or section 1.2.2 of the Staff Handbook.*

#### **Equal Employment Opportunity and Affirmative Action Policy**

CAU is an equal opportunity/affirmative action employer. The University provides equal employment opportunities to all faculty, staff, students and applicants without regard to race, color, religion, sex, sexual orientation, gender identity, age, national origin, marital status, physical handicap, HIV/AIDS status, military or status as a Vietnam veteran in compliance with applicable federal and state laws that pertain to nondiscrimination. Such action shall include, but is not limited to, employment, promotion, demotion or transfer, recruitment or advertising, lay-off or separation, rates of pay or other forms of compensation and selection for training programs.

Human Resources is responsible for the coordination and implementation of the policy.

*For the complete University policy on Equal Employment Opportunity and Affirmative Action Policy please see section 2.3.2 of the Faculty Handbook or Section 1.0 of the Staff Handbook.*

**Q:** My supervisor recently made inappropriate cultural references that I find offensive. I am extremely uncomfortable with the situation, but fear that the fallout from reporting it would be worse than putting up with the behavior. What can I do?

**A:** Report the alleged incidents of discrimination to Human Resources. CAU prohibits retaliation or threat of retaliation in any form against employees who have filed discrimination complaints in good faith.

### **9.1.2 Sexual Harassment, Sexual Discrimination and Sexual Misconduct**

It is the policy of CAU that sexual harassment and discrimination on the basis of gender will not be condoned. As a matter of practice and policy, the University is committed to maintaining an education and working environment free of conduct which degrades or subjugates employees or students. This policy applies equally to all employees and students, and is in keeping with the spirit and intent of Federal guidelines (Title VII of the Civil Rights Act of 1964) on discrimination because of gender.

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature that interferes with performance by creating a hostile, offensive, or intimidating work environment or is an expressed or implied condition of employment. Such behavior will be subject to disciplinary actions up to and including dismissal.

Any complaints relating to this type of misconduct should be reported to the Director of Human Resources immediately. Complaints will be treated confidentially and promptly, and will be carefully investigated.

It is the responsibility of all members of the University community to discourage sexual harassment, report such incidents, and cooperate in any investigation which might result.

*For more information, please see section 2.9.3 of the Faculty Handbook or section 1.2 of the Staff Handbook.*

**Q:** During a recent school-sponsored social event held off campus after normal work hours, a colleague of mine made inappropriate statements to me that were sexual in nature. My colleague's behavior made me very uncomfortable, but it occurred outside the workplace after normal work hours. What can I do?

**A:** Work-related events, such as business travel, or work-sponsored events, even if they are held off campus, are considered extensions of the workplace. You should report the incident to your supervisor.

**Q:** My supervisor makes remarks containing sexual language clearly directed at me. What can I do?

**A:** Ask your supervisor to stop the remarks; however, if you do not feel comfortable talking to your supervisor, contact Human Resources.

### Policy 9.1.9 on HIV/AIDS

CAU recognizes that employees with a life-threatening illness such as HIV/AIDS may wish to continue their employment and, in fact, continued employment may be therapeutically important. As long as employees who have HIV/AIDS are able to maintain acceptable performance standards in accordance with established University policies and procedures, and the weight of the medical evidence continues to indicate that HIV/AIDS cannot be transmitted by casual workplace contact, employees with HIV/AIDS will be permitted to continue to work.

The University has a duty and a responsibility to protect the confidentiality of medical information on all employees.

### Workplace Health and Safety

The promotion of safety and prevention of accidents is important to the University and it is the responsibility of individual departments or units and each individual to be safety-conscious and to follow safety and security practices in order to minimize the possibility of theft or personal injury. Employees are required to report unsafe working conditions to Human Resources and to wear the appropriate clothes or equipment for tasks which require safety precautions.

Disciplinary action will be taken against any employee who knowingly or unknowingly violates safety regulations that pose a threat to himself or herself, or another member of the University community.

The campus safety manual may be obtained from the Office of Administrative Services.

*For more information on Workplace Health and Safety please see section 2.12.9 of the Faculty Handbook or Section 1.10 of the Staff Handbook.*

**Q:** I accidentally cut my finger on a paper cutter and will most likely need stitches. Do I need to report this to anyone?

**A:** Yes. You should always report any job-related injury, no matter how small, to your supervisor.

**Q:** It is unclear to me what I should do in the event of a fire or other emergency that requires evacuating my building. Where do I get this information?

**A:** Your supervisor can provide you with the evacuation procedures for your work area. It is important that you address the following areas: The type of alarm or announcement, location of emergency exits, how to request assistance in exiting the building and the assembly point for your work group after you have exited the building.

### Drug and Weapon-Free Workplace

The unlawful possession of a weapon or the unlawful manufacture, distribution, possession, or use of a controlled substance in or on any premises or property owned or controlled by CAU is prohibited.

In accordance with the Drug-Free Schools and Communities Act of 1988, CAU has adopted an antidrug and alcoholism program for its employees. Consistent with the federal mandates prescribed by Congress under the Drug Free Schools and Communities Act and the Drug Free Workplace Act, the Board of Trustees of CAU has approved policies designed to educate all students and employees of the effects and consequences of alcohol and illicit drug use.

CAU does not permit or condone illicit or unauthorized possession, use, consumption, sale or distribution of drugs and/or alcohol by its students and employees on its property or as part of its activities. This policy applies to all full-time and part-time regular and temporary employees, including faculty, administration, all exempt and nonexempt staff, and all student employees and interns. Employees and students who violate this policy will be subject to appropriate disciplinary action, which may include counseling, mandatory participation in an appropriate rehabilitation program, a warning, placement on strict probation, unpaid suspension from employment, expulsion, discharge and referral to the proper law enforcement authorities.

A safe and secure environment is a fundamental prerequisite for fulfilling the University mission of teaching, research and public service. CAU is committed to maintaining a workplace that is free of violence. While on University-controlled sites and at University-directed activities, employees (other than those persons authorized by the University or federal, state or local governments) are prohibited from introducing, possessing, using, buying or selling weapons, firearms, ammunition explosives or items deemed by campus police to be dangerous.

Any unauthorized employee possessing a weapon will be asked to remove them from campus immediately. They may also be subject to arrest and/or disciplinary action up to and including dismissal.

**Q:** A co-worker's recent behavior makes me believe he may have a problem with drugs or alcohol. What should I do?

**A:** All CAU employees are required to report an employee behaving in an unsafe manner. If this is the case, you should report your observations to your supervisor.

### Threats and Violence

CAU is committed to providing a work environment that is free from intimidation, threats (direct or implied) or violent acts. The University will not tolerate intimidating, threatening or hostile behavior of any kind. Employees who believe they have been subject to threatening or violent behavior should report the incident to Human Resources.

*For more information, please see Sections 1.10 and 5.3.2 (i) of the Staff Handbook.*

**Q:** A colleague in my office is known for his bad temper. Once at a meeting, my

colleague was so upset that he threw a stapler across the room in a rage. After a recent disagreement with him about a work-related issue, he waited for me in the parking lot and confronted me in an aggressive manner. He said that I was “not being fair” and that it made him “extremely angry.” What should I do?

**A:** CAU has a no-tolerance policy against intimidating and hostile behavior of this kind. The incident should be reported to Human Resources. A prompt and thorough investigation of the incident will be conducted and appropriate action will be taken.

*For more information, please refer to the Public Safety Guide.*

### **Overtime and Timekeeping**

Nonexempt employees, or those individuals whose work responsibilities meet the test set forth for this classification by the Fair Labor Standards ACT (FSLA) and are paid on an hourly basis, are required to complete a time report to receive pay. Nonexempt employees are required to maintain complete time-and-leave records to account for hours worked, as well as vacation, sick and/or compensatory leave time. Falsifying a time report is a serious act of misconduct that can lead to discipline up to and including termination.

The University actively discourages nonexempt staff from working more than forty (40) hours per week. In the rare situations where overtime is required, overtime must be approved by the responsible Unit Head and his or her superior. Under no circumstances shall compensatory time be given in lieu of overtime. Systematic and/or prolonged overtime must be approved in advance by the appropriate Vice President with a Personnel Action Form (PAF).

The standard work week for CAU staff employees is thirty-five hours. Employees are paid at the regular pay rate up to 40 hours. All hours worked in excess of forty hours are paid at time and one-half.

*For more on overtime pay, please see section 2.5 of the Staff Handbook.*

**Q:** My supervisor directed me to add five hours that I did not work to my time report as recognition for my contribution to an important project. Is that an acceptable form of recognition?

**A:** No. The time report is an official document that should reflect the actual hours worked by the employee. Falsification of a time report is a fraudulent act that is subject to discipline up to and including termination.

**Q:** I am a nonexempt employee. I like to get all of my work done each day, so sometimes I come in early and leave late, but I only record eight hours of work on my time card. Is this okay?

**A:** Under the Fair Labor Standards Act, all “hours worked” must be compensated; therefore, all hours worked, including overtime, must be accurately recorded on your time report. In addition, your supervisor must approve, in advance, any overtime hours prior to your working over 40 hours.

### Employment of Relatives

CAU permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of the University, create actual or perceived conflicts of interest. Relatives of CAU employees do not receive preferential consideration for employment at the University. For purposes of this policy, “relative” is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or step relation. The University will exercise sound business judgment in the placement of related employees in accordance with the following guideline:

- Individuals who are related by blood or marriage are not permitted to work in the same department. No employee is permitted to work immediately within the “chain of command” of a relative such that the relative’s work responsibilities, salary or career progress could be influenced by other relatives, or any other positions in which the University believes inherent conflict of interest may exist.
- Employees who marry while employed are treated in accordance with these guidelines. That is, if a conflict or an apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practicable time.

This policy applies to all categories of employment at the University, including regular, temporary, and part-time classifications.

**Q:** My new external grant includes funding for several part-time positions. As principle investigator and hiring manager, I plan to fill one of those positions by hiring my daughter. Does the University’s policy apply to externally funded grant positions too?

**A:** Yes. The University’s policy does not allow an individual to be employed in a department or unit under the immediate supervision of a relative regardless of the source of the funding.

### Smoking

In order to maintain a safe and comfortable working and study environment and to ensure compliance with applicable laws, smoking in University offices and facilities is strictly prohibited. Employees should be familiar with those areas throughout the University premises where smoking is either permitted or prohibited. These areas have been marked. Because the University may be subject to criminal and civil penalties for violations of applicable smoking laws, there must be strict adherence to this policy. Employees smoking in any nonsmoking area will be subject to disciplinary action.

### Conflict of Interest (See Policy 2.2.0 Conflict Interest and Commitment)

Each employee is expected to conduct himself or herself in such a way that nothing conflicts or appears to conflict with the employee's ability to discharge his or her primary responsibility to the University. Personal investments or activities which create or may appear to create a conflict of interest are not permitted. Employees are expected to test their conduct and its probable effect on the institution in accordance with exacting personal standards of integrity and loyalty. The

following common types of potential conflicts, while not an exclusive or exhaustive list, are presented to assist employees in determining what situations may present problems.

### Managing a Conflict

CAU requires all employees who influence decisions where a potential conflict of interest exists, to refrain from the conflict or disclose the conflict to a supervisor. Examples of conflicts include: competitive bids, approval of decisions by an employee related to an outside vendor or when an employee has a financial or personal interest in a company hired for a project.

**Q:** My brother works for a printing company and we asked that his company do work for us. Is this a conflict of interest?

**A:** You must disclose the business relationship. University Related Transactions

Administrative officials and employees of the University who are not trustees shall disclose any conflict of interest in any transaction involving the University and shall not use their personal influence in connection with, participate in, or act on the matter.

### Outside Employment

Employees should not engage in any outside employment or activities on their time which might adversely affect their job performance with CAU unless approved in advance and in writing by either the Provost or Vice President for Finance and Administration.

Each member of the faculty shall advise the Department Chair and Dean of any activities in which they engage which will or may result in rendering less than full-time service to the University.

*For more information, please see section 2.9.6 of the Faculty Handbook or Section 1.1.3 of the Staff Handbook.*

**Q:** I work as an accountant at CAU. I also do bookkeeping for a printing firm that does business with CAU and occasionally with my department. Is there anything wrong with this?

**A:** Yes. You may not accept employment from any outside company that also does business with CAU if the position will be in conflict with your job duties at CAU. In this case, you may make an error on an invoice submitted from the printing firm that you are responsible for paying in your role as an accountant at CAU.

### Family Members

In the event a spouse or an immediate member of the family or someone else close to the employee is a competitor or supplier to CAU or is employed by one, there are several factors to consider. Among them: the relationship between CAU and the other company, the nature of the employee's job at CAU and the other person's job, and the access each of them has to the respective employer's confidential information. Often any risk to CAU's interests is sufficiently

remote or can be eliminated by taking every precaution to prevent the inadvertent disclosure of confidential information. In some unusual circumstances, a change in job responsibilities may be necessary.

The University's policy is not to purchase materials or services from University employees or immediate family members. In this way, the University is protected from being involved in conflict-of-interest situations.

### Serving Public Bodies or Organizations

CAU employees are encouraged to serve their communities in volunteer activities and as a member of public bodies, such as school boards, city councils, hospital boards, state legislatures, etc., and to represent their constituents to the best of their abilities. There may be circumstances, however, when an issue before such a body affects CAU as well as constituents. Such circumstances, which may pose a conflict of interest for the individual, should be reviewed directly with the Office of General Counsel. An employee should be aware that any situation, however harmless it may appear to him or her, could arouse questions among others. The very appearance of a conflict of interest can create problems despite the best intentions. Therefore, any situation that might result in a conflict or the appearance of a conflict between personal or family interests and the best interests of the University should be avoided.

### Financial Interests

CAU employees are prohibited from having a direct or indirect interest, financial or otherwise, in a corporation or business engaging in a professional activity, or incurring an obligation of any nature that is in substantial conflict with or might reasonably tend to influence the discharge of the employee's official duties.

**Q:** I've been buying stock in a company that does business with CAU. After my next purchase, I'll own more than 10% of the company. Does this pose a problem?

**A:** Possibly. In addition, if you have the authority to award contracts, select vendors, or influence purchases of goods or services, then you must report your ownership on the financial disclosure and conflict of interest statement.

## FINANCIAL MANAGEMENT

### Trademarks, Licensing and Brand

The University owns all rights to the use of its name, seal, symbols and other marks. Accordingly, any use of the University's name, seal, insignia and other symbols shall be approved in advance by the Office of University Relations and the Office of Auxiliary Services, which enforces the University's visual identity program. Requests for proposed uses shall be submitted to the Office of University Relations. This includes such use as the University's name and symbols in selling T-shirts, cups, watches and all other paraphernalia. Employees are strictly prohibited from altering the University's visual identity symbols in any way for any purpose. The University's seal, symbol and logo are its trademarks and use beyond what is permitted by University policy is prohibited and subject to legal action.

Seals, symbols and logos include, but are not limited to, the University seal, the CAU Panther Character and the names "Clark Atlanta University," "CAU Panthers," "The Clark Atlanta

University Panthers.” All commercial use of University marks is restricted to official licensees.

**Q:** I am ordering a novelty item for my department event on which I would like to display a CAU logo. Whom shall I contact regarding using a logo?

**A:** Contact the Office of Strategic Communications and University Relations at (404) 880-8337.

### Fund-raising Policy

All fund-raising activities conducted on behalf of or in the name of the University by any employee shall be subject to the coordination of the Office of Development. Grants or gifts may not be accepted on behalf of the University unless approved by the Vice President for Institutional Advancement and University Relations or designee.

Employees may not solicit funds on behalf of any organization other than an approved University organization on University property unless prior approval is received from the Office of Institutional Advancement and University Relations. Employees may not sell or solicit the sale of products on University property or on work time other than University approved products the sale of which is part of the employee’s job duties or responsibilities.

*For more information on the CAU fund-raising policy, please see Section 2.12.3 of the Faculty Handbook.*

### GIFTS AND GRATUITIES

The University prohibits all employees from accepting any personal gift or gratuity with a value in excess of \$99, from outside organizations, corporations, companies, partnerships or other entities which provide or are seeking to provide goods or services to the University.

Employees may not accept business entertainment such as invitations to dinner, sporting events, theater presentations, etc., valued in excess of \$99. Employees must consult with and report to their supervisor all gifts, gratuities and entertainment valued at more than \$99. Gifts that are sent directly to an employee must be reported to their supervisor. Promotional gifts of nominal value such as pens, calendars and scratch pads do not need to be reported.

It is possible that a gift in excess of \$99 is acceptable; however, the Gift Receipt form must be completed and returned to the Compliance Office.

Employees of the Purchasing Office must adhere to departmental policies which can be found on the CAU Web site.

**Q:** As a department head, I have been working with a CAU vendor for several years. This vendor recently offered to do some landscaping work for me at a substantial discount. Can I let him landscape my yard?

**A:** No. A substantial discount would mean that the vendor was giving you special service with the expectation that you could provide continued or additional CAU business for this vendor.

**EMPLOYEE CERTIFICATION**

**Employee Certification**

I have read and I understand Clark Atlanta University's policies as stated in this Code of Conduct. I am complying and will continue to comply with all of the policies stated in the Code of Conduct.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Area or Unit in the University**