EXAMPLES OF VIOLATIONS, AND PENALTIES

The standards are taken directly from the NYS Public Officers Law. The examples are meant to be illustrative, not exhaustive.

1. Rule with respect to conflicts of interests.
   “No officer or employee of a state agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.”

2. Standards.
   a. “No officer or employee of a state agency...should accept other employment which will impair his independence of judgment in the exercise of his official duties.”

   One accepts a position with or a paid consultancy to a company that is a candidate for a contract which one has the power to award or a company that is owned by one’s supervisor, colleague, student, teaching assistant or work-study student.

   b. “No officer or employee of a state agency...should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority. Confidential information is defined as any information relating to college business operations, clients, students, vendors and/or employees that should be kept private”

   An instructor sells a list of his or her students’ phone numbers to telemarketing companies.

   c. “No officer or employee of state agency...should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.”

   [Note: See federal privacy guidelines (FERPA).]

   One tells unauthorized individuals details of a confidential personnel review, judicial proceeding, or investigation.

   One posts student grades in such a way that the students’ confidentiality might be violated.

   One fails to appropriately safeguard personnel or student files containing other confidential information (e.g., Social Security numbers).

   d. “No officer or employee of a state agency...should use or attempt to use his official position to secure unwarranted privileges or exemptions of oneself or others.”

   One uses one’s power to grant contracts to acquire discounts on personal purchases from potential recipients of such contracts.

   One accepts a substantial gift from a potential vendor or contractor.

   One requests free examination copies of books in order to profit by selling them later.

   One utilizes state services (e.g., telephone codes, photocopy equipment, cars) for personal benefit.

   One takes state goods or supplies (e.g., paper) for personal benefit.

   One creates course packets using college paper, supplies or photocopiers, sells them directly to students and deposits the money in a department’s or other organization’s fund.

   e. “No officer or employee of a state agency...should engage in any transaction as a representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.”

   A manager awards a lucrative no-bid contract to a company whose primary owner is the manager himself or herself or the manager’s spouse or the manager’s partner in another business.

   f. “An officer or employee of a state agency...should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.”

   (See the related policy on Decisions Involving Relatives, Spouses and Consensual Partners in this document.)

   One evaluates the performance, determines the salary, or decides the college employment status of an employee with whom one has a close personal relationship, such as marriage, consensual intimacy, or kinship.

   One assigns grades, serves on a thesis committee or scholarship awards committee or otherwise appraises the academic progress of a student with whom one has a close personal relationship, such as marriage, consensual intimacy, or kinship.

   One participates in supervisory or peer recommendations of another faculty or staff member with whom one has a close personal relationship, such as marriage, consensual intimacy, or kinship.

   One accepts substantial gifts from students or employees.
g. “An officer or employee of a state agency...should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made for him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.”

An instructor becomes a partner in a local book store that specializes in selling textbooks to college students.

h. “An officer or employee of a state agency...should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.”

One ignores or overrides, or appears to ignore or override, fairness in hiring, evaluation, and promotion of faculty or staff.

i. “No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services to any person, firm corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.”

An instructor with his or her own firm is paid to prepare the tax returns for the Auxiliary Services Corporation.

j. “If any officer or employee of a state agency shall have a financial interest, direct or indirect, having a value of ten thousand dollars or more in any activity which is subject to the jurisdiction of a regulatory agency, he should file with the secretary of state a written statement that he has such a financial interest in such activity which statement shall be open to public inspection.”

An instructor fails to disclose his or her ownership of $10,000 worth of stock in the National Grid power company, which is regulated by state agencies. (Note: Section 73-a of the Public Officers law, on financial disclosure, largely supersedes this rule, so disclosure is typically sent to the state ethics commission, not the secretary of state.)

3. Violations.

“In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended, or removed from office or employment in the manner provided by law.”

**NEW YORK STATE PUBLIC OFFICERS LAW: CODE OF ETHICS**

College faculty, administrators and other staff are required, at the time of their appointment, to sign an Oath of Office pledging that they have read and will conform to the New York State Public Officers Law sections 73 through 78, relating to ethics in state government. Section 74 is reproduced in the Faculty and Staff Handbook under “General Policies”.

**PROCEDURES**

The College shall make this Conflict of Interest and Professional Ethics Policy readily available and shall communicate it at least annually to all employees. New employees are to be given a copy of this policy.

**FACULTY AND STAFF HANDBOOK**

The College’s policy (in Section 2 of the Faculty and Staff Handbook) has two principal anti-nepotism principles. FIRST, the person requesting the appointment of an employee’s relative must assure supervisory personnel that a thorough search has been made for a qualified candidate. SECOND, no employee shall, at any time, be a party to any official decision that affects a relative, and violation of this policy shall automatically invalidate the decision.

The term “relative” under this policy is hereby defined as the state Public Officers Law (Section 73-a(1)) defines it, to include an employee’s spouse as well as a child, parent, stepchild or stepparent, or any direct descendant of the grandparents of the employee or the employee’s spouse.

This policy is hereby extended to include the hiring, evaluation and promotion of relatives (including spouses) and also any individual engaged in a sexual, amorous or romantic relationship with an employee. Note that sexual relationships between employees and students whom they are teaching or supervising are already prohibited under the College’s Policy on Consensual Relationships.

**Campus Resource**

HUMAN RESOURCES OFFICE
Affirmative Action Officer
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315.312.3702