

Ethics in the Workplace - Whose Pencil is It Anyway?

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MS Ethics Law

- ❖ As clear as mud
- ❖ Enforced by the MS Ethics Commission
- ❖ Advisory opinions and laws are all we have



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Ethics Law – Section 25-4-15(1)

- No public servant shall use his official position to obtain, or attempt to obtain, pecuniary benefit for himself other than that compensation provided for by law, or to obtain, or attempt to obtain, pecuniary benefit for any relative or any business with which he is associated.

Relatives

- Includes a public servant's:
 - Spouse
 - Child
 - Parent
 - Sibling
 - Spouse of a relative (some in-laws)

Advisory Opinions

- ◉ Can be requested by anyone
- ◉ Are anonymous, but often the fact pattern is telling
- ◉ Protects the requestor from liability
- ◉ MS Ethics Commissions website has instructions on how to request an opinion.

Outside Employment

- Can a University professor engage in outside employment using general knowledge gained in his employment at MSU?
- Yes, when the knowledge used is only general, no university resources are used, and an outside employment form has been approved, a professor may engage in outside employment.

Outside Employment

- Also, no CVM staff member can teach a class at the Sanderson Center as outside employment. This must be done through a request for additional payment.
- An MSU employee may be an employee of a county. Examples include supervisors, coroner, etc.

Outside Employment

- Can't use your position to further your outside employment
- Example – counselor, directing to business, tutoring, etc.

Contractor Prohibition

- No public servant shall: (a) Be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent, other than in his contract of employment, or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee, or agent.

Contractor Prohibition

- Can the employee of a vendor teach classes as an adjunct professor?
- No, a vendor cannot teach classes at MSU as an adjunct professor.

- Can a University department contract with the spouse of one of their own employees?
- Yes, as long as the spouse working at MSU is not involved in the contracting process, is not making the decision regarding who to hire, and is not influencing the decision.

Contractor Prohibitions

- Can I work for both MSU and a company performing work for MSU?
- Yes, as long as the outside employment has been approved and the other conditions are met.
 - Other conditions:
 1. No material financial interest in the company
 2. Own less than 2% of the company
 3. Make less than \$5,000 net income

Contractor Prohibitions Test

- ◉ Which way does the money flow?
- ◉ If the contractor (MSU employee owned business) is paying MSU, there is no problem because there is no pecuniary benefit to the employee.
- ◉ If MSU is paying the contractor, it is a state law violation.

Purchasing Issues

- (3) No public servant shall: (B) Be a purchaser, direct or indirect, at any sale made by him in his official capacity or by the governmental entity of which he is an officer or employee, except in respect of the sale of goods or services when provided as public utilities or offered to the general public on a uniform price schedule.

Purchasing Issues

- Can a professor or staff member who bakes cookies at home sell these to Student Affairs to be served at a University function?
- No. No University employee can also be a vendor to the University.

Purchasing Issues

- Can a University department make purchases from a business which employs the department head's spouse?
- No, because the department head must approve the purchases and the business is one with which the department head is associated.

Purchasing Issues

- Can a University department make purchases from a business owned by the brother of a university employee?
- Yes, if the employee is fully recused from the procurement process.

Purchasing Issues

- Can an employee bid on MSU items posted on GovDeals.com?
- No, even though this is available to the general public, an employee may not bid.

- Can an employee buy cheese from MSU or athletic tickets?
- Yes, because the price is fixed.

The Smell Test – ITS Resources

- OP 01.12 – allows employees to use university IT resources for incidental personal use
- This does not include using your MSU email, phone number, or address for a side business.
- Could not buy a software package to put on your university computer that is only used by your side business.
- IT resources – while they can be used for personal use, remember it is not actually private!!

The Smell Test - Travel

- Routing flights to serve personal interest
- Taking unnecessary trips on the University's money and time.
- Reimbursement for non-reimbursable expenses.
- Gaming the system to get additional mileage.

The Smell Test – Other Issues

- ◉ Leave violations/flexible work schedule
- ◉ Call in sick for a beautiful day
- ◉ Office Supplies – taking or hoarding them
- ◉ Misuse of the procard
- ◉ Claiming credit for someone else's work
- ◉ Amorous relationships

How to Report Ethics Violations

- If you can go to your direct supervisor, PLEASE start there.
- If you cannot, you can go up the chain of command.
- If that's not an option, you can go to HRM or the Office of Compliance and Integrity.
- If that's not an option, Ethics Line is an option.



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CAMPUS ANNOUNCEMENTS

- ▶ Check out MSU Dining Services hours for Jan. 3-8
- ▶ Ice Dawgs back to business this weekend in Tupelo
- ▶ MSU Diversity Award nominations being accepted
- ▶ [Submit an Announcement](#)

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MISSISSIPPI STATE HEADLINES

- ▶ Starkville/MSU Symphony begins 2012 concert season
- ▶ Former educator Cunetto joins development staff
- ▶ Christmastime display called 'labor of love'

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COMING EVENTS

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ETHICS LINE – 1-877-310-0424

What Happens to Ethics Line Complaints?

- All go to IHL's internal auditor, MSU's internal auditor, and Dr. Keenum.
- Internal audit assigns an investigator.
- The investigations are often difficult if there is no identifying information and the complaint is anonymous.

Questions?

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