

3361:10-17-03

Conduct and ethics: code of conduct

(A) Introduction, purpose & scope:

(1) Introduction

As members of the university of Cincinnati (“university” or “UC”) community, all faculty, staff, students, members of the board of trustees, university officers and affiliates are responsible for maintaining the highest ethical standards of this institution, and of the broader community in which we function. The university values integrity, honesty and fairness and strives to integrate these values into its teaching, research, service and business practices.

(2) Purpose

This code of conduct (the “code”) is a statement of UC’s commitment to upholding the ethical, professional and legal standards we use as the basis for our daily and long-term decisions and actions. We all must be cognizant of and comply with the relevant policies, standards, laws and regulations that govern or relate to our role in the university community. We are each individually accountable for our own actions and, as members of the university community, are collectively accountable for upholding these standards of behavior and for compliance with all applicable laws and policies.

(3) Scope

The code applies to the following members of the university community:

- (a) members of the board of trustees;
- (b) faculty and staff;
- (c) any individual employed by the university, using university resources or facilities, or receiving funds administered by the university; and
- (d) volunteers and other representatives when speaking or acting on behalf of the University.

Students are governed by rule 3361:40-5-05 of the Administrative Code.

(4) Violations

All members of the university community are responsible for bringing suspected violations of applicable standards, policies, laws or regulations to the attention of the appropriate office (see section J, below). University policy prohibits retaliation against individuals reporting suspected violations. Confirmed violations will result in appropriate disciplinary action up to and including termination from employment or other relationships with the university. In some circumstances, civil and criminal charges and penalties may apply.

(5) Questions

Any questions regarding the intent or applicability of this code should be directed to the office of the general counsel.

(B) Guiding principles

It is vital to the University's missions of education, research and service that it maintain a reputation for integrity that includes, but is not limited to, compliance with laws and regulations and its contractual obligations. As a public institution supported by public resources, even the appearance of misconduct or impropriety can be very damaging to the university. UC must strive at all times to maintain the highest standards of quality and integrity. This involves more than merely complying with the law. Frequently, UC's business activities and the other conduct of its community members are not governed by specific laws or regulations. In these instances, principles of fairness, honesty, and respect for the rights of others will govern our conduct at all times. In addition, each individual is required to conduct university business transactions with the utmost honesty, accuracy and fairness. Each situation needs to be examined in accordance with this standard. No unethical or unfair practice can be tolerated on the grounds that it is "customary" or a "standard business practice" for entities or individuals outside of UC or because it serves other worthy goals. Expediency should never compromise integrity.

In complying with these guiding principles, you should ask yourself the following questions to aid in making the right decision about a possible course of action:

- (1) Are my actions illegal or unethical?
- (2) Am I being fair and honest?
- (3) Would I be embarrassed or unwilling to tell my family, friends or co-workers?

- (4) Would the reputation of UC be harmed if the action were revealed in the newspaper?
- (5) Am I personally uncomfortable with the course of action?
- (6) Could someone's life, health, safety or reputation be endangered by my action?
- (7) Could the intended action appear inappropriate to a third party?

These same questions can be used to evaluate the conduct of others.

(C) Confidentiality and privacy

Though UC is a public institution subject to state open records laws, members of the university community generate certain types of confidential, proprietary and private information that are exempt from disclosure. State ethics laws specifically prohibit the unauthorized disclosure of such information even after an individual is no longer employed by UC. It is imperative that each community member complies with all university rules, federal laws, state laws, agreements with third parties, and university policies and principles pertaining to the use, protection and disclosure of such information.

Information on specific privacy laws, such as the Family Educational Rights and Privacy Act (FERPA – student records), and the Health Insurance Portability and Accountability Act (HIPAA – personal health information) may be obtained from the office of the general counsel.

(D) Conflict of interest/conflict of commitment

UC faculty and staff owe their primary professional allegiance to the university and its mission to engage in the highest level of education, patient care, service, research and scholarship. Outside professional activities, private financial interests or the receipt of benefits from third parties can create an actual or perceived conflict between the university mission and an individual's private interests. Such activities may also be unlawful under state ethics and other laws. In order to protect our primary mission, community members with other professional or financial interests shall make timely disclosure of such interests on an outside activity reporting form (OAR) in compliance with applicable conflict of interest/conflict of commitment policies, which are available on the following websites:

Rule 30-21-02 Employment: policy on collateral employment for faculty members and librarians.

<http://www.uc.edu/trustees/rules/RuleDetail.asp?ID=123>

Rule 30-21-03 Employment: collateral employment policy for all employees (excluding faculty and librarians).
<http://www.uc.edu/trustees/rules/RuleDetail.asp?ID=124>

Rule 10-17-08 Conduct and ethics: policy on conflicts of interest in the conduct of research at the university of Cincinnati.
<http://www.uc.edu/trustees/rules/RuleDetail.asp?ID=86>

Information on state ethics laws is available on the office of general counsel website: http://www.uc.edu/af/general_counsel/ and on the website of the Ohio ethics commission (<http://www.ethics.ohio.gov/>).

(E) Human Resources

The university's mission statement includes a commitment "to excellence and diversity in our students, faculty, staff, and all of our activities." Our strategic plan, UC|21 (<http://www.uc.edu/uc21/>), includes as one of its goals a commitment to "establish a sense of place." Central to these commitments is the principle of treating each community member fairly and with respect. To encourage such behavior, the university prohibits discrimination and harassment and provides equal opportunities for all community members and applicants regardless of their race, color, religion, national origin, ancestry, disability, medical condition, marital status, sex, age, sexual orientation, veteran status, gender identity and expression or any other characteristic protected by law or policy. Where actions are found to have occurred that violate this standard the university will take prompt action to end the offending conduct, prevent its recurrence and discipline those responsible. Specific rules and policies in support of this standard are found at these locations:

University rule 10-13-01, University policy on non-discrimination
<http://www.uc.edu/trustees/rules/RuleDetail.asp?ID=81>

Office of equal employment opportunity website
http://www.uc.edu/af/equal_opportunity/

In addition, the university places significant responsibility on those who supervise or instruct employees or students. Managers, supervisors, instructors, and advisors are expected to:

- (1) ensure access to and delivery of proper training and guidance on applicable workplace and educational rules, policies, and procedures, including this code;
- (2) ensure compliance with applicable laws, policies, and workplace rules;
- (3) review performance conscientiously and impartially;

- (4) foster intellectual growth and professional development;
- (5) promote a healthy, innovative, and productive atmosphere that encourages dialogue and is responsive to concerns

(F) Research

University researchers have an ethical obligation to the university and to the larger global community as they seek and produce knowledge. Community members are expected to:

- (1) propose, conduct, and report research with integrity and honesty;
- (2) protect people and humanely treat animals involved in research or teaching;
- (3) learn, follow, and demonstrate accountability for meeting the requirements of sponsors, regulatory bodies, and other applicable entities including the appropriate use of finances;
- (4) faithfully transmit research findings;
- (5) protect rights to individual and university intellectual property;
- (6) ensure originality of work, provide credit for the ideas of others upon which their work is built, and be responsible for the accuracy and fairness of information published; and
- (7) fairly assign authorship credit on the basis of an appropriate array of significant intellectual contributions, including: conception, design, and performance; analysis and interpretation; and manuscript preparation and critical editing for intellectual content

University rule 10-17-05, Policy for investigation of research misconduct, can be found at <http://www.uc.edu/trustees/rules/RuleDetail.asp?ID=89>

University rule 10-17-10, Ethical conduct in research involving human subjects, can be found at <http://www.uc.edu/trustees/rules/RuleDetail.asp?ID=281>

(G) Records accuracy

All university records, whether they concern individual employees, the business dealings of the university, student records or research endeavors must be accurate, clear and complete. Examples include accounts, financial reports, tax returns, expense reimbursement requests, employee applications for benefits, time sheets and any other record that is submitted to or generated by the university for the purpose of carrying out its business, including those submitted to government agencies. All entries in university books and records, including departmental accounts and individual expense reports, must accurately reflect each transaction.

(H) Compliance with laws and standards

Members of the university community must transact university business in compliance with applicable laws, regulations, and university policy and procedure. Managers and supervisors are responsible for being aware of their compliance obligations, for making sure that those persons they supervise are aware as well, and for monitoring compliance. When questions arise pertaining to interpretation or applicability of policy, the designated individual who has oversight of the policy must be contacted. Unresolved questions and/or interpretation of laws and regulations should be referred to the office of general counsel.

(1) Contractual obligations

The acceptance of an agreement, including sponsored project funding, may create a legal obligation on the part of the university to comply with the terms and conditions of the agreement and applicable laws and regulations. Therefore, only individuals who have authority delegated by an appropriate university official are authorized to enter into agreements on behalf of the university.

University rule 10-1-06 Execution of instruments.

<http://www.uc.edu/trustees/rules/RuleDetail.asp?ID=67>

(2) Environmental health & safety, including workplace health and safety

Members of the university community must be committed to protecting the health and safety of its members by providing safe workplaces. The university will provide information and training about health and safety hazards and safeguards. Community members must adhere to good health and safety practices and comply with all environmental health and safety laws and regulations. University environmental guidelines are maintained on the university's environmental health and safety website at <http://www.ehs.uc.edu/advisories.asp>.

(3) Non-university professional standards

Some professions and disciplines represented at the university are governed by standards and codes specific to their profession (such as attorneys, certified public accountants, and medical doctors). Those professional standards generally advance the quality of the profession and/or discipline by developing codes of ethics, conduct, and professional responsibility and standards by which their members are guided. Those belonging to such organizations are expected to adhere to university

policies and codes of conduct in addition to any professional standards. If a community member believes there is a conflict between a professional standard and university policy, he/she should contact the office of the general counsel

(I) Use of university resources

University resources may only be used for official university business and not for personal gain or convenience. University resources include, but are not limited to, the use of university systems, such as telephone systems, data communication and networking services, and the UC domain for electronic communication forums; the use of university equipment, such as computers and peripherals, university vehicles and other equipment; the use of procurement tools such as purchasing cards and petty cash; and the time and effort of other staff, students and others at UC. University resources can only be disposed of in accordance with the policies established by the vice president for finance.

University rule 10-17-04 Conduct and ethics: use of university resources:
<http://www.uc.edu/trustees/rules/RuleDetail.asp?ID=90>
http://www.libraries.uc.edu/libraries/arb/records_management/disposal.html
http://www.uc.edu/af/documents/purchasing/PCard_Manual.pdf

(J) Reporting suspected violations

(1) Reporting to management


Members of the UC community should report suspected violations of applicable laws, regulations, government contract and grant requirements or this code. Reporting should normally be made initially through standard management channels, beginning with the immediate supervisor, instructor or advisor. If for any reason it is not appropriate to report suspected violations to the immediate supervisor (e.g., the suspected violation is by the supervisor), individuals may go to a higher level of management within their school or department.

(2) Other reporting

If reporting to management is impractical or unreasonable under the circumstances, violations of laws or regulations should be reported internally to the anonymous reporting hotline (1-800-889-1547 or online at <https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html>), to the office of the internal auditor (http://www.uc.edu/af/internal_audit) or to the office of the general counsel (513) 556-3483.

3. Confidentiality – Any reports may be made confidentially, and even anonymously, although the more information given, the easier it is to investigate the reports. Raising such concerns is a service to the University and will not in itself jeopardize employment (http://www.uc.edu/af/internal_audit/default.html).
4. Cooperation – All employees are expected to cooperate fully in the investigation of any misconduct.
5. No retaliation – Employees making reports of suspected violations in good faith shall be protected from any retaliation for making such reports.

Effective: February 15, 2009

Certification: 
 Susan M. Stringer
 Executive Assistant to the Board of Trustees
 and the Senior Vice President for Administration and Finance

Date: January 27, 2009

Promulgated under: R.C. Section 111.15
 Rule amplifies: R.C. 3361;
 R.C. 102;
 R.C. 2921

Rule replaces part of: R.C. 3361: 10-17-03

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