

# **CANISIUS COLLEGE STANDARDS OF ETHICAL CONDUCT**

## **1. Policy Statement.**

Canisius College ("Canisius" or the "College") requires all of its executive officers, administrators, faculty, staff, student employees and others who act on behalf of the College (each a "College Representative" and, collectively, "College Personnel") to maintain the highest standards of ethical conduct in their dealings with persons both inside and outside the College.

## **2. Application of these Standards.**

College Representatives are expected to assume personal responsibility and accountability for their actions by maintaining these Standards. In an effort to ensure that employees are adequately informed of the College's expectations, each College Representative will be asked to acknowledge in writing that he or she has read and understands the responsibilities required by these Standards. The College will sponsor ongoing training sessions and written directives to provide College Representatives with guidance as to the interpretation or application of these Standards.

## **3. Compliance with Laws.**

Canisius will conduct its operations in compliance with the laws of the jurisdictions in which it operates. Attached hereto as [Exhibit A](#) is a brief overview of some of the federal laws, regulations and guidelines that may be used to evaluate the actions of the College and College Personnel. If College Personnel have questions about interpretation of laws and regulations, or the application of laws or regulations to the College's activities, they should contact their respective Vice President or the College's Compliance Officer (as defined in Section 16.a below).

## **4. Compliance with Contractual and Grant Obligations.**

It is the policy of Canisius to honor its obligations to donors, the government, suppliers and others having business relationships with Canisius. Canisius will adhere to its contractual requirements. In any instance in which particular contractual or grant requirements are difficult to interpret or apply, College Personnel should consult with the appropriate administrator or the office responsible for the contract or grant on behalf of the College.

## **5. Conflicts of Interest.**

a. **In General.** Canisius College employees have a duty to avoid entering into financial, business or other relationships that conflict with the interests of the College or interfere with the performance of their professional duties. Generally speaking, a conflict of interest arises when a College Representative's personal interests or financial affairs interfere with his or her professional judgment or job performance.

b. **Specific Criteria.** A conflict of interest may occur when an employee's affiliation with an external organization meets any one of the following criteria:

i. The employee is an officer, director, partner, trustee, employee, advisory board member, or agent of an external organization or corporation providing goods and services to the college.

ii. The employee is the actual or beneficial owner of more than five percent (5%) of the voting stock or controlling interest of such organization or corporation or voting stock of such organization or corporation that exceeds \$10,000 in value as determined by reference to public prices or other reasonable measures of value.

iii. The employee has dealings with such organization or corporation from which he or she expects to receive salary, royalties or other payments of more than \$10,000 during the next twelve months.

iv. The employee's immediate family (spouse, parents, parents-in-law, siblings, children, or other relatives permanently living at the same address as the employee), or the employee together with all members of his or her immediate family meet any of the criteria stated in i-iii above.

In addition to these specific instances, there may be additional circumstances in which a conflict is found to exist. Any College Representative who feels that he or she may have a conflict, now or in the future, should report all pertinent details to his or her supervisor or the College's Compliance Officer. The supervisor will be responsible for referring the question to the appropriate Vice President or the Compliance Officer

Each faculty member participating in a sponsored project must disclose whether or not he or she has external affiliations that may constitute a conflict by falling within the criteria stated in paragraphs i-iv above. Specific requirements for the disclosure and review of conflicts of interest are in the Canisius College Conflict of Interest Policy for Sponsored Research Projects.

c. *Sponsored Research.* In the area of research funded by commercial sponsors or federal agencies, conflicts of interest are situations in which faculty members may have the opportunity to influence the College's business decisions in ways that could lead to personal gain or give improper advantage to members of their families or to associates. Specific requirements for the disclosure and review of conflicts of interest are in the Canisius College Conflict of Interest Policy for Sponsored Research.

Projects available [here](#).

d. Board of Trustees and Senior Administration Disclosures. The members of the College's Board of Trustees are also subject to conflict of interest scrutiny because of the potential for conflicts when a trustee is doing business with the College. Each year, the Secretary of the Board of Trustees shall circulate a Conflict of Interest disclosure form to each trustee and senior administrator of the college in which they will be asked to disclose any conflicts, within the meaning of section 5.a.i-iv above or any other facts or circumstances that could create a conflict. The disclosure forms will be reviewed by the Board's Committee on Trusteeship and the existence of any conflicts will be reported to the Executive Committee of the Board for appropriate action. It is recognized that corporations or entities owned or controlled by members of the Board may be doing business with the College. It is incumbent upon the Board to design appropriate procedures to insure that all such dealings are subject to review by independent directors (and, where appropriate, legal counsel) and are determined to be fair and equitable.

## 6. Confidential Information.

College Personnel are entrusted with many kinds of confidential, proprietary and private

information as a result of their affiliation with the College. College Personnel who have access to this information shall use this information only for official College purposes and shall not use this information for any personal or illegal advantage, either during or after employment. Furthermore, no College Representative shall make any unnecessary or unauthorized disclosures of such information, either during or after employment.

#### 7. Intellectual Property.

"Intellectual Property" is property of an intellectual nature belonging to an individual or an entity, including, but not limited to, proprietary information that is protected by patent, copyright, trademark or a non-disclosure agreement. College Personnel must:

- Honor all non-disclosure agreements entered into by or on behalf of the College;
- Abide by all laws, regulations, contracts and policies of the College governing the use of copyrighted materials, patented ideas, trademarks, licenses, and proprietary information;
- Refrain from any activity that constitutes infringement of intellectual property of the College or any other person; and
- Properly attribute the work and ideas of others

#### 8. Research Misconduct.

Canisius requires its faculty members and other College Personnel to conduct research in grant-supported activities in a manner consistent with commonly accepted research practices within the scientific community. Research integrity and misconduct are governed by the college's Research Integrity Policy and Guidelines on Misconduct found [here](#).

#### 9. Protection of the College's Assets.

College Personnel are responsible for ensuring that the College's assets are used prudently and for their designated purposes. In this regard, each College Representative shall use the College's resources and assets legally and properly, and shall refrain from personal use thereof, except as permitted under a written policy of the College or with written permission from an appropriate College official.

#### 10. Gratuities and "Kickbacks."

a. Contractors and Others. College Personnel shall not give, offer or promise anything of value to any prime contractor, subcontractor or others for the purpose of improperly obtaining or receiving favorable treatment. However, it is an acceptable practice for College Personnel to provide meals, refreshments, entertainment, and other business courtesies of reasonable value to non-governmental persons in support of legitimate College activities, provided that:

- The business courtesies are not provided for the purpose of improperly obtaining or receiving favorable treatment, are infrequent in nature, are not lavish or extravagant and have been approved by the respective Vice President; and
- The practice does not violate any law or regulation or the standards of conduct of the recipient's organization (It is the offeror's responsibility to inquire about any prohibitions or limitations of the recipient's organization before offering any business courtesies).

b. Government Officials. College Personnel shall not give, offer or promise anything of value to any government official to enhance relations with that official or the government,

regardless of whether that official is in a position to influence any government decision with respect to Canisius or its activities. For purposes of the preceding sentence, government contractors and subcontractors are considered to be government officials. Things of value include, but are not limited to, entertainment, meals, refreshments, gratuities or gifts. Although some agencies may permit government employees to accept items of nominal value on an infrequent basis, College Personnel shall not give, offer or promise anything of value to any government official without the written approval of their respective Vice President stating that taking such action is acceptable under the applicable agency's rules and policies.

c. Acceptance of Business Gifts; "Kickbacks".

i. In General. It is the policy of Canisius College to treat all vendors, suppliers and business associates with respect and fairness and to avoid even the appearance of providing favored treatment. We must be particularly sensitive to situations where accepting business courtesies such as meals, gifts or entertainment might create the appearance of favoritism toward a vendor, supplier or business associate. This section sets forth some general guidelines for determining whether a business courtesy is appropriate. Individual departments of the college may adopt policies that are more restrictive than these Standards.

ii. Acceptance of Meals and Entertainment from Vendors. College Personnel may accept meals, refreshments and modest entertainment (not to exceed \$75 in value) from employees of vendors, suppliers or business associates when such are reasonable in frequency, and when such acceptance would not affect the reputation of the College for honest and fair dealings. Common sense is the best gauge for defining the term "reasonable." If something seems reasonable to most people, then it is most likely an appropriate activity.

iii. Acceptance of Meals and Entertainment from College Personnel. Meals, refreshments, gifts and modest entertainment accepted by College Personnel from their supervisors or accepted by supervisors from their associates should also be reasonable in frequency and value and should be consistent with the College's policies regarding appropriate reimbursements for business-related activities.

iv. Kickbacks and Bribes. College Personnel should never accept anything -even an item of minimal value -if the item is offered with the expectation or even the appearance that the person giving the gift will receive favorable treatment in return. This applies to items offered by outside customers or suppliers and is especially important in the bidding process where even a minor gift may be interpreted as earning an advantage. The College specifically prohibits soliciting any form of bribe or kickback. These are criminal acts, which carry severe penalties both for the College and all employees involved. Given the seriousness of these matters, all College Personnel should report immediately to their supervisors if they are offered money, services or gifts (other than advertising and promotional items or of the kind identified in section 10.c.ii) by a supplier or prospective supplier of the college.

v. Loans. Except for loans from banks and financial institutions generally available at market rates and terms, College Personnel or members of their families may not accept any loan, guarantee of a loan or payment from an individual or firm doing or seeking to do business with the College.

vi. Accommodations and Travel. It is not permissible to accept any accommodation or

travel of any value whatsoever, unless rendered in conjunction with the performance of College business.

### 11. Financial Reporting.

The integrity of the College's financial statements is of paramount importance to all constituencies of the College. All College accounts, financial statements, tax returns, and other financial reports of its operations, including those submitted to government agencies, must be accurate, clear and complete. All entries in College books and records, including departmental accounts and individual expense reports, must accurately reflect each transaction. The integrity and accuracy of the College's financial reports can only be achieved by College Personnel at every level taking personal responsibility for ensuring that all financial transactions are accurately recorded.

College Personnel who have responsibility for the College's financial reporting also must abide by the requirements of the "Canisius College Code of Conduct for Financial Professionals," a copy of which is attached to these Standards as [Exhibit B](#).

### 12. Computer Use.

#### a. Acceptable Use

Canisius College computer and network systems are intended for use in College-related research, instruction, learning, enrichment, and administrative activities. Internet access and all Canisius electronic communication systems, such as e-mail and voice mail, are made available to College Personnel only to carry out their activities on behalf of the College. The College expects faculty, staff, and students to use electronic resources in a lawful and responsible manner consistent with the College's mission of education, research, and service. Any personal use of these services by College employees shall not interfere with their official responsibilities and shall not violate any College practice or policy.

Users are expected to adhere to reasonable and necessary security habits when using College resources. These habits include:

- Keeping account information, including passwords, confidential;
- Logging out of computers or using a password-protected screensaver when leaving the office;
- Running College-provided antivirus and antispyware software;
- Installing operating system updates when prompted;
- Using caution when opening email attachments and other unexpected data;
- Adhering to the standards of outside resources accessed from the Canisius network;

#### b. Privacy and Personal Use

Since the College's communication systems are the property of the College, all communications are subject to review by appropriate and authorized College Personnel at any time. Data may be retained in backup systems, even after its apparent deletion.

College Personnel should be aware that personal privacy in their use of the College's communication systems or information sent to or from, or stored in, the College's communication systems cannot be guaranteed in the event of legal or disciplinary proceedings.

If it appears that the integrity, security, or functionality of the College's network and

computer resources are at risk, Canisius College reserves the right to take any necessary action to investigate and remediate the problem. This action may include monitoring network activity or viewing user-generated files. In such cases, a written report of the findings will be forwarded to the appropriate College officials.

In order to assure continuity for academic and administrative departments, similar procedures may be used after an employee is separated from the College or no longer able to perform required duties.

Employees are responsible for exercising good judgment regarding the personal use of College computing resources. If there is any uncertainty regarding personal use of network or Internet resources, employees should consult with their supervisor or manager. At no time should a College resource be used in a way that is at odds with the employee handbooks published by the Human Resources department.

#### c. Unacceptable Use

Under no circumstances shall an employee of Canisius College:

- Engage in any illegal activity using College equipment;
- Engage in any activity contrary to College policy using College equipment.
- Introduce malicious software into the campus computer network;
- Reveal account information or allow the use of College computer resources by people outside of the Canisius community;
- Attempt to breach, disrupt, eavesdrop on, or otherwise tamper with network communication;
- Access a system or resource using another user's account information;
- Use College equipment or network resources to violate intellectual property laws;
- Use Canisius equipment or network resources for personal commercial or for-profit activities; or
- Use Canisius equipment or network resources for viewing or exchanging pornography.

#### 13. Record Retention.

In no event may documents involved in a pending or threatened litigation, government inquiry or under subpoena or other information request, be discarded or destroyed, regardless of the time when such records would otherwise be destroyed. In addition, College Personnel may never destroy, alter, or conceal, with an improper purpose, any record or otherwise impede any official proceeding, either personally, in conjunction with, or by attempting to influence, another person.

#### 14. Employment Practices and Other Policies.

a. Employment Decisions. College Personnel shall abide by the policy that covers their position at the College. Those policies include:

- For Faculty: Part II.A: Norms of Faculty Status and Welfare (Faculty Handbook)
- For Administrators: Part II.B: Personnel Policies for Administrators (Administrators' Handbook)
- For Librarians: Part II.D Personnel Policies for Librarians (Librarian Handbook)

- For Clerical and Technical Staff: PartII.C: Personnel Policies for Clerical and Technical Staff (Clerical and Technical Staff Handbook)
- For Adjunct Faculty: Adjunct Faculty Handbook

b. Harassment Prohibited. College Personnel shall abide by the “Canisius College Harassment Policy,” located [here](#).

c. Athletics. College Personnel involved in intercollegiate athletics shall comply with the Department of Athletics Compliance Manual located [here](#).

#### 15. Political Activity

Canisius College is a tax-exempt institution, qualified by the Internal Revenue Service as a 501(c)(3) corporation. It is absolutely essential that the college protect its tax-exempt status, as it exempts us from the payment of real property and sales taxes and it qualifies contributions from our alumni and friends as charitable deductions.

As a tax-exempt institution, the college as an entity and employees of the college individually are not permitted to use college resources in the pursuit of political objectives. Individuals are permitted to make political contributions and work on campaigns, but college resources may not be used in political campaigns. This would include using college telephone, mail, e-mail or internet facilities to promote a particular candidate or engage in fundraising. Similarly, college facilities cannot be used to host political fundraisers.

Apart from the tax-exempt issue, as a general policy, college employees should refrain from using college stationery or college e-mail addresses as a return address when expressing personal political views. Again, individuals are free to express their own views, but it is essential that personal views not be construed as being the views of Canisius College.

The policy regarding political candidates on campus provides that political candidates may appear on campus at a program that is not a fundraiser provided that:

- Any program must be free and open to the public.
- The program must include a formal presentation on the part of the political candidate and offer an opportunity for questions and answers from a panel and/or the audience.
- The program must not serve as a fundraiser for the candidate or his/her political party.
- The college reserves the right to require payment in advance from a political candidate or his/her party for costs associated with the program. This may include, but is not limited to: maintenance costs, security, utilities, audio/visual and staff time.
- The program must not place an undue burden on the college’s staff, facilities or other resources.
- Political candidates/parties must recognize that the college is in no way endorsing the views expressed by the speaker(s), and allows such a program only in the interest of the advancement of education.
- The college reserves the right to cancel any program or activity on campus, at any time, which poses a clear and present danger to the college or local community.
- Persons wishing to approach the college with requests involving political candidates should contact the college’s associate vice president for public relations who will serve as coordinator for such a program.

## 16. Seeking Clarification and Asking for Help.

Even after reading the appropriate sections of these Standards, other applicable College policies, and applicable regulations, College Personnel may need additional clarification about the propriety of actions, in the following instances:

- When College policies appear ambiguous or difficult to interpret or apply; and
- When it is difficult to determine what is required in situations of potential violations of these Standards and other College policies.

In such cases, a College Representative should contact such person's immediate supervisor, department chair, dean or the Vice President for their respective division or the College's Compliance Officer for assistance.

## 17. Reporting of Suspected Violations.

a. Reporting to Management. College Personnel should report suspected violations of these Standards or applicable laws, regulations or government contract and grant requirements (each, a "Suspected Violation"). Reports of a Suspected Violation initially should be made to the College Representative's immediate supervisor, but the College Representative also may report to a higher level of management such as the Vice President for their respective division. Reports of a Suspected Violation by a Vice President should be made to the President. Reports of a Suspected Violation by the President should be made to the Chair of the College's Board of Trustees. Reports of a Suspected Violation by any member of the College's Board of Trustees should be made to the Chair of the Board. Reports of a Suspected Violation by the Chair of the College's Board of Trustees should be made to the Chair of the Audit Committee. College Personnel may also report to the Vice President for Student Affairs who shall perform the function of the College's overall ethics and compliance officer ("Compliance Officer").

b. Duty to Investigate and Report. The person who receives a report of a Suspected Violation is obligated to investigate it or to refer it to the appropriate Vice President or the Compliance Officer for investigation. The Vice President or Compliance Officer shall promptly report the matter to the President. The College Representative who reports a Suspected Violation shall be informed that such an investigation was undertaken and, except in cases where confidentiality of other employees or their employment records would be compromised or in other compelling circumstances, of the results of that investigation.

c. Cooperation. All College Personnel should cooperate fully in the investigation of any misconduct.

d. Confidentiality. Reports of a Suspected Violation may be made confidentially, and even anonymously, although the more information given, the easier it is to investigate the reports. If a College Representative believes that a report should be made anonymously, that report can be made to the Vice President for Student Affairs as the college's ethics and compliance officer. The college will prescribe the methods of reporting, including any confidential hot line. The identity of individuals making reports will be protected to the extent permitted by law.

e. Non-Retaliation. Reporting Suspected Violations is a service to the College and will not jeopardize anyone's employment. Furthermore, the College will not tolerate retaliation toward or harassment of College Personnel who, in good faith, report Suspected Violations. College Personnel who take such retaliatory or harassing actions will be subject to discipline by the College, up to and including discharge from employment with the College.

f. Abuses in Connection with these Standards. The College is committed to the protection of both the accused and the accuser in the reporting of Suspected Violations. Therefore, attempts by College Personnel to discredit others through inappropriate use of reports made under these Standards will be subject to discipline by the College, up to and including discharge from employment with the College.

g. Athletics. More specific requirements regarding the reporting of Suspected Violations in the field of intercollegiate athletics are contained in the Department of Athletics Compliance Manual. College Personnel are bound by that Manual and should consult with the Athletic Director or the College's Compliance Officer in the event of any conflict between that Manual and these Standards.

18. Consequences of Violations of College Policies.

Violations of these Standards and the College's policies will result in the College taking appropriate disciplinary action against the violator, up to and including discharge from employment with the College. Disciplinary action will be taken in accordance with the College's procedures that apply to the violator. Conduct that violates these Standards also may result in civil or criminal charges and penalties against the violator.

*Adopted by the Canisius College Board of Trustees: May 10, 2004*

*Amended: November 1, 2007*

*Amended: August 13, 2009*