

Chapter UWS 8

UNCLASSIFIED STAFF CODE OF ETHICS

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UWS 8.01 Declaration of policy. In view of the special relationship of the university of Wisconsin system to the state and to affirm as public policy within the system certain common standards to prevent conflicts of interest, the board hereby adopts the following code of ethics for unclassified staff pursuant to ss. 19.45 (11) (b) and 36.23, Stats.

(1) Every member of the unclassified staff at the time of appointment makes a personal commitment to professional honesty and integrity, to seek knowledge and to share that knowledge freely with others. Such a commitment is essential for the university to perform its proper function in our society and to ensure continued confidence of the people of this state in the university of Wisconsin system and its personnel. It is a violation of this commitment for unclassified staff members to seek financial gain for themselves, their immediate families or organizations with which they are associated through activities that conflict with the interests of the university of Wisconsin system.

(2) The board of regents, as a matter of policy, recognizes that:

(a) Members of the unclassified staff have personal and economic interests in the decisions and policies of national, state and local government.

(b) Members of the unclassified staff retain their rights as citizens to interests of a personal or economic nature.

(c) The code of ethics must distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material.

(3) In adopting the standards of conduct set forth in this chapter, it is the board's purpose to prohibit only those activities which will result in a conflict between the personal interests of an unclassified staff member and that staff member's public responsibilities to the university of Wisconsin system. It is not the board's purpose to prohibit an unclassified staff member from freely pursuing those teaching, research, professional and public service activities which will not result in such a conflict, nor to prohibit a staff member from accepting any compensation, fees, honoraria or reimbursement of expenses which may be offered in connection therewith.

Note: Subsection (3) should be read in conjunction with new s. UWS 8.025 concerning outside activities. The approach reflects the view that the major inquiry in regard to the acceptability of outside activities is whether they may or do present conflicts with, or detract from performance of, university duties and responsibilities.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; r. (1) (a) 1. and 2. and (b) 4., renum. (1), (1) (a) (intro.) and (1) (b) 1., 2. and 3. to be (intro), (1) and (2) (a) to (c) and am., cr. (3), Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.02 Definitions. In this chapter:

(1) "Academic staff" means professional and administrative personnel other than faculty with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration.

(2) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include:

(a) Any salary, expenses or other compensation received by a member of the unclassified staff from the university for his or her services;

(b) Any compensation, honoraria or expenses derived from outside activities permitted under this chapter;

(c) Political contributions which are reported under ch. 11, Stats.; or

(d) Hospitality extended for a purpose unrelated to university business.

(3) "Associated," when used with reference to an organization, means that a person or a member of a person's immediate family is a director, officer or trustee or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.

(4) "Board" means the board of regents of the university of Wisconsin system.

(5) "Chancellor" means the chief executive officer of a university, the university of Wisconsin centers or the university extension.

(6) "Confidential university information" means information relating to university financial operations or personnel which is obtained from university records or in the course of official university business and which is not available to the general public upon request.

(7) "Contracting personnel" means those persons who are designated in writing by the chancellor of an institution or the president of the system to negotiate, review, approve, or sign contracts for the purchase of goods and services on behalf of an institution, the university system, or the board. The term does not include persons who do either or both of the following:

(a) Contract only with outside agencies for research or for services to be performed by the university; or

(b) Negotiate, review, approve or sign only employment contracts.

(8) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution.

(9) "Immediate family" means:

(a) An unclassified staff member's spouse; and

(b) Any person who receives, directly or indirectly, more than one half of his or her support from an unclassified staff member or from whom an unclassified staff member receives, directly or indirectly, more than one half of his or her support.

(10) "Institution" means any university or an organizational equivalent designated by the board.

(11) "Limited appointees" means persons holding special appointments to administrative positions designated in s. 36.17, Stats., and ch. UWS 15, and who serve at the pleasure of the board or of the authorized official making the appointment.

(12) "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

(13) "President" means the president of the university of Wisconsin system.

(14) "Secretary" means the secretary of the board.

(15) "Unclassified staff" or "staff members" means faculty, academic staff and limited appointees of the university of Wisconsin system who are not subject to subch. III of ch. 19, Stats.

(16) "Vice President" means system administration officials with the title "Vice President" or other administrative officers with similar duties.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; r. (1) (f), (i) and (j), renun. (1) (intro.), (1) (a) to (e), (g), and (h) to be (intro.), (4), (14), (13), (16), (5), (8) and (1) and am. (intro.), (5), (8) and (16), cr. (2), (3), (6), (7), (9) to (12) and (15), Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.025 Outside activities and interests; reports.

(1) **OUTSIDE ACTIVITIES.** Members of the unclassified staff are free to engage in outside activities, whether or not such activities are remunerative or related to staff members' fields of academic interest or specialization. However, no member of the unclassified staff may engage in an outside activity if it conflicts with his or her public responsibilities to the university of Wisconsin system or the institution at which the unclassified staff member is employed.

(2) **REPORTABLE OUTSIDE ACTIVITIES.** (a) The following outside activities must be reported to a staff member's dean, director or other appropriate administrator:

1. Associations with organizations, as defined in s. UWS 8.02 (3) and (12), related to staff members' fields of academic interest or specialization;

2. Private remunerative relationships between staff members and non-governmental sponsors of university research for which the staff member is a principal investigator; and

3. Remunerative outside activities in a staff member's field of academic interest or specialization, including but not limited to consulting, and whether the staff member earns for such activities \$5,000 or more in a year from a single source.

(b) Each unclassified staff member engaging in outside activities reportable under this section shall annually, on or before April 30, file a report of outside activities with his or her dean, director or other appropriate administrator.

(c) If, during the year, significant changes in a staff member's reportable outside activities occur, the staff member shall immediately inform, in writing, his or her dean, director or other appropriate administrator. This information shall be placed on file with the staff member's annual statement of outside interests.

(3) **INSTITUTIONAL POLICIES.** The unclassified staff members of each institution, with the approval of the chancellor, shall develop policies and procedures which shall, at a minimum, provide:

(a) Standards concerning the use of university facilities and personnel in connection with outside activities;

(b) Standards concerning absence from regular duties for the purpose of engaging in outside activities;

(c) Guidelines identifying types or categories of outside activities which may result in a material conflict of interest; and

(d) For such reports of anticipated outside activities as are necessary to insure compliance with s. UWS 8.04.

(4) **REPORTS PUBLIC.** Information required to be reported under this section shall, unless otherwise privileged by law, be a matter of public record.

Note: This section addresses outside activities. Several explanatory points provide relevant background:

1. The section addresses matters heretofore handled under chs. UWS 7 and 14, which are accordingly repealed. This change in the scope of chs. UWS 8 was made in response to legislative suggestion.

2. The rule recognizes the right of unclassified staff members to engage in outside activities, whether or not the activities are remunerative or related to staff members' fields of academic interest. However, in order to assure that such activities do not conflict with staff members' responsibilities to the university of Wisconsin system, or the institution at which the staff member serves, the rule provides that certain types of activities must be reported to staff members' deans, directors or other appropriate administrators. These reportable outside activities include associations with organizations related to staff members' fields of academic interest or specialization, certain private remunerative relationships between staff members and non-governmental research sponsors, and remunerative outside activities in staff members' fields of aca-

ademic interest or specialization and whether the staff member earns \$5,000 or more in a year from a single source. The language retains the requirements currently in chs. UWS 7 and 14 that institutions develop policies to regulate the use of university facilities in connection with outside activities, and adds a similar requirement pertaining to use of personnel. It provides a more explicit requirement for institutional development of standards on absence from university duties, and for reports on outside activities which staff members anticipate they will perform during the academic year.

3. Guidelines and suggestions will be provided to institutions for implementation of the Regent rule. These guidelines would include examples of standards concerning use of university facilities and absence from university duties that might be adopted under s. UWS 8.025 (3) (a) and (b); categories or types of activities which might present a material conflict of interest under s. UWS 8.025 (3) (c); reporting procedures under s. UWS 8.025 (4); and other relevant information.

4. The rule incorporates and codifies the result of litigation between the Madison Capital Times and the UW-Madison. That case, decided in Dane County Circuit Court in the spring of 1983, held that UW-Madison reports of outside activities required under chs. UWS 7 and 14 were records open to public inspection. This section continues the existence of the reporting requirements (s. UWS 8.025 (2)) and declares the public nature of the reports (s. UWS 8.025 (4)), except in those instances where other legal principles establish a privilege for the information contained therein.

5. Section UWS 8.025 (1) indicates that the regents' purpose is not to dictate the financial or topical terms of outside activity but to ensure that it does not present conflicts of interest or time with university duties. (See also Note to s. UWS 8.01 (3)).

6. Forms required under this section for the reporting of outside activities may be obtained from the Office of the Secretary to the Board of Regents, Room 1860 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706, at no charge.

History: Cr. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.03 Standards of conduct.

(1) **PERSONAL GAIN FROM UNIVERSITY POSITION.** (a) No member of the unclassified staff may, in a manner contrary to the interests of the university of Wisconsin system, use or attempt to use his or her public position or state property, including property leased by the state, to gain or attempt to gain anything of substantial value for the private benefit of the staff member, his or her immediate family or any organization with which the staff member is associated.

(b) No member of the unclassified staff may solicit or accept from any person or organization anything of value pursuant to an express or implied understanding that his or her conduct of university business would be influenced thereby.

(c) No member of the unclassified staff may intentionally use or disclose confidential university information in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person or organization with which the staff member is associated.

(2) **CONTRACTING AND LEASING.** (a) No member of the unclassified staff, member of his or her immediate family, nor any organization with which an unclassified staff member is associated, may enter into any contract or lease involving payments of \$3,000 or more within a 12 month period, derived in whole or in part from university funds, if the staff member is in a position to approve or influence, in his or her official capacity, the university's decision to enter into the contract or lease.

(b) If the staff member is not in a position to approve or influence the university's decision, the staff member may enter into a contract or lease described in par. (a) if the staff member first makes written disclosure of the nature and extent of any relationship described in par. (a) to the dean, director, or other appropriate administrator and he or she approves. The dean, director or other appropriate administrator shall approve a staff member's interest in a lease or contract unless he or she determines that the staff member's personal interest in the agreement will conflict substantially and materially with the staff member's discharge of his or her university responsibilities.

(c) This subsection does not affect the application of s. 946.13, Stats.

(3) **NEPOTISM.** (a) No member of the unclassified staff may participate, formally or informally, in the decision to hire, retain, grant tenure to, promote or determine the salary of a member of his or her immediate family.

(b) No member of the unclassified staff may, in the supervision or management of another unclassified staff member who is a member of his or her immediate family, give preferential or favored treatment.

(4) STUDENT RESEARCH PROTECTION. A member of the unclassified staff shall inform students engaged in research under his or her supervision of any financial interest which the unclassified staff member has in the research activity, including, but not limited to, financial arrangements involved in the direct support of the activity, agreements made by the unclassified staff member to obtain data for the research, or agreements concerning copyright or patent rights arising from the research.

(5) WAIVER. The board may, upon written request and by action within a reasonable time of receipt thereof, waive any provision of this section whenever its literal application would be adverse to the best interests of the university of Wisconsin system or would work an unreasonable hardship on a member of the unclassified staff.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; r. and recr. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.035 Institutional ethics committee. Each institution shall establish a committee, or designate an existing committee, whose function shall be to provide to any member of the unclassified staff consultation and advice on the application of this chapter. Committee deliberations and actions upon requests for consultation or advice shall be in meetings not open to the public. Records obtained in connection with requests for consultation or advice shall be considered confidential university information. However, summaries of advice provided by institutional ethics committees, which do not disclose the identities of persons requesting such advice, shall be made public in an annual report.

History: Cr. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.04 Action to avoid possible conflict.

(1) When it appears that a material conflict may arise between the personal interests of a staff member and his or her public responsibilities to the university, the staff member shall notify his or her dean, director, or other appropriate administrator by submitting a written statement describing the nature of the possible conflict.

(2) Within 15 days after receipt of the statement, the dean, director or other appropriate administrator shall advise the staff member in writing that:

- (a) There is no conflict prohibited by this chapter and the staff member may proceed; or
- (b) There may be a conflict and further consultation is necessary prior to reaching a determination; or
- (c) There is a conflict which must be resolved in one of the following ways:

1. The staff member shall not proceed with his or her university duties which result in the conflict, so long as the conflict remains; or

2. The staff member shall not proceed with his or her personal interests which result in the conflict, so long as the conflict remains.

(3) If the staff member is advised that sub. (2) (c) 1. or 2. applies to his or her case, the staff member, within 15 days after notice of the decision of the dean, director, or other appropriate administrator, may appeal the decision under ch. UWS 6 or 13.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; r. and recr. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.05 Sanctions. (1) Any person may file a written complaint charging a violation of this chapter. The complaint shall state the name of the member of the unclassified staff alleged to have committed a violation and describe the violation.

(2) A complaint involving a member of the unclassified staff serving within system administration shall be submitted to the president for investigation and disposition in accordance with system administration policies and procedures adopted pursuant to ch. UWS 11 or s. UWS 13.01, as appropriate.

(3) A complaint involving a member of the faculty or the academic staff serving at an institution of the university of Wisconsin system shall be submitted to the appropriate chancellor.

(a) Where the complaint is against a faculty member, the chancellor shall proceed under the policies and procedures adopted by his or her institution pursuant to ch. UWS 4 or s. UWS 6.01, as appropriate.

(b) Where the complaint is against a member of the academic staff, the chancellor shall proceed under the policies and procedures the institution has adopted pursuant to ch. UWS 11 or s. UWS 13.01, as appropriate.

(4) Complaints involving limited appointees serving at an institution of the university of Wisconsin system shall be submitted to the official who made the appointment and that official shall take appropriate action.

(5) Notwithstanding the other provisions of this section, the president or a chancellor may investigate possible violations of this chapter whenever the circumstances warrant and proceed in accordance with subs. (1) to (4).

Note: For possible criminal penalties for intentional violations of this chapter, see s. 19.58, Stats.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.06 Reports. The president, vice presidents, chancellors, and all contracting personnel shall annually, on or before April 30, file a statement of economic interest with the secretary. The statements shall be filed on a form provided by the secretary, and shall be considered matters of public record. The statements shall contain the information required by s. 19.44, Stats.

Note: This section makes public the statements of economic interest filed with the secretary of the board by the president, vice presidents, chancellors and all contracting personnel. It specifies that the statement is to contain the information specified in s. 19.44, Stats., which sets forth the form of the statement of economic interests filed by public officials governed by the state ethics code.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; am. Register, January, 1986, No. 361, eff. 2-1-86.