

20-2 Administrator and Staff Code of Conduct

- **20-2-1 Purpose**
- **20-2-2 Policy**
- **20-2-3 Administration**
- **20-2-4 Disclosure of Conflicts of Interest**
- **20-2-5 Sanctions**

1. Purpose. The purpose of this Code of Conduct is to provide, pursuant to NMSA 1978, 10-16-11, general guidelines and a minimum standard for conduct of Eastern New Mexico University System employees.

2. Policy. ENMU- Roswell employees must conduct themselves in a manner which will maintain the respect, trust and confidence of the citizens of New Mexico and, in doing so, will comply with the following guidelines:

A. Definitions. In this Code, the following words and phrases have the following meanings:

1. Employee. Anyone employed by ENMU- Roswell, including faculty, staff, and administrators, part-time and full-time.
2. Business Dealings. Direct or indirect dealings including but not limited to contractual arrangements to purchase goods or services.
3. Family Member. A spouse, child, parent, sibling, grandparent, parent-in-law or first cousin
4. Financial Interest. A direct or indirect interest by a member of the Board of Regents or an employee or a family member of any of them in an entity as a partner, owner, investor, officer, employee or board or committee member, but does not include ownership of less than five percent (5%) of any publicly traded security of any company.
5. Gift. A voluntary transfer of anything of value for the benefit of any person or entity other than the University, unless the transfer is in exchange for something of equal or greater value.
6. Gratuity. Anything having a value in excess of one hundred dollars (\$100)
7. Outside Employment. Acting as an employee or an independent contractor of any private firm or public entity other than the University

B. General Ethics. Employees shall maintain the highest standards of professional ethics in transactions with ENMU- Roswell and with the public, and perform their duties faithfully and efficiently and not give rise to suspicion of improper conflict with interests of ENMU- Roswell or any agency of the state of New Mexico.

C. Acceptance of Gifts. No employee shall directly or indirectly accept any gift which would tend to influence the manner in which the duties of such person will be performed, and, in particular, no employee may accept gratuities in connection with any business dealings of ENMU- Roswell, nor shall any employee be reimbursed for expenses related to business dealings of ENMU- Roswell except such expenses as would be reimbursed pursuant to the New Mexico Mileage and Per Diem Act. [See NMSA 1978, 10-16-4.1.]

D. Conflicts of Interest.

1. Certain Prohibited Transactions. Employees shall not engage in any transaction in which he or she may profit from that person's official position or status or benefit financially from confidential information which he or she obtained or may obtain by reason of such position or status.
2. Outside Employment. An employee shall not engage in outside employment when that outside employment is incompatible or in conflict with the discharge of that person's duties with ENMU- Roswell or when that outside employment may tend to impair that employee's independence of judgment or action in the performance of that employee's duties with ENMU- Roswell.
3. Dealing with Conflicts. If an employee has a financial interest in any entity which has or, to the knowledge of such employee, seeks to have business dealings with ENMU- Roswell, such employee must:
 - a. At the earliest possible time fully disclose in writing and orally any such financial interest and business dealings to the internal auditor of the University System and the Audit and Finance Committee of the Board of Regents and the disclosure shall be reflected in the minutes of the appropriate Board of Regents meeting and
 - b. Refrain from participating in decisions of ENMU- Roswell directly related to the entity or to the authorizations related to the business dealing.
4. Exceptions. Nothing in this Code shall be deemed or construed to limit the right of any employee to acquire an interest in publicly traded bonds related to funding ENMU- Roswell capital projects, or to have an interest in any financial institution in which the funds ENMU- Roswell are to be deposited.

E. Political Activities. Employees shall not:

1. Use his or her official status to interfere with or affect the result of an election or nomination for public office,
2. Directly or indirectly coerce, attempt to coerce, command or advise anyone to pay, lend or contribute anything to a party, committee organization, agency or person for political purposes or
3. Use ENMU- Roswell funds or resources or time for any political candidate.

None of the foregoing shall be construed to prohibit ENMU- Roswell from taking a position on those issues which directly affect its autonomy, the freedom of its members, its financial support and its academic functions.

F. Confidentiality. Employees shall not divulge to any unauthorized person confidential information acquired in the course of the duties of employment in advance of the time prescribed for authorized release of the information to the public.

G. Policies and Procedures. Each employee is responsible for knowing and following the policies and procedures of ENMU- Roswell and of the department in which that employee works, and any violation of such policies and procedures shall be subject to sanctions by ENMU- Roswell.

H. Falsifying Documents. Any employee falsifying documents shall be subject to sanctions by ENMU- Roswell.

The foregoing policies are implemented by the following.

Procedures

3. Administration. These policies and procedures shall be administered by the executive administrator of each area, with oversight by the President ENMU-Roswell and the Board of Regents.

4. Disclosure of Conflicts of Interest. Between July 1 and October 1 of each year, each employee must provide a complete disclosure statement of all their financial interests in entities which have, or to the best knowledge of the employee, seek to have business dealings with ENMU- Roswell.

A. Disclosure forms shall be provided by the Office for Human Resources.

B. In accordance with section 2. D. (2) of this Code, all employees must include reference to outside employment in their annual disclosure statement.

C. All new employees must provide a disclosure statement when their employment begins.

D. Completed disclosure forms shall be returned to the Office for Human Resources which will, as appropriate, forward copies to the President ENMU-Roswell and the Audit and Finance Committee of the Board of Regents through the President of the university System and the internal auditor.

E. Only the president of the university System and the Board of Regents are authorized to waive conflicts of interest requirements of this Code, and then only when circumstances warrant such waiver and only by way of written notice of waiver. Pursuant to NMSA 1978, 13-1-194, prior to granting a waiver there must be a determination that:

1. The contemporaneous employment or financial interest of the employee has been publicly disclosed,
2. The employee will be able to perform his or her procurement functions without actual or apparent bias or favoritism and
3. The employee participation is in the best interests of ENMU- Roswell.

5. Sanctions. Violation of any part of this Code shall be cause for dismissal, demotion, suspension or other disciplinary action.

However:

A. Nothing in this code is meant to limit the application of any laws relating to conflicts of interest or other conduct referred to in this Code, and

B. Such laws may have applicable criminal and civil sanctions.