

Ethics Policy

Office of Higher Education (OHE) employees are expected to adhere to a high standard of ethical conduct when performing state business and to avoid conflicts of interest and any impropriety or appearance of impropriety. All OHE employees are subject to the State's Code of Ethics Policies.

Conflict of Interest Provisions

In general, you may not use your public position or authority for personal financial benefit, nor compromise any confidential state information. The following list summarizes some of the specific prohibitions that may apply to you:

- **OUTSIDE EMPLOYMENT:** No employee may accept outside employment that will impair his or her independence of judgment with regard to his/her state duties or would encourage the disclosure of confidential information gained in state service. Additionally, although an employee may use her/her expertise, he/she may not use his/her state position to obtain outside employment. An employee is not allowed to use his/her business address, telephone number, title or status in any way to promote, advertise or solicit personal business.
- **CONFIDENTIAL INFORMATION:** Employees are prohibited from disclosing confidential information gained while employed at OHE. Of you are unsure about whether certain information is deemed confidential, please ask your Director prior to releasing such information.
- **CONTRACTS WITH THE STATE:** Employees, their immediate family members, and/or a business with which an employee or his/her family member is associated may not enter into a contract with the state valued at \$100 or more, unless the contract has been awarded through an open and public process. Employees are also prohibited from interfering with or soliciting contracts for or on behalf of any person.
- **FINANCIAL BENEFIT:** Employees may not use their official position or confidential information gained in their services for personal financial benefit, the financial benefit of a family member, or the financial benefit of a business with which they, or a family member, are associated.

Additionally, using state time, personnel or materials (including telephones, computers, e-mail systems, fax machines, copy machines, state vehicles and any other state systems or supplies) for a personal business or for other personal, non-state related purpose is considered a financial benefit or the employee, and is therefore strictly prohibited.

- **FINANCIAL INTERESTS:** Employees may not have a financial interest in any business, employment, transaction or professional activity that “substantially conflicts” with the proper discharge of their duties and responsibilities or employment in the public interest. In other words, you are prohibited from taking an official action that will directly affect your financial interest (or the financial interests of a family member or a business with which you are associated), such as awarding a contract to a private business that you won. You are not, however, considered to have a “substantial conflict” if the financial interest is shared by other members of your profession, occupation or group.

If, in the course of your work as an OHE employee, you are asked or expected to take an action that would directly affect your financial interest (or the financial interests of a family member or a business with which you are associated), you must prepare a written statement that describes the potential conflict and give it to your Director who may decide to reassign the matter.

- **BENEFITS THAT MAY INFLUENCE OFFICIAL ACTIONS:** Employees may not solicit or accept anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment, based on an understanding that it will influence your official actions.

Gifts

As a state employee, you are restricted from receiving gifts from certain entities and individuals.

DEFINITION OF A “GIFT:” A “Gift” is anything of value that you have directly or personally received unless:

- You have given something of equal or greater value (including, but not limited to, money) in exchange for the item; or
- The item falls into one of the exceptions listed in Section 1-79€ of the Connecticut General Statutes. Examples of items that are not considered to be “gifts” under this law include:
 - A gift received from an immediate family member;
 - A certificate, plaque, or other ceremonial award that costs less than \$100;
 - A rebate, discount or promotional item that is available to the general public;
 - Food or beverages, provided that the gift-giver is in attendance when the food or beverages are consumed and that the total value of the food or beverages you receive from any single gift-giver is less than \$50 per year;
 - A token item, such as a pen, mug or inexpensive baseball cap, that, in and of itself, costs less than \$10, provided that the total value of the token items you receive from any single gift-giver is less than \$50 per year;

- A gift given to you or a member of your family for a “major life event,” i.e., the birth or adoption of a child, a wedding, a funeral, a ceremony commemorating induction into religious adulthood (i.e., confirmation, bar mitzvah or bat mitzvah), or retirement from public service or state employment. The limit for gifts given in honor of one of these listed “major life events” is \$1,000.

GIFTS FROM REGULATED DONORS: In general you may not accept any “gift” from a “regulated donor.” “Regulated donors” include:

- Registered lobbyists or their representatives;
- Individuals or entities doing business or seeking to do business with OHE;
- Individuals or entities that are directly regulated by OHE.

A list of registered lobbyists can be found on the Office of State Ethics website. Please note that, while exceptions to the definition of “gift” listed in C.G.S. 1-79€ generally apply to items received from regulated donors, the “major life events” exception described above may only be used by lobbyists. You may not accept gifts for “Major life events” from other regulated donors.

GIFTS FROM NON-REGULATED DONORS: In addition to restrictions on gifts from regulated donors, the law also limits your ability to accept gifts from non-regulated donors who want to give you something because of your position in state government. Specifically, you may accept gifts from individuals or entities who are not regulated donors but who give you gifts because of your public position only if the total value of any gifts from a single gift-giver is less than \$100 per year.

There are also restrictions on gift-giving between supervisors and subordinates. In most circumstances, any gift given and received between an OHE supervisor and a subordinate (whether or not they are in a direct reporting relationship) must have a value of less than \$100 per gift. Please note that the supervisors and/or subordinates cannot pool their money to give a group gift that is valued in excess of \$99.99. The only exception to the \$99.99 limit for gifts is the “major life event” exception described above.

Fees, Honoraria and Necessary Expenses

As a state employee, you may not accept fees or honoraria for an article, appearance, speech or participation in an event if you are engaged in such activities in connection with or as part of your state employment. If, however, your involvement in such activities is not related to your state employment, you may be permitted to accept the fee or honoraria.

If you, in your capacity as a state employee, actively participate in an event (i.e., give a speech or presentation or run a workshop), you may be able to receive compensation for necessary expenses, even if they are paid for by a “regulated donor.” Necessary expenses can include: travel (not first class); lodging for the nights before, of, and after the appearance, speech or

event; meals; and related conference or seminar registration fees. Entertainment costs and the payment of expenses for family members or guests are not necessary expenses.

Any employee who accepts payment of reimbursement from a non-governmental entity for necessary expenses for lodging and/or out-of-state travel must file a form ETH-NE with the Office of State Ethics within 30 days of receiving the payment or reimbursement. This form can be completed online.

Restrictions on Political Activities

Connecticut's ethics laws and policies impose certain restrictions on the political activities of State employees. In general, you may not:

- Campaign for a candidate or otherwise engage in political activities during working hours;
- Use State funds, supplies, vehicles or facilities to promote a candidate, party or issue;
- Use your position to influence, directly or indirectly, any part of the political process, including the results of an election or a nomination for office and any payments, contributions or loans to a party, committee, organization, agency or person for political purposes; or
- Directly or indirectly coerce, command or advise a state or local officer or employee to contribute anything of value to a party or person for political purposes.

OHE employees are not prohibited from seeking political office, as long as it is not done on state time or with state equipment or resources. However, employees may not be employed by two branches or state government simultaneously. Therefore, any employee who accepts an elective state office must resign from his/her position with OHE. An employee who accepts a full-time elective municipal office may, at OHE's discretion, be granted a personal leave of absence without pay from his/her OHE position for a limited time.

Any OHE employee seeking an elective state office or a full-time elective municipal office must notify his/her Director of this fact in writing, within 30 days after nomination for that office.

OHE employees who perform duties that relate to programs that are financed in whole or in part by federal funds may also be subject to the federal Hatch Act. In some cases, especially with regard to state employees running for office, provisions of the Hatch Act differ from state law. Please see the Director of Finance and Administration if you have questions about the federal Hatch Act.

Statements of Financial Interests (SFIs)

The Code of Ethics requires that all department heads and deputies, state marshals and "such other members of the Executive Department... as the Governor shall require," among others, file an annual Statement of Financial Interests (SFI) with the Office of State Ethics for the

preceding calendar year. SFIs are due to the Office of State Ethics on May 1st of each year, and can be filed electronically through that agency's website.

The Governor's Office has established a standard that requires the following individuals to file SFIs:

“[A]ll persons in the Executive Branch and Quasi-Public Agencies who exercise (i) significant policy-making, regulatory or contractual authority; (ii) significant decision-making and/or supervisory responsibility for the review and/or award of State contracts; or (iii) significant decision-making and/or supervisory responsibility over staff that monitor State contracts.”

Each agency is responsible for designating which of its employees meet these standards.

You will be notified if you have been designated by the Director of Finance and Administration as an individual who must file an annual SFI. Each OHE employee so designated is personally responsible to accurately complete and timely file his/her SFI with the Office of State Ethics. Failure to do so will not only subject the employee to fines imposed by the Office of State Ethics of \$10 per day for each day the report is late (up to \$10,000 per violation), but may also subject the employee to disciplinary action by OHE.

An employee who has been designated as an SFI filer who leaves his/her position at OHE during the course of the year must also file an SFI covering that portion of the year during which such individual held his/her office or position. The Office of State Ethics will notify such individuals of this requirement no later than thirty days after they leave their office or position, and the individuals must file the SFI within sixty days after they receive the notification.

Restrictions on Post-Employment Activities

In addition, certain restrictions apply to the conduct of former OHE employees.

- There is a lifetime ban on disclosing, for anyone's financial gain, confidential information that you learned in the course of your state employment.
- There is a lifetime ban on representing anyone other than the state in connection with any matter in which you substantially participated during your state employment, and in which the state has substantial interest.
- There is a one-year ban on representing anyone for compensation before OHE.
- There is a one-year ban on being hired by a state contractor if, while you were employed by OHE, you were substantially involved in or supervised the negotiations or award of a state contract or that contractor and the contract is valued at \$50,000 or more.

Additionally, any employee designated as an individual who must file an annual Statement of Financial Interests (SFI) must file an SFI after leaving OHE covering that portion of the year

during which such individual held his/her position. The Office of State Ethics will notify such individuals of this requirement no later than thirty days after they leave their office of position, and the individuals must file the SFI within sixty days after they receive the notification.

Reporting Ethics Violations

Certain State officials and employees are required to report to the Office of State Ethics if they have reasonable cause to believe that a person has violated the Code of Ethics for Public Officials or any law or regulation concerning ethics in state contracting. In the Office of Higher Education, the Executive Director and Director of Finance and Administration are mandatory reporters. Other positions may be deemed mandatory reporters at the discretion of the Administration.

If any other OHE employee has questions or concerns about potentially unethical conduct by any person, including but not limited to state contractors, immediately contact the Executive Director or Director of Finance and Administration.

There are strict rules regarding the confidentiality of Ethics complaints. If you file a complaint with the Office of State Ethics – whether you are a mandatory reporter or not – certain information must be kept confidential. Specifically, you may disclose the facts that form the basis of a complaint (i.e., the facts that you acquire on your own). However, you may not disclose the existence of a formally-filed complaint (i.e. the fact that you filed a complaint with the office of State Ethics, or that you know that a complaint has been filed with the Office of State Ethics); any information acquired through interacting with the Office of State Ethics; or the fact that specific information was conveyed to the Office of State Ethics.

The Office of State Ethics has the authority to institute enforcement actions and impose fines against those who improperly disclose complaint information to any third party.

Conclusion

It is strongly recommended that all OHE employees avoid situations that are ethically questionable or that may give the appearance of being ethically questionable. All reports made to the Executive Director or Director of Finance and Administration will be kept confidential to the extent permitted by law, and only those with absolute need to know will be notified of the identity of any individual reporting questionable behavior. OHE strictly forbids retaliation against employees who make reports or who participate in internal or external investigations of any kind.