



**Administration Committee**  
**BOARD OF REGENTS FOR HIGHER EDUCATION**  
**REVISED AGENDA – REGULAR MEETING**  
**1<sup>st</sup> floor Boardroom, 39 Woodland Street, Hartford, CT**

**1:30 p.m., Thursday, September 12, 2013**

A meeting of the Administration Committee of the Board of Regents for Higher Education will be held at **1:30 p.m., Thursday, September 12, 2013, in the 1<sup>st</sup> floor Boardroom at 39 Woodland Street, Hartford, CT.**

The agenda for the meeting is below.

- A. Approval of Meeting Minutes from [June 14, 2013](#)
- B. BOR Ethics Statement
- C. BOR Policy concerning Nepotism in Employment
- D. Discussion: policy on interim appointments/ability to apply for permanent positions
- E. Update on compensation and classification study
- F. New Business
- G. Adjourn

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**Board members – Administration Committee**

Naomi K. Cohen, Committee Chair  
Yvette Melendez  
Michael Pollard

# **BOARD OF REGENTS FOR HIGHER EDUCATION COMMITTEE ON ADMINISTRATION**

**Minutes**

**2:00 p.m., Friday June 14, 2013**

**Legislative Office Building, Room 2600, 300 Capitol Avenue, Hartford, CT**

## **COMMITTEE MEMBERS PRESENT**

Naomi Cohen, Committee Chair

Yvette Melendez

Michael Pollard

## **BOR STAFF PRESENT**

Steven Weinberger, VP for Human Resources

Ernestine Y. Weaver, BOR Counsel

Dennis Murphy, Interim Chief of Staff

Colleen Flanagan Johnson, Director of Public Affairs and Marketing

Kyle Thomas, Legislative Program Manager

Toby Bates, Director of Employee Relations

Gina Glickman, President, Manchester Community College

Anna Wasescha, President, Middlesex Community College

Cathryn Addy, President, Tunxis Community College

Anita Gliniecki, President, Housatonic Community College

Dorsey Kendrick, President, Gateway Community College

Ed Klonoski, President, Charter Oak College

Leah Glende, BOR Administrator

## **PUBLIC PRESENT**

John Noonan, Office of Policy and Management

## **REQUEST FROM COMMUNITY COLLEGE PRESIDENTS TO PROVIDE A BRIEF STATEMENT**

Dr. Cathryn Addy, President of Tunxis Community College spoke on behalf of the other Community College Presidents and the Charter Oak College President. Dr. Addy asked the committee to preserve the current systems in existence and spoke about equity for university and college presidents between all of the 17 institutions. A copy of her written statement was submitted to the Committee (attached).

## **CALL TO ORDER, ROLL CALL, DECLARATION OF QUORUM**

With a quorum present, Committee Chair Cohen called the meeting to order at 2:04 p.m.

## **APPROVAL OF MEETING MINUTES FROM APRIL 26, 2013**

*The minutes of the April 26, 2013 Committee Meeting were unanimously approved on a motion by Regent Melendez, seconded by Regent Pollard.*

## **POLICY TO ADDRESS BUSINESS-RELATED EXPENSES INCURRED BY COLLEGE AND UNIVERSITY PRESIDENTS**

For Community College and Charter Oak College Presidents, the policy will require documentation of expenses. Discussion ensued regarding problems with the July 1<sup>st</sup> effective date of the policy. Steven Weinberger provided the Committee members an email from the Interim Chief Financial Officer, James Howarth. The email indicated that when Presidents receive their allowances the disbursements are made in arrears at varying intervals. He suggested that the language be revised to state that it shall take effect upon the conclusion of disbursement of expenses and allowances attributable to Fiscal Year 13.

More discussion occurred regarding accountability of public money, fiduciary responsibilities and what the expenses are spent on. Discussion also focused on the housing allowance for University Presidents and that their performance appraisals will, in part, include measuring their use of this allowance.

The committee agreed that President Addy's statement would be attached to the minutes.

*Motion was made to approve the policy, as amended, by Regent Melendez, seconded by Regent Pollard and passed unanimously. The proposed resolution is below:*

- WHEREAS, The Administration Committee was tasked with examining current practices relative to business-related expenses incurred by College and University Presidents in the performance of their duties, and
- WHEREAS, As a function of this examination, the Committee determined that revisions to current practices are appropriate in order to create a logical and transparent system that meets the test of sound management, and
- WHEREAS, The Board, having reviewed the Committee's recommended policy revisions, be it
- RESOLVED, That upon the submission of satisfactory documentation, subject to applicable state rules, and with the approval of the Board of Regents President or designee, Community College Presidents and the President of Charter Oak State College shall be eligible for reimbursement of up to \$12,205 in business-related expenses not otherwise reimbursable by the colleges and which are incurred in the performance of their duties in each fiscal year. For the purposes of this policy, the term "business-related expenses" shall specifically include auto expense, any premiums paid to purchase optional employee benefits including, but not limited to, long term care insurance, supplemental life insurance, and short and long term disability insurance. Business-related expenses so reimbursed shall continue to be payable from the budget of each campus and shall not be considered taxable income in accordance with relevant federal and state tax regulations, and be it further
- RESOLVED, That the President of the Board of Regents, or the President's designee, shall develop and administer the process by which such expenses shall be documented and reimbursed, and be it further

RESOLVED, That the amounts currently allocated to University Presidents as Housing , Accommodation or Development Accounts shall remain unchanged and is granted in lieu of campus housing which shall not be provided, In each fiscal year, this Allowance is intended to fund the cost of gatherings and meetings that further each University's mission, as well as for community outreach, building donor support, continuing connections with alumni, and similar matters. Correspondingly, the format for annual appraisals shall be amended to evaluate each President's effectiveness in utilizing this Allowance to advance institutional agendas. This Allowance shall continue to be paid from the budget of each campus and reported as ordinary income in accordance with relevant federal and state tax regulations, and be it further.

RESOLVED, That the policy revisions set forth above shall take effect upon the conclusion of disbursement of expenses and allowances attributable to Fiscal Year 13

**POLICY TO ADDRESS SALARY GRADE MINIMUM AND MAXIMUMS AS THEY APPLY TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES OF THE BOARD OF REGENTS FOR HIGHER EDUCATION**

The Committee members discussed background information regarding the review of a "Special Compensation Analysis" through Owen-Pottier, Inc. report. The report studied eighteen positions and placed one position below the minimum assigned salary grade. The Director of Employee Relations & Internal Administration's present salary is \$116,200 and the minimum salary of the grade level is \$124,000 a difference of \$8,000. Dennis Murphy, Interim Chief of Staff stated that one employee studied fell above the maximum salary for the grade and agreed to lower the salary to the proper grade for that position.

Another recommendation from the study was that newly hired management/confidential professional employees be placed at any point in the applicable salary grade up to the midpoint of the salary range. On a case by case basis, the President of the BOR may seek approval of the Board for establishing a salary above the median of a salary range.

A recommendation by the Committee members was to place the one employee at the minimum of the applicable compensation classification effective December 20, 2012 when the study was accepted and to have the clear and consistent policy for hiring new management/confidential professionals.

*Motion was made to adopt the proposed policy by Regent Melendez, seconded by Regent Pollard and passed unanimously. The proposed resolution is below.*

WHEREAS, At its December 20, 2012 meeting, the Committee on Administration received and noted a report, entitled: "Special Compensation Analysis", that had been commissioned previously from Owen-Pottier, Inc., and

WHEREAS, Owen-Pottier observed that, of eighteen positions under review, one had a salary below the minimum of its assigned grade and another was being paid a salary above the maximum for the grade, and

WHEREAS, An examination was conducted by the ConnSCU Human Resources Office subsequent to the Owen-Pottier report, and

- WHEREAS, Currently one position has been determined to be outside the existing minimum and maximum applicable salary ranges, and
- WHEREAS, The Administration Committee has received a recommendation from the President of the Board of Regents for a remediation proposal for this position and any future positions that fall below the minimum or above the maximum of applicable salary ranges, and a proposal for placement of future hires within applicable salary grades, and
- WHEREAS, The Board, having reviewed the Committee's policy recommendations and action steps, be it
- RESOLVED, That, as a matter of salary administration for management/confidential employees, compensation shall not be set below the minimum or above the maximum for the applicable grade absent, and be it further
- RESOLVED, That, consistent with the policy set forth above, the salary for the incumbent Director of Employee Relations & Internal Administration shall be raised to the minimum for the applicable grade, effective upon the Committee's receipt of the Owen-Pottier report, December 20, 2012 and be it further
- RESOLVED, That newly-hired management/confidential professional employees may be placed by administrative action at any point in the applicable salary grade up to and including the median of the applicable salary grade. By exception, on a case by case basis, the President may seek Board of Regents approval for the hiring of a management/confidential employee at a salary above the median of the applicable salary grade.

**REVISION TO HUMAN RESOURCES POLICIES FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES AT BOR TO ADDRESS THE NOTICE PERIOD APPLICABLE TO THE NON-CONTINUATION OF CAMPUS ACADEMIC OFFICERS OF DEAN AND PROVOST**

Discussion regarding employees hired below the rank of President and hired after January 1, 2013. The BOR policy manual provides these employees, shall receive three (3) months' notice. The proposed policy would provide that Academic Deans and Provosts will receive twelve (12) months non-continuation notice. The Committee members discussed job security and academic tenure for highly-skilled Deans relocating to Connecticut. Academic and Students Affairs Committee recommended that the policy include a provision that allowed termination at any time for non-performance.

*Motion was made to revise the policies for management and confidential employees notice period by Regent Melendez, seconded by Regent Pollard and passed unanimously. The proposed resolution is below.*

- WHEREAS, The Administration Committee has determined that there is a need to amend the language of the Human Resources Policies to increase length of the notice period applicable to the non-continuation of campus academic officers at the level of Dean or Provost, and
- WHEREAS, The Academic Affairs Committee recommends that this notice period be increased to twelve months, and

WHEREAS, The Board of Regents retains the right to terminate campus academic officers at the level of Dean or Provost for non-performance of duties, now be it

RESOLVED, That Article 8, Section 8.1 of the "Human Resources Policies for Management and Confidential Employees of the Board of Regents for Higher Education" is hereby amended to read as follows:

Article 8 – Non-continuation, Discipline, Reprimand, Suspension and Termination

8.1 Non-continuation

Presidents may be non-continued only by an action of the Board. Other management and confidential professional employees may be non-continued in their current positions without cause or explanation, at the option[,] of the President of the Board, for System Office employees; or Presidents, for College and University employees. **Permanent [E] employees [below the rank of President,] hired on or after January 1, 2013 shall receive three (3) months' notice, except for employees hired as campus Presidents whose notice periods shall be established in their initial appointment letters. Campus academic officers at the level of Dean or Provost shall receive twelve (12) months' notice.** Permanent employees hired prior to January 1, 2013 shall have the greater of three months' notice or the notice provisions covered by the policy that was previously in effect for their respective employer (e.g. BOR/DHE, CCC, CSU or Charter Oak). The Board retains the authority to offer payment of salary in lieu of service or notice.

[Bracketed] text to be deleted.  
**Underscored** text to be added.

**AUTHORIZING A GENERAL WAGE INCREASE IN FISCAL YEAR 2014 FOR MANAGEMENT AND CONFIDENTIAL PROFESSIONAL EMPLOYEES OF THE BOARD OF REGENTS FOR HIGHER EDUCATION**

The biennial budget adopted by the Legislature included a 3 % general wage increase for management and confidential employees including the Board of Regents for Higher Education for Fiscal Year 14 and Fiscal Year 15. The consolidated system increases were calculated differently in the past and this is something that should be looked at by the consultants reviewing classification and compensation.

*Motion was made to distribute increases according to the FY14/15 budget by Regent Melendez, seconded by Regent Pollard and passed unanimously.*

**AUTHORIZING BOR PRESIDENT TO IMPLEMENT A PROCESS TO EXPEDITE THE DEVELOPMENT, APPROVAL AND PROMULGATION OF STANDARDS, PROCEDURES AND GUIDELINES IN CONNECTION WITH INFORMATION SECURITY (REFERRAL FROM IT COMMITTEE)**

Discussion ensued regarding the BOR President having authority to develop, approve and promulgate standards, procedures and guidelines to assure proper feedback and approach to IT security strategies are consistent.

*Motion was made to develop process for President's authority to expedite guidelines regarding IT Security by Regent Pollard, seconded by Regent Melendez and passed unanimously*

**ADMINISTRATION COMMITTEE ROLE AND RESPONSIBILITY**

Committee members discussed ideas for the role and responsibility of the BOR Committee on Administration. There were questions as to the role of the Academic & Student Affairs and IT Committees and granting permission and the Board's involvement and engagement in the related issues. Regent Melendez recommended that the Committee members meet with the new President to understand his views of governance over both systems and how he wants to work with and support the Board Committees and the responsibilities.

**STATUS REPORT PHASE II CLASSIFICATION/COMPENSATION STUDY**

A team to review the proposals was selected including Regent Melendez, Steve Weinberger and one representative from both the community colleges and the universities. There were six (6) credible responses to the RFP. After meeting, two (2) were considered the most inclusive packages for consideration. HR Vice President spoke to the firms asking them to make their best proposal. Owen-Pottier did lots of work for the colleges, universities and State Government. Their bid was \$124,950 plus 10% expense fees and then they reduced it 6% to \$111,870. The other company was Simpson who has done work with many colleges and universities. Their bid was \$102,500 plus 10% expense fee and then they reduced 7.3% to \$95,000. The Committee members agreed to choose Simpson because of the lowest responsive, responsible bid (\$16,870 below the other bidder). This study will look at every management and confidential employee rank, job function and compensation from President on down.

**ADJOURN**

With no further business to consider, the meeting was adjourned at 3:15 p.m. *on a motion by Regent Pollard seconded by Regent Melendez and passed unanimously.*

A recent report done by The Century Fund and quoted by "Connecticut by the Numbers," states that "community colleges are in great danger of becoming indelibly separate and unequal institutions in the higher education landscape." The strength of our state has been its educational institutions, designed to prepare citizens of Connecticut for workforce development, lifelong learning and access to upward mobility. We all have played a critical role in helping to build and sustain this reputation. We have been an strong and engaged partners with the four year colleges and universities as well as our business communities. We do not want to risk our current level of support to each other as a result of the perception of leaders who were impacted in the higher education merger in Connecticut. The residual impact of that perception will become more exacerbated by the proposed policy that is being discussed among the BOR members.

The Presidents of the Community Colleges and Charter Oak respectfully wish to present our viewpoint regarding the proposed changes to personnel policies governing the payment of business related expenses to all 17 presidents. The origin of the policies has already been outlined in the information you have received in your packets, and several of the presidents did provide some information for your consideration when this matter was first brought up at the last committee meeting. However, we would like for you to consider the following.

As difficult as it is to merge three very different enterprises operating under similar yet different policies and expectations, part of what the BOR is charged with accomplishing with the creation of the ConnSCU system is a more unified and coherent approach to higher education in Connecticut. The policy currently under consideration will not contribute to the unification of the leadership of the 17 institutions, which is ultimately essential for the entire merger to work smoothly.

We consider the proposed policy to be inequitable because of its differential treatment of the four university presidents and the thirteen other presidents. The fact that in one case the smaller amounts allocated to the thirteen are now subject to reimbursement because the amount is for "expenses" as opposed to the larger amount given to the university presidents, that is termed an "allowance", creates a false impression that the jobs of the presidents differ in some way that is measurable. We would suggest that there is no difference in the jobs we all do. We are all members of our communities and serve on boards and foundations; we all participate in college life and interact with our Foundations and others with whom we build relationships on behalf of the colleges; we all interact with alumni, faculty, current students, and generally represent our colleges in every way possible. To say that university presidents deserve a housing/institutional advancement allowance and the rest of us do not is setting up a dichotomy that should not exist. We also use our homes for entertaining. What is the difference? The expectation that a university is to provide presidential housing or an allowance in lieu of housing is not at all unusual, but neither is it unusual for community college presidents to receive a housing allowance ( Massachusetts, Maine, New York, Illinois, Maryland, for example) or a house on campus (Rhode Island). Furthermore, we all have the same "expenses" for automobile travel to get around the state, and for other job related matters. There is no difference. Therefore, we are unclear as to why the BOR would wish to establish differential treatment.



Another concern is that, although House Bill 6605 was tabled, it was done so with the assurances that the BOR would remedy whatever the problem is perceived to be by not allowing unvouchered expenses. We are curious as to why the issue has been addressed only with thirteen of the seventeen presidents.

We would like to emphasize that our issue is not about the large difference in the amount of money being allotted; it is about the perception that the community college presidents and the President of Charter Oak are being held to a different standard. We believe that we should all be treated in the same manner with the same set of expectations.

Finally, there are two specifics that need to be clarified. First is the issue of our terms of employment and the documentation that states the twice yearly payments we have received are paid in arrears. We all have the expectation, based on our current contracts, that we should, and will, receive a payment in July for the time period of January 1-June 30, 2013. Second is that should this policy go forward as currently proposed, we wish to have assurances from the attorneys and internal auditors that reimbursements for personal benefits such as long term care or disability insurance are in fact allowable under state statutes as expenses to be paid with state operating funds. At this time most of us have these costs taken as payroll deductions. There has never been an audit finding based on our current contracts and we do not wish to have any in the future.

We therefore respectfully request that until the issue of equity and the other issues of legality with regard to terms of employment and reimbursements allowed by state statute are resolved, no changes in our current contracts should be brought to the Board. We can all presently document how these accounts are being expended without making any changes, and will be glad to do so if that will resolve the perceived issue in the eyes of the Board and various legislators. Again, inequitable treatment is our issue, not documentation or closer scrutiny.

**ITEM**

The Board of Regents for Higher Education establishes and adopts an “Ethics Statement” that shall be applicable to members of the Board of Regents for Higher Education and the Connecticut State Colleges and Universities and Board of Regents employees.

**BACKGROUND**

This Ethics Statement has been prepared pursuant to Section 1-83(a)(2) of the Connecticut General Statutes, which mandates the development and implementation of an Ethics Statement by each state agency.

**ANALYSIS**

This Statement of Ethics is a policy consolidating the previous ethics statements and policies of the constituent units. It applies to the members and employees of the Board of Regents (BOR) and to all employees of the Connecticut State Colleges and Universities (ConnSCU). This Statement is intended to serve as a general guide to assist those individuals in identifying and avoiding prohibited conduct. It does not contain a complete listing of prohibited conduct nor is it intended to replace or supersede the Code of Ethics for Public Officials (set forth in Chapter 10 of the Connecticut General Statutes), other applicable sections of the Connecticut General Statutes, or the regulations of the Office of State Ethics. It is each person’s responsibility to become familiar with the provisions of this Statement and comply with them. It is also each person’s responsibility to maintain high ethical standards and alert his or her supervisor of any suspected violation of ethical standards, whether or not specifically described in this Ethics Statement. Everyone should be aware that violations may result in the imposition of sanctions by agencies or systems external to the BOR or ConnSCU. Whether this occurs or not, the BOR retains the right to independently review and respond administratively to violations.

**RECOMMENDATION**

That the Board of Regents for Higher Education in compliance with the provisions of CGS Section 1-83(a)(2) approve the attached resolution calling for the adoption and implementation of the September 2013 Ethics Statement, a copy of which shall be filed with the Office of State Ethics and the Department of Administrative Services.

9/12/13 – Administration Committee

9/19/13 – Board of Regents

**CT BOARD OF REGENTS FOR HIGHER EDUCATION**

**RESOLUTION**

concerning

**STATEMENT OF ETHICS**

September 19, 2013

WHEREAS, Section 1-83(a)(2) of the Connecticut General Statutes provides that “each state agency, department, board and commission shall develop and implement, in cooperation with the Office of State Ethics, and ethics statement as it relates to the mission of the agency, department, board or commission; and

WHEREAS, the Office of State Ethics has participated in the development of the Statement of Ethics by reviewing and contributing to the proposed statement; and

WHEREAS, The Board of Regents has established a process to create and adopt policy that would supersede policies of the Boards of Trustees of the Connecticut State University System, the Regional Community – Technical Colleges and the Board of Academic Awards; therefore, be it .

RESOLVED, That the Board of Regents rescinds the following policies, “Connecticut Community Colleges Ethical Conduct Policy rev. 7/95”, “Connecticut State University System Ethics Statement June 2006”, and Charter Oak “Board Ethics Policy” dated May 17, 2007, and any revisions made to those policies; and be it further

RESOLVED, that the Board of Regents adopts the attached “Board of Regents for Higher Education, Ethics Statement, September, 2013” effective immediately.

A True Copy:

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Erin A. Fitzgerald, Secretary of the  
CT Board of Regents for Higher Education

Board of Regents for Higher Education  
Connecticut State Colleges and Universities  
**Ethics Statement September 2013**

**PURPOSE**

It is important that members of the Board of Regents for Higher Education and the Connecticut State Colleges and Universities and Board of Regents employees conduct themselves with the highest degree of honor and integrity and understand that public service is a public trust. Ethical conduct in our relationships with each other, members of the public, our students, other state agencies, and private entities is of critical importance. This Ethics Statement has been prepared pursuant to Section 1-83(a)(2) of the Connecticut General Statutes, which mandates the development and implementation of an Ethics Statement by each state agency. It applies to the members and employees of the Board of Regents (BOR) and to all employees of the Connecticut State Colleges and Universities (ConnSCU). This Statement is intended to serve as a general guide to assist those individuals in identifying and avoiding prohibited conduct. It does not contain a complete listing of prohibited conduct nor is it intended to replace or supersede the Code of Ethics for Public Officials (set forth in Chapter 10 of the Connecticut General Statutes), other applicable sections of the Connecticut General Statutes, or the regulations of the Office of State Ethics. It is each person's responsibility to become familiar with the provisions of this Statement and comply with them. It is also each person's responsibility to maintain high ethical standards and alert his or her supervisor of any suspected violation of ethical standards, whether or not specifically described in this Ethics Statement. Everyone should be aware that violations may result in the imposition of sanctions by agencies or systems external to the BOR or ConnSCU. Whether this occurs or not, the BOR retains the right to independently review and respond administratively to violations.

**DEFINITIONS**

1. A "Business with which he is associated" means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his or her immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his or her immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his immediate family is an unpaid director or officer of the not for profit entity. "Officer" refers only to the president, executive or senior vice president or treasurer of such business.
2. A "Gift" means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. Among the nineteen (19) exceptions to the definition of "gift" set forth in Section 1-79 of the Connecticut General Statutes, a "gift" does not include:
  - (a) A certificate, plaque or other ceremonial award costing less than one hundred dollars (\$100.00);

- (b) A rebate, discount or promotional item available to the general public (items such as pencils, ball point pens, note pads and similar items used as advertisement "give-aways" fall within this category);
  - (c) Food or beverage or both, costing less than fifty dollars (\$50.00) in the aggregate in a calendar year, and consumed on an occasion or occasions at which the person paying, directly or indirectly, for your food or beverage, or his representative, is in attendance;
  - (d) Admission to a charitable or civic event, including food and beverage provided at such event (but excluding lodging or travel expenses), at which you participate in your official capacity, provided such admission is provided by the primary sponsoring entity; and
  - (e) Anything having a value of not more than ten dollars (\$10.00), provided the aggregate value of all things provided by a donor to you under this subsection in a calendar year does not exceed fifty dollars (\$50.00).
  - (f) Training that is provided by a vendor for a product purchased by a state or quasi-public agency which is offered to all customers of such vendor.
3. Your "immediate family" consists of your spouse, your children, and any dependent relatives who reside in your household.
  4. "Necessary expenses" are necessary expenses for an article, appearance or speech or for participation at an event, in a person's official capacity, which shall be limited to necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals and any related conference or seminar registration fees.
  5. A "person" means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.
  6. An interest that is in "substantial conflict" with the proper discharge of your duties as a public official or state employee is one in which there is reason to believe or expect that you, your spouse or dependent child, or a business with which you are associated, will derive a direct monetary gain or suffer a direct monetary loss, by reason of your official activity. You do not have an interest which is in substantial conflict with the proper discharge of your duties as a public official or state employee, if any such gain or loss accrues to you, your spouse or dependent child, or a business with which you, your spouse or dependent child is associated, as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group.
  7. A "potential conflict of interest" is one in which you would be required to take an action that would affect a financial interest of yours, your spouse, parent, brother, sister, child or child's spouse, or of a business with which you are associated, other than an interest of a de minimis nature, an interest that is not distinct from that of a substantial segment of the general public, or an interest in substantial conflict with the performance of your official duties.

## **PROHIBITED ACTIVITIES**

As a public official or state employee you may not:

1. Knowingly accept any gift from any person who: (a) is known to be a registered lobbyist or a lobbyist representative; (b) is doing business with or seeking to do business with the System, your university or your department; (c) is engaged in activities which are directly regulated by the System, your university or your department; or (d) is a contractor pre-qualified under section 4a-100 of the Connecticut General Statutes. (A list of registered lobbyists may be found on the website maintained by the Office of State Ethics.) If an employee is offered a benefit from someone whom is not a prohibited donor as described above (that is, a non-regulated donor), and the benefit is offered because of the employee's position with the System, the total value of benefits received from one source in a calendar may not exceed \$100.00.
2. Knowingly accept, directly or indirectly, any gift costing one hundred dollars (\$100.00) or more either from a state employee under your supervision or from a supervisor. Nor may you knowingly give such a gift. The prohibition against accepting such gifts applies also to members of your immediate family.
3. Enter into a contract with the state, valued at one hundred dollars (\$100.00) or more (other than a contract of employment as a state employee), unless the contract has been awarded through an open and public competitive process. This prohibition applies also to members of your immediate family and businesses with which you are associated. According to the Office of State Ethics, an immediate family member may not be hired as an independent contractor through special payroll unless there has been an open and public process.
4. Accept a fee or honorarium for an article, appearance, speech, or for participation at an event in your official capacity. However, you may accept payment or reimbursement for necessary expenses incurred for any such activity. If payment or reimbursement is received for lodging or out-of-state travel or both, you must report the payment or reimbursement to the Office of State Ethics within thirty (30) days of receiving such payment or reimbursement, unless the payment or reimbursement is provided by the federal government or another state government. You may also accept admission to, and food and beverages provided by the sponsor of, an in-state event that you attend in your official capacity and as a principal speaker. Generally, if you are asked to participate in an event, speak, appear or write an article primarily as a result of your official position or authority, then it will be deemed to be in your official capacity. If, however, you have developed an academic expertise in a particular field and you are asked to participate in an event, speak, appear or write an article as a result of such expertise, then you are not prohibited from accepting a fee or honorarium. Note that these situations are very fact specific and you are encouraged to contact the Office of State Ethics, as necessary, for clarification and guidance. Note also that services for which compensation is claimed must be provided on your own time.
5. Use your official position for personal financial benefit, or the financial benefit of a family member or a business with which you, or a family member, are associated. Further, you may not use state time, personnel or materials, including telephones, computers, e-mail systems, fax machines, copy machines, state vehicles, and any other state supplies, for personal, non-state related purposes. You may refer to the System Office or your university's Computer Use Policy, as applicable, for information relating to hardware and software use.

6. Engage in partisan political activities while on state time or use state funds, supplies, materials, equipment, vehicles or facilities for such purposes.

### **CONFLICTS OF INTEREST**

1. You may not have a financial interest or engage in a business or professional activity that is in substantial conflict with the proper discharge of your duties as a public official or state employee, nor may you take any official action in connection with a matter in relation to which you have a substantial conflict.
2. You may not accept any other employment that will impair the independence of your judgment in carrying out your official duties or induce you to disclose confidential information acquired by you in the course of performing your official duties. Accordingly, you should never accept employment with any consultant, contractor, appraiser or any other organization or individual that has a contract or other agreement with ConnSCU or one of its institutions without full exploration of any potential conflicts of interest. A member of the faculty or a member of a faculty bargaining unit may enter into a consulting agreement or engage in a research project with a public or private entity, provided such agreement or project does not conflict with the member's employment with the constituent unit, as determined by policies established by the board of trustees for such constituent unit.
3. In accordance with the "BOR Policy Regarding Nepotism in Employment," you should not play any role in hiring, promotion, demotion, or other personnel action affecting your relative (defined to include your father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, wife, husband, domestic partner, grandmother, grandfather, grandson, granddaughter, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister), nor should you take any action, directly or indirectly, to coerce, command, or require a state employee to improperly obtain an appointment for any individual to a position in state service. You should be aware that your signing of certain documents may result in a violation of the State Code of Ethics if such action results in a financial benefit being received by a relative. Examples of such documents include personnel forms (including performance appraisals) and vouchers. Caution should be exercised, so that unintended violations do not occur.
4. You may not disclose, for financial gain, confidential information acquired by you in the course of performing your official duties or use such information to obtain financial gain for yourself, your spouse, your child, your child's spouse, your parent, your sibling or for a business with which you are associated.
5. You may not solicit or accept anything of value (including a gift, loan or promise of future employment) based on an understanding that your official action will be or had been influenced thereby.

## **PROCEDURE GOVERNING CONFLICTS OF INTEREST**

If, in the discharge of your duties, you are required to take any action that would present either a substantial or potential conflict of interest, you must prepare a written statement, signed under penalty of false statement, describing the matter requiring action and the nature of the conflict and deliver a copy of the statement to your immediate superior, who will assign the matter to another employee, or, if you have no immediate superior, you shall take such steps as the Office of State Ethics shall prescribe or advise. You may not take any official action whatsoever on a matter with which you have a substantial conflict of interest. With regard to members of the Board of Regents, the Chairman of the Board shall determine whether a regent with a substantial or potential conflict may simply recuse him or herself from the proceeding in question, or if reassignment to another committee is necessary. If the Chairman is personally faced with such a conflict, he or she should deliver a written statement to the Office of State Ethics for guidance as to how to proceed.

## **POST-EMPLOYMENT ACTIVITIES**

The Code of Ethics for Public Officials contains several provisions regarding post-state employment. Before leaving employment with the System, all employees should review the applicable rules and, if necessary, seek guidance from the Office of State Ethics. Once you have separated from state service, you may not:

1. Disclose or use confidential information acquired in the course of and by reason of your official duties for financial gain for yourself or any other person. This is a lifetime prohibition. "Confidential information" is any information not generally available to the public, and may be memorialized in any form (e.g., written, photographic, tape recorded, etc.).
2. Represent any person in connection with any matter: (i) in which participated, personally and substantially, while in state service; and (ii) in which the state has a substantial interest.
3. For a period of one year after leaving state service, represent anyone before your former agency, for compensation.
4. Accept employment with any person (including an individual, sole proprietorship, corporation, limited liability company, partnership, association or any other organization or group of persons) who was a party to a contract or agreement: (i) valued at an amount of fifty thousand dollars (\$50,000.00) or more; and (ii) in the negotiation or award of which you substantially participated, for a period of one year after resigning from state service, if your resignation occurs less than one year after the contract or agreement was signed.

## **CODE OF ETHICS FOR PUBLIC OFFICIALS**

The Code of Ethics for Public Officials is set forth in Chapter 10 of the Connecticut General Statutes. Should you have a question regarding whether certain conduct constitutes a violation of the Code of Ethics, you should consult with your immediate supervisor, the Ethics Officer at your institution, or the Office of State Ethics. The Office of State Ethics is located at 18-20 Trinity Street, Suite 205, Hartford, Connecticut 06106-1660. The Office of State Ethics may be contacted by telephone at (860) 263-2400, by facsimile at (860) 263-2402, and by e-mail at ose@ct.gov. The Office of State Ethics maintains a website at "<http://www.ct.gov/ethics>."



**REVIEW BY AUDIT COMMITTEE OF THE BOARD OF REGENTS**

In accordance with its Charter, the Audit Committee of the Board of Regents will periodically review the administration of the conflict of interest provisions set forth herein as well as the performance of ConnSCU management and operating personnel under the Code of Ethics for Public Officials. The BOR Ethics Officer will apprise the Audit Committee of issues arising under this Statement, including, to the extent permitted by law, those matters reported to the Office of State Ethics.

**ITEM**

The Board of Regents for Higher Education establishes and adopts a “Policy Regarding Nepotism in Employment” that shall be applicable to members of the Board of Regents for Higher Education and the Connecticut State Colleges and Universities and Board of Regents employees.

**BACKGROUND**

It is well recognized that employment of relatives in the same area of an organization may produce conflicts of interest and problems concerning disparate treatment, which can damage the integrity of the BOR and its colleges and universities.

**ANALYSIS**

Under the Code of Ethics, Connecticut General Statutes, Section 1-84(c), a state employee may not use his or her position for the financial gain of himself or herself, his or her spouse, child, child’s spouse, parent, brother or sister. But the Code of Ethics only addresses limited circumstances where conflicts of interest may occur. Other relationships may also give rise to a claim of disparate treatment.

Conferring of benefits and privileges based on relationship, rather than on merit, and the appearance that benefits and privileges may have been so conferred, can harm the functioning of the institution(s). In these circumstances, all parties leave themselves open to charges of inequitable consideration in decisions concerning work assignments, transfer opportunities, time-off privileges, training and development opportunities, performance evaluations, salary increases, promotions, demotions, and disciplinary actions.

**RECOMMENDATION**

That the Board of Regents for Higher Education approves the attached resolution calling for adoption and implementation of the “Policy Regarding Nepotism in Employment.”

9/12/13 – Administration Committee

9/19/13 – Board of Regents

**CT BOARD OF REGENTS FOR HIGHER EDUCATION**

**RESOLUTION**

concerning

**NEPOTISM IN EMPLOYMENT POLICY**

September 19, 2013

WHEREAS, Section 1-84(c) of the Connecticut General Statutes prohibits state employees from using their employment for their or their family members' personal financial; and

WHEREAS, The State Code of Ethics only addresses limited circumstances where conflicts of interest may occur, yet other relationships may also give rise to a claim of disparate treatment which damage the integrity of the BOR and the Connecticut State Colleges and Universities;

WHEREAS, To address such issues, the Board of Regents has established a process to create and adopt policy that would supersede policies of the Boards of Trustees of the Connecticut State University System ,the Regional Community – Technical Colleges and the Board of Academic Awards;

RESOLVED, That the Board of Regents rescinds the following policy, “Connecticut State University System Policy Regarding nepotism in Employment (BR#05-03), and any other policy that speaks to the issue of nepotism that may have been approved by the Board of Academic Awards or the Board of Trustees of the Regional Community Technical Colleges;

RESOLVED, That the Board of Regents adopts the “Policy Regarding Nepotism in Employment September 19, 2013” effective immediately.

A True Copy:

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Erin A. Fitzgerald, Secretary of the  
CT Board of Regents for Higher Education

**Board of Regents for Higher Education  
Connecticut State Colleges and Universities  
Policy Regarding Nepotism in Employment**

It is well recognized that employment of relatives in the same area of an organization may produce conflicts of interest and problems concerning disparate treatment, which can damage the integrity of the System and its universities. Under the Code of Ethics, Connecticut General Statutes, Section 1-84(c), a state employee may not use his or her position for the financial gain of himself or herself, his or her spouse, child, child's spouse, parent, brother or sister. But the Code of Ethics only addresses limited circumstances where conflicts of interest may occur. Other relationships may also give rise to a claim of disparate treatment.

In addition, conferring of benefits and privileges based on relationship, rather than on merit, and the appearance that benefits and privileges may have been so conferred, can harm the functioning of the institution(s). In these circumstances, all parties leave themselves open to charges of inequitable consideration in decisions concerning work assignments, transfer opportunities, time-off privileges, training and development opportunities, performance evaluations, salary increases, promotions, demotions, and disciplinary actions.

It is the policy of the Connecticut State Colleges and Universities (ConnSCU) that relatives of persons currently employed by ConnSCU may be hired only if they will not be working under the supervision of a relative, either directly or indirectly, or supervising a relative.

If two existing employees of ConnSCU work together in a supervisory relationship, and become related, as herein defined, a case-by-case review shall be made. In some circumstances, one of the employees may be transferred or otherwise reassigned. Existing employees should not ordinarily be transferred or reassigned into a supervisory relationship with a relative. Exceptions will only be made when there is a management plan approved by the BOR President or the President that is designated to eliminate the conflict of interest or the opportunity for favoritism.

In addition, the objective of the search procedures for new hires is to ensure that the best candidate for the position is the one selected. It is the policy of the ConnSCU that any employee serving on a search committee must excuse themselves from consideration of the qualifications of a relative if one applies for the position and must further disclose to the search committee that said candidate is a relative. Further, no ConnSCU employee shall vote, make recommendations or in any way attempt to participate in or influence decisions about any personnel matter which may affect the selection, appointment, evaluation, retention, tenure, compensation, promotion, termination, or other employment status or interest of a relative.

For purposes of this policy, "relative" means a connection between persons by blood, marriage, adoption, or co-habitation. Relative includes, but is not limited to, spouses, parents, children, adopted children, brothers, sisters, brothers-in-law, sisters-in-law, father-in-law, mother-in-law, stepparents, stepsiblings, stepchildren, nieces, nephews, grandchildren, and grandparents.