

POLICY: 2.1.6. (I.C.1.c) **Ethical Responsibilities**

Revised: March 6, 2014
Last Reviewed: September 4, 2018, March 6, 2014
Adopted: June 2, 2011



POLICY:

If the Technical College System of Georgia is to carry out its mission of providing quality technical education and customized business and industry workforce training to the citizens of Georgia, the State Board, local boards, and employees of the Technical College System of Georgia must maintain the highest level of integrity and objectivity as they perform their duties in support of these objectives.

Members of the State Board must hold themselves to the ethical standards mandated by O.C.G.A. §45-10-3. Notwithstanding any provisions of law to the contrary, each member shall:

1. Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a part to their evasion;
2. Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
3. Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her governmental duties;
4. Never use any information coming to him/her confidentially in the performance of governmental duties as a means for making a private profit;
5. Expose corruption wherever discovered;
6. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could be reasonably inferred that a major purpose of the donor is to influence the performance of the member's official duties;
7. Never accept any economic opportunity under circumstances where he/she knows or should know that there is a substantial possibility that the opportunity is being afforded his/her with intent to influence his conduct in the performance of his/her official duties;
8. Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and,
9. Never take official action with regard to any matter under circumstances in which he/she knows or should know that he/she has a direct or indirect monetary interest in the subject matter or in the outcome of such official action.

Further, members of the State Board must safeguard their ability to make objective, fair, and impartial decisions and, therefore, should not accept any benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision or to reward a past decision.

A member of the State Board shall recuse himself/herself from any proceeding in which the member's impartiality may be reasonably questioned due to his/her personal or financial relationship with a participant in the proceeding. A "participant" includes, but is not limited to, an owner, shareholder, partner, employee, or agency of a business entity involved in the proceeding.

Pursuant to the provisions of O.C.G.A. §45-10-80, State Board members shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a member of his/her family to an office or position to become a public employee [as defined in O.C.G.A. §45-1-4(a)(3)] that pays an annual salary of \$10,000.00 or more or its equivalent. As defined in O.C.G.A. §21-5-3, a "family member" shall include the board member's spouse and all dependent children.

Pursuant to the provisions of O.C.G.A. §16-10-2, a member of the State Board shall not directly or indirectly solicit, receive, accept or agree to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence his/her performance or failure to perform any official action. A "thing of value" does not include: any gift with a value of less than \$100.00; food or beverage consumed at a single meal or event; food, beverages, and registration at group events to which all members (e.g., employees) of the Technical College System of Georgia are invited; actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation or speaking at the meeting; an award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service; a commercially reasonable loan made in the ordinary course of business; promotional items generally distributed to the general public or to public officers; a gift from a member of the public officer's immediate family; food beverage, or expenses afforded public officers, members of their immediate families, or others that are associated with normal and customary business or social functions or activities; and, legitimate salary, benefit, fees, commissions, or expenses associated with a recipient's non-public business, employment, trade, or profession.

As a "public officer" and pursuant to the provisions of O.C.G.A. §21-5-11, no State Board member shall accept a monetary fee or honorarium in excess of \$100.00 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to his/her official duties as a board member. Further, actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation in a panel or speaking engagement at a meeting shall not (be considered) monetary fees or honoraria.

As a "public officer" for purposes of financial disclosure requirements and pursuant to the provisions of O.C.G.A. §21-5-50(a)(2), each member of the State Board shall electronically file a Public Officer Affidavit with the Georgia Government Transparency and Campaign Finance Commission by January 31 of each calendar year. Additionally, members of the State Board are also subject to the same general business transaction disclosure requirements as state employees as outlined in the provisions of O.C.G.A. §45-10-26.

Pursuant to the provisions of O.C.G.A. §45-10-22, no State Board member, for himself or herself, or on behalf of any business or for any business in which the State Board member or member of his/her family has a substantial interest, may transact business with the Technical College System of Georgia or any associated technical college. For these purposes, the term “business” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employment, trust, or other legal entity. The term “family” means the member’s spouse and dependents. The term “substantial interest” means the direct or indirect ownership of more than 25 percent of the assets or stock of the business. The term “transact business” means to sell or lease any personal property, real property, or services on behalf of oneself or on the behalf of any third party as an agent, broker, or representative and means to purchase surplus, real, or personal property on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative.

RELATED AUTHORITY:

- O.C.G.A. § 20-4-11 – Powers of the Board
- O.C.G.A. § 20-4-14 – TCSG Powers and Duties
- Attachment 2.1.6.a1. Acknowledgment of Ethics
- O.C.G.A. §16-10-2
- O.C.G.A. §21-5-3
- O.C.G.A. §21-5-11
- O.C.G.A. §21-5-50(a)(2)
- O.C.G.A. §45-1-4(a)(3)
- O.C.G.A. §45-10-3
- O.C.G.A. §45-10-20
- O.C.G.A. §45-10-22
- O.C.G.A. §45-10-26
- O.C.G.A. §45-10-80

[Attachment: 2.1.6.a1]

Last Reviewed: September 5, 2018

State Board of the Technical College System of Georgia

POLICY: 2.1.6. - Ethical Responsibilities

Acknowledgment Statement

I acknowledge that I have received a copy of the TCSG Board's policy governing ethical conduct expected of State and Local Board members. My signature below indicates an understanding of the policy provisions and my commitment that I will abide by the ethical standards as outlined in the policy.

Signature

Date

Printed Name

Technical College