

# Procedure: 4.3.2p4. (III.L.4)

## Standards of Business Conduct

**Revised:** March 13, 2018; November 15, 2016; July 15, 2015; September 10, 2014; July 16, 2014; March 27, 2014; July 17, 2013; January 1, 2011; November 9, 2010; March 10, 2010; May 25, 2011

**Last Reviewed:** March 13, 2018

**Adopted:** March 8, 2011



### I. PURPOSE:

The Technical College System of Georgia is committed to the pursuit of organizational excellence as it provides quality technical, academic, and adult education as well as customized business and industry workforce training to the citizens of Georgia.

To achieve this mission and to be good stewards of the resources that have been entrusted to the Technical College System of Georgia, all employees must conduct themselves in a manner which reflects high ethical standards, integrity, honesty, accountability, dedication to the public trust and, which conforms to state and federal law, State Board policies and TCSG procedures, and applicable gubernatorial Executive Orders.

In carrying out their assigned duties and responsibilities, all employees must also avoid even the appearance of ethical or financial impropriety, partiality, prejudice, favoritism, improper influence, as well as placement of self-interests above public interests.

It is the obligation of all employees to familiarize themselves with and follow State Board Policies and TCSG Procedures. Failure to adhere to these directives and/or state and federal law will subject an employee to disciplinary action consistent with the provisions of the State Board Policy on Positive Discipline and the TCSG Procedure on Adverse Employment Actions.

### II. RELATED AUTHORITY:

Georgia Department of Administrative Services' Georgia Fleet Management Manual  
O.C.G.A. §3-3-21.1(b)  
O.C.G.A. §3-8-6  
O.C.G.A. § 16-7-5  
O.C.G.A. §16-7-80 et seq  
O.C.G.A. §16-10-2  
O.C.G.A. §16-11-14  
O.C.G.A. §16-11-106(a)  
O.C.G.A. §16-11-127.1  
O.C.G.A. §19-7-5  
O.C.G.A. Title 20, Chapter 8  
O.C.G.A. §45-10-1  
O.C.G.A. §45-10-22 et seq

O.C.G.A. §50-18-70 et seq  
Attachment: 4.3.2p1.a1 Governor Deal's March 30, 2017 Executive Order  
State Board Policies and TCSG Procedures  
State Personnel Board Rule 21 – Drug and Alcohol Free Workplace Program  
Family Educational Rights and Privacy Act of 1974 (as amended), 20 U.S.C. § 1232g et seq.  
("FERPA")

### III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

### IV. DEFINITIONS:

**Agency:** for purposes of this procedure, the term is defined as any state agency, authority, department, board, bureau, commission, committee, office or instrumentality of the State of Georgia other than a political subdivision.

**Business:** any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity.

**Child Abuse:** pursuant to the provisions of O.C.G.A. §19.7.5(b)(4) the term means:

1. Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;
2. Neglect or exploitation of a child by a parent or caretaker;
3. Sexual abuse of a child; or
4. Sexual exploitation of a child.

NOTE: no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an "abused" child.

**Employee:** an individual employed by the Technical College System of Georgia (TCSG) and who works in the TCSG System Office, the Quick Start Headquarters or a Quick Start Regional Office, or an associated technical college.

**Family:** spouse and dependents.

**Full-Time (Employee):** any individual who works thirty (30) hours or more per week for any state agency, and whose appointment is for a period of nine (9) or more calendar months.

**Immediate Supervisor:** a supervisor charged with the responsibility for developing performance plans/expectations and who coaches, develops, and assesses the performance of subordinate employee(s).

**Part-Time:** any amount of work other than "full-time" as that term is defined in this procedure.

**Reviewing Manager:** a manager charged with reviewing the performance plans and evaluations prepared by lower level supervisor(s) in his/her direct line of supervision.

**School Safety Zone:** pursuant to the provisions of O.C.G.A. §16-11-127.1(a)(3), the term means any real property or building owned by or leased to any college, university, or other institution of postsecondary education.

**State Vehicle:** a motor vehicle owned, rented, borrowed, leased, donated or otherwise under the possession and control of the State of Georgia and which is licensed for highway use. A rental vehicle is considered a state vehicle if it is rented by a duly authorized employee solely for official state business and the cost of the rental is paid for by the state, e.g., through an expense reimbursement.

**Substantial Interest:** direct or indirect ownership of more than twenty-five percent (25%) of the assets or stock of any business.

**Technical College System of Georgia (“TCSG”):** a state agency established pursuant to O.C.G.A. §20-4-14 and authorized to exercise state level leadership, management, and operational control over colleges, programs, and services. The agency consists, in part, of the Commissioner’s Office, various statewide programmatic and support divisions in the System Office, colleges, and the Office of Economic Development Programs/Quick Start.

**TCSG Work Unit:** for purposes of this procedure, the TCSG System Office, Quick Start Headquarters, Quick Start Regional Office or training center, or any associated technical college including any property owned by or leased to a technical college.

**Transact Business:** to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative and/or 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.

## **V. ATTACHMENTS: N/A**

## **VI. PROCEDURE:**

### **A. General Provisions:**

1. Pursuant to the provisions of O.C.G.A. §16-10-2, Technical College System of Georgia employees 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. For compliance purposes, employees shall follow the guidelines established in Governor Deal’s March 30, 2017 Executive Order on Ethics and all provisions of TCSG procedures governing Ethical Responsibilities and Gifts, Honoraria, and Expenses.
2. The Technical College System of Georgia expects all employees to provide a workplace and learning environment where all employees, current and prospective students, contractors, volunteers, and all visitors to a TCSG work unit or technical college are treated with dignity and respect. Additionally, the TCSG expressly prohibits the harassment or discrimination of any individual by a TCSG employee

because of the individual's age, color, disability, gender, genetic information, national or ethnic origin, citizenship status, political affiliation or belief, race, religion, or status as a veteran of the Vietnam era or as a disabled veteran. (See TCSG Procedure Unlawful Harassment of Staff). Any employee who violates these guiding principles through his/her behavior or conduct will be subject to disciplinary action up to and including dismissal. NOTE: the practices of the Technical College System of Georgia with respect to its stated mission and strategic initiatives will not discriminate against any individual on this basis of his/her citizenship status except in those special circumstances mandated by law to include compliance with the federal Immigration Reform and Control Act as it pertains to employment.

3. Employees are encouraged to participate in the political process; however, as public employees, there are restrictions placed on these activities as outlined in the TCSG procedure governing Political Activities and Election Campaigns. All employees should review these restrictions and must ensure that their TCSG activities remain separate and distinct from their individual political activities/ actions. It must always be clear in these pursuits that an employee acts as a citizen and not as a representative of the TCSG. Further, employees must not use TCSG resources, including computer and network systems and work time, to promote a political position or candidate and/or to engage in a political campaign or personal activities.
4. The TCSG reserves the right to conduct reasonable, job-related searches (to include those associated with an internal investigation) of/on state property including, but not limited to, desks, work areas, state-issued computers, laptops, tablets, cellular phones, etc. An employee's electronic mail messages, internet usage, and all information created, transmitted, downloaded, received or stored on TCSG devices may be reviewed for any job-related reason pursuant to guidelines outlined in the TCSG Procedure governing business e-mail archiving, retention, and investigations. Employees should not assume that they have an expectation of privacy or confidentiality in such messages, data, or information, whether or not such information is password protected or, that deleted messages, data, information or previous internet use has been removed from a device.
5. Employees shall fully cooperate with any inquiry or internal investigation conducted by TCSG or, as applicable, any other state agency.
6. Employees assume personal responsibility and accountability for their actions at all times and must avoid any activity or behavior that might hinder their ability to fulfill assigned job responsibilities. Additionally, employees must avoid any activities/behavior that would bring discredit upon or adversely affect the organization's ability to carry out its mission.

## **B. Collection and Use of Privileged or Confidential Information**

1. While performing assigned duties and responsibilities, employees may have access to a wide variety of sensitive, privileged, and/or legally protected information, documents, files, records, etc. Any employees authorized to access and use such information in the performance of his/her job may do so only for a legitimate job-related reason as these records are the property of the TCSG. Any such access for personal use or use by others is strictly prohibited. NOTE: any request for public

records (as that term is defined in O.C.G.A. §50-18-70 et seq.) shall be managed pursuant to the provisions of the TCSG procedure governing the Open Records Act.

2. Pursuant to the principles outlined above, all employees shall refrain from any breach of confidentiality, falsification, fabrication, destruction, inappropriate and/or unacknowledged collection or other misuse of TCSG data, information or records pertaining to, but not limited to, students, employees, or operations and administration.
3. Supervisors and managers are responsible for the oversight of the information, data, documents, and records under their span of control and for ensuring their subordinate employees comply with these expectations for the protection and appropriate use of such information.
4. In the course of performing assigned duties and responsibilities, electronic transmissions are generally performed using TCSG information systems and equipment. Electronic entries and/or approvals must only be performed by those employees who have been authorized to carry out such functions/activities. To safeguard the confidentiality of this information, employees are prohibited from sharing their passwords with co-workers or individuals not associated with the TCSG. NOTE: this prohibition does not extend to an employee's participation in an internal investigation or in response to a supervisory or managerial directive.
5. The Social Security Number of a student or current/prospective employee may only be collected when this information is specifically required to complete a designated transaction or activity. All collected personal identifying information of a student or a current/prospective employee (including Social Security Numbers) must be maintained confidentially and securely. This information may not be accessed by, shared with, or released to anyone without a job-related reason to do so.
6. Employees shall not knowingly use their position in any manner which may result in financial or other benefit – directly or indirectly – for themselves, their relatives, or any individual with whom they are personally or financially involved.

### **C. Duty to Disclose**

1. Employees are required to report any post-employment arrest and the subsequent disposition of any pending charge (e.g., conviction, dismissal, etc.) to their immediate supervisor and/or reviewing manager no later than two (2) business days following the date of arrest and final disposition. Supervisors must then notify the Director of Human Resources or president immediately. Failure to comply with these notification provisions will be grounds for disciplinary action up to and including dismissal from employment.
2. As referenced in the Driver Qualification Procedure, an employee who may possibly drive on state business must disclose any license expiration, suspension, or revocation to his/her immediate supervisor (or, in the absence of his/her supervisor, another college or System Office official) no later than the business day following the formal notification of the license action by the Georgia Department of Driver Services or comparable agency/department in his/her State of Residence. An employee who operates a vehicle frequently or infrequently on state business is required to report

any traffic offense referenced in the Driver Qualification procedure to his/her immediate supervisor (or, in the absence of his/her supervisor, another college or System Office official) no later than the business day following receipt of the citation. Lastly, employees who receive a citation, ticket, or warning for any traffic offense while operating a vehicle on state business must also notify his/her immediate supervisor (or, in the absence of his/her supervisor, another college or System Office official) no later than the next business day. Failure to comply with these notification provisions will be grounds for disciplinary action up to and including dismissal.

3. A newly hired employee is required to disclose any conviction and/or pending charge(s) on the State Security Questionnaire/Loyalty Oath form. NOTE: This provision applies to current employees who transfer between TCSG work units if the form is utilized in the transfer process.
4. Written statements and all information provided by an applicant/prospective employee/current employee on an employment application or State Security Questionnaire/Loyalty Oath form will be deemed to have been made under oath pursuant to the provisions of O.C.G.A. §16-11-14.
5. An applicant/prospective employee/current employee who falsifies or misrepresents information on an employment application, a State Security Questionnaire form, or on any other hiring document/form including, but not limited to, criminal history information, educational achievement (e.g., degree[s] obtained), military service, or prior work history may have an employment offer withdrawn. Any current employee may, in addition, be subject to disciplinary action up to and including dismissal.

#### **D. Financial and Business Transactions**

1. Employees engaged in fiscally-related activities must use sound business practices when receiving cash, making deposits, ordering goods and services, when initiating/managing financial transactions, etc. Employees are responsible for ensuring that all financial transactions are accomplished pursuant to local college procedures, applicable laws, rules, regulations, and State Board policies and TCSG procedures.
2. Employees participating in financial or business transactions, including vendor selection and contract management/oversight, must safeguard their ability to make objective, fair, and impartial decisions and must not accept any benefit which 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.
3. Pursuant to the provisions of O.C.G.A. §45-10-22 et seq. and as provided in the TCSG procedure governing Other Employment (TCSG Procedure 4.1.1p6.):
  - a. It is unlawful for a full-time employee, for himself/herself or on behalf of any business, or for any business in which the employee or member of his/her family has a substantial interest, to transact any business with any work unit/technical college associated with the Technical College System of Georgia; and,
  - b. It is unlawful for a part-time employee, for himself/herself, or on behalf of any business, or for any business in which such employee or member of his/her family has a substantial interest to transact any business with any work

unit/technical college associated with the Technical College System of Georgia except for:

1. Any transaction made pursuant to sealed, competitive bids;
2. Any transaction when the amount of a single transaction does not exceed \$250.00 and when the aggregate of all such transactions does not exceed \$9,000.00 in a calendar year;
3. Any transaction involving the lease of real property to or from any agency if such transaction has been approved by the State Properties Commission; or,
4. The purchase of surplus state property at auction.

## **E. Weapons and Explosive Compounds**

The possession, carrying, or transportation of a firearm, weapon, or explosive compound/material in the TCSG System Office or on any technical college campus or work site is governed by Georgia state law. All employees are expected to comply with these statutes.

Employees who violate any provision of Georgia law with respect to firearms, weapons, or explosive compounds are subject to disciplinary action, up to and including dismissal, and may be subject to criminal prosecution. Questions pertaining to the applicable statutes may be directed to the technical college's Campus Police, TCSG's General Counsel, or Legal Services Officer.

## **F. Activities and Conduct**

1. An employee's possession and/or use of illegal drugs or alcohol in the workplace (to include any clinical internship/externship site) is incompatible with the mission of the Technical College System of Georgia (TCSG) and, as such, is expressly prohibited. The TCSG fully complies with the Federal Drug-free Workplace Act of 1988, the Drug-free Public Workplace Act of 1990, as well as applicable State Personnel Board Rules pertaining to a Drug and Alcohol Free Workplace. Authorized exceptions to the general prohibitions regarding alcohol are outlined in O.C.G.A. §3-8-6 and the accompanying State Board policy II.C.6 pertaining to the service and use of alcohol in a technical college's business/conference center, as well as O.C.G.A. §3.3.21.1.(b) pertaining to the possession/use of alcohol for educational (i.e., instructional delivery) purposes.
2. It is expressly prohibited for any employee to possess/transport alcoholic beverages or illegal drugs in a state vehicle and/or to consume such while traveling in a state, leased/rental vehicle or, a personal vehicle used in conjunction with official state business upon which the state is providing or could provide a mileage reimbursement.
3. All employees are subject to work-related reasonable suspicion, post-accident, return-to-duty, and follow-up testing for alcohol and/or drugs. Any such testing will follow the guidelines established in State Personnel Board Rule 21 and, as applicable, the provisions of the TCSG procedure governing Drug and Alcohol Testing. Additionally, all employees in safety sensitive positions as well as those that encompass high risk work, are subject to pre-employment drug and/or random

alcohol and/or drug testing. NOTE: as provided in State Personnel Rule 21, an employee involved in a non-DOT regulated accident is subject to drug and alcohol testing if he/she causes or contributes to a loss of work time injury that requires medical attention away from the worksite or an accident that results in more than \$2,000 in damage to State property (e.g., a traffic accident involving a state vehicle, a work-related accident involving equipment such as a fork lift, etc.).

4. As provided in the procedure governing Workplace Violence, any violent act or threatening or disruptive behavior, language, or communication in any form is expressly prohibited. Employees shall not engage in prohibited behavior or conduct against another individual in any TCSG worksite or at any sanctioned off-site function. This prohibition for employees extends to any off-duty setting when the act is directed to a work-related contact or otherwise bears a relationship to work.
5. Audio and Video Recordings:
  - a. Unless described in the paragraph below or when authorized in writing by the Commissioner, General Counsel, or President, employees are prohibited from initiating any audio or video recording by a smartphone or any other electronic device or camera in any TCSG work unit while performing assigned duties and responsibilities or while participating in a work-related meeting or conversation. Before authorizing such recordings, a President should consult with the TCSG General Counsel.
  - b. Employees acting within the scope of their assigned job duties may make an audio or video recording of a/an:
    - i. Presentation, lecture, demonstration, or other related activity in furtherance of an instructional, training, or educational purpose;
    - ii. College or public-related gathering or ceremony;
    - iii. Event or activity for marketing or public relations purposes provided any necessary authorization from participants has been received;
    - iv. Student-centered investigations, hearings, proceedings conducted by a technical college as part of a disciplinary hearing, a Title IX inquiry, or other such authorized purpose;
    - v. Official investigative activity of P.O.S.T. certified campus police officers;
    - vi. Activity captured by college/facility security cameras or body cameras worn by P.O.S.T. certified campus police officers during the performance of their official job duties, and;
    - vii. Scene of an accident or the involved individuals in order to document potential personal injury, property damage, or conditions of the environment in which the accident may have occurred.
6. All employees are responsible for reporting any suspected criminal or administrative misconduct by another employee, student, volunteer, visitor, vendor, or contractor to include the alleged theft of state property, funds or resources or, fraud, waste, or abuse relating to or involving the operations of the TCSG System Office or an associated technical college. All such reports of suspected irregularities or possible fraudulent activities/transactions should be reported to an employee's immediate supervisor, reviewing manager, staff member of the Office or Human Resources, or other designated System Office or technical college official, to include the TCSG



General Counsel. Supervisors receiving such reports are required to notify the college president or designated System Office personnel. Additionally, no employee will be subjected to harassment or retaliation for reporting any such concern. NOTE: any such report shall be promptly reviewed, investigated, and/or referred to the appropriate official(s) for further action as outlined in applicable State Board policies or TCSG procedures.

7. Pursuant to applicable provisions of O.C.G.A. § 19-7-5 a TCSG employee or a volunteer providing services in a TCSG work site who has reasonable cause to believe a child under the age of 18 had been abused must report or cause a report of the abuse to be made to a child welfare agency [e.g. the Department of Human Services' Division of Family and Children Services (DFCS)] within twenty-four (24) hours of becoming aware of the abuse. If requested, the oral report may be followed by a written report.
  - a. An employee or volunteer who is required to report child abuse because he/she attends to a child pursuant to his/her duties (as an employee or volunteer) at a technical college must immediately notify the college president or his/her named designee (e.g., a child enrichment center director) of any suspected abuse. The president or designee is required to report or cause a report to be made within the twenty-four (24) hour period. Additionally, any person or official required to report a suspected case of child abuse and who knowingly and willfully fails to do so within the stipulated twenty-four (24) hour period may be charged criminally for his/her inaction.
  - b. Oral reports may be made by calling the DFCS Child Protective Center at 1-955-GACHILD/1-855-422-4453. Reports are taken 24/hours a day, 7 days a week. In an emergency situation, contact can be made to a local police department/agency or by calling 911.
8. As provided in the TCSG procedure governing Consensual Relationships (4.1.1p2..), the Technical College System of Georgia expressly prohibits consensual relationships between:
  - a. A faculty or staff member and any student that he/she instructs, advises, supervises, or evaluates;
  - b. A technical college employee and a dually-enrolled high school student; or,
  - c. Supervisors and managers and their subordinate employees (i.e., any employee that he/she directly or indirectly supervises/manages) through any line or authority and within all work unit(s) under the supervisor's or manager's span of control. NOTE: any employee who desires to enter into a relationship prohibited by this specific sub-paragraph must notify the Commissioner, technical college president, or other System Office or technical college official of the potential relationship and request that one or both of the affected employees be considered for reassignment to avoid a conflict with these provisions;
9. The Technical College System of Georgia encourages employee interest and involvement in civic, community, and professional affairs; however, in the pursuit of these activities, an employee shall not consider or portray himself/herself a representative of the TCSG unless specifically authorized to do so by his/her immediate supervisor or other official.

10. While the TCSG is not typically concerned with activities/actions of employees during non-work time, off-duty conduct becomes a concern when it negatively impacts TCSG operations or reflects unfavorably on the agency or state government. Any such conduct may result in the delivery of disciplinary action up to and including dismissal.

## **VII. RECORD RETENTION:**

All employment-related documents and/or employee acknowledgement statements will be maintained in an employee's official personnel file or may be maintained and retained in an electronic format consistent with the State of Georgia Archive's Retention Schedule for State Government Paper and Electronic Records.