

20-2 Administrator and Staff Code of Conduct

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1. **Purpose.** The purpose of this Code of Conduct is to provide, pursuant to NMSA 1978, 10-16-11 (1967), general guidelines and a minimum standard for conduct of Eastern New Mexico University System (the System) employees.
2. **Policy.** System employees must conduct themselves in a manner, which will maintain the respect, trust, and confidence of the citizens of New Mexico and, in doing so, will comply with the following guidelines:
 - A. **Definitions.** In this Code, the following words and phrases have the following meanings:
 - (1) **Employee.** Anyone employed by the ENMU System, including faculty, staff, and administrators, part-time and full-time.
 - (2) **Business Dealings.** Direct or indirect dealings including but not limited to contractual arrangements to purchase goods or services.
 - (3) **Family Member.** For the purpose of this policy, family members are a spouse, child, parent, sibling, grandparent, or the same by marriage.
 - (4) **Financial Interest.** A direct or indirect interest by a member of the Board of Regents or an employee or a family member of any of them in an entity as a partner, owner, investor, officer, employee, board or committee member, but does not include ownership of less than five percent (5%) of any publicly traded security of any company.
 - (5) **Gift.** A voluntary transfer of anything of value for the benefit of any person or entity other than the System, unless the transfer is in exchange for something of equal or greater value.
 - (6) **Outside Employment.** Acting as an employee or an independent contractor of any private firm or public entity other than the System.
 - B. **General Ethics.** Employees shall maintain the highest standards of professional ethics in transactions with the System and with the public, perform their duties faithfully and efficiently and not give rise to suspicion of improper conflict with interests of the System or any agency of the state of New Mexico.
 - C. **Reporting Suspected Misconduct.** Members of the ENMU System are expected, and in some cases (such as child abuse) required, to report suspected misconduct that comes to their attention to the appropriate authorities. Suspected misconduct means an action or failure to act that a member of the ENMU System believes in good faith constitutes an unlawful or improper act. Such conduct may include, but is not limited to, fraud, theft, or embezzlement.

Report suspected misconduct to the employee's supervisor, area executive administrator, and president or chancellor. Report suspected misconduct of a president or chancellor to the president of the Board of Regents. Report suspected misconduct of a Regent to the ENMU System Chancellor.

D. **Acceptance of Gifts.** No employee shall directly or indirectly accept any gift which would influence the manner in which the duties of such person will be performed, and in particular, no employee may accept gratuities in connection with any business dealings of the System, nor shall any employee be reimbursed for expenses related to business dealings of the System except such expenses as would be reimbursed pursuant to the New Mexico Mileage and Per Diem Act. [See NMSA 1978, § 10-16-4.1(1993).]

E. **Conflicts of Interest.**

- (1) **Certain Prohibited Transactions.** Employees shall not engage in any transaction in which he or she may profit from that person's official position or status or benefit financially from confidential information which he or she obtained or may obtain due to such position or status.
- (2) **Outside Employment.** An employee shall not engage in outside employment when that outside employment is incompatible or in conflict with the discharge of that person's duties for the System or when that outside employment may tend to impair that employee's independence of judgment or action in the performance of that employee's duties for the System.
- (3) **Dealing with Conflicts.** If an employee has a financial interest in any entity that has, or, to the knowledge of such employee, seeks to have business dealings with the System, such employee must:
 - a. At the earliest possible time fully disclose in writing any such financial interest and business dealings to the internal auditor of the System, the Office of Human Resources, area executive administrator and campus president or chancellor, as appropriate and;
 - b. Refrain from participating in decisions of the System directly related to the entity or to the authorizations related to the business dealing.
- (4) **Exceptions.** Nothing in this Code shall be deemed or construed to limit the right of any employee to acquire an interest in publicly traded bonds related to funding System capital projects or to have an interest in any financial institution in which the funds of the System are to be deposited.

E. **Political Activities.** Employees shall not:

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

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

- F. **Confidentiality.** Employees shall not divulge to any unauthorized person confidential information acquired in the course of the duties of employment in advance of the time prescribed for authorized release of the information to the public.
- G. **Policies and Procedures.** Each employee is responsible for knowing and following the policies and procedures of the System and of the department in which that employee works, and any violation of such policies and procedures shall be subject to sanctions by the System and/or the individual campus.
- H. **Falsifying Documents.** Any employee falsifying documents shall be subject to sanctions by the System.

The foregoing policies are implemented by the following.

Procedures

- 3. **Administration.** These policies and procedures shall be administered by the executive administrator of each area, with oversight by the System chancellor and the Board of Regents.
- 4. **Disclosure of Conflicts of Interest.** Between July 1 and October 1 of each year, each employee must provide a complete disclosure statement of all their financial interests in entities that have, or to the best knowledge of the employee, seek to have business dealings with the System.
 - A. Disclosure forms shall be provided by the Office of Human Resources.
 - B. In accordance with section 2. D. (2) of this Code, all employees must include reference to outside employment in their annual disclosure statement.
 - C. All new employees must provide a disclosure statement when their employment begins.
 - D. Completed disclosure forms shall be returned to the Office of Human Resources, which will, as appropriate, forward copies to the internal auditor, area executive administrator, campus president or chancellor
 - E. In accordance with Purchasing policy 55-1, the campus president may waive conflicts of interest in this Code up to \$99,999, the system chancellor up to \$499,999 and the Board of Regents for amounts greater than \$500,000 or for conflicts of interest of any dollar amount at the area executive administrator level or above, and then only when circumstances warrant such waiver and only by way of written notice of waiver. Pursuant to NMSA 1978, § 13-1-194 (1984), prior to granting a waiver there must be a determination that:
 - (1) The contemporaneous employment or financial interest of the employee has been publicly disclosed,
 - (2) The employee will be able to perform his or her procurement functions without actual or apparent bias or favoritism, and
 - (3) The employee participation is in the best interests of the System.

- 5. Retaliation Prohibited.** Retaliatory actions by System officials, administrators, managers, or other employees directed toward persons initiating reports of employee fraud, misuse of system assets, criminal offenses, or other behaviors prohibited by this policy constitute unacceptable conduct and shall subject the violator to sanctions in accordance with this policy.
- 6. Sanctions.** Violation of any part of this Code shall be cause for dismissal, demotion, suspension or other disciplinary action. However,

 - A. Nothing in this code is meant to limit the application of any laws relating to conflicts of interest or other conduct referred to in this Code, and
 - B. Such laws may have applicable criminal and civil sanctions.
 - C. Retaliatory actions by System officials, administrators, managers or other employees directed toward persons initiating reports of employee fraud, misuse of System assets criminal offenses, or other behaviors prohibited by this policy, constitutes unacceptable conduct.

Approved by Board of Regents on May 12, 2006.

Approved by the Board of Regents, September 25, 2020.

Approved by the Board of Regents, November 19, 2021.