

## Stewart, Libby, Brown: Where did they go wrong?

An overview of state laws and applicable policies relating to ethics that we come across in our every day work.

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## Ethical Dilemmas are Everywhere

- Myth: "I don't need to know about that, I rarely have those issues come up."
- Myth: "I am an honest person, I can't get into trouble."
- Fact: Ethical dilemmas are everywhere and we face them every day. Thus, it's good to understand the rules.



## Martha Stewart

- Perhaps a little insider trading (using information she knows because of her work to make money in the stock market; suspicious trading, at best).
- Lied about it to the grand jury.
- Convicted for lying and sent to prison.

## Martha Stewart

Moral of the story:

You cannot use information you have by reason of being a state employee to your personal advantage or to the advantage of others.

(It's even worse to lie about it after the fact.)



## Lewis "Scooter" Libby

- Alleged to have disclosed confidential information about an informant in order to reap political revenge.
- Lied about it to a grand jury.
- Indicted for obstructing justice, perjury, making false statements.

## Lewis "Scooter" Libby

Moral of the Story:

You cannot disclose confidential government data. There are specific and severe penalties for doing so.

(And it is not good to lie about it after the fact either.)



## Mike Brown

- May have lied on his resume.
- May have been derelict in his duties.
- Made numerous ill-advised public statements (blaming victims).
- Misused his email talking about dog sitters, shopping and the like.
- Resigned under fire.

## Mike Brown

Moral of the story:

Your computer and email is not owned by you; it can and will be used against you publicly.

(And its not good to lie or be a bum either.)



## Tom DeLay

- Newest high profile ethics violator.
- Campaign finance scandal.
- Indicted by Texas Grand Jury on charges of money laundering and conspiracy.
- Admonished by House ethics committee for holding a social with energy industry officials as the House was considering an energy bill.
- Resigned from position as House majority leader
- Don't know what the future holds.

## Ethical Dilemmas are Everywhere

Where have you seen or faced your most recent ethical dilemma in your work?

## Ethical Dilemmas are Everywhere

- When you fill out a time sheet or request for temporary absence (or don't fill one out when you should).
- When you use your cell phone and need to make a personal call.
- When you use your computer for personal use.
- When you drive a state car and need to stop at the grocery store on the way home.

## Ethical Dilemmas are Everywhere

- When you disclose confidential information
- When you let someone you contract with buy you lunch
- When you receive a container of popcorn from a publisher at the holidays
- When you take a pen and post-it-notes home from work

## Ethical Dilemmas are Everywhere

- When you give your password to your spouse so they can access your paycheck on the web
- When you bring your holiday photos to work so you can print them faster
- When you sign that form for your boss
- When you engage in any outside employment

## Ethical Dilemmas are Everywhere

This list doesn't mean you should not do any of these things, it just means you should think about the ethical issues and rules involved and make a conscious decision before doing so.

There are potentially severe penalties if you don't.

## Ethics Laws and Policies

Primary laws and policies you should be aware of include:

- State Ethics Law, Ch.
- MnSCU Board Policy 1C2 – Fraud and Other Dishonest Acts
- MnSCU Board Policy 5.22.1– Acceptable Uses of Computer and IT Resources
- Minnesota State Mankato Computer Use Policy – Use of Computers and IT Resources
- Minnesota State Mankato Cell Phone Policy – Personal Use of Cell Phones
- Bargaining Agreements -- language regarding outside employment

## Where do you find Minnesota State Mankato Policies

Little Known Secret:

All Minnesota State Mankato policies  
can be found at:

<http://www.mnsu.edu/acadaf/Resources/Policies.html>

## State Ethics Law

Important features of the state ethics law include:

- You cannot receive a gift or favor from any source except the state for any activity related to your duties unless it is: nominal or a textbook; a plaque or mementos; payment of reimbursement for actual travel expenses which must be approved in advance; or, honoraria or expenses paid for papers, talks and demonstrations done on your own time.
- You cannot use or allow the use of state property, state time, or supplies for your own private interests. You can use email for limited personal use provided there is no incremental expense to the state.

## State Ethics Law

- You must avoid conflicts of interest such as: using your official position to secure privileges or advantages for you, your immediate family or an organization you are affiliated with; acceptance of other employment that would affect your independent judgment in the exercise of your state duties; and, soliciting financial agreements for your benefit when the state is currently engaged in the provision of services (unless Minnesota State Mankato waives this clause in writing).

## MnSCU Board Policy 1C2

- MnSCU Board Policy 1C.2 essentially provides that fraudulent or other dishonest acts are not tolerated. State ethics laws and computer use policies proscribe the means for which employees can use state and university resources – for the benefit of the state, not the individual.
- If you believe someone has committed fraud or some other type of dishonest act, you should report that matter to **Carol Stallkamp, Office of the President, 389-1111**. Carol will then follow the appropriate protocol for following up on the matter. Types of conduct that fall under this policy include, but are not limited to:

## MnSCU Board Policy 1C2

- Misusing state property (for personal use, not state use)
- Falsifying time sheets
- Theft or destruction of state property
- Forgery
- Unauthorized use of university systems or information
- Willful violations of laws, regulations or policies
  
- This policy specifically provides that anyone making a report of fraud or dishonest acts will be protected from retaliation or reprisal. Persons found to have committed fraud or any other dishonest act may be subject to discipline, up to and including termination from employment.

## MnSCU Board Policy 5.22.1

- System information technology resources are the property of Minnesota State Colleges and Universities, and are provided for the direct and indirect support of the System's educational, research, service, student and campus life activities, administrative and business purposes, within the limitations of available System technology, financial and human resources.
- Users are responsible for the content of their personal use of System information technology, and may be subject to liability resulting from that use.

## MnSCU Board Policy 5.22.1

- Users must not:
  - a. use any account or password assigned to anyone else;
  - b. share any account or password with any other individual, including family members;
  - c. allow others to use our IT resources;
  - d. use System cellular telephones or computer dial-up services for personal use unless specifically authorized by System or State policy or procedure;
- Users must not circumvent security controls in place to protect the privacy and integrity of data;
- Users must not change, conceal, or forge their identification while using our technology, e.g. email;
- Users must not download or install software unless it has been pre-approved ;
- Users must not engage in activities that interfere with or disrupt other users or equipment

## MnSCU Board Policy 5.22.1

Users must not engage in inappropriate uses, including:

- a. activities that violate State or federal law or regulation;
- b. wagering or betting;
- c. harassment, threats to or defamation of others, stalking, and/or illegal discrimination;
- d. fund-raising, private business, or commercial activity;
- e. storage, display, transmission, or intentional or solicited receipt of material that is or may be reasonably regarded as obscene, sexually explicit, or pornographic (unless there is an academic purpose);
- f. "spamming" through widespread dissemination of unsolicited and unauthorized e-mail messages.

## MnSCU Board Policy 5.22.1

- Personal Use:
  - Employees may make reasonable use of System information technology for personal communications as long as the use is in accordance with state law, Board policy and System procedure, and the use, including the value of employee time spent, does not result in an incremental cost to the State, or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable;

## MnSCU Board Policy 5.22.1

- **Union activities.** System e-mail systems may be used by employee representatives of the union for certain union activities
- **Political activities.** System employees shall not use System information technology for political activities
- **Religious activities.** System employees shall not use System information technology in a manner that creates the impression that the System supports any religious group or religion

## MnSCU Board Policy 5.22.1

Computer and email use is governed by the Minnesota Government Data Practices Act; what is on your computer is as public or private as any other government data.

## Minnesota State Mankato Computer Use Policy

- What you really need to know...
- ITS controls campus computing resources.
- Campus computers are here to do work and are owned by the state.
- Users are responsible for what they do on University computers.
- Messing with things to intentionally interfere with someone else's use of University computers/systems is prohibited.
- Breaking these rules can get you in trouble and you could be disciplined and lose access privileges.

## Minnesota State Mankato Cell Phone Policy

- Cell phones are purchased only for those people with clear institutional needs (not for personal benefit).
- Employees may make reasonable use of cell phones if it does not distract from their work AND the use results in incremental cost that is too small to track.
- Identifiable personal calls (incoming and outgoing) will be reimbursed at the per minute rate on the bill.
- Alternatively, can pay all costs for the cell phone and not identify personal calls.

## Bargaining Agreements

Each bargaining agreement or personnel plan contains language specific to various ethical issues – pay attention to your own.

## MSUAASF, Article 21, Sec. C

- Can accept outside employment if it does not interfere with performance of your job.
- If its an annual retaining fee or regular salary, must be approved in advance by the President.
- Cannot serve as paid consultant or staff member of another state agency without taking leave of absence and deduction in pay.
- Cannot use our stationery or equipment.
- Cannot use position to secure special privileges.
- Cannot disclose confidential information acquired in official position.

## IFO, Article 27, Sec. C

- Can accept outside employment if it does not interfere with performance of your job.
- If its an annual retaining fee or regular salary, must be approved in advance by the President.
- Cannot serve as paid consultant or staff member of another state agency without taking leave of absence and deduction in pay.
- Cannot engage in outside employment that requires absence from campus for more than one duty day per week in any academic year.
- Notify President if an officer in a scholarly or professional organization that requires more than 5 consecutive days absence in an academic term.
- Cannot use university stationery or address of university.

## IFO, Article 27, Sec. C

- Cannot use technical equipment of university for outside employment.
- Cannot use position to secure special privileges.
- Avoid direct conflicts of interest; specific rules for research.
- Cannot disclose confidential information obtained by virtue of position.
- Specific section on patents and intellectual property.

Plan for Excluded Administrators  
Article 1.03, Subd.5

- May accept concurrent outside employment only with the prior written approval of the President.

Ethical Dilemmas are Everywhere

Questions???