



Audit Hot Spots

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2013 Code of Governmental Ethics Training

INSIDE THIS ISSUE:

- Code of Governmental Ethics Training
- Questions about Ethics?
- Did you know?

Happy New Year! Yes, it's that time again! It's time to register for the 2013 Code of Governmental Ethics Training. You may register by going to www.mcneese.edu/audit/ethics. You currently have two options for obtaining the required training. You may click on the "McNeese State University Ethics Training Registration" link to register for one of the on-site trainings to be held on February 6, 2013 at 11:00 a.m. and 1:30 p.m. in the Shearman Fine Arts Annex Theatre or you may click on the "Online Ethics Training Instructions" link to complete the training online at your convenience. If you are completing the training online, please remember to submit your certificate of completion to vroach@mcneese.edu. The training is required for all full time and part time employees, graduate assistants, visiting lecturers, and student employees. Should you have any questions, please feel free to contact the Office of Internal Audit at 475-5590.



Questions about Ethics?

You may recall that in the 2012 on-site ethics training post cards were handed out to all who attended for submission of any ethics question(s) that you might have had at the time. Below you will find the questions, answers, and links to various ethics opinions. These are the remaining questions that were submitted. The first set of questions were answered in the previous newsletter which can be found at www.mcneese.edu/audit/audit-hot-spots-newsletter. Due to limited space, the answers are brief. However, you may contact the Office of Internal Audit if you need further clarification.

1.) A.) Is it a violation of the Code of Ethics for a faculty member to accept an inexpensive gift from a student?

- Section 1111A(1) of the Code of Governmental ethics prohibits a public employee from receiving anything of economic value other than the salary and benefits for which they are duly entitled for the performance of their public duties. The receipt of a gift certificate or other things of economic value for the performance of public employment duties is a violation of the Code. If the item received is considered a promotional item or items of de minimus value then the item may be accepted. A promotional item is an item with little to no resale value holding an entity's logo on it. For example: hats, t-shirts, pens, pencils, cups, water bottles, stress balls, etc. You may copy and paste the link below to view an ethics opinion on a similarly asked question.

Ethics Board Docket No: 2004-729:

<http://ethics.la.gov/EthicsOpinion/DocView.aspx?id=5411&searchid=3efc13a9-d537-41e0-b00e-a0e7bdad6a2c&dbid=0>

2.) A.) If a state employee attends a conference and wins a door prize, can they keep the item?

- Section 1111A(1) of the Code of Governmental ethics prohibits a public employee from receiving anything of economic value other than the salary and benefits for which they are duly entitled for the performance of their public duties. However, as with many instances, variations of the situation may render a different opinion. Some considerations used to determine whether or not a violation has occurred is whether a random selection existed, whether the agency or the individual are the beneficiary of the item, whether conditions existed and whether non-state attendees were present. Of course, if the item falls within the exception listed for promotional items as listed in question #1 above then no violation exists. You may copy and paste the link below to view an ethics opinion on a similarly asked question.

Ethics Board Docket No: 2011-1781:

<http://ethics.la.gov/EthicsOpinion/DocView.aspx?id=73752&searchid=a3aedfcf-fff3-4746-8b53-645662f99261&dbid=0>

3.) In ethical situations involving a brother's spouse, what regulations/decisions apply if the contract was made before she became your brother's spouse?

-This question is difficult to answer because the answer depends on many other questions. 1.) The nature of the employee's duties/responsibilities at the agency. In other words, does the employee have any influence over the contractual arrangements of the agency? (R.S. 42:1112—Participation in certain transactions involving the governmental entity) 2.) Is the work being performed by the brother's spouse within the employee's department?

Depending on the specific details of the situation there are multiple regulations that could be applied. For example, 42:1112—Participation in certain transactions involving the governmental entity; 42:1113—Prohibited contractual arrangements; 42:1116—Abuse of Office; 42:1119—Nepotism, etc.

If the employee had no influence over the contractual arrangements of the agency and the immediate family member is not working within his/her department, then the contract can be completed as normal.

Remember that an “Agency” does not necessarily mean the University as a whole. It can be applied at a lower level, such as a department, office, division, committee, etc. Meaning that an immediate family member may contract with another department of the University as long as the employee does not participate or have any influence or decision making responsibilities over the contract or the department in which the contract applies.

4.) Are textbook desk copies provided by publishers for review before selection considered gifts?

- Based on the ethics opinions below, each situation should be looked at on a case by case basis. Please copy and paste the links below for more information.

Ethics Board Docket No: 88-20A

<http://ethics.la.gov/EthicsOpinion/DocView.aspx?id=10153&searchid=1f9e19bc-4c08-4890-be6a-5caf507eb329&dbid=0>

Ethics Board Docket No: 88-20B

<http://ethics.la.gov/EthicsOpinion/DocView.aspx?id=10154&searchid=1f9e19bc-4c08-4890-be6a-5caf507eb329&dbid=0>

5.) Upon a public servant’s retirement with its agency, do all of the ethics policies apply until death of that public servant?

- Section 1121 of the Code of Governmental Ethics disallows a former employee or legal entity in which the former employee is an officer, director, trustee, partner, or employee shall, for a period of two years following their termination with his/her agency from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for his/her agency. After the two year period has passed, then the former public servant becomes a person of the general public in which the Code of Governmental Ethics are only applicable if he/she is interacting with a public agency.

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**We're on the web:
www.mcneese.edu/audit**

Did you know...

.....that the following policies are new or have been revised?

- Cellular Phone Policy – *July 2012*
- Commencement Policy – *October 2012*
- Complimentary Admission, Registration, Lodging and/or Transportation Policy – *Summer 2012*
- Flexible Special Entrance Rates – Classified – *November 2012*
- Grading System – *January 2013*
- Minimum Length for Academic Courses – *July 2012*
- Overtime Policies and Procedures – *December 2012*
- Records Retention and Disposition Policy – *October 2012*
- Student Injury and Sickness Plan – *October 2012*
- University Syllabus Template – *August 2012*

All of the above policies can be found on the McNeese website at www.mcneese.edu/policy

- Intellectual Property and Shared Royalties – *October 2012*
- Records Retention and Litigation Hold – *October 2012*

The above policy can be found on the ULS website at www.ulsystem.net

