



Level: University Policy
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Policy Implementation: President/Provost-VP for Academic Affairs

LEGAL AND ETHICAL POLICY

POLICY

The Athens State University Board of Trustees and University employees shall adhere to business practices based on honesty and integrity and conduct business in a lawful and ethical manner.

PURPOSE AND SCOPE

The purpose of this policy is to define the principles and the compliance process, which will always guide the activities of the members of the Board and the employees of the University.

BOARD CONFLICT OF INTEREST DISCLOSURE FORM:

In accordance with Article II, Section III, item b. of the Athens State University By-Laws, trustees shall avoid conflicts of interest with the University. Specifically, Trustees should not:

Knowingly participate in discussions or decision-making regarding any item in which the Trustee or his/her family has a personal financial interest.

Advocate or attempt to influence the employment of any of their family members. Condition any actual or potential business relationship with the Board, the University, or any of its related foundations or associations on a charitable gift or contribution.

Seek or accept personal gifts or special favors from individuals or entities that provide, or seek to provide, services or supplies to the Board, the University, or any of its related foundations or associations, except as those allowed by law.

Use the authority, title, influence, or prestige of his or her position to solicit or influence the award of business to obtain a private financial, social, or political benefit, special privilege, or unique advantage for the Trustee or his family.

Engage in any other activity that a reasonable person would expect to impair the independent judgment of a Trustee in the performance of his or her public duties.

The listing set forth above is not exclusive, and Trustees are expected to discern situations in which their conduct might create a conflict of interest in other respects or contexts. In the event of any potential or actual conflict of interest, such Trustee shall fully and publicly disclose said interest and shall not participate in the discussion, debate, or voting associated with the matter. Disclosure of any situation or circumstances in doubt should be made in order to protect the Trustee and the University. Any such disclosure shall be duly noted in the minutes of the meeting of the Board of Trustees, or its committee at which such disclosure shall be made. The Board of Trustees or any duly charged committee thereof, has the responsibility for ensuring the disclosures required by the subsection, and for enforcing the required non-participation.

REMOVAL OF MEMBER OF BOARD OF TRUSTEES

Request for Resignation. The board, upon a three-fourths ($\frac{3}{4}$) vote of the entire board, may request that a board member resign for cause, which could include, but is not limited to, the failure to attend board meetings or participate as a board member, the failure to meet any legal requirements for service on the board, the failure to abide by conflict of interest rules, or the violation of state ethics laws.

Removal by Legal Process. State laws concerning the removal of public officials, to the extent applicable to officers of Alabama's institutions of higher education, shall apply to the members of the board. For example, immediate removal on grounds of a felony criminal conviction is set forth at § 60 of the *Alabama Constitution* and § 36-9-2 of the *Code of Alabama*. Likewise, § 36-11-1, *et seq.* of the *Code of Alabama* sets out the procedure for impeachment of any state officer for the following causes: (a) willful neglect of duty, (b) corruption in office, (c) incompetency, (d) intemperance in the use of intoxicating liquors or narcotics to such an extent in view of the dignity of the office and importance of its duties as unfits the officer for the discharge of such duties, or (e) any offense involving moral turpitude while in office or committed under color thereof or connected therewith.

Removal by Governor. No member of the board, individually, as a partner, as a stockholder, a board member, or an officer of a corporate body, shall conduct any business transaction, directly or indirectly, with the University. Any person who violates this rule shall be immediately removed from the board, and replaced for the unexpired portion of his or her term by appointment of the Governor.