

Policy #: <b>455</b>
Title: <b>EMPLOYEE CODE OF CONDUCT</b>
Date of Initial Approval: 04/19/2018
Revision/Re-authorization Dates:
Reviewers: MSA Superintendent; MSA Fiscal Services Director; MSA Human Resources Director

**I. OBJECTIVES**

The objectives of this policy and procedure are to:

- A. Promote honest and ethical behavior within the Minnesota State Academies (MSA)
- B. Inform MSA employees of their responsibilities under the Statewide Operating Policy 0103-01, Code of Conduct; and the companion Statewide Procedure 0103-01.1, Code of Conduct and,
- C. Ensure agency-wide compliance with the MSA Employee Code of Conduct (COC) which includes compliance with the codes of conduct listed above.

**II. APPLICABILITY**

This policy is applicable to all MSA employees and contractors.

**III. POLICY**

It is the policy of MSA that each employee will conduct themselves and perform their employment duties in an honest and ethical manner. It is also the policy of MSA that each employee, and the organization as whole, will comply with the COC; all other MSA-specific employee conduct and ethics-related policies; and any other applicable statewide employee conduct and ethics rules, laws, and statutes.

Specifically, MSA will:

- A. Train each employee on their duties and responsibilities under this policy/COC. New employees will be trained within 30 days of their start date; and at least once every three years thereafter.
- B. Require every employee to certify their knowledge of, and agreement to abide by, the requirements of this policy/COC within 30 days of their start date and once each fiscal year thereafter.
- C. Provide retaliation-free mechanisms and communication channels for employees to report suspected violations of this policy, the COC, and any other personal conduct and ethics-related policies occurring within MSA or at any other state agency.
- D. Document, investigate when necessary, and resolve all reasonable and good faith reports of suspected violations of this policy, the COC, or any other employee conduct or ethics-related violations, received internally or externally, in a timely manner.
- E. Notify appropriate state and/or federal agencies, law enforcement bodies, and/or the Office of the Legislative Auditor (OLA), as applicable, of suspected violations of law, and/or instances of fraud and abuse.

- F. Take appropriate action, as applicable, against any employee found to be in violation of the requirements of this policy, the COC, or any other personal conduct or ethics-related policies.

#### **IV. EMPLOYEE CONDUCT RESPONSIBILITIES**

Each MSA employee, through words and actions, must demonstrate professional and ethical conduct by adhering to the following expectations:

- A. Act honestly and ethically in carrying out one's employment duties and responsibilities;
- B. Comply with all policies and procedures pertinent to one's job duties, and all applicable MSA/state/federal laws, rules, and regulations;
- C. Cooperate fully with internal, legislative, or external auditors in all areas of their examinations;
- D. Report suspected COC and ethics violations, significant internal control weaknesses, evidence of theft, embezzlement, unlawful use of public funds or property or other irregularities/wrongdoings through appropriate agency channels as designated; and
- E. Report any evidence of theft, embezzlement, or unlawful use of public funds or property to the OLA.

#### **V. NEW EMPLOYEE TRAINING AND CERTIFICATION**

The MSA New Employee Supervisory Checklist will include a step reminding supervisors of all new employees of the requirement to have the employee(s)

- within 30 days of their start date, read and become familiar with the this policy, the COC, and other applicable statewide employee conduct and ethics policies, procedures, and statutes,
- view the online new employee COC training,
- **and** complete and sign the appropriate COC certification form.

Upon completion of the training and appropriate certification form, the employee must provide their manager/supervisor with the signed certification form which the manager/supervisor will forward to the MSA Human Resources (HR) Office for filing.

This includes all contractors entering into service contracts with MSA.

#### **VI. ANNUAL EMPLOYEE RECERTIFICATION**

Once each fiscal year, MSA Managers and supervisors are required to:

- A. Discuss the COC requirements with their staff and determine a refresher COC or ethics-related training is needed;
- B. Ensure all of their staff and contractors complete and sign new COC certification forms; and,
- C. Submit completed certification forms to the MSA HR Office within the timeframes identified.

**VII. AGENCY WIDE TRAINING**

Once every three years, the MSA HR Office will provide COC training to every MSA employee. At a minimum, this training will include a discussion about the designated, retaliation-free, communication channels employees are to use for reporting suspected COC violations along with outlining what employees' legal obligations are for reporting applicable violations to the OLA and other authorities. The MSA HR Office will determine the type(s) of training to be provided; schedule and coordinate/prepare the training session(s); and maintain documentation of the training sessions, including an attendance record.

**VIII. REFUSAL TO SIGN**

Any employee who refuses to sign the certification form signifying their agreement to abide by the COC may be subject to disciplinary action, up to and including termination of state employment. Probationary employees may be non-certified.

**IX. REPORTING SUSPECTED CODE OF CONDUCT OR OTHER ETHICS VIOLATIONS**

A. Reporting to the Office of the Legislative Auditor (OLA): Any employee who discovers evidence of theft, embezzlement, unlawful use of public funds or property, evidence of long-distance telephone misuse, and/or violations of the Code of Ethics for Employees in the Executive branch, at MMB, or any other state agency, must immediately report this information, in writing, to the OLA.

*Note: Employees are still required to report evidence of theft, embezzlement or unlawful use of state funds/property to the OLA even if they have made the same report internally through the designated communication channels identified below in step B of this policy section. Similarly, MSA senior staff must immediately report to the OLA, in writing, any evidence of theft, embezzlement, or unlawful use of public funds/property they receive from a MSA employee, even if that employee has already satisfied their legal obligation by reporting the same evidence directly to the OLA.*

B. Any employee who witnesses an improper activity; discovers evidence; receives a report from an external source; or has other reasonable basis to suspect **that within MSA** a violation of this policy, the COC, or any other personal conduct or ethics-related policy/procedure must immediately report their suspicions and evidence through one of the following designated communication channels:

- Their direct supervisor/manager;
- Director of MSA Human Resources; or
- MSAB/MSAD Director; Director of Financial Services; or Superintendent.

C. Supervisors/managers who receive a report of suspected COC violation must immediately document the report, collect all relevant information available, and pass the report and supporting information to the Director of MSA Human Resources. If the HR Director is not available or is believed to be party to the suspected violation, the supervisor must pass the report and supporting information directly to an appropriate member of the MSA senior staff.

D. If the HR Director receives a report of a suspected COC violation directly from a staff member, they must document the report and collect all supporting information available. The HR Director is responsible for communicating any report of suspected

COC violations to the MSA senior leadership team, regardless of how and from whom they receive the report.

- E. The HR Director and senior leadership team will determine if and how all reports of COC violations will be investigated and resolved, and make a determination of whether or not the Office of the Legislative Auditor (OLA) or other authorities need to be notified.
- F. Any MSA employee who discovers evidence, personally witnesses, or receives a report from a member of the general public or another state agency employee about a violation of the COC or any other personal conduct or ethics-related policy/procedure that has taken place or is taking place **at a state agency other than MSA**, must immediately report their suspicions/evidence to their direct supervisor. If their supervisor is not available, they must immediately report to the MSA Superintendent. MSA senior staff will document the report, determine the legitimacy of the report, determine how to communicate the information to the applicable state agency, and to which individual(s) at that agency, and make a determination of whether or not the Office of the Legislative Auditor (OLA) or other authorities need to be notified.
- G. MSA senior staff will treat each report of suspected COC violations it receives as a serious matter, and will respond as such by initiating an investigation to determine the legitimacy, scope, and severity of the reported conduct within a reasonable period of time.

**X. INVESTIGATION AND RESOLUTION OF SUSPECTED COC VIOLATIONS**

- A. MSA senior staff will take steps to document all reports of suspected COC violations and collect all available/applicable evidence, and to the extent possible, to protect that evidence from loss, corruption, and access by unauthorized persons.
- B. The names of the reporting employee and the person(s) accused/suspected of the COC violations will not be disclosed to anyone who does not have a business need to know. The reporting employee is prohibited from discussing the facts of the matter, including the name of the suspected COC violator, except where necessary for the investigation and resolution of the matter. To protect the integrity of the investigation, the nature and specifics of the suspected violation will be shared only with those with a business need to know, such as the OLA, law enforcement and/or those tasked with performing the investigation.
- C. Generally, the MSA HR Director, in consultation with the senior staff, will determine the type of investigation to be performed and the individual(s) who will perform the investigation. The type of investigation and individual(s) involved will be dependent upon the specific nature of the suspected violation. However, depending upon the nature of the reported violation, MSA may be required to follow the directions of, or relinquish control of the investigation to the OLA and/or other law enforcement entities.
- D. At the outcome of an investigation, the MSA HR Director or the lead investigator will provide the MSA Superintendent with written notification of the final resolution of the

matter within 30 days or as soon as possible after the final determination. If applicable and appropriate, the reporting employee may be notified of the final determination.

**XI. MISCELLANEOUS**

- A. If an employee leaving the employment of MSA agrees to an exit interview, the employee's direct supervisor, HR staff, Campus Director, or the Superintendent (whomever is conducting the interview) will make the following COC -related inquiries of the departing employee:
- Is the departing employee aware of any significant internal control weaknesses that present an increased risk of fraud, waste, or abuse?
  - Is the departing employee aware of any unlawful or suspicious activities taking place within MSA, or at any other state agency, that should be investigated?
  - Did the departing employee feel they received adequate training and guidance on the COC while employed at MSA?
  - Did the departing employee know what the designated communication channels were for reporting suspected COC violations?
- B. The above questions will be added to the MSA "Separation Questionnaire," along with a request to the departing employee to anonymously report any suspected/known COC violations or other improprieties.

**References:**

*MMB Statewide Operating Policy 0103-01, Code of Conduct*  
*MMB Statewide Procedure 0103-01.1, Code of Conduct*  
*The Internal Control & Accountability Unit (MMB)- code of conduct information and training*  
*The Office of the Legislative Auditor - reporting suspected wrongdoing*  
*MMB-specific policies and procedures (Chapters 2, 3, 4, 5, and Fiscal & Payroll)*  
*Minnesota Statute 10.47*  
*Minnesota Statute 43A.39, subdivision 2*

**Appendices:**

*455-A: Code of Conduct certification form for agency heads*  
*455-B: Code of Conduct certification form for managers, supervisors, employees*