

Agenda Item: III.A.

DATE: July 17, 2003

SUBJECT: THEC Policy O5.0 – Code of Ethics for Commission Members

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION: As a result of legislation passed during the recently completed legislative session and as part of the effort to update the THEC policy manual, staff is recommending changes to the ethics related policies.

During the 2003 legislative session, the General Assembly passed Public Chapter 327 requiring the Commission to develop a code of ethics to govern the Commission's activities. The proposed code of ethics would be referenced as THEC Policy O5.0 - Code of Ethics for Commission Members.

The current ethics related policies, Policy O5.0 - Ethics Policy for Commission Members and Policy O5.1 - Ethics Policy for Executive Staff, are based on the language of T.C.A. Section 12-4-101. The legislature also passed legislation, Public Chapter 288 to amend T.C.A. Section 12-3-106 which creates stricter standards as it relates to contracts for goods and services that result from a bidding process. These two policies are being revised to incorporate the provisions of Public Chapter 288 and are being renumbered and titled THEC Policy O5.1 - Conflict of Interest Disclosure Policy for Commission Members and THEC Policy O5.2 - Conflict of Interest Disclosure Policy for Executive Staff.

Section Title: Other Policies

Policy Title: Code of Ethics for Commission Members

Policy Number: O5.0

Code of Ethics for Commission Members

- 5.0.10 (1) The Tennessee Higher Education Commission is charged by statute to achieve coordination and unity in public higher education in Tennessee. To ensure the effectiveness of the Commission, its members must adhere to the strictest of ethical standards. The purpose of this policy is to outline those general principles.
- 5.0.11 (1) Commission members must carefully prepare for, regularly attend, and actively participate in board meetings and special assignments.
- (2) The business of the Commission shall be conducted only in public meetings and properly publicized in accordance with Title 8, Chapter 44, Part 1 on Tennessee Code Annotated, as it is amended from time to time.
- (3) Commission members must accept and abide by the legal and fiscal responsibilities of the Commission as specified by statute, state rules and regulations and the Commission's policies.
- (4) Commission members are expected to perform their duties faithfully and efficiently and never to give rise to suspicion of improper conflict of interest. Additionally, Commission members should not use the position as Commission member for personal benefit or gain and shall promptly and honestly file all conflict of interest statements as required by state law and/or Commission policy.
- (5) Commission members shall not accept any favor or gratuity from any firm, person, or corporation which is engaged in, or attempting to engage in, business transactions with the Commission or any institution that is coordinated or regulated by the Commission which might affect or be suspected of affecting a Commission member's judgment in the impartial performance of his/her duties.
- (6) Commission members shall not grant or make available to any person any consideration, treatment, information or favor beyond that which is general practice to grant or make available to the public at large.
- (7) Commission members shall base all decisions on all available facts in each situation and vote his/her honest conviction in every case, not to be swayed by partisan bias of any kind and abide by and support the final decision of the Commission.

(8) Commission members shall have no legal authority outside the meetings of the Commission and shall conduct all relationships with governing boards, public and private institutions, media and other interested entities and persons on the basis of that fact. Commission members shall avoid acting as a spokesperson for the entire Commission unless specifically authorized to do so.

Approved: _____, 2003