

University Code of Conduct for Sponsored Programs

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PURPOSE

As part of our commitment to teaching, research, and public service, all members of the campus community are committed to the core values of the University and to the ethical conduct of all University activities. Members of the San Francisco State University (SF STATE) community have an obligation to inform and intentionally comply with the laws, regulations, policies, and procedures that bear on their area of responsibility.

This Code of Conduct reflects the values to which this University subscribes and articulates the University's belief in ethical, legal and professional behavior that governs the involvement of SF STATE faculty and staff in research, training, service, and other sponsored project activities both inside and outside the University.

Other campus and CSU system wide policies and regulations provide additional normative context and support SF STATE's commitment to practices and conduct based on our values and principles. A list of these documents is included at the end of this document.

APPLICABILITY

The Code of Conduct applies to faculty and other academic personnel, staff, students, volunteers, contractors, agents and others associated with the University. The code refers to all these persons as "members of the University community." The Code of Conduct makes explicit the University's expectations of all its employees who engage in any activity related to sponsored programs.

1. Ethical Conduct

Members of the University community should conduct themselves ethically, honestly and with integrity in all dealings; that includes, but is not limited to, compliance with laws and regulations and contractual obligations. They are expected to be fair and principled in their business interactions and to act in good faith in these matters with others both inside and outside the campus community. They must act with due recognition of their position of trust and loyalty with respect to the University, and its students, research sponsors, and donors. The University endeavors at all times to maintain the highest standards of quality and integrity.

2. Respect for Others

SF STATE is committed to the principle of treating each community member with respect and dignity. The University prohibits discrimination and harassment and provides equal opportunities for all community members and applicants regardless of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition, ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran.

3. Individual Responsibility and Accountability

Members of the University community are expected to assume and exercise responsibility appropriate to their positions and roles. They are accountable to each other, to the University and the University's stakeholders both for their actions and their decisions not to act. Each individual is expected to exercise sound judgment and serve the best interests of the institution and the community.

4. Confidentiality, Privacy and Access

Community members receive and generate on behalf of the University various types of confidential, proprietary and private information. Individuals who have access to such information are expected to be familiar and to comply with all federal laws, state laws, agreements with third parties, and University policies and principles pertaining to access, use, protection and disclosure of such information. Employees are required to take the University's Employee and Student Information Protection (ESIP) training program prior to accessing confidential data; such policies apply even after the community member's relationship terminates with the University. Members of the University are expected to maintain the confidentiality of such information, safeguarding it and using it only as allowed.

5. Conflict of Interest

SF STATE faculty members and staff are expected to devote their primary professional allegiance to the University and its mission, and to engage in the highest level of education, research and public service. In addition, those who are in positions designated as having responsibilities that include making, participating in or influencing certain decisions must take a University Ethics Training session, and annually complete and file a Statement of Economic Interest (Form 700) with the Human Resources Office.

Outside employment must not interfere with University duties. Outside professional activities, private financial interests or the receipt of benefits from third parties can cause actual or perceived conflicts between the University's mission and an individual's private interests. Members of the University community who have certain professional or financial interests are expected to disclose them in compliance with applicable conflict of interest policies (referenced at the end of this document). In all matters, community members are expected to take appropriate steps, including consultation if issues are unclear, to avoid both conflicts of interest and the appearance of such conflicts.

6. Compliance with Applicable Laws and Regulations

Institutions of higher education are subject to many of the same laws and regulations that apply to other organizations, as well as those that apply specifically to public entities. There are also additional requirements unique to higher education. Many, but not all legal requirements are embodied in University policies. Failure to comply can have serious adverse consequences both for the University, in terms of reputation, finances and the health and safety of the community. SF STATE faculty and staff must comply rigorously with federal, state, and local laws and regulations that apply to the performance of their responsibilities at the University. All have a duty to inform themselves, through University sources and independently, about relevant legal obligations and to keep current with changes in applicable law.

The following may be useful resources:

<i>Office</i>	<i>Website</i>	<i>Email</i>	<i>Telephone</i>
ORSP	http://research.sfsu.edu	mjscott@sfsu.edu	415-338-2493
Human Resources	http://hr.sfsu.edu	hrwww@sfsu.edu	415-338-1872
Enterprise Risk Management	http://erm.sfsu.edu/	layo@sfsu.edu	415-338-2565
Faculty Affairs Manual	http://facaffairs.sfsu.edu/faculty-manual	sbunge@sfsu.edu	415-338-7023

7. Compliance with Applicable University Policies and Procedures

The University has established policies and procedures designed to inform our everyday responsibilities, to set minimum standards and to give University community members notice of expectations. Each member of the community is expected to seek clarification on a policy or other University regulation he or she finds unclear,

liable to enter into conflict with the University's mission, or that in any way might seem to interfere with other roles and obligations of the campus. It is not acceptable to ignore or to disobey policies based on one's disagreement with them, and it is not acceptable to avoid compliance by deliberately using one's personal interpretation and looking for adaptations or alternatives to avoid complying with policies.

8. Compliance with Contractual, Grant, and Other Obligations

In order to further research, training opportunities, community outreach, and other activities, the University typically relies on extramural funding opportunities. In order to accomplish this, the University enters into agreements, accepts grants and contracts from other agencies, and acquires obligations with those agencies. The University has designated compliance with such obligations as very high priority.

These obligations are embodied in the terms and conditions of awards and contracts, and in federal, state, and University laws and policies that apply to grants, contracts, subcontracts, as well as to commercial contracts for the purchase of goods or services, software licenses, and memoranda of understanding with other organizations. The acceptance of an agreement creates a legal obligation on the part of the University to comply with the terms and conditions of the agreement and applicable laws and regulations. Members of the University are expected to adhere closely and act in good faith with regard to all applicable obligations assumed by the University.

The University is responsible for monitoring the activities and ensuring financial and research compliance of subrecipients of funds awarded principally to the University. This applies to federal, state and other sponsored programs, and is accomplished through the Subrecipient Monitoring Policy.

Principal Investigators are responsible for monitoring their time and effort commitments to sponsored project activities, as well as those of their staff. Time and effort certification must be completed within the deadlines established by the University, as stated in the Time and Effort Reporting Procedures.

The University makes a concerted effort to inform Principal Investigators, Deans, Department Chairs, and all staff members who participate in the preparation and conduct of sponsored projects, of all the laws, rules, and regulations that apply to every specific project; they must endeavor to perform their work in compliance with each and every one of those laws and regulations.

9. Ethical Conduct of Research/Research Misconduct

All members of the University community engaged in sponsored project activities are expected to conduct their projects with integrity and intellectual honesty at all times, to act responsibly with respect to the use of funds, and to ensure that they and those who work with them comply with all campus, system wide, agency, and government regulations.

The University prohibits research misconduct. Members of the University community engaged in research are not to: fabricate data or results; change or knowingly omit data or results to misrepresent results in the research record; or intentionally misappropriate the ideas, writings, research, or findings of others. All those engaged in research are expected to pursue the advancement of knowledge while meeting the highest standards of honesty, accuracy, and objectivity in their work in general and as authors. This standard extends to all publications. They are also expected to demonstrate accountability for sponsors' funds and to comply with specific terms and conditions of contracts and grants.

Disciplinary action related to allegations of research misconduct will be handled through the appropriate procedures outlined in the California Education Code (Section 89535 Article 2) or the California Faculty Association Collective Bargaining Agreement Article 19 (Disciplinary Action Procedure).

Members of the University community are strongly encouraged to report suspected violations of applicable laws, regulations, contracts and grants requirements and violations of this Code. Normally this reporting is

made initially through standard management channels, beginning with the immediate supervisor, instructor or advisor. If for any reason it is not appropriate to report suspected violations to the immediate supervisor individuals may go to a higher level of management within their academic or administrative unit. The University's Whistle Blower Program is available and was created to help employees who wish to disclose information regarding alleged improper governmental activity or conditions that may significantly threaten the health or safety of employees or the public.

Reference:

<https://sites7.sfsu.edu/sites/sites7.sfsu.edu.orsp/files/assets/policylibrary/docs/SFSUProcedureforHandlingResearchMisconductAllegations.pdf>

10. Institutional Review Board (IRB) and Institutional Animal Care and Use Committee (IACUC)

Principal Investigators must act with appropriate regard for human and animal subjects. The IRB and the IACUC are charged with protecting the safety and welfare of humans and animals involved in research at or in conjunction with the University. The committees do not expect research to be free from risk, but do expect the investigator to be aware of the risks, to minimize risk when possible, and to take appropriate precautions whenever necessary.

The IRB and the IACUC provide support to Principal Investigators and staff and are available for consultation. It is required that Principal Investigators involve the relevant committee early in the process of developing proposals or applications for project funding, and that if a project requires IRB or IACUC approval, the approval is granted prior to initiating the work.

11. Internal Controls and Internal Audit

Internal controls help ensure that the University's business is carried out in accordance with University policies and procedures, applicable laws and regulations and sound business practices. These controls are critical to ensuring efficient operations, responsible financial management, accurate financial reporting, careful protection of assets and satisfactory compliance with applicable laws and regulations. Each business unit or department head is specifically responsible for ensuring that internal controls are established, properly documented and maintained for activities within their jurisdiction. All individuals entrusted with funds, including Principal Investigators, are responsible for ensuring that adequate internal controls exist over the use and accountability of such funds. Internal Audit is the campus office with authority to conduct audits on campus to review whether effective internal controls have been implemented in every area, office, division, academic and administrative unit.

12. Use of University Resources

University resources may only be used for business purposes on behalf of the University. They may not be used for personal gain, and may not be used for personal use except in a manner that is incidental, and reasonable in light of the employee's duties. University resources include, but are not limited to, the use of University systems, such as telephone systems, data communication and networking services, the SF STATE domain for electronic communication forums; the use of University equipment, such as computers and peripherals, University vehicles and other equipment; the use of procurement tools such as University credit cards and petty cash; and the time and effort of all faculty, staff, students and others at SF STATE.

13. Financial Reporting

SF STATE endeavors to maintain accurate and up-to-date University accounting and financial records, expense reports, time sheets, effort reports, and other supporting financial documents including those submitted to government agencies, and is committed to provide administrative data that is accurate, clear and complete. All accounting records are maintained according to generally accepted accounting principles. University data must

be available at all times for audits by the Campus Internal Auditor. The office charged with the responsibility of issuing financial reports on behalf of the university is Fiscal Affairs. Campus Principal Investigators are ultimately responsible for the accurate recording and reconciliation of individual project.

14. Reporting Suspected Violations and Whistle Blower Program

Members of the University community are strongly encouraged to report suspected violations of applicable laws, regulations, contracts and grants requirements and violations of this Code. Normally this reporting is made initially through standard management channels, beginning with the immediate supervisor, instructor or advisor. If for any reason it is not appropriate to report suspected violations to the immediate supervisor individuals may go to a higher level of management within their academic or administrative unit. The University’s Whistle Blower Program is available and was created to help employees who wish to disclose information regarding alleged improper governmental activity or conditions that may significantly threaten the health or safety of employees or the public. The reporting member can choose to disclose or withhold his or her name.

To report protected disclosures, contact the designated Campus Administrator for Whistleblower complaints:

Maureen Pasag, Interim AVP of Audit & Advisory Services
 Phone: (415) 405-4343
 Email: mpasag@sfsu.edu

Complaints alleging retaliation for reporting protected disclosures can be filed in writing to:

Gail Brooks, Vice Chancellor of Human Resources
 401 Golden Shore
 Long Beach, CA 90802

More information on SF STATE’s Whistleblower Program can be found at:

<http://hr.sfsu.edu/content/university-executive-directive-02-26>

<http://audit.sfsu.edu/content/annual-whistleblower-notification>

The Bureau of State Audits administers California’s Whistle Blower Hotline: 800-952-5665. The hotline is available for state employees and the public to report or disclose improper acts of state agencies or employees directly to the Bureau of State Audits.

The following are some of the most important documents that are relevant to this Code of Conduct:

<i>Document</i>	<i>Office/Specific document</i>	<i>Website</i>
CSU Conflict of Interest Policies	Office of the Chancellor	http://www.calstate.edu/HRAAdm/Policies/coi.shtml
Financial Conflict of Interest Policy for Principal Investigators	SF STATE	http://research.sfsu.edu/sites/default/files/assets/policylibrary/docs/FinancialConflictofInterestPolicy.pdf
SF STATE Whistle Blower Policies and Procedures	University Executive Directive 02-26	http://hr.sfsu.edu/content/university-executive-directive-02-26
	Whistleblower Hotline	http://www.auditor.ca.gov/pdfs/other/whstlblr_letter.pdf

	Whistleblower	http://audit.sfsu.edu/content/annual-whistleblower-notification
Grants & Contracts Policies & Procedures	SF State, ORSP	http://research.sfsu.edu/policylibrary/policylibrary
HR Practice Directives & Guidelines	SF State, Human Resources	http://hr.sfsu.edu/Labor_Compliance_ProfDev/emp_relations/direct_and_guide
Faculty Affairs Manual	SF State, Academic Affairs	http://facaffairs.sfsu.edu/faculty-manual
Grievance Procedures	CSU, Office of the Chancellor	http://www.calstate.edu/hr/employee-relations/bargaining-agreements/contracts/cfa/2014-2017/article10.pdf