



State Ethics Act Guidelines

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Policy Owner:
Board of Trustees

Policy Administrator:
Human Resources Director

Affected Parties:
Employees

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THE LANGUAGE USED IN THE LANDER POLICY FOR ADMINISTRATION AND STAFF DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND LANDER UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. LANDER RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT. LANDER UNIVERSITY'S OFFICE OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY'S HUMAN RESOURCES POLICIES.

I Summary

This policy sets forth the guidelines for Lander University faculty, staff, and student employees who are subject to the provisions of the State Ethics Act (Act) from the South Carolina Code of Laws Sections 8-13-700 through 8-13-1520. This policy provides a summary of the pertinent sections of the Act. These guidelines are not written to be exhaustive, nor are they intended to supplement or replace the Act.

II Policy

For this purposes of this policy, “employee” means any member of the faculty or staff or a student worker.

- A. Section 8-13-700: Use of official position for financial gain; disclosure of potential conflict of interest:
 1. No employee may use his or her employment with the university to obtain an economic interest or benefit for him- or herself, a family member, or a person or business with whom the employee is associated.
 2. No employee may participate in the process for making any governmental decision that may benefit him or her, his or her family member, or a person or business with whom the employee is associated.
- B. Section 8-13-705: Offering, giving, soliciting, or receiving anything of value to influence the action of a public employee, member, or official:
 1. An employee may not accept anything of value offered to him or her in an effort to influence his or her official responsibilities, allow the perpetration of a fraud, or act in a violation of the employee’s official responsibilities.
 2. An employee may not ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value



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- in return for being influenced in the discharge of his or her official responsibilities, allowing the perpetration of a fraud, or acting in violation of his or her official responsibilities.
3. A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than ten (10) years and a fine of not more than \$10,000 dollars.
 4. Anything of value is defined as:
 - a. A pecuniary item, including money, a bank bill, or a bank note;
 - b. A promissory note, bill of exchange, an order, a draft, warrant, check, or bond given for the payment of money;
 - c. A contract, agreement, promise, or other obligation for an advance, a conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
 - d. A stock, bond, note, or other investment interest in an entity;
 - e. A receipt given for the payment of money or other property;
 - f. A chose-in-action;
 - g. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
 - h. A loan or forgiveness of indebtedness;
 - i. A work of art, an antique, or a collectible;
 - j. An automobile or other means of personal transportation;
 - k. Real property or an interest in real property, including title to realty, a fee simple or partial interest in realty (including present, future, contingent, or vested interests in realty), a leasehold interest, or other beneficial interest in realty;
 - l. An honorarium or compensation for services;
 - m. A promise or offer of employment;
 - n. Any other item that is of pecuniary or compensatory worth to a person.
- C. Section 8-13-715: Speaking engagements of public officials, members, or employees:
- An employee acting in his or her official capacity as a Lander University employee may not receive anything of value for speaking before a public or private group. The employee is not prohibited by this section from accepting a meal provided in conjunction with a speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. Notwithstanding the limitations of Section 2-17-90, a public official, public member, or public employee may receive payment or reimbursement for actual expenses incurred for a speaking engagement. The expenses must be reasonable and must be incurred in a reasonable time and manner in which to accomplish the purpose of the engagement. A public official, public member, or public employee required to file a statement of economic interests under Section 8-13-1110 must report on his statement of economic interests the organization which paid for or reimbursed actual expenses, the amount of such payment or reimbursement,



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and the purpose, date, and location of the speaking engagement. A public official, public member, or public employee who is not required to file a statement of economic interests but who is paid or reimbursed actual expenses for a speaking engagement must report this same information in writing to the chief administrative official or employee of the agency with which the public official, public member, or public employee is associated.

D. Section 8-13-725: Use or disclosure of confidential information by a public official, member, or employee for financial gain:

1. An employee may not use or disclose confidential information gained in the course of or by reason of his or her official responsibilities in a way that would affect an economic interest held by him or her, a member of his or her immediate family, an individual with whom he or she is associated, or a business with which he or she is associated.
2. A person convicted of violating this section must be fined not more than \$5,000 dollars, or imprisoned not more than five (5) years, or both, and shall reimburse the costs of prosecution.

E. Section 8-13-750: Employment, promotion, advancement, or discipline of family member of public official, member, or employee:

No employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position that the employee supervises or manages or participate in an action relating to the discipline of the employee's family member. See [Nepotism and Preferential Treatment policy²](#) for more information.

F. Section 8-13-780: Remedies for breaches of ethical standards by employees:

1. The provisions of this section are in addition to all other civil and administrative remedies against public officials, public members, or public employees which are provided by law.
2. In addition to existing remedies for breach of the ethical standards of this chapter or regulations promulgated hereunder, the State Ethics Commission may impose an oral or written warning or reprimand.
3. The value of anything received by a public official, public member, or public employee in breach of the ethical standards of this chapter or regulations promulgated hereunder is recoverable by the State or other governmental entity in an action by the Attorney General against a person benefitting from the violations.
4. Before a public employee's employment or a public official's or public member's association with the governmental entity is terminated for a violation of the provisions of this chapter, notice and an opportunity for a hearing must be provided to the public official, public member, or public employee.

G. Section 8-13-1110: Persons required to file a statement of economic interests:



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1. Each of the following university employees is required to file an annual statement of economic interest:
 - a. The chief administrative official
 - b. All deputy or assistant administrative officials
 - c. All directors of each division, institution, or facility
 - d. The chief financial official
 - e. The chief purchasing official

III Reporting Violations

A. If you witness, become aware, or suspect a potential violation of the Act, please report the incident.

1. Reporting Methods:
 - a. To Lander University:
ethics@lander.edu
 - b. To the South Carolina Ethics Commission:
<https://ethics.sc.gov/complaints>

¹ State Ethics Act URL: <https://www.scstatehouse.gov/code/t08c013.php>

² Nepotism and Preferential Treatment Policy:
https://www.lander.edu/sites/lander/files/Documents/About/Leadership/Policies/LP%205_1%20Nepotism%20and%20Preferential%20Treatment%20.pdf