Employee Code of Ethical Conduct

Policy HR002
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Responsible Administrator: Vice President for Human Resource Management and Labor Relations
Responsible Office: Human Resource Management and Labor Relations
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Policy Statement
As employees of the Fashion Institute of Technology ("FIT" or the "college"), administrators, faculty members, staff members, and student workers ("employees") are responsible for conducting themselves with the highest ethical standards. The college values integrity, honesty, and fairness. It strives to integrate these values into its teaching, scholarship, business practices, and daily interactions among all members of the college community. The quality of the college's reputation requires that persons representing the college conduct themselves in manners that advance the above-stated values and do not diminish the values of the college.

This Code of Ethical Conduct ("Code") cannot anticipate every possible situation. It can, however, provide examples to guide employees in their daily decisions and actions.

Each employee is individually accountable for their actions and, as members of the college community, all employees are collectively accountable for upholding these standards of behavior and for compliance with applicable laws and regulations.

FIT employees are expected to become familiar with this Code and shall be deemed to have knowledge of its provisions. It is an ongoing responsibility for employees to disclose potential or actual conflicts of interest or violations of the Code that do not involve activity protected by the NLRA or the New York State Taylor Law. Additionally, senior administrators are responsible for promoting the understanding of, and compliance with, this Code in their respective areas. If an ethics-related question arises, the Office of the Vice President for Human Resource Management and Labor Relations ("VP for HR") should be consulted.

In the event that the language of a portion of the Code is in direct contradiction with the Collective Bargaining Agreement ("CBA"), the CBA will prevail. The rules outlined in the FIT Employee Policy Manual are referred to in this Code, but if the language in the Code differs from the Employee Policy Manual or other FIT policies, this policy supersedes the Employee Policy Manual and/or other FIT policies with the exception of the CBA.
Reason for the Policy
This policy establishes expectations under which FIT employees should conduct their college activities. Those acting on behalf of FIT have a general duty to conduct themselves with honesty and trustworthiness, with efficiency and effectiveness and to demonstrate accountability in compliance with state and federal laws, SUNY regulations and procedures, FIT Board policies, and other FIT policies.

Who is Responsible for this Policy
- Human Resource Management and Labor Relations
- Senior Administrators

Who is Affected by this Policy
- All employees

Definitions
N/A

Principles
- **Conflict of Interest**
  A conflict of interest occurs when an employee’s personal interests interfere – or appear to interfere – with the employee’s ability to make sound business decisions on behalf of the college. There are some common relationships or circumstances that can create, or give the appearance of, a conflict of interest. The situations generally involve gifts and business or financial dealings or investments. Gifts, favors, tickets, entertainment, and other such inducements may be attempts to “purchase” favorable treatment. Accepting such inducements could raise doubts about an employee’s ability to make independent business judgements and the college’s commitment to treating people fairly. In addition, a conflict of interest exists when employees have a financial or ownership interest in a business or financial venture that may be at variance with the interest of the college. (For example, but not limited to, a situation that is not a conflict of interest occurs when an employee also teaches or works at a competing college).

- **Outside Employment or Activities**
  In accordance with the [bylaws, as amended by the FIT Board of Trustees](#) on May 2, 2012, no trustee, officer, or employee of the college, (paid or unpaid), shall engage in any business or transaction, or shall have a personal financial or other private interest, direct or indirect, which is in conflict with the proper discharge of their official duties or that would interfere, or appear to interfere, with their ability to make sound decisions in their official duties. When an employee engages in business transactions that benefit themselves, or a family member, it may give an appearance of impropriety. It is a clear violation of this policy for employees to consciously pursue personal interests that may, or may be perceived to, conflict with their official duties. As stated above, it is not a valid defense for an employee to assert that they were unaware of this Policy if the employee is found to have engaged in a business transaction that violates this policy.
The primary responsibility of FIT employees is the accomplishment of their FIT duties and obligations. FIT employees may engage in outside employment (paid or unpaid) to be conducted outside of their normal business hours as long as such employment does not adversely affect the amount of time, energy, and attention devoted to their FIT duties and obligations and as long as such employment does not create an actual or perceived conflict of interest. If employees need to take time away from work in order to engage in such outside activities, they must follow the normal leave procedures to obtain prior approval from their supervisors and charge any approved time to a respective leave bank.

In addition, no employee shall engage in outside activity of any kind (paid or unpaid) that interferes with the performance of their professional duties and obligations to the college, or impairs independent judgment in the exercise of their duties or responsibilities in the best interest of the college. It is an ongoing responsibility for employees to disclose potential or actual conflicts of interest or violations of the Code that do not involve activity protected by the National Labor Relations Act (“NLRA”) or the New York State Taylor Law.

**Personal or Familial Relationships**

The college is committed to the principles of protecting the objectivity and integrity of its employees in the performance of their college duties. It is therefore fundamental to the college’s overall mission that professional responsibilities of employees are carried out in an atmosphere that is free of conflicts of interest, discriminatory treatment and criticism of preferential treatment.

Romantic and/or sexual relationships compromise the objectivity and integrity with which employees discharge their responsibilities, particularly when one of the relationship’s participants has direct authority over another participant. Direct authority includes any decision-making influence or influence over any significant aspect of an employee’s job. In the case where two employees marry or enter into a civil union or domestic partnership, continuing employment is available for both spouses or partners provided that there is no direct reporting relationship or decision making influence on conditions of employment between the spouses or partners. See also the Collective Bargaining Agreement, 23.0 Nepotism, for additional information. Students serving as Resident Assistants or Health and Wellness Peer Educators are discouraged from engaging in romantic and/or sexual relationships with other students with whom they have a mentoring/advising relationship. Student leaders should speak to their supervisor with questions regarding this expectation.

When a romantic and/or sexual relationship between two employees does include direct authority, the applicable respective senior administrator must be notified. If a mutually acceptable agreement is not reached, both employees are subject to dismissal due to non-compliance of Section 23.0 Nepotism. If one or both employees are tenured and/or has a Certificate of Continuous Employment (CCE), the dismissal process will comply with Section 28.28.0 of the Collective Bargaining Agreement. For employees not in the Collective Bargaining Unit, the Vice President for Human Resource Management and Labor Relations or their designee(s) will review the violation and may make a
recommendation to take such administration action, including, but not limited to
disciplinary action such as dismissal.

Additionally, in furtherance of the college’s fundamental mission to provide a quality
higher education environment, students should be assured that the relationships that
they have with FIT employees will always be built upon the highest ethical precepts of
the educational profession. In order to promote the efficient and fair operation of the
college and to avoid potential misunderstandings, complaints of favoritism, security
problems, supervisory problems, morale problems, questions regarding academic
achievement, and possible claims of sexual harassment, the college has a zero-tolerance
position towards romantic and/or sexual relationships between employees and
students.

- **Employee Whose Family Member Is Enrolled in an FIT Employee’s Class**
  FIT employees may not permit a family member to enroll in any credit or non-credit
classes that they teach.

- **Employment of Family Members**
  For purposes of this policy, a family member is defined as the spouse (or same-sex
  partner under applicable laws governing domestic partnerships and civil unions), father,
  mother, grandparent, brother, sister, son, daughter, step-son, step-daughter, father-in-
  law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt or
  uncle, niece or nephew, cousin, or any individual who resides within the household of
  an employee. All present employees and applicants for employment with the college are
  and will be required to disclose to the Office of Human Resource Management and
  Labor Relations the identity of any family member(s) employed or who become
  employed by the college.

  Employees of the college may not hire, supervise, manage, promote, evaluate, set
  conditions of employment for, or participate in any other activity affecting the
  employment of a family member. A supervisor or manager includes anyone having the
  authority to make decisions, assign work, or give orders to subordinates within an
  organizational unit. The college will not allow family members to be placed or promoted
  into the supervisor/manager reporting relationships. For employees who are members
  of the bargaining unit, please see the Collective Bargaining Agreement, 23.0 Nepotism,
  for additional information.

  Employees may not solicit, engage in, or otherwise enter into, a financial or business
  relationship on behalf of the college with a family member who is a contractor and/or
  vendor with the college. If an employee’s family member is or seeks to become a
  contractor and/or vendor with the college, the employee must disclose this relationship
to the VP for Finance and Administration. These requirements are applicable even in the
  event that the family member may have been awarded a contract as a result of a blind
  competitive bid, irrespective of the contract’s value, and even in the event that the
  family member who has been awarded a contract is not involved in the contract’s day-
to-day management.
This policy also covers research projects and grants of all types, including those not funded by FIT funds, such as a SUNY-sponsored grant. No employee of the college who is a project director, principal investigator, or research grant manager may appoint any family members to participate in the project unless such participation has been reviewed and approved by their supervisor and the VP for Academic Affairs. To facilitate such review, the project director, principal investigator, or research manager shall submit the following to the chairperson, director, or dean: (a) a curriculum vitae of the family member; (b) a statement that includes the job requirements and a justification for the appointment as demonstrated by the family member’s experience and/or training; (c) a summary of the specific steps taken to publicize the availability of the position; (d) the names of interested and qualified candidates who were considered, and the basis for their rejection; and (e) the proposed salary for the position. The chairperson, director or dean shall indicate approval or disapproval of the request and forward it to the VP for Academic Affairs for final approval. When a project director, principal investigator, or research grant manager might be in a supervisory relationship with a family member, the VP for Academic Affairs must delegate another FIT employee to make the decision on the grant.

• **Gifts and Gratuities**
  It is the college’s intent to preserve and protect its reputation for fair and ethical dealings and to avoid the appearance of impropriety. An employee shall not accept a gift of money in any amount from a person or entity doing business with, or seeking to do business with, the college.

  An employee shall not, directly or indirectly, accept or receive any other gift having more than nominal value, whether in the form of service, loan, travel, lodging, meals, refreshment, entertainment, discount, forbearance or promise, or in any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence the employee, or could reasonably be expected to influence the employee, in the performance of the employee’s official duties, or could be reasonably inferred that the gift was intended as a reward for any official action on the employee’s part.

  This policy is not intended to prohibit normal business practices of giving gifts of nominal value (generally considered to be $75 dollars or less), for example, a modest meal at a meeting or conference, souvenir items or trinkets of nominal value used for marketing such as pens, t-shirts, baseball caps, or similar items.

  It is the responsibility of the employee to report the offer and/or receipt of gifts and gratuities prohibited by this policy to the employee’s department head or their respective vice president or the President.

• **Confidential Information, Integrity and Accuracy of College Documents and Records**
  College employees are required to respect individuals’ rights to privacy and to treat as confidential all information supplied to them on that basis. FIT prohibits disclosure of all information acquired in the course of one’s work or from official college records, unless an employee is authorized to do so, to anyone outside of the college. Such information includes: personal and official information about students that should be treated in accord with the Family Education Rights and Privacy Act (see FERPA policy).
Every member of the college community is also responsible, within the scope of their work, for the integrity and accuracy of the college’s documents and records. No one may knowingly falsify or improperly alter information on any institutional record or document. College documents and records are retained in accordance with the law and the college’s record retention requirements. An employee who has reason to believe that a college document or record is inaccurate, has been tampered with, or has been improperly destroyed, should report that concern immediately, as appropriate to their department head, vice president, the General Counsel, or the Records Management Officer.

- **Personal Use of College Equipment/Property/Resources**
  Resources such as supplies, equipment, computers, and other devices may not be utilized for personal or private business, with limited exceptions. Similarly, college employees are required to respect, preserve, and protect the secure use of computers by co-workers. More specifically, without the express authorization of an employee, or in connection of an investigation authorized by the President and/or the Board of Trustees, no employee shall utilize any means to (ghost) monitor the use of any other employee’s computer nor access an employee’s electronic business records. Nothing in this section is intended to prevent employees from engaging in concerted activities, such as when employees meet to discuss their mutual aid or protection regarding terms and conditions of employment, which is protected by law. This policy covers but is not limited to the following:
  - Official stationery may not be used for non-college purposes, including but not limited to, personal or private business, except for letters of reference for students or colleagues or immigration-related letters for FIT alumni. Nor may college resources be used to mail personal or personal business correspondence.
  - College equipment, computers, and other devices may be used for incidental personal purposes, such as sending personal electronic email messages, photocopying, and printing, provided that such use is in a limited amount and duration and does not conflict with the proper exercise of the employee’s duties. Such uses must also remain in compliance with the FIT Computer and Network Use Policy and other related college policies.
  - Employees are expected to exercise reasonable precautions to prevent theft, loss of, or damage to, FIT equipment and other property. An employee assigned any FIT equipment and other property must report lost, damaged, or stolen property to their supervisor immediately.

- **Cooperating with Audits and Investigations**
  As a responsible employee representing the college, employees are required to participate fully and in a forthcoming, prompt, and truthful manner with official inquiries, audits and investigations. Employees who are members of the bargaining unit may request a union representative to be present.

- **Obligation to Report Arrests**
  All employees are responsible to notify the college within seven (7) days or as soon as is reasonably practicable, of arrests, convictions, and dispositions, irrespective of the jurisdiction in which they occur, if it is:
  - a felony;
  - a misdemeanor involving violence and/or theft;
  - an offense requiring one to register as a sex offender; and/or
• **Internal Controls**
  All levels of management and supervisors are responsible for establishing and maintaining proper internal controls that provide security and accountability for the resources entrusted to each department, unit, or subdivision. All levels of management and supervisors should be familiar with the risks and exposures inherent in their areas of responsibility and be alert for any indications of improper activities, misappropriation, or dishonest activity.

• **Failure to Comply**
  FIT employees are expected to become familiar with this Code. Employees who have concerns or questions about violations of the Code may speak to their immediate supervisors, the senior administrator or Vice President of their area, or the VP for HR. (For additional information, please see “Procedures: I. Reporting Suspected Wrongful Conduct”).

Employees who fail and/or refuse to comply with any requirement set forth in this Code may be subject to discipline, up to and including termination, as well as civil and/or criminal penalties. This includes any employee who knew of, or reasonably should have known of, such violations of the Code.

• **False Complaints**
  Members of the FIT community who make knowingly or maliciously false reports, with the exception of reports that, even if erroneous are made in good faith, will be subject to disciplinary action.

• **Non-Retaliation**
  It is illegal to retaliate against any individual who reports acts of discrimination or harassment, or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination in good faith or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and will be subject to disciplinary action. Individuals who experience or witness retaliation should contact the Affirmative Action Officer immediately.

**Responsibilities**

N/A

**Procedures**

• **Reporting Suspected Wrongful Conduct**¹
  It is an ongoing responsibility for employees to disclose potential or actual conflicts of interest or violations of the Code that do not involve activity protected by the NLRA or the New York State Taylor Law. Supervisory and managerial employees have a special duty to enforce Code standards. Reports of violation must be to their supervisor and VP for HR. Reprisal against, or interference with, an employee’s right to file a complaint or participate in an investigation

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¹ “Reporting of suspected wrongful conduct” refers to conduct specifically addressed within this policy. Reporting of discriminatory harassment and/or sexual misconduct must be directed to the Affirmative Action Officer in accordance with FIT’s Nondiscrimination and Anti-Harassment, and Sexual Misconduct Response policies.
and/or lawful proceeding constitutes a violation of the Code. Any employee who willfully engages in such conduct is subject to disciplinary action up to and including termination as well as civil and criminal penalties. Note that employees who wish to remain anonymous may do so. Their anonymity will be protected to the extent possible.

Violations
N/A

Related Policies
- Acceptable Use for FIT IT Systems
- Campus Safety and Security
- Conflicts of Interest (Article VI of FIT Board of Trustees Bylaws, Amended May 2, 2012)
- Email
- FERPA
- Fraudulent Financial Activities Reporting
- Nondiscrimination and Anti-Harassment
- Records Retention and Disposition
- Sexual Misconduct Response

Related Documents
- Collective Bargaining Agreement between FIT and the UCE of FIT
- Employee Policy Manual
- Faculty Handbook

Contacts
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