

# **POLICY: 2.1.6.** (I.C.1.c) **State Board Ethical Responsibilities**

**Revised:** March 6, 2014.

**Last Reviewed:** April 10, 2023; September 6, 2022; September 23, 2020; September 6, 2019; September 4, 2018; and March 6, 2014.

**Adopted:** June 2, 2011.



## **POLICY:**

If the Technical College System of Georgia is to carry out its mission of providing quality technical education and customized business and industry workforce training to the citizens of Georgia, the State Board, local boards, and employees of the Technical College System of Georgia must maintain the highest level of integrity and objectivity as they perform their duties in support of these objectives.

Members of the State Board must hold themselves to the ethical standards mandated by O.C.G.A. §45-10-3. Notwithstanding any provisions of law to the contrary, each member shall:

1. Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a part of their evasion.
2. Never discriminate by dispensing special favors or privileges to anyone, whether for remuneration or not.
3. Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of their governmental duties.
4. Never use any information coming to them confidentially in performing governmental duties as a means for making a private profit.
5. Expose corruption wherever discovered.
6. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could be reasonably inferred that a significant purpose of the donor is to influence the performance of the member's official duties.
7. Never accept any economic opportunity under circumstances where they know or should know that there is a substantial possibility that the opportunity is being afforded them with intent to influence their conduct in the performance of their official duties.
8. Never engage in other conduct unbecoming to a member or constitutes a breach of public trust.
9. Never take official action concerning any matter when they know or should know that they have a direct or indirect monetary interest in the subject matter or the outcome of such official action.

Further, members of the State Board must safeguard their ability to make objective, fair, and impartial decisions and, therefore, should not accept any benefits of any sort when a reasonable

observer could infer that the benefit was intended to influence a pending or future decision or to reward a past decision.

A member of the State Board shall recuse themselves from any proceeding in which the member's impartiality may be reasonably questioned due to their personal or financial relationship with a participant in the proceeding. A "participant" includes, but is not limited to, an owner, shareholder, partner, employee, or agency of a business entity involved in the proceeding.

According to the provisions of O.C.G.A. §45-10-80, State Board members shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a member of their family to an office or position to become a public employee, as defined in O.C.G.A. §45-1-4(a)(3), that pays an annual salary of \$10,000.00 or more or its equivalent. As defined in O.C.G.A. §21-5-3, a "family member" shall include the board member's spouse and all dependent children.

According to the provisions of O.C.G.A. §16-10-2, a member of the State Board shall not directly or indirectly solicit, receive, accept, or agree to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence their performance or failure to perform any official action. A "thing of value" does not include: any gift with a value of less than \$100.00; food or beverage consumed at a single meal or event; food, beverages, and registration at group events to which all members (e.g., employees) of the Technical College System of Georgia are invited; actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation or speaking at the meeting; an award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service; a commercially reasonable loan made in the ordinary course of business; promotional items generally distributed to the general public or to public officers; a gift from a member of the public officer's immediate family; food beverage, or expenses afforded public officers, members of their immediate families, or others that are associated with usual and customary business or social functions or activities; and, legitimate salary, benefit, fees, commissions, or expenses associated with a recipient's non-public business, employment, trade, or profession.

As a "public officer" and according to the provisions of O.C.G.A. §21-5-11, no State Board member shall accept a monetary fee or honorarium over \$100.00 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to their official duties as a board member. Further, actual, and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting that are provided to permit participation in a panel or speaking engagement at a meeting shall not (be considered) monetary fees or honoraria.

As a "public officer" for purposes of financial disclosure requirements and according to the provisions of O.C.G.A. §21-5-50(a)(2), each member of the State Board shall electronically file a Public Officer Affidavit with the Georgia Government Transparency and Campaign Finance Commission by January 31 of each calendar year. Additionally, members of the State Board are also subject to the exact general business transaction disclosure requirements as state employees as outlined in the provisions of O.C.G.A. §45-10-26.

According to the provisions of O.C.G.A. §45-10-22, no State Board member, for themselves, or on behalf of any business or for any business in which the State Board member or member of

their family has a substantial interest, may transact business with the Technical College System of Georgia or any associated Technical College. For these purposes, "business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employment, trust, or other legal entity. The term "family" means the member's spouse and dependents. The term "substantial interest" means the direct or indirect ownership of more than 25 percent of the assets or stock of the business. Finally, the term "transact business" means to sell or lease any personal property, real property, or services on behalf of oneself or the behalf of any third party as an agent, broker, or representative and means to purchase surplus, real, or personal property on behalf of oneself or behalf of any third party as an agent, broker, dealer, or representative.

**RELATED AUTHORITY:**

O.C.G.A. § 20-4-11 – Powers of Board.

O.C.G.A. § 20-4-14 – TCSG Established; Powers and Duties.

Attachment 2.1.6. a1. Acknowledgment of Ethics.

O.C.G.A. §16-10-2 – Bribery.

O.C.G.A. §21-5-3 – Definitions.

O.C.G.A. §21-5-11 – Acceptance by Public Officers of Monetary Fees or Honoraria.

O.C.G.A. §21-5-50(a)(2) – Filing by Public Officers; Filing by Candidate for Public Office; Filing by Elected Officials and Members of the General Assembly; Electronic Filing; Transfer of Filings from Secretary of State to the Commission.

O.C.G.A. §45-1-4(a)(3) – Complaints or information from Public Employees regarding Fraud, Waste, and Abuse in State Programs and Operations.

O.C.G.A. §45-10-3 – Code of Ethics for Members of Boards, Commissions, and Authorities – Established and Text.

O.C.G.A. §45-10-20 – Definitions.

O.C.G.A. §45-10-22 – Full-Time Public Officials with State-Wide Powers Prohibitions; Public Officials or Employees with Limited Powers Prohibitions.

O.C.G.A. §45-10-26 – Annual Disclosure Statements Concerning Business Transactions with State; Public Records.

O.C.G.A. §45-10-80 – Public Officers Prohibited from Advancing, Employing, or Advocating the Employment of Family Members.

## **Attachment: 2.1.6.a1**

Last Reviewed: September 8, 2022; September 23, 2020; September 6, 2019; and September 5, 2018

# **State Board of the Technical College System of Georgia**

## **POLICY: 2.1.6. - Ethical Responsibilities Acknowledgment Statement**

I acknowledge that I have received a copy of the TCSG Board's policy governing ethical conduct expected of State and Local Board members. My signature below indicates an understanding of the policy provisions and my commitment that I will abide by the ethical standards as outlined in the policy.

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Signature

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Date

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Printed  
Name

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Technical College