

SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

Policy Manual

SUBJECT: Code of Ethics

NUMBER: Policy IV-11 (Formerly Policy IV-A-26)

Code of Ethics Statement:

All members of the School of Mines community shall act ethically, value a global perspective, and accept the responsibilities of citizenship.

Preface:

As a university, the South Dakota School of Mines & Technology is a place for scholarship, learning and the free exchange of ideas, where rigorous research, analysis and creative thinking are encouraged, nurtured and protected.

Nothing in this Code of Ethics shall detract from these principles. This Code encourages ethical behavior, valuing global perspectives and acceptance of the responsibilities of citizenship. Ethics goes beyond what is legal or illegal. Legality is the *minimum* threshold of conduct. In adherence to this Code of Ethics, the standards, terms and definitions shall be interpreted in accordance with their common meaning to reasonable and prudent persons. It is the responsibility of all members of the School of Mines community to know and abide by this Code. Nothing in this Code is designed to circumvent or conflict with conditions of employment imposed by contractual agreement or Board of Regent or institution policy. In the event of any potential conflict, the contract and/or policy governs.

- I. Incorporation of Laws, Regulations, Employment Agreements and Contract Agreements
 - A. This Code of Ethics incorporates all of the laws of the United States, (including its agencies) and all regulations thereunder, the laws of the State of South Dakota and all regulations thereunder, the regulations and standards of conduct of the South Dakota Board of Regents, and all of the laws and regulations of the subdivisions of the State of South Dakota in which the School of Mines is legally an entity, and all of the rules and regulations of the University including employment handbooks, codes of conduct, and contractual agreements and conditions of employment.
 - B. Conviction of a criminal act as defined by the laws, regulations and ordinances of the governments and their agencies above, is a *per se* violation of the Ethics Code.

II. Compliance and Jurisdiction of the Code of Ethics and the Ethics Committee

A. This Ethics Code applies:

1. This Ethics Code applies to all faculty, administrators, staff and students of the School of Mines.
2. This Ethics Code applies to those who contract with the University while they are performing duties for the University and are in the performance of those duties.

B. Activities and Venues to which this Code of Ethics applies

1. This Ethics Code applies to all of the above-mentioned parties in the performance of their professional, occupational, research and academic duties, more specifically for all employees during their period of employment and to all students during their period of enrollment.
2. This Code of Ethics applies to all acts or activities performed on property controlled by the University and to any institutionally-sponsored activities and events.
3. This Code of Ethics also applies to independent contractors, subcontractors and other non-employees who perform work or activities for the University, in the performance of those duties, and whose ethical conduct is subject to review by the University

C. Venues, Persons, Activities and Situations to which the Code of Ethics Does NOT Apply

Activities and situations of all the above University-related persons and classifications not performed in University-sanctioned or supported activities, and not performed on the campus of the University shall NOT be the subjects of this Code of Ethics or review by the Ethics Committee, except where those activities have a high probability of negatively affecting the reputation and mission of the University.

III. Ethical Standards Applicable for All School of Mines-Connected Persons and Entities Covered by this Code of Ethics (Faculty, Students, Administration, Staff, Contractors)

A. ALL persons and entities covered by this Ethics Code:

1. Shall exhibit integrity, fairness, honesty, truthfulness, candor, respect for others, accuracy, and good faith in their dealings with all University

members.

2. Shall treat all other University community members as a reasonably prudent person would expect to be treated in similar circumstances.
3. Shall avoid deliberately harming another.
4. Shall promote insofar as possible the safety of all campus members and report observed unsafe conditions.
5. Shall not engage in discrimination based on race, color, sex, ethnicity, country of origin, disability or religion.
6. Shall not engage in harassing behavior of a sexual or malicious nature.
7. Shall respect the right of privacy of persons with regard to personal matters.
8. Shall avoid using language intended to humiliate, degrade or vilify, or to incite violence.
9. Shall refrain from originating or communicating, orally or in writing, any statement that is defamatory and especially defamatory statements rooted in malice.
10. Shall give proper credit to others for what is due and shall avoid taking credit for accomplishments of others.
11. Shall not cheat on examinations, research projects or experiments, and shall report solid evidence of any such cheating.
12. Shall not plagiarize; plagiarism being the copying of the work of another without attribution, or presenting another person's work as one's own, or the use of substantial parts of another's work without giving credit or attribution.
13. Shall protect freedom of expression.

B. ALL faculty, administration and staff are obligated to observe the following provisions of the Code of Ethics. They:

1. Shall observe the basic rule of professional ethics: not knowingly to do harm.
2. Shall not engage in actual or potential conflicts of interest, and be in compliance with University policies for formal disclosure of such actual or potential conflicts.
3. Shall disclose all beneficial interests in a project or property which may do business with the University or in which the University has a financial stake.
4. Shall perform professional services or advice within the scope of the employee's competence.
5. Shall not misuse their authority, or use confidential information acquired through their employment, for personal gain.
6. Shall not falsify or misrepresent their academic degrees, awards or qualifications.
7. Shall not falsify or misrepresent details of their previous employments
8. Shall encourage student responsibility for academic integrity.
9. Shall comply with the ethical standards and standards of conduct of the professional societies to which they belong.
10. Shall be familiar with, observe, promote and report all alleged violations of the policies of the University and the Board of Regents (especially with regard to

the unauthorized possession, use or distribution of alcoholic beverages, marijuana or controlled substances while on duty, while on premises, under control of the University or the Board of Regents, or while participating in any capacity in activities sponsored by the Board).

- C. ALL students will comply with the Policy Governing Academic Integrity, the SDSM&T Student Code of Conduct and the South Dakota Board of Regents Policy Manual.

IV. Role of the Ethics Committee of the University

- A. The Ethics Committee considers alleged breaches of ethical conduct by the faculty, staff, students or third party contractors, upon submissions to the committee by an individual or group from any of those categories.
- B. The Committee's deliberations will be to determine if any alleged breaches have sufficient merit to be formally referred to the Student Conduct Administrator, Title IX/Equal Employment Officer, or the appropriate Vice President, who may advise the President regarding such findings. The Committee's primary role, therefore, is to act as one screener, but not the exclusive screener, for allegations that members of the University Committee feel need to be considered in their early stages.
- C. In all of its proceedings, the Committee shall adhere to the highest standards of due process, in accordance with University rules and regulations, standards consistent with those set by the Board of Regents, and those utilized by political subdivisions of which the University is a part, including due process as interpreted through the United States Constitution.
- D. The committee consists of three faculty members from each college nominated by their Dean, two students nominated by the Student Association President, a representative appointed by the Exempt Employee Council, and a representative from Career Services. The Vice President for Student Affairs and Dean of Students is an ex-officio member. The President will appoint the Chair from members of the Committee.
- E. The Ethics Committee is not to be considered an investigation nor judicial or quasi-judicial body. It will not investigate complaints nor hold hearings. The role of the committee will be to forward potentially actionable complaints to the appropriate body or institutional officer. Any recommendations by the committee are advisory only, and are not binding in any proceeding.
- F. Changes in the Code of Ethics: Any additions, deletions, alterations or modifications of the Ethics Code shall be first brought to, discussed by and approved by, the Committee prior to the submission of such

changes to the University approval process for such changes.