



## POLICIES AND PROCEDURES

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Department: Des Moines University Osteopathic Medical Center  
Subject: **Standard of Ethical Conduct Policy**  
Date Issued: June 29, 1999  
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Approved By: Governor Terry Branstad, President

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### I. PURPOSE

The University is committed to the highest standard of ethical conduct as an integral part of its mission. That commitment enhances the reputation of the University, both locally and nationally, and requires compliance with applicable laws and regulations.

### II. SCOPE

Des Moines University Osteopathic Medical Center expects all employees, students and others, when acting on behalf of the University, to maintain the highest standard of ethical conduct.

### III. DEFINITIONS

- A. “Abuse of Power” means wrongful use of a position of authority to influence employees, students, colleagues, or volunteers (e.g. coercion to participate in activities or decision making in violation of laws, regulations, or policies).
- B. “Conflict of Commitment” is a situation in which an employee’s additional employment or other activity, whether internal or external to the University, interferes with his or her performance in the primary appointment at the University.
- C. “Conflict of Interest” is a situation in which an individual or any of his or her family has an existing or potential financial or other material interest that impairs or might appear to impair the individual’s independence and objectivity of judgment in the discharge of responsibilities to the University.

A conflict of interest also arises when an individual evaluates the work or performance of a person with whom he or she is engaged in a romantic or sexual relationship.

- D. “Ethical Conduct” is behavior conducted according to University’s “Statement of Ethical Conduct” and this policy.
- E. “Financial Irregularity” is an intentional misstatement, omission, or failure to disclose information related to financial transactions that is detrimental to the interests of the University, including embezzlement, fraud, or falsification of records to misappropriate assets.
- F. “Fraud” is an intentional act of misrepresentation, dishonesty, trickery, or deceit (including the concealment or suppression of truth), designed to obtain information or assets without approval.
- G. “Intellectual Property” is property of an intellectual nature belonging to an individual or entity, including but not limited to proprietary information that is protected by a patent, copyright or non-disclosure agreement.
- H. “Kickback” is the act of accepting a payment to improperly obtain or reward with favorable treatment in connection with either a contract or subcontract relating to a prime contract.
- I. “Misconduct” is cheating, falsification, fabrication, misappropriation, plagiarism, or other practice that seriously deviates from those commonly accepted as proper.
- J. “Stewardship” is the management of tangible and intangible assets of the University.

#### **IV. STANDARDS OF ETHICAL CONDUCT**

An environment that encourages the highest level of integrity from its employees, students and affiliates is critical to the University. Therefore, adherence to the standards of ethical conduct set forth in this document by employees, students and others acting on behalf of the University is an integral part of the University’s long-range goals of attracting quality students, faculty, and staff; ensuring proper stewardship of its resources; and attracting gifts, grants, and other forms of support.

University employees, students and others acting on behalf of the University should not commit acts contrary to these standards or support the commission of such acts by others.

A practice will not be condoned on the grounds that it is “customary,” “easy,” or “expedient” if it does not meet these standards of ethical conduct; condoning such practices may compromise the integrity and reputation of the University. If you are asked to act against these standards, you should decline. You are empowered to say something such as the following: “University policy doesn’t allow me to do this. Please discuss this matter further with...” or “I’m uncomfortable with what you’ve asked me to do and I’d like to discuss the matter with...”. If you act in good faith, the University will

act to protect you from being disciplined or suffering reprisal for making such a statement.

Further, members of the University community are expected to assume personal responsibility and accountability for their actions by maintaining these standards. In an effort to ensure that employees are adequately informed of the University's expectations, all employees will be asked to read a Statement of Ethical Conduct (see the "Appendix A" Section of this document).

Listed below are some of the areas where frequent ethical questions arise, and some general principles of ethical conduct:

- A. Abuse of Power - support the creation and maintenance of an environment in which abuse of power is not tolerated.
- B. Communication – communicate judgments, opinions, and other information - both positive and negative – fairly and objectively.
- C. Computer Use – use electronic communications and systems in a responsible manner.
- D. Confidentiality – use confidential information acquired in the course of University affiliation only for official or legal purposes, and not for personal or illegal advantage, during or after such affiliation;
  - disclose confidential information acquired in the course of employment or University affiliation on a need-to-know basis and only when authorized to do so.
- E. Conflicts of Interest and Commitment – advise appropriate parties of potential conflicts in accordance with applicable University Conflict of Interest Policy.
  - refrain from engaging in a romantic or sexual relationship with a student whom you teach, advise, coach, or supervise in any way.
  - avoid any activity that hinders your ability to carry out responsibilities to the University.
- F. Financial Transactions – conduct, process, and report all financial transactions and billings with integrity.
- G. Grants and Contracts – adhere to grant and contractual obligations of the University, including proper allocation of expenses;

- comply with applicable laws and regulations governing the receipt and disbursement of sponsored funds.

H. Intellectual Property – honor non-disclosure agreements;

- abide by all rules and laws governing the use of copyrighted materials, patented ideas, licenses, and proprietary information;
- refrain from any activity that constitutes infringement of individual or university intellectual property;
- properly attribute the ideas and work of others.

I. Kickbacks – refrain from making or accepting payments to improperly obtain or reward with favorable treatment in connection with either a contract or subcontract relating to a prime contract or to influence the referral of patients.

J. Statutory Reporting – meet accurately and fully reporting obligations that are required by federal and state regulations.

K. Stewardship – use University resources or assets legally and properly;

- refrain from engaging in personal use of University facilities, equipment, employees, students, or volunteer help unless written permission is obtained in accordance with applicable procedures.

**V. PROCEDURES**

A. Seeking Clarification

If you have read the appropriate sections of this policy, other University policies, and applicable regulations, you may need additional clarification about the propriety of actions, in the following instances:

1. When University policies appear ambiguous or difficult to interpret or apply.
2. When it is difficult to identify your responsibilities in situations of potential violations of standards of ethical conduct.

In such cases, contact your immediate supervisor, department chair, college dean or university vice president or the University Counsel for clarification of the applicable policy.

B. Reporting a Violation

You are expected to report violations of this policy to appropriate University personnel. To report an actual or suspected violation:

1. Discuss the violation with the immediate supervisor, except when the supervisor is involved, in which case discuss it with the person at the next supervisory level.
2. If you cannot address the situation in this manner, you may contact the university office responsible for your area of concern.
3. If it appears that there may have been a violation of ethical conduct, report it to the University Compliance Officer.

**\* Caution:** Failure of an employee or supervisor to report actual or possible violations may be a subject of appropriate University discipline.

C. Retaliation

The University will not tolerate retaliation toward employees who report actual or possible violations. The identity of individuals providing information concerning possible violations, including fraud, will be protected within legal limits. (See Policy on Retaliation Against Whistleblowers) Individuals who take retaliatory action will be subject to discipline, up to and including discharge.

D. Enforcement

Suspected violations will be investigated by the appropriate office, depending on the nature of the violation. Disciplinary measures may be taken, in accordance with applicable regulations, if appropriate to the circumstances, by one of the following:

- immediate supervisor;
- department chair;
- college dean;
- relevant vice president;
- president.

E. Abuse of this Policy

The University is committed to the protection of both the accused and the accuser in the reporting of any violation of this policy. Therefore, attempts by individuals to discredit others through inappropriate use of this policy are not permitted and will be considered for disciplinary action.

## **VI. RESPONSIBILITIES**

The major responsibilities each party has in connection with the University's policy on the Standards of Ethical conduct are as follows:

### **A. College Dean / Vice President**

1. Ensure that associate deans, department chairs and other supervisors are aware of the need for complete compliance with the Statement of Ethical conduct.
2. Report suspected violations to appropriate University Compliance Officer. (see the "Reporting a Violation" segment of this document).

### **B. Department Chair / Supervisor**

1. Encourage and support efforts by employees to perform duties and responsibilities at the highest standards.
2. Ensure that supervisors are promoting excellence in ethical practices through periodic training and daily reinforcement.
3. Report suspected violations to appropriate University personnel (see the "Reporting a Violation" segment of this document) to protect both the alleged violator and the individual reporting a potential violation.

### **C. University Compliance Officer**

Investigate alleged policy violations, determine whether a violation has occurred, report policy violations to the President and University Counsel, determine if disciplinary action is required and make periodic reports to the Board of Trustees.

### **D. University Counsel**

Assist in the investigation of alleged violations of policy and provide advice to individuals concerning the requirements of the law and the proper implementation of this and other University policies.

### **E. You**

Conduct University related activities according to the University policies including the Standard of Ethical Conduct.

## ***APPENDIX A***

### **Des Moines University Osteopathic Medical Center**

#### **STATEMENT OF ETHICAL CONDUCT**

Executive officers, faculty, staff, student employees, and others acting on behalf of Des Moines University - Osteopathic Medical Center are expected to maintain the highest ethical standard, observing applicable policies, practices, regulations, laws, and professional standards. The absence of a specific guideline or instruction covering a particular situation does not relieve an individual of the responsibility to apply the highest ethical standard when reacting to that situation. Actions in accordance with this standard will be upheld by the University.

#### **Conflicts of Interest and Commitment**

All executive officers, faculty, principal investigators, staff, student employees, and others acting on behalf of the University, hold positions of trust, and should conduct their activities accordingly. They must abide by University conflict statements, striving to avoid conflict between private and official responsibilities. Activities that impair or appear to impair the ability to perform their duties or affect independence and objectivity of judgment in the discharge of responsibilities to the University should be avoided.

#### **Retaliation and Abuse of Power**

Des Moines University Osteopathic Medical Center supports an environment in which retaliation and abuse of power are not tolerated. Executive officers, faculty, principal investigators, staff, student employees, and others acting on behalf of the University may not use positions of authority to influence others to perform inappropriate or illegal acts, or violate regulations, University policies or practices.

#### **Laws, Grants and Contracts, Regulations, Policies, and Procedures**

All executive officers, faculty, principal investigators, staff, student employees, and others acting on behalf of the University are expected to comply with relevant laws, grant and contract requirements, regulations, policies and practices, and all applicable University and professional standards. No unethical practice will be condoned on the grounds that it is “customary” or that it serves worthy or honorable goals.

## Stewardship

All executive officers, faculty, principal investigators, staff, student employees, and others acting on behalf of the University have a responsibility to ensure that all funds received are used prudently, ethically, and for their designated purposes. Neither tangible nor intangible assets of the University may be used for personal or illegal gain. Permission must be obtained for personal use of facilities and equipment, in compliance with applicable procedures. It is imperative that those with access to confidential, proprietary, or private information not make unauthorized disclosure or use of this information.

## Reporting

All executive officers, faculty, principal investigators, staff, student employees, and others acting on behalf of the University are expected to report violations of these or other applicable standards to appropriate university offices, e.g., the employee's supervisor, senior unit officer, University Compliance Officer or University Counsel. Confidentiality of individuals reporting violations of these standards will be maintained whenever possible.

## ***APPENDIX B***

### **Introduction**

The federal government provides significant support to Des Moines University Osteopathic Medical Center. Included in this section is a brief overview of some of the laws, regulations, and guidelines that may be used to evaluate the actions of the University as well as its executive officers, faculty, staff, student employees, and others. The University and these individuals are expected to be in full compliance with all federal and state laws.

### **Anti-Kickback Act**

This act was passed to deter subcontractors from making payments and contractors from accepting payments to improperly obtain or reward with favorable treatment in connection with either a contract or subcontract relating to a prime contract and to prohibit the payment of remuneration in exchange for the referral of patients.

### **Federal Sentencing Guidelines**

1991 Federal Sentencing Guidelines define an effective internal control program in the following seven steps:

1. Compliance programs have been established to reduce the prospect of criminal conduct by the employees or agents of the organization.
2. High-level individuals have been assigned responsibility to oversee compliance with the standards and procedures.
3. The organization has taken steps to install monitoring and auditing systems designed to detect criminal conduct.
4. Evidence confirms that substantial discretionary authority has not been delegated to individuals who the organization knows or should have known to have a propensity to engage in illegal activities.
5. Standards and procedures have been communicated to all employees and agents through training programs and printed materials.
6. Standards and procedures have been consistently reinforced through appropriate disciplinary mechanisms.

7. Appropriate responses are made to reported offenses, with action taken to prevent recurrence.

Under the legal concept of *respondent superior*, or “let the master answer,” the organization is responsible for the wrongful acts of its employees, as long as the employees are acting in their official capacity. Employees and agents are expected to be trained and counseled to act in a lawful and ethical fashion. Establishing a visible “track record” of prevention and detection within an organization is critical. The organization must be proactive in establishing anti-fraud programs and compliance audits.

### **Foreign Corrupt Practices Act**

The anti-bribery provisions of this act require that books, records and accounts be maintained that accurately and fairly reflect the transactions and disposition of assets, and that a system of internal accounting control be maintained.

### **National Science Foundation (NSF) Requirement, Misconduct in Science**

The National Science Foundation developed these regulations to assure that both grant recipients and the NSF had procedures in place to deal with misconduct allegations. These requirements include the following:

- contracting institutions must develop procedures that respond to allegations of misconduct, which do not include honest misinterpretations or misjudgment of data. There will be no retaliation of any kind against a person who reports or provides information about suspected or alleged misconduct and who has not acted in bad faith;
- policies and procedures must be developed to ensure an impartial process for receipt and disposition of allegations of scientific misconduct; notification to the agency; protections of the integrity of the research; research subjects, and the public observance of legal requirements and responsibilities; protections of the person(s) bringing the allegation; and maintenance of records.
- awardees are subject to suspension, termination and/or department actions.

### **Office of Federal Procurement Policy Act**

**Regarding Procurement Integrity**

This act states that no competing contractor or any officer, employee, representative, agency, or consultant of such competing contractor shall knowingly:

- make, directly or indirectly, an offer or promise of future employment with any procurement officer of such agency;
- offer or give, directly or indirectly, any money, gratuity, or other thing of value to any procurement officer of such agency;
- solicit or obtain, directly or indirectly, any proprietary or source selection information regarding such procurement.

The responsible institutional officer must certify, concurrently with submission of the proposal and/or the award, that to the best of his or her knowledge and belief the institution has abided by the requirements of the Procurement Integrity regulations.

**False Claims Act**

This act prohibits the submission of claims for payment to Medicare, Medicaid or other federal program which the person knows or should know contains false information.

**Inurement Laws**

These laws prohibit the distribution of the net revenues of tax-exempt nonprofit organizations to insiders or persons who exercise substantial control over the tax-exempt entity for activities which do not further the charitable purposes of the tax-exempt organization.