

**BOARD OF UNIVERSITY AND SCHOOL LANDS  
CODE OF ETHICS**

**SECTION I: PREAMBLE**

- (A) The proper operation of democratic government requires that Department employees be independent and impartial; that they not use their position to obtain private benefits; that they avoid action which creates the appearance of using public office to obtain a benefit; that they administer state programs and laws in a manner that does not give an advantage to a particular business or person. It also requires that government policy and decisions be made through the established process of government and that the public have confidence in the integrity of its government.
- (B) According to these principles, this Code of Ethics sets forth the Board of University and School Land's standards of conduct and governing statements concerning employment, financial interests, and other matters for State Land Department employees and for those seeking or doing business with the Board or the Land Department.

**SECTION II: DEFINITIONS**

The following definitions shall be equally applicable to both the singular and the plural forms of any of the terms defined.

**Anything of Value:** Anything tangible or intangible, from a single Business or Person, within a calendar year, which exceeds a value of one hundred dollars.

**Associated:** One who has an interest in a Business or Person, not including ownership or control which is through a mutual fund.

**Board:** The Board of University and School Lands of North Dakota, consisting of the Governor, Attorney General, Secretary of State, Superintendent of Public Instruction and State Treasurer.

**Business or Person:** An individual, proprietorship, firm, partnership, joint venture, cooperative, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, limited liability company, political subdivision or group of persons acting in concert.

**Commissioner:** As defined in NDCC 15-02-01, is the individual appointed by the Board of University and School Lands to serve as Land Department Administrator.

**Compensation:** Anything of Value given for services rendered or to be rendered, not including any compensation paid by the state in consideration for services performed, nor reimbursement of approved expenses.

**Confidential Information:** Information or records which are not public records under the Constitution and laws of North Dakota (applicable statutory provisions attached).

**Department:** The North Dakota State Land Department.

**Employee:** All State Land Department personnel. Independent contractors are not considered Employees.

**Family Member:** An Employee's spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, or an individual who is a member of an Employee's household for more than six (6) months in a year.

**Outside Employment:** Any gainful employment other than the performance of functions and duties related to an Employee's responsibility to the Board or Department.

### **SECTION III: GENERAL**

An Employee should avoid any action which would result in or might create the appearance of:

- (A) Using public office for private gain.
- (B) Giving preferential treatment to any Business or Person.
- (C) Losing independence or impartiality.
- (D) Making decisions outside official channels.
- (E) Creating an adverse effect to the integrity of the Board or Department.

### **SECTION IV: PROHIBITION OF ACCEPTANCE OF ANYTHING OF VALUE; EXCEPTIONS AND DISCLOSURE**

(A) An employee is prohibited from accepting anything of value. In the event that, on more than two occasions in a calendar year, one Business or Person offers the same Employee Anything of Value, written disclosure of the offers must be made as follows:

- (1) Land Department employees to their immediate supervisor
- (2) Supervisors to the Commissioner
- (3) The Commissioner to the Board

At least annually, or at any other time as directed by the Board, the commissioner shall provide the Board with a report concerning written disclosures received.

- (B) Employees may not accept travel, lodging, or meals from a business or person having matters relating to the Board or Department, except from family members, or with the commissioner's approval. Travel, lodging, meals and registration fees as reimbursement for speaker expenses can be accepted with approval of the commissioner.
- (C) An employee is not prohibited from receiving payment of witness fees as provided by N.D. Administrative Code §§ 4-07-16-03, 4-07-16-04, and 4-07-16-06. No disclosure is required for fees received under the terms of this subsection.
- (D) Employees or family members will be allowed to bid on and purchase any equipment, land, or abandoned property that may be offered for sale by the Department, provided that a competitive, public bidding process is used.
- (E) Gifts of less than \$100.00 received by Department personnel from a business or person will be distributed among all employees of the Department via random drawings, or distributed to non-profit organizations.

### **SECTION V: MISUSE OF OFFICE.**

An Employee shall not use state-owned property for any purpose which is not related to their employment or official position, and is not available to the general public, except the incidental use of office equipment, by employees, at the office, is permitted on personal time.

### **SECTION VI: USE OF CONFIDENTIAL OR OTHER GOVERNMENTAL INFORMATION.**

- (A) An Employee shall not use confidential information obtained by them in their official capacity or position with intent to result in personal gain to themselves, a family member, or to any business or person.

- (B) An employee cannot be involved in financial transactions as a result of any information gained, which is not otherwise publicly available, through the employee's official duties or position.

## **SECTION VII: DISCUSSIONS, DELIBERATIONS AND VOTES.**

An employee shall exclude themselves from any discussions, deliberations, negotiations and votes, involving any business or person with whom they are associated. Any abstention, by a Board member concerning matters before the Board, must be recorded in the Board's minutes.

## **SECTION VIII: LOANS FROM THE BANK OF NORTH DAKOTA**

Employees may obtain a loan or loan participation with the Bank. The loan shall involve no preferential treatment with respect to any loan terms. Any employee subject to this provision may not be involved in any decision regarding the loan on behalf of the Bank. The employee may only be involved in the loan on their own behalf. The limitation does not apply to student loans.

## **SECTION IX: EMPLOYMENT ISSUES**

- (A) An Employee shall disclose previous employment with any business or person seeking action from the Board or the Department. Disclosure shall be made in the same manner described in Section IV (A) of this Code of Ethics.
- (B) An Employee may not be involved in making employment or administrative decisions concerning a family member.
- (C) An employee may not engage in outside employment if outside employment interferes with the employee's responsibilities and duties with the department.

## **SECTION X: PENALTIES**

In compliance with state personnel policies, the Commissioner may recommend to the Board that any one or more of the following actions be taken if it is determined that this Code of Ethics has been violated:

- (A) Cease and desist from the activity which is in violation of this Code of Ethics.
- (B) Forfeit the prohibited contribution to the Common Schools Trust Fund.
- (C) Return the prohibited contribution to the contributor.
- (D) Prohibit a business or person from participating in programs of, receiving any benefits from, or contracting with, the Board or the Department.
- (E) Publicly disclose the violation.
- (F) Restrict an employee's duties with regard to a particular activity.
- (G) Impose corrective or disciplinary action including oral or written warnings.
- (H) Place an employee on a special review period or recommend consideration of a suspension without pay.
- (I) Demotion.
- (J) Termination.

## **SECTION XI: ADVISORY BOARDS, COMMITTEES**

Non-employees who have, or have had, an interest in any business or person, with a matter before the Board, shall disclose that fact to the Board before participating on a Board-appointed committee.

## **SECTION XII: EXCEPTION PROVISION**

The Board may make exceptions to this Code of Ethics if the exception is approved at an open Board meeting.

## **SECTION XIII: REPORTING ILLEGAL ACTIVITIES**

Under NDCC 34-01-20, employees who, in good faith, report a violation or suspected violation of federal or state law or rule to an employer, a governmental body, or law enforcement official, shall receive employment protection.

## **ADDENDA TO THIS CODE OF ETHICS**

*Pertinent North Dakota Century Code statutes dealing with conflicts of interests/ethics*  
*Pertinent North Dakota Century Code statutes dealing with confidential records (Agency specific)*  
*North Dakota Century Code Chapter 16.1-08 regarding political contributions*

### **HISTORY:**

Adopted: January 25, 1996

Amended: April 23, 2010