

# OFFICE OF UNIVERSITY COUNSEL

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**A GUIDE TO THE CODE OF ETHICS FOR CENTRAL CONNECTICUT STATE  
UNIVERSITY EMPLOYEES (Last Reviewed August 2020)**

**NOTE:** Only the most pertinent provisions of the Code have been summarized below.

**WHO MUST COMPLY:** All state officials and employees (except judges). § 1-79(13).

**NOTE:** All employees of Central Connecticut State University are included in the Code's definition of "state employee" and are subject to the Code.

**WHAT STANDARDS DOES THE CODE SET:** The ethical rules are contained in Connecticut General Statutes §§ 1-79 through 1-90a. Basically, these sections are intended to prevent one from using public position or authority for personal financial benefit. The principal provisions of the Code are as follows:

**OUTSIDE EMPLOYMENT (§ 1-84(b))**

The Code prohibits outside employment that will impair independence of judgment as to official duties or require or induce disclosure of confidential information gained while in state service. Generally, outside employment is barred if the private employer can benefit from the state employee's official actions. A state employee is not prohibited, however, from using his or her expertise for private gain, as long as no provision of the Code is violated in the process. In keeping with this distinction, full time members of the faculty bargaining unit may consult or engage in a research project for an outside public or private entity if that consulting or research project has been approved by the Provost and Vice President for Academic Affairs. See the attached CSUS Policy and CCSU Compliance Form for Reporting of Research or Consulting with Outside Public or Private Entity.

**FINANCIAL BENEFIT FROM STATE EMPLOYMENT (§§ 1-84(c), (i))**

The Code forbids use of public position or confidential information gained in state service for the financial benefit of the individual, his or her family (spouse, child, child's spouse, parent, brother or sister), or an "associated business" (defined to include any entity through which business for profit or not for profit is conducted in which the state employee, or an immediate family member, is a director, officer or owner) (**NOTE:** There is an exception to this definition, however, for unpaid service as an officer or director of a non-profit entity.) The following are examples of such violations.

- The retention of royalties from the assignment of faculty authored textbooks or other intellectual property to students taught by the same faculty author does violate the Code. A faculty member may, however, keep such royalties if the assignment of the text or other intellectual property is first approved by the University's Review Panel. See attached Policy Concerning the Assigning of Faculty Authored Textbooks to Students Taught by Same Faculty.
- The employment of students by faculty in a setting outside of the University also violates the Code. However, such employment is permitted if the Review Panel approves it before it occurs.

The Code also prohibits state employees from entering into contracts with the State valued at \$100 or more, other than a contract of employment as a state employee or pursuant to a court appointment, unless the contract has been awarded through an open and public process. (This ban also extends to immediate family and associated businesses.)

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**ACCEPTANCE OF GIFTS ((§§ 1-84(g), 1-84 (j), 1-84 (k), 1-84(p), 1-84(m))**

In general, the Code prohibits state employees from accepting any gift or gifts from anyone doing business with, seeking to do business with, or directly regulated by the state employee's agency or department or from any person known to be a registered lobbyist or lobbyist's representative.

***"Gift," however, does not include: ((§ 1-79(5))***

- food or drink or both totaling less than fifty dollars per person in a calendar year consumed on an occasion at which the person paying for the food or drink or his representative is in attendance
- presents given by individuals incident to "major life events"
- ceremonial awards costing less than one hundred dollars
- anything of value having a value of not more than ten dollars provided that the aggregate value of all things provided by a donor to a recipient in a calendar year does not exceed fifty dollars
- gifts to a state agency or quasi-public agency for use on state or quasi-public agency property or that support an event and which facilitates state or quasi-public agency functions.
- admission to a charitable or civic event.

The Code also prohibits acceptance of any fee or honorarium given in return for a speech or appearance made or article written in one's official capacity. (Acceptance of an individual's necessary expenses is permissible.)

The Code also prohibits gifts costing one hundred dollars or more from a subordinate state employee to a supervising state employee and vice versa. (This ban also applies to members of the state employee's immediate family.) This ban applies not only to direct supervisors and subordinates but to any individuals up or down the chain of command.

**NOTE:** The Code prohibits state employees from counseling, authorizing or otherwise sanctioning action that violates any provision of the Code. Moreover, any state agency head, such as the President of a State University, who has reasonable cause to believe that a person has violated the Code of Ethics or any law or regulation concerning ethics in state contracting must report such belief to the Office of State Ethics.

**IF YOU HAVE A QUESTION ABOUT THE CODE:** The University's Ethics Compliance Officer is Attorney Carolyn Magnan, University Counsel. Attorney Magnan is available to provide general information about the Code. For questions concerning the Code's application to a particular situation, anyone subject to the Code may request informal advice from The Office of State Ethics.

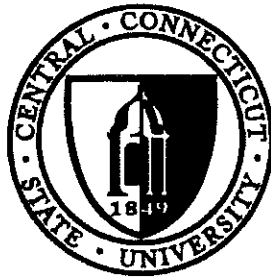
*(Taken with permission, in part, from a publication prepared by the former State Ethics Commission entitled A Guide to the Code of Ethics for Public Officials and State Employees.)*

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## **Policy Concerning the Assigning of Faculty Authored Textbooks To Students Taught by Same Faculty**

### **Assignment of Textbooks:**

Section 1-84 of the Connecticut General Statutes prohibits public officials and other state employees from using their public office or position to obtain a financial gain for themselves or their family members or any business with which they are associated. A faculty member's assignment of a textbook authored or developed by the faculty member could be considered as "obtaining financial gain" for the faculty member in violation of the Connecticut State Ethics Code. Before requiring students to purchase a textbook or intellectual property for a course that the faculty member authored or developed, the faculty member must obtain prior approval for such use. The prior approval process is not necessary if the faculty member directs any financial gain to a University fund or to a recognized 501(c)(3) entity from which that faculty member derives no personal financial benefit.

Pursuant to the State of Connecticut Ethics Commission's requirement in Advisory Opinion 2001-7, Central Connecticut State University requires that there be established a review panel that will rule on requests to utilize a professor's text for his or her class.

### **Review Panel Composition:**

The review panel is appointed by the Vice President for Academic Affairs and shall include no fewer than five (5) members including tenured faculty members recommended by the Deans of their respective Schools. Faculty shall represent different departments.

### **Terms of Appointment:**

Members on this panel serve for two-year staggered terms. Initially, half of the members will be appointed for a period of one year. New members are selected in late spring. The term of office concludes at the end of the academic year in late May.

### **Operating Procedures:**

The review panel selects a chair for a two-year period who is responsible for all communications with the faculty and administration. The review panel considers requests, justification and evidence submitted by full-time or part-time faculty members who have authored a textbook and wish to assign that textbook to students in courses they teach at the university. After considering all appropriate materials, the review panel rules and can approve requests if the requests meet one or both of the following requirements:

- a. the text is recognized as the standard in the field, or
- b. offers a unique perspective on the topic of study

The panel informs the faculty member in writing of its decision indicating the reason for approval or disapproval, no later than 30 days from the day the request is received by the panel. A copy of the decision is transmitted to the Vice President for Academic Affairs. All decisions require a majority vote. A panel member who represents the department of the faculty member whose request is under consideration may not vote on that request.

All materials submitted to the panel and any other materials produced by the panel will be appropriately archived within the university at the end of each academic year.

Failure to comply with this Policy constitutes a violation of the State Ethics Code and University policy and subjects the faculty member to an enforcement action by the State Ethics Commission on disciplinary procedures by the University.

**CSCU BOARD OF REGENTS FOR HIGHER EDUCATION**  
**Central Connecticut State University**  
**Procedure for Reporting of Research or Consulting**  
**With Outside Public or Private Entity**

**Introduction/Purpose:**

On October 20, 2016, the Board of Regents for Higher Education adopted a Policy on Faculty Consulting and Research with Public or Private Entities ("Consulting Policy") for the Connecticut State Colleges and Universities ("CSCU"). The Consulting Policy applies to Central Connecticut State University's ("CCSU's") full and part-time faculty. On November 18, 2016, the CSCU System Office developed an Administrative Protocol that provides that although both full and part time faculty must comply with the Consulting Policy, part time faculty do not need the Provost's permission to engage in consulting or research. Part time faculty may, however, seek permission should they wish to do so. The Consulting Policy requires that CCSU develop procedures to manage and account for consulting and research by full time faculty, and provide information semiannually to an oversight committee at CSCU. The information provided will be reviewed to assure that statutory ethical requirements are met and that no full time faculty member may engage in a consulting agreement or research project that:

1. Inappropriately uses CSCU and/or CCSU proprietary information.
2. Consults or performs consulting or research in a manner that interferes with the proper discharge of their duties.
3. Inappropriately uses their association with CCSU and/or CSCU in connection with any consulting agreements and research projects outside of the faculty member's primary responsibility as an employee of CSCU.

**Scope:**

Faculty professional activities such as consulting or engaging in a research project for a public or private entity often are useful in maintaining and enhancing the faculty member's academic scholarship and competence. The value of these outside activities is recognized through Collective Bargaining Agreements and statute and regulation. However, the primary responsibility of full-time faculty during the academic year is to the Board of Regents for Higher Education of the Connecticut State Colleges and Universities and their respective institution.

There is a set of purely academic activities that all faculty members are normally expected and encouraged to undertake. Such activities would include, but are not limited to, reviewing books, articles and research proposals (i.e. federal grant study sections), presenting occasional lectures and speeches, creation of works of art. The nature of such activities will vary from one discipline to another – but the underlying principle is that they are part of faculty members' expected academic professional development.

Research is defined as a systematic investigation, including, but not limited to, research development, testing and evaluation, designed to develop or contribute general knowledge in the applicable field of study.

Consulting is defined as "the provision of services for compensation to a public or private entity by a member of the faculty or member of the faculty bargaining unit" while such member is not acting in the capacity of a state employee.

All consulting done by all faculty members must conform to the following conditions:

1. Consulting activities must not interfere or conflict with the execution of the faculty member's normal duties.
2. Consulting activities must not create any conflict of interest with CSCU and/or CCSU or violate State statutes related to conflicts of interest.

**Procedure:**

Per the "Board of Regents Policy on Faculty Consulting and Research with Public or Private Entities," Central Connecticut State University shall establish internal operating procedures that shall ensure, to the extent possible the:

1. Disclosure, review and management of conflicts of interest relating to any such agreement or project.
2. Approval of CCSU's Academic Deans and Provost prior to any such member entering into any such agreement or engaging in any such project.
3. Referral of any failure to comply with the provisions of this policy or procedure to the applicable disciplinary process outlined in the Collective Bargaining Agreement.

CCSU shall provide biennial reports to the BOR President and Director of Internal Audit on or before May 1 and November 1 of each year. Note that biennial reports will be sent even if no activity has been reported. Information provided on the Faculty Consulting and Research Projects Semi-Annual Report must include the following:

1. Faculty Member's Name
2. College Department/Discipline
3. Name of Public/Private Entity
4. Duration of Project (include beginning and end dates)
5. Brief Description of Consulting Duties or Research Project
6. Decision Regarding In Compliance/Not In Compliance

At the start of each semester (Fall and Spring) the Office of Academic Affairs shall distribute electronically to all full and part-time faculty information as promulgated by the "Board of Regent's Policy on Faculty Consulting and Research with Public or Private Entities." Included in this communication will be the BOR policy (see Attachment A), the "Compliance Form for Reporting of Research or Consulting with Outside Public or Private Entity" (see Attachment B), and a list of Frequently Asked Questions – FAQs (see Attachment C) prepared by the Board of Regents to assist faculty members in: understanding their responsibility under Connecticut General Statutes Section I-84(r)(2) and Board of Regents Policy; and providing faculty with requirements of the policy and when consulting and research activity should be reported.

In general, all full time faculty members who are hired/contracted by a public or private entity to perform consulting or research activities during the Fall and Spring semesters coterminous with his/her regular faculty duties must complete the Compliance Form disclosing consulting and/or research with private and/or public entities. Full time faculty must also submit a Compliance Form when consulting or research activity occurs mid-semester or changes from when submitted and approved at the start of the semester.

Faculty are informed that pursuant to the 2016 Guide to the Code of Ethics for Public Officials and State Employees, state employees "may not utilize state time, materials or personnel in completing tasks for outside employment" and, as required by policy, CCSU must report faculty consulting and research activity to the BOR President and Director of Internal Audit on or before each November 1<sup>st</sup> and May 1<sup>st</sup>, even if no activity occurred.

CCSU's Academic Deans review the submitted compliance forms and determine whether to recommend or not recommend the activity. The Provost then reviews and indicates whether or not the activity is "in compliance" or "not in compliance." This internal review ensures the:

1. Disclosure, review, and management of conflicts of interest relating to any such agreement or project.
2. Approval or disapproval of CCSU's Academic Deans and Provost prior to any such member entering into any such agreement or engaging in any such project.
3. Referral of any failure to comply with the provisions of this policy or institution procedure to the applicable disciplinary process outlined in the Collective Bargaining Agreement.

The original compliance form is maintained in the Provost's Office. A copy is sent to the faculty member and their Dean, and a copy is also placed in the faculty member's personnel file.

#### **Compliance Form Review:**

CCSU's Academic Deans and Provost will make every effort to turn Compliance Form submissions around as quickly as possible. During the semester, such review and reply to approve the faculty member's Compliance Form should not take more than 48 hours business time (Monday through Friday) ordinarily.

The Academic Deans and Provost determine compliance by:

1. Determining if the request is professional in nature and will not interfere with the proper discharge of his or her employment with CCSU (scheduled classes, advising duties, office hours, and other institutional responsibilities).
2. Verifying that activity is based in the faculty member's discipline and that the faculty member does not inappropriately use CCSU's or CCSU's proprietary information in connection with said agreement.
3. Determining whether the faculty member receives compensation and that there is no conflict of interest.
4. Establishing that the name of the entity, description of work and dates of engagement are clearly specified.

#### **Sanctions:**

Any faculty member who intentionally provides misleading or false information during the course of the approval process or who continues formally disapproved consulting or research activity will be subject to the disciplinary process in such member's collective bargaining agreement. Such disciplinary action may include, but is not limited to: letter of reprimand; loss of the privilege to continue to engage in consulting activities; suspension; or dismissal.

#### **Record Retention:**

Documents obtained pursuant to this policy and protocol shall be stored in the Office of Academic Affairs and at the Board of Regents review level. Documentation shall be retained for the appropriate



retention period for employment records promulgated by the State of Connecticut and by institution or System Office policies and procedures.

**Statutory/Administrative Regulation:**

Connecticut General Statutes, Section I-84(r)(2)

**Responsible Function Area:**

Office of Academic Affairs

**Attachments:**

A: BOR Faculty Consulting and Research with Public or Private Entities Policy

B: Compliance Form for Reporting of Research or Consulting with Outside Public or Private Entity

C: Frequently Asked Questions (FAQs) prepared by the Board of Regents

**RESOLUTION**

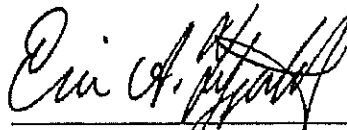
concerning

**Policy Regarding  
Faculty Consulting and Research with Public or Private  
Entities**

October 20, 2016

- WHEREAS, The Board of Regents in accord with of the Connecticut State Colleges and Universities recognize that the faculty professional activities such as consulting or engaging in a research project for a public or private entity is often useful in order to maintain and enhance the faculty member's academic scholarship and competence; and
- WHEREAS, The primary responsibility of full-time faculty during the academic year is to their respective college or university; and
- WHEREAS, Section 1-84(r)(2) of the General Statutes requires the board to adopt a policy regarding faculty consulting agreements and research projects with public and private entities, requires that procedures be promulgated at the institutions to manage and account for such agreements and projects, and provide information semiannually;
- WHEREAS, From time to time policies require revision to reflect Board policy changes or other needed changes or clarifications; therefore, be it
- RESOLVED, That the Board of Regents adopts the amended "Policy Regarding Faculty Consulting and Research with Public or Private Entities" (Attachment A) effective immediately.

A True Copy:



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Erin A. Fitzgerald, Secretary  
CT Board of Regents for Higher Education

4.4	Faculty Consulting and Research Policy	16-115	2016-10-20
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## 4.4 Faculty Consulting & Research w/Public or Private Entities

Board of Regents for Higher Education  
Connecticut State Colleges and Universities

### Policy Regarding Faculty Consulting and Research with Public or Private Entities

Faculty professional activities such as consulting or engaging in a research project for a public or private entity often are useful in maintaining and enhancing the faculty member's academic scholarship and competence. However, the primary responsibility of full-time faculty during the academic year is to the Board of Regents for Higher Education of the Connecticut State Colleges and Universities and their respective institution. The value of these outside activities is recognized through Collective Bargaining Agreements and statute and regulation.

For the purposes of this policy, consulting shall be defined as the provision of services for compensation to a public or private entity by a member of the faculty or member of the faculty bargaining unit: (i) when the request to provide such service is based on such member's expertise in a field or prominence in such field, and (ii) while such member is not acting in the capacity of a state employee.

For the purposes of this policy, research shall be defined as a systematic investigation, including, but not limited to, research development, testing and evaluation, designed to develop or contribute to general knowledge in the applicable field of study.

Faculty is expected to comply with the applicable provisions of the aforementioned Collective Bargaining Agreement, state statute and regulation. As such, no faculty member may engage in consulting agreement or research project that (A) inappropriately uses the institution's proprietary information in connection with such agreement or project; (B) interferes with the proper discharge of his or her employment with the university; and/or (C) inappropriately uses such member's association with the institution in connection with such agreement or project.

Each institution shall establish internal operating procedures that shall ensure, (i) the disclosure, review, and management of conflicts of interest relating to any such agreement or project; (ii) the approval of the chief academic officer and dean of the institution prior to any such member entering into any such agreement or engaging in any such project; and (iii) the referral of any failure to comply with the provisions of this policy or institution procedure to the applicable disciplinary process outlined in the Collective Bargaining Agreement. Each institution shall provide a report to the Office of the BOR President of any such approved activities on or before May 1 and November 1 of each year. In addition, the Director of Internal Audit for the Connecticut State Colleges and Universities shall audit institution compliance with the established internal procedures and this policy annually.

**CSCU Board of Regents for Higher Education  
Central Connecticut State University  
Compliance Form for Full Time Faculty  
for Reporting of Research or Consulting  
with Outside Public or Private Entity**

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**Procedure:**

1. This form must be submitted by full-time AAUP members for review by the Member's Academic Dean and Provost prior to engaging in any outside consulting or research that involves compensation, in accordance with BOR policy issued October 20, 2016. Please refer to the "CSCU Board of Regents For Higher Education Central Connecticut State University Procedure for Reporting of Research or Consulting with Outside Public or Private Entity" for instructions on completing and submitting this compliance form.
  2. A copy of the form indicating whether the outside activity is "in compliance" or "not in compliance" shall be returned to the faculty member and their Dean.
  3. A copy of this form shall be placed in the faculty member's personnel file.
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**Name:** \_\_\_\_\_

**Academic Rank:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Description of Consulting Service or Research Project (attach additional pages if needed):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to the 2016 Guide to the Code of Ethics for Public Officials and State Employees, state employees "may not utilize state time, materials or personnel in completing tasks for outside employment."

**Name of Public/Private Entity:** \_\_\_\_\_

**Dates of Engagement:** \_\_\_\_\_ to \_\_\_\_\_

**Faculty member's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Academic Dean: I recommend / do not recommend this activity for approval (circle one)**

**Academic Dean's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Provost/VP for Academic Affairs Approval:**

**In Compliance/Not in Compliance**

\_\_\_\_\_  
**Provost/VP for Academic Affairs signature.**

\_\_\_\_\_  
**Date:**

**CSCU BOARD OF REGENTS FOR HIGHER EDUCATION**  
**Central Connecticut State University**  
**Faculty Consulting and Research with Private and Public Entities**

**Frequently Asked Questions**

1. **Who has to complete the Compliance Form disclosing consulting and/or research with private and/or public entities?**

Any full-time instructional faculty member who is hired/contracted by a public or private entity to perform consulting or research activities during the Fall and Spring semesters coterminous with his/her regular faculty duties.

2. **Who determines whether the activity complies with the statute, policy, and collective bargaining agreement?**

By law and policy, the chief academic officer of the university makes the final determination.

3. **When in our negotiations should we submit the Compliance Form to determine if the anticipated activity will comply?**

To be safe, you should submit the form as soon as you can reasonably disclose the anticipated activity, its duration, and interaction with your regular duties.

4. **How long does review by the chief academic officer take?**

The chief academic officers will make every effort to turn these requests around as quickly as possible. During the semester, such review and reply to the faculty member should not take more than 48 hours ordinarily.

5. **Is there an appeal process if the chief academic officer determines my expected activity does not comply with the statute or policy?**

No. However, if you believe the determination in some way violated the collective bargaining agreement, you may file a grievance.

6. **Are there any consequences if the activity is not endorsed by the Provost & Vice President for Academic Affairs and the AAUP member proceeds with the consulting and/or research activity?**

Yes. Such a disregard for the direction of the Provost & Vice President for Academic Affairs will result in a referral to the Human Resources Department to determine if an Article 16 disciplinary process should be initiated.

7. **If I am hired to review a textbook, should I complete the compliance form?**

Yes, if you are receiving compensation for this activity and such review occurs during a period when you are teaching.

8. **What if I am writing a textbook?**

Yes, if you are receiving compensation for this activity and the process occurs during a period when you are teaching.

9. **What if I receive an advance for writing a textbook?**

Yes, if you are receiving compensation for this activity and the process occurs during a period when you are teaching.

10. **What if I do not receive an advance?**

If there is any chance that you will ultimately be compensated for this activity, you must disclose it.

11. **If I have my own business, should it be reported?**

Possibly. If your business has no relation to your academic or faculty responsibilities and does not involve the use of university property, you do not need to report the business activity. (Note that faculty members may not make use of university property to engage in a business that has no relation to their academic or faculty responsibilities.) If the business is related to your academic or faculty responsibilities, you will need to report the business. The following examples illustrate the two situations. First, if you are a history professor and own an ice cream shop that has no relation to your activities as a faculty member, such a business does not need to be disclosed. Second, if you are an accounting professor and you own a CPA firm that performs accounting activities throughout the academic year, you should disclose this information.

12. **What if I have an occasional opportunity to consult with a number of clients? How do I report that?**

Report the anticipated dates/scope of such an engagement for the present academic year. Report again during the following academic year if you anticipate an additional engagement.

13. **Do I need to disclose if I am receiving an NSF grant?**

Possibly. If the grant is administered by the Connecticut State Colleges & Universities (CSCU), you do not need to disclose the grant since we already have approved such activity. If you have the grant through an institution not affiliated with CSCU, you must disclose the activity.

14. **Do I need to disclose if I am receiving a grant and the grant is being administered through my university or another CSCU institution?**

No, if the grant is administered by the CSCU, you do not need to disclose the grant since we already have approved such activity.

15. **Do I need to submit a Compliance Form when receiving reimbursement from grants?**

Yes, unless the grant is being administered through the university and the reimbursement check comes from the state.

16. **Do I need to complete the Compliance Form if I am hired by another Connecticut public higher education institution (UConn or CSCU) or an executive branch agency to perform research or consulting services?**

Not this form. However, you must have on file a fully executed Dual Employment Request Form and (if teaching) and External Teaching Form with the Human Resources Department.

17. **If I am asked to teach a course at another institution during the regular semester, do I need to complete the Compliance Form?**

Not this form. However, you **MUST** file an External Teaching Form and receive approval for outside teaching pursuant to Article 10.13 of the collective bargaining agreement. This must be done whether at a Connecticut public higher education institution or at any other institution.

18. **What if I am engaged in an outside activity that is not covered by this policy but requires me to spend a considerable amount of time each week at such activity?**

It is important to note that the collective bargaining agreement is very clear on this matter. Your primary responsibility is to the university and your students. If it is determined that any outside activity interferes with your ability to fulfill your obligations to your university and/or the students, the university may direct you to cease such activity.

19. **Does this apply to work done with or through ITBD (Institute of Technology & Business Development at CCSU) or another state-affiliated organization?**

It does not apply if payment for such activities goes through the regular payroll processes of the university/State of Connecticut and you have on file a valid Dual Employment Request Form.

20. **How much time a week can I spend on outside activities such as these?**

CSCU has not set an arbitrary amount of time for this purpose. However, by way of reference, please be advised that UConn has limited such activities to the equivalent of one day per week. While no such limitation has yet been set here, the one-day example seems appropriate and a legitimate guideline for faculty and chief academic officers alike.

21. **I'm about to go to Akron, Ohio, to give a talk for which I will be paid an honorarium. I have already received approval of my travel authorization for this. In the future, do I need to receive prior approval for this type of activity before I accept an invitation to give a guest lecture?**

In the future, at the same time a Travel Authorization Form is submitted, the Compliance Form should also be submitted.

22. **I get paid \$10 a week to write a blog post about poetry-related news for a popular online literary magazine. Does this need to be registered? Does it matter that it's open-ended?**

Yes, this ongoing activity should be submitted for a determination of compliance.

23. I review one to three new books of poetry every month (I keep the book, but get no other compensation), and also write a column on psychoanalysis in literary culture (no compensation). Likewise, I am a staff writer for an online publication, where I review books & DVD's, and occasionally interview authors. Does all of this uncompensated activity need to be registered?

If it is uncompensated, it does not have to be disclosed. Please note, however, in Connecticut, receiving a copy of the book might be considered compensation by the Citizens' Ethics Advisory Board. As such, it is recommended that such activities be disclosed.

24. Recently, InsideHigherEd.com published an editorial I wrote. It's a one-time thing (i.e., I have no relationship with them), but they're paying me \$100. Should I disclose this?

Yes.



# FREEDOM OF INFORMATION ACT (FOIA)

(Last Reviewed August 2020)

## THE LAW AND WHAT IT MEANS

Connecticut has a very broad freedom of information act that permits the public access to all public records unless they are specifically exempted from disclosure. This Act is codified at Connecticut General Statutes Section 1-200 et. seq. This Act defines public records as follows:

"Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method. CONN. GEN. STAT. § 1-200 (5).

Connecticut's Act provides that . . .

- (a) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212. Any agency rule or regulation, or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void. CONN. GEN. STAT. § 1-210.

A key provision of the Act exempts student records from disclosure. It provides:

- (b) Nothing in the Freedom of Information Act shall be construed to require disclosure of:

. . . Educational records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 USC 1232g. CONN. GEN. STAT. § 1-210 (b) (17).

## **WHAT RECORDS MUST YOU KEEP**

In Connecticut, under Connecticut General Statutes § 11-8b,

All public records . . . or other such records, created by public offices, are the property of the agency concerned and shall not be removed, destroyed, mutilated, transferred or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules and regulations adopted by the State Library Board pursuant to the provisions of chapter 54. Such public records shall be delivered by outgoing officials and employees to their successors and shall not be otherwise removed, transferred, or destroyed unlawfully.

These records include but are not limited to desk calendars, e-mail messages, correspondence, financial aid records, student educational records, catalogs and commencement programs.

In compliance with regulations adopted by the State Library Board, public records must be kept for a minimum retention period and can only be disposed of upon obtaining approval from the Public Records Administrator and the State Archivist. CONN. GEN. STAT. § 11-8a (b), (c).

For example, routine correspondence must be retained for a minimum of two years. Internship records and student clinical evaluations must be retained five years from date of graduation or date of last enrollment. Faculty grade books, students' grades maintained by faculty members, must be retained five years from the end of the semester. However, catalogs and certain academic records must be permanently retained. Retention schedules can be found on the Connecticut State Library's website (<https://ctstatelibrary.org/>).

In order to dispose of a public record, after its minimum retention period has expired, a CCSU employee must fill out a Records Disposal Authorization form and send it to CCSU's Business Services office for approval prior to destroying any records.

Please direct further questions concerning the disposal of public records to Rick Piotrowski at extension 22537.

## **WHAT TO DO IF YOU RECEIVE A REQUEST FOR RECORDS**

If you receive a request for information that is contained within records maintained by CCSU, please send out the attached letter to the requestor within four business days of receipt of the request. Once you have located the requested records, please send the request and copies of the records to the FOIA Designee for your area. For Academic Affairs, the FOIA Designee is Patrick Tucker, Registrar, Office of the Registrar, Room D 202 in Willard-DiLoreto Hall.

Should a requestor claim a fee waiver due to indigency, the standard set by CCSU for indigency is no more than \$500.00 in assets at any time during the year prior to the request for records.

If you have any questions concerning what records you must provide to a requestor, the fee waiver for indigency or whether the records at issue relate to students, please contact me or my administrative assistant Denise Chancey at (860) 832-3025.

**SAMPLE LETTER**  
**send within four business days of receipt of the request**

Date

Address

Re:

Dear:

Thank you for your recent request for public records under the Freedom of Information Act.

Since your Freedom of Information Act request is extensive, I will need some time to gather all of the responsive documents. Please note that it is our policy and statutory right to charge for the cost of formatting and programming for any electronic data which is requested as well as twenty-five cents per page for all paper copies provided under the Freedom of Information Act. This charge must be paid prior to the release of the information to you. If you should require a fee waiver due to indigency, CCSU's standard for indigency is no more than \$500 in assets at any time during the year prior to said request. Please complete and submit the attached form.

I will contact you as soon as I have located all responsive documents and have determined the cost of copies of these documents.

Sincerely,

[name]

Attachment



CCSU Indigency Fee  
Waiver Form.pdf

## Central Connecticut State University

### Affidavit of Indigency: Fee Waiver for Freedom of Information Act Request

Are you an unemancipated minor? Yes \_\_\_ No \_\_\_. If yes, please have your parent or legal guardian complete this Affidavit.

Are you married? Yes \_\_\_ No \_\_\_. If yes, please provide information for both you and your spouse, unless you are legally separated.

Full Legal Name: \_\_\_\_\_

Spouse's Full Legal Name (if applicable): \_\_\_\_\_

Date of your request for public records under the Freedom of Information Act ( FOIA) for which you seek a fee waiver? \_\_\_\_\_.

Please list below all income earned and assets owned by you at any time during the twelve months prior to the date of your FOIA request.

**I. Income** (*Net income after taxes; include all sources*)

Public Assistance Received:  No  Yes

(If yes, specify type): \_\_\_\_\_

Net Income \$
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**II. Assets**

	Estimated Value	Debt Owed	Equity
Real Estate	\$	\$	Real Estate \$
Motor Vehicles	\$	\$	Motor Vehicle \$
Other Personal Property	\$	\$	Other \$
Cash on Hand			\$
Savings accounts ( <i>Total of all accounts</i> )			Savings \$
Checking accounts ( <i>Total of all accounts</i> )			Checking \$
Individual Retirement Accounts			\$
Certificates of Deposit			\$
Stocks: <i>Name</i>			Stock Value \$
Bonds: <i>Name</i>			Bond Value \$
Businesses Owned by You <i>Name</i>	Estimated Value		\$
			<b>Total Assets</b> \$

**III. Supporting Documentation:**

Attach Supporting Documents including but not limited to your monthly bank and investment account statements, your tax returns for the twelve month period in question, and tax assessments for your real and personal property.

**IV. Affidavit**

By signing this Affidavit, I swear, under penalty of perjury, that at any time during the 12 months prior to my request for public records under the Freedom of Information Act, I have not owned more than \$500.00 in assets, including but not limited to monies in my bank accounts, monies kept on my person, investments, businesses and real and personal property. I also swear, under penalty of perjury, that the copies of the documents attached hereto are true and accurate copies.

**Notice:** ▶

**Any false statement you make under oath which you do not believe to be true and which is intended to mislead a public servant in the performance of his or her official function may be punishable by a fine and/or imprisonment.**

Signed (Applicant)

Print name of person signed at left

Date signed

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

State of Connecticut

ss: \_\_\_\_\_

County of \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Signature (*Notary Public, Commissioner of Superior Court*)  
My Commission Expires \_\_\_\_\_

## CONFIDENTIALITY OF STUDENT RECORDS:

### THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

(FERPA) [Last reviewed August 2020]

The Family Educational Rights and Privacy Act (FERPA) (Codified at 20 U.S.C. §1232g) is a Federal law that protects the privacy of student education records. This law applies to student records at CCSU. Generally, CCSU may not disclose personally identifiable information within student education records without the written consent of the student at issue.

The federal regulations under FERPA (34 C.F.R. § 99.3) define education records as:

(a) ... those records that are:

(1) Directly related to a student; and

(2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

The regulations under FERPA (34 C.F.R. § 99.3) define personally identifiable information as information that includes but is not limited to:

(a) The student's name;

(b) The name of the student's parent or other family members;

(c) The address of the student or student's family;

(d) A personal identifier, such as the student's social security number, student number, or biometric record;

(e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

(f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

(g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

This means that most records on students at CCSU may not be disclosed without the written consent of the student at issue. This includes emails containing information about a student – if that information would permit one to personally identify the student. *A sample FERPA consent form is attached to this handout.* Please note, however, that the regulations under FERPA (34 C.F.R. § 99.3) provide that education records do not include:

(b)

(1) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

(2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of § 99.8.

(3)(i) Records relating to an individual who is employed by an educational agency or institution, that:

- (A) Are made and maintained in the normal course of business;
- (B) Relate exclusively to the individual in that individual's capacity as an employee; and
- (C) Are not available for use for any other purpose.

(ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.

(4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education that are:

(i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;

(ii) Made, maintained, or used only in connection with treatment of the student; and

(iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and

(5) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.

(6) Grades on peer-graded papers before they are collected and recorded by a professor.

Although an educational record is confidential, there are exceptions under FERPA when written consent is not required for disclosure should CCSU decide to disclose such a record. 20 U.S.C. 1232g (a)(5)(A). One of those exceptions is when CCSU has designated student information as "directory information" for purposes of disclosure to particular entities. CCSU has designated the following information as directory information for disclosure to the public:

Student's name, permanent mailing address, photographs, dates of attendance, academic major, minor and concentration, degree/certificate candidacy, degree(s) earned, award(s) received, full-time or part-time status, and anticipated graduation date.

Note, however, that currently enrolled students have the right to request that CCSU not release directory information. Such requests must be made to the Office of the Registrar. Before responding to a request for directory information on a student, please make sure that the student has not made a request to the Office of the Registrar that this information be kept confidential.

Perhaps even more importantly, FERPA permits the disclosure of student education records without consent to a university official with a legitimate educational interest in those records. 20 U.S.C. 1232g (b)(1)(A). At CCSU, we define a legitimate educational interest as needing to review an education record in order to fulfill one's professional responsibilities.

Please direct routine questions concerning FERPA to your department chairs. Should, however, you receive a subpoena seeking student education records, please contact my office immediately.

## CONSENT FOR DISCLOSURE OF EDUCATION RECORDS

I, \_\_\_\_\_, authorize Central Connecticut State University,  
(name of student)

to release the following records:  
(Give detailed description of records to be disclosed)

To the following individuals or organizations:  
(Identify by name and address or class of parties to whom disclosure may be made)

Disclosure is authorized for the following purpose(s):

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date



## DEFENSE AND INDEMNIFICATION OF STATE EMPLOYEES

Connecticut General Statutes § 5-141d governs whether or not the state will defend and indemnify a state employee against whom a claim has been made. The statute provides that if an employee has acted outside the scope of employment or has acted in a manner that is wanton, reckless, or malicious the state will not indemnify that employee or provide counsel to defend that employee.

For conduct to be wanton, reckless, or malicious it must involve a conscious choice of a course of action taken either with knowledge or serious danger to others or with knowledge of facts which would disclose such a danger to a reasonable person, and, further, the employee must recognize that his conduct involves a risk substantially greater than that which is necessary to make his conduct negligent.

It is rare for the Attorney General to decline to defend a state employee. Accordingly, there are very few examples on record where the Attorney General has refused a state employee a defense; they include a judge who was sued in connection with a sexual relationship with a court reporter and a corrections officer who was sued by an inmate for the use of intentional and excessive force.

Should the state decline either to indemnify or to defend an employee, that employee may sue the state to enforce the provisions of § 5-141d.