

**Winthrop University Faculty Conference**  
**November 19, 2004**  
**2:00 pm**  
**Plowden Auditorium**

**I. Approval of Minutes from October 1, 2004 Faculty Conference**

At 2:00 p.m., Dr. Marilyn Smith, Chair of Faculty Conference, called the meeting to order. The minutes of the October 1 meeting were approved.

**II. Welcome and Remarks**

Dr. Smith reported that she was unable to attend the last Board of Trustees meeting; however, she had discussed this with both Dr. DiGiorgio and Dr. Moore, and she submitted a written report from Faculty Conference. She reported that in addition to the usual hearing of reports, the Board voted to endorse the Vision of Distinction for this year, approved a Master of Social Work degree, and approved a resolution regarding possible bonuses for faculty based on merit.

**III. Report from the President**

Dr. Smith reminded faculty of President DiGiorgio's email that he had distributed since he was unable to attend today's meeting.

**IV. Report from the Vice President for Academic Affairs**

Dr. Moore began by discussing the Board action on the resolution to authorize the agency head (President DiGiorgio) to issue one-time bonuses as money is available. That authorization is in the Life Sciences Act, which the legislature passed during the last session; however, this Act is currently in litigation before the State Supreme Court. While a ruling is expected at any time, if passed, one of the stipulations is that the governing board (if there is one) must approve the bonuses before the agency head can award them. Dr. Moore reported that Dr. DiGiorgio took a proactive initiative to get the Board to go ahead and obtain this approval in case the Act stays legal and if money is available. He praised Dr. DiGiorgio's ability to plan for various contingencies. Also, Dr. Moore cautioned that he did not want to give false hope, however. He also noted that another piece of the Life Sciences Act is approximately two million dollars for Winthrop for deferred maintenance.

Dr. Moore next discussed the end of the semester, advocating the use of comprehensive exams. He concluded by noting that it had been a good semester, and that he appreciated the faculty's contributions to that experience. He also reminded faculty that classes would start on Monday January 10.

(\*Before hearing the committee reports, Dr. Smith stopped the meeting to take a motion to do business, which was approved. This normally opening item had been accidentally missed at the beginning of the meeting.)

**V. Committee Reports**

Dr. Frank Pullano, Chair of Academic Council, reported on two items, both of which had been distributed with the minutes for today's meeting. The first was for information only and dealt with the proposal regarding the evaluation of courses from the technical colleges in SC towards the new Gen Ed program. The second item proposed to modify the minor in Economics to reduce the total number of hours from 18 to 15. This item was put to Faculty Conference for a vote; it was approved unanimously. Dr. Pullano ended by announcing that the next Academic Council meeting would be January 14.

Dr. Alice Burmeister, Chair of the Task Force on Academic and Institutional Integrity, presented an update. The Task Force is reviewing the data and planning to present it in a public forum. Also, she noted that the group has found a helpful resource in the Director of the Center of Ethics at Clemson University.

Dr. John Robbins, Chair of the Rules Committee, began by noting that the Rules Committee had made friendly amendments to the proposed amendments that had been distributed. After describing these, the item was put to Faculty Conference for a vote; it passed unanimously.

Dr. John Bird, Chair of Faculty Concerns, described the committee's meeting with the President that focused on the following issues. The first dealt with dual and outside employment. Much confusion existed about this issue. The committee first spoke to the deans to get a sense of the different views before discussing this with the President. The President explained that Dual Employment is a separate issue, regulated by the state. A key issue, however, exists because our current policy does not clearly distinguish between consulting and outside employment. Dr. Bird noted that the Academic VP and deans are working on drafts of a statement of definitions and distinctions of these activities and a form to request approval for each activity. The Committee noted that the faculty would like to take an active part in setting policies and guidelines for dual employment/consulting/outside employment. Consequently, faculty involvement will come as the information flows from deans to chairs to the various faculty assemblies.

Dr. Bird also noted that one particular area of concern for faculty is the signing of forms. In the case of consulting, grants, and other projects, faculty must agree not to use any university services or materials. In order to complete various projects, however, faculty often must conduct work from their offices, using their computers, copiers, telephones, and so on. Some faculty have refused to sign such a form, knowing that they would have to use university services. The Committee particularly hopes this area of concern can be resolved, since consulting, grants, and other projects are an important part of the tenure and promotion process. The administration recognizes a serious problem with the current policy and is working to clarify the issue of use of facilities and equipment. Occasional use of computers and email will be allowed, which will be reflected in the new form. The President asked Tom Moore to make a change in the current form to reflect that policy.

A second issue was a group of questions about salaries and benefits. Dr. Bird noted that a concern existed about salary compression. The President stated that the salary data is the same as last March, so he cannot report yet. He will in the spring when the data is updated. Overall, the President reports that we are close to our target of being the best in the state among peer institutions. Currently, we are tied with College of Charleston for 2<sup>nd</sup>, with The Citadel 1<sup>st</sup>. Since the state does not seem interested in the issue of salary compression, we will have to do whatever we do on our own. Concerns about benefits included questions about health coverage—rising costs, reduced services, lack of coverage for preventive health care, lack of coverage for domestic partners—and tuition benefits for spouses and children. All of these are state issues and thus carry state restrictions, which limit faculty and administration action.

A third concern focused on the holidays, specifically the possibility of the observance of Labor Day. The President said that the calendar is driven by academics, and the current schedule allows for each class to have an equal number of meetings. If we want to observe Labor Day, we would have to make a change elsewhere, most likely to Fall Break, which is a possibility if faculty wish to pursue that.

A fourth issue was parking. Suggestions and questions dealt with a shuttle from the Coliseum to

campus. The President noted when shuttles have been used, they have been used sparsely. The President also reported that with the remote lots we have more parking places now. Faculty spots in front of Margaret Nance would not be returned since faculty parking exists in the back; however, the President said that he would see about the process of blocking off parking during the day for evening events. In response to a suggestion about online registration for parking, it was reported that the process is underway. Finally, a last suggestion dealt with the inclusion of healthy snacks in the vending machines; a vendor change is in process and this is part of the discussion.

Dr. Bird concluded by thanking the committee members and inviting faculty to send them their concerns and suggestions for their spring meeting. He also asked the faculty to contact him if they wanted further information about today's report.

#### **VI. Old Business**

Dr. Jo Koster reported on the issue of selling used textbooks. A broad range of responses had been received, but no clear consensus existed. Following a lead provided by Charles Alvis, a 1992 ruling by the South Carolina State Ethics Commission has been identified that provides some guidance on the issue (see below). Brien Lewis gave the group an informal legal opinion that the state would probably say this ruling also applies to college faculty. The full text is attached (see Attachment One), but this is the relevant paragraph from the Ethics Commission:

*Section 8-13-700(A) prohibits the use of a public position for personal financial benefit. In accordance with Department of Education Regulation No.: R 43-70, and the Policy for Disposition of Textbook Samples, it appears that the samples not reclaimed by the publishers would be used by schools or other institutions and not for personal use of the committee members. The Commission advises that this policy should be followed to avoid even the appearance of impropriety.*

After discussing this with J.P. McKee, Tom Moore and Frank Ardaiolo, a statement of guidance for faculty is being drafted that will outline what would be acceptable ways of disposing unwanted examination copies of textbooks, given the Ethics Commission's advisory and the provisions of state law. The administration also continues to examine the issue of competition and whether book buyers should be licensed as campus vendors.

#### **VII. New Business**

There was no new business.

#### **VIII. Announcements**

Graduate Faculty Assembly was cancelled.

#### **IX. Adjournment**

The meeting was adjourned at 2:43 p.m.

Respectfully submitted,

Dr. Kelly L. Richardson  
Faculty Conference Secretary

**Attachment One**

South Carolina State Ethics Commission  
5000 Thurmond Mall, Suite 250  
Columbia, South Carolina 29201

**SEC AO92-163**

**March 25, 1992**

**SUBJECT: EDUCATION COMMITTEE MEMBERS FINANCIAL DISCLOSURE BY DEPARTMENT OF EDUCATION MEMBERS**

**SUMMARY:** Members of State Department of Education Textbook and Curriculum Advisory Committees, Textbook Evaluating and Rating Committees, and Local Textbook Adoption Committees are covered under the Ethics Reform Act, however, would not be required to file a Statement of Economic Interest based solely on their service on such committee. Sample textbooks not reclaimed by publishers should be used by schools or other institutions and not retained for personal use.

**QUESTION:**

The General Counsel for the State Department of Education asks the following questions with regard to textbook committees appointed by the State Board of Education.

1. Who is covered by the ethics law in regard to the textbook adoption process (i.e., Textbook and Curriculum Advisory Committee, Textbook Evaluating and Rating Committees, and district-level textbook adoption committees)?
2. Which of the three committees are required to complete disclosure forms?
3. May the Evaluating and Rating Committee members continue to follow Board policy regarding the disposition of textbook and instructional material samples? Or should the samples be donated to another entity such as school libraries?

**DISCUSSION:**

This opinion is rendered in response to a letter dated March 9, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Public member is defined in Section 8-13-100(26) as:

**"Public member" means an individual appointed to a noncompensated part-time position on a board, commission, or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services.**

Section 8-13-1110(B)(11) provides:

(B) Each of the following public officials, public members, and public employees must file a statement of economic interests with the appropriate supervisory office, unless otherwise provided:

\* \* \*

(11) a public member who serves on a state board, commission, or council;

Section 8-13-700(A) provides:

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use which does not result in additional public expense.

In response to questions 1 and 2 the State Ethics Commission advises that members of all three textbook committees are "Public Members" and are encompassed by the provisions of the Ethics Reform Act; however, for the purposes of this Act, they are not public members of a "state board, commission, or council". Therefore, they would not be required to file a Statement of Economic Interests based solely on their service on such committees.

In regard to question 3, Section 8-13-700(A) prohibits the use of a public position for personal financial benefit. In accordance with Department of Education Regulation No.: R 43-70, and the Policy for Disposition of Textbook Samples, it appears that the samples not reclaimed by the publishers would be used by schools or other institutions and not for personal use of the committee members. The Commission advises that this policy should be followed to avoid even the appearance of impropriety.

## Winthrop University Vendor Policy p. 29

( <http://www.winthrop.edu/studentaffairs/forms/pdf/Clubs%20and%20Orgs%20Handbook.pdf> ):

### Vendors

A vendor is any non-University related commercial business, entity, individual, or private organization that sells or promotes a product or service.

Off-campus vendors are permitted to advertise on-campus by (1) purchasing an ad in the university newspaper or other official university media and (2) posting reasonable amounts of advertising items on six main bulletin boards, three in the breezeway connecting Margaret Nance Hall to Tillman Hall and three in the breezeway connecting McLaurin Hall to Tillman Hall.

Off-campus vendors that would like to come to campus must be properly registered and approved by the Student Affairs Office of Information Services **(803) 323-2211** in the Dinkins Student Center. Please contact Information Services for a copy of the guidelines, agreement, and approval process.

Student organizations may sponsor vendors, but will need to submit the on-line reservation form for approval. Vendors sponsored by student groups will be required to complete the Vendor Agreement form and comply with all duties as outlined in the agreement.

Any vendor that is determined to be in competition with our core university contracted student services that are essential to our educational mission such as the provision of housing, books, and food service will be denied approval.

Off-campus vendors may advertise to the campus community by purchasing an ad in the university newspaper by calling **323-3419**. Winthrop University **does not** in any form permit the solicitation of credit cards.

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\*\*\* THIS DOCUMENT IS CURRENT THROUGH THE 2003 SESSION (2003  
SUPPLEMENT) \*\*\*

TITLE 8. PUBLIC OFFICERS AND EMPLOYEES  
CHAPTER 13. ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN  
REFORM

ARTICLE 7. RULES OF CONDUCT

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

S.C. Code Ann. § 8-13-700 (2003)

§ 8-13-700. Use of official position or office for financial gain;  
disclosure of potential conflict of interest.

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use which does not result in additional public expense.

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;

(3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding

officer of the governing body of any agency, commission, board, or of any county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

(5) if he is a public member, he shall furnish a copy to the presiding officer of any agency, commission, board, or of any county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.

(C) Where a public official, public member, or public employee or a member of his immediate family holds an economic interest in a blind trust, he is not considered to have a conflict of interest with regard to matters pertaining to that economic interest, if the existence of the blind trust has been disclosed to the appropriate supervisory office.

(D) The provisions of this section do not apply to any court in the unified judicial system.

(E) When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.

HISTORY: 1991 Act No. 248, § 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

NOTES:

#### ATTORNEY GENERAL'S OPINIONS

Violation of former Section 8-13-410, Code of Laws, 1976, prohibiting a public employee from using his official position to obtain financial gain for himself is an offense involving moral turpitude. 1980 Op Atty Gen, No 80-13, p 36.

Violation of former Sec. 8-13-410 (use of official position to obtain financial gain) involves moral turpitude; governor must declare vacancy in office upon conviction of incumbent of crime involving moral turpitude even if no order of suspension issued during period of indictment, Const. Art. VI Sec. 8. 1980 Op Atty Gen, No 80-27, p 55.