



University of Connecticut

Testimony

By

Nancy H. Bull

Vice-Provost for Academic Administration

Higher Education and Workforce Advancement Committee Public Hearing

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Co-Chairs, Ranking Members and Members of the Committee, I am Dr. Nancy Bull, Vice Provost for Academic Administration at the University of Connecticut. Joining me is Rachel Rubin, our Director of Compliance and Executive Secretary to the Board of Trustees. Thank you for allowing me to testify today in support of Raised Bill 330, An Act Concerning Student Employees and Workforce Competitiveness.

State employees, both full and part-time, are subject to the State Code of Ethics. Based on an advisory opinion from the Office of State Ethics (see attached), student workers at the University are deemed part-time state employees and subject to this Code. Such student workers include those who seek part-time jobs in various offices on campus, receive work-study jobs as part of their financial aid packages, and graduate assistants

There are approximately 2,200 graduate students (full and part time individuals) plus about 5,500 total students of which about 2,000 are work study recipients and 3,500 are undergraduate students workers at UConn. This number includes students who must work as part of their financial aid package. Many of the more than 6,000 Storrs-based non-professional school graduate students receive stipends from the University in exchange for research or teaching activities. All of these students are subject to code provisions such as the gift limits, as well as the post-employment restrictions.

How does this affect our students? Imagine you are an accounting major and have a work-study job working in the library. A job you have no choice but to take as part of your financial aid package. You are asked to go on a job interview and the company is a registered client lobbyist. As part of the interview process, you are asked to lunch with a group from the hiring department. You must be mindful of the gift limits for food. You have impressed them and now they want to pay for your travel expenses to visit the home office. The student may not be able to participate in this home office visit because he or she cannot accept such a gift from a lobbyist but also cannot personally afford the cost involved. In fact, if such companies are aware of the restrictions, they may be more hesitant to select our students for such interviews and/or will treat students from public institutions differently than those from private institutions. Since every major corporation in Connecticut is registered as a lobbyist, this may cause a chilling effect on

Gulley Hall
352 Mansfield Road Unit 2086
Storrs, Connecticut 06269-2086

Telephone: (860) 486-4037
Facsimile: (860) 486-6379
web: <http://www.provost.uconn.edu>

our students' ability to seek and retain jobs in Connecticut. Our students should not be disadvantaged in this way.

Another example, concerns our students who are provided opportunities to work on research grants in collaboration with private entities. The student has done outstanding work and upon graduation, the private entity would like to employ the student in its own lab to continue the work in collaboration with the University. The student may not be able to accept the position because he or she must worry about the revolving door law that will prohibit the student from appearing before his former colleagues at the University for one year after graduation. (Note: It is important to point out that University faculty work to protect the integrity of all research activities. Student research efforts, for federal and private grants, are monitored by faculty members whose reputation and future grants are at risk if the reliability of the research is questioned.)

The University promises its students a great education and we want to provide them a full range of work experiences and research opportunities. All this is intended to put them in the best position possible to compete for the best jobs upon graduation. Unnecessary restrictions that will cause our students to be at a disadvantage or that will cause them to want to leave our state to seek employment should be removed.

It is not that we do not support the vital public policy reasons or the importance of the Code of Ethics for our state workforce. However, we do not think the State Code was intended to apply to students whose primary purpose in attending our University is to learn, as opposed to individuals whose primary purpose to come to our University is to work. Students on both the Student Labor and Work-Study payrolls are considered temporary, non-exempt hourly workers. Students under these payrolls do not receive benefits such as holiday pay or sick leave. It is unfair to require them to be subject to the same employment restrictions as the non-student workforce.

I want to assure you that our students will still be subject to work rules that require integrity, honesty and recognition of the University's best interests. According to the University's student employment handbook, student workers must adhere to departmental policies and procedures. They are subject to evaluations. Our student workforce, including work-study, research and grad assistants, is closely supervised. Such students are not provided with any real or apparent authority to represent the University or make financial decisions.

But more importantly, all students are also covered by the University's Student Code of Conduct that is in many respects more stringent than the State Code of Ethics. It is a code that makes sense for students and is similar to codes to those which university students across the country are subject. University jurisdiction is generally limited to student conduct on campus but also extends to off-campus internships and study abroad programs. It may also be applied to misconduct that has a direct and distinct adverse impact on the University community. In addition, pursuant to this Student Code, they must obey federal, state, and local laws, as well as observe all University policies and procedures. These University policies include strict guidelines and protocols regarding academic integrity in both undergraduate and graduate education and research, protecting the privacy, security, retention and disposal of government

records and data under our control, as well as rules regarding misuse of University resources, including acceptable use of computers and other technology. Alleged violations are taken to the Division of Student Affairs where the student may be subject to an evidentiary hearing process. Penalties range from requiring counseling, termination from work, being removed from campus housing, University probation, to dismissal from the University. As you can see, these penalties can be harsher and more effective than the civil penalties assessed by the Office of State Ethics.

In summary, the restrictions placed on our students pursuant to the State Code of Ethics is unnecessary and puts our students in a competitive disadvantage while seeking employment in the state of Connecticut. The University's Student Code of Conduct is already in place to ensure integrity in both research and academic pursuits, to prohibit misuse of university resources and to comply with our confidentiality standards. I submit that applying the State Code of Ethics to our student workers was an unintended consequence that should be remedied by passing this proposed bill.

We hope that the Committee will act favorably on this legislation and thank you for your time and consideration of this issue. Please know that we appreciate your continued support of the University of Connecticut.

Advisory Opinion No. 1995-16

*Application Of The Code To Students Employed
By A State College*

The Director of Employee Relations and Counsel for the Board of Trustees of Community-Technical Colleges, Jackson W. Foley, Jr., has asked whether students employed by a state college are subject to the provisions of the Code of Ethics for Public Officials, Chapter 10, Part I, Connecticut General Statutes. Mr. Foley has stated that students may be employed either through the college work study program or as student workers.

The work study student is paid as part of the financial aid program offered by the college. This program is funded with federal monies. The student worker is paid with state personnel funds which are allocated to the college through the state budgeting process. Although the source of the funds are different, in either case it is the college and/or a department within the college system which receives and then controls how such funds are spent.

The Code, in pertinent part, defines the term "state employee" to include any employee in the executive branch of state government, whether in the classified or unclassified service and whether full or part-time. Conn. Gen. Stat. §1-79(m). (Compare to Conn. Gen. Stat. §5-196(i) in the State Personnel Act which uses this term primarily for the purpose of determining eligibility for state benefits). The underlying principal of the Ethics Code is that public office is a public trust which should not be used for private financial gain.

Consequently, the definition of state employee in the Code is utilized to prevent any person from using a State position, or confidential information gained in and by virtue of that State position, for private financial benefit. See Sections 1-84 through 1-86, Connecticut General Statutes.

A student worker may be privy to the same information as a nonstudent worker and may hold an equivalent position. In fact, students work with and are supervised by other state workers. Any employee of the college who occupies a position whose duties and responsibilities implement state action or functions is a state employee for purposes of the Code. CF Ethics Commission Advisory Opinion No. 94-13, "Application of Code of Ethics for Public Officials to Individuals Hired Through Special Payroll Account or Under Personal Services Agreement", 56 Conn. L.J. No. 4, p. 1C (7/26/94). Neither the source of the funds used by the college to pay these workers nor their status as students is relevant to this conclusion. Therefore, student workers, whether part of the work study program or not, are subject to the Code of Ethics.

By order of the Commission,

David T. Nassef
Chairperson