



<b>Policy Name:</b>	Mercy University Code of Ethical Conduct		
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<b>Responsible Executive(s):</b>	General Counsel	<b>Revised:</b>	October 5, 2022; August 28, 2023
<b>Responsible Office(s):</b>	Office of the General Counsel	<b>Contact(s):</b>	General Counsel or Deputy General Counsel

## **I. Introduction**

In furtherance of maintaining and promoting Mercy University's mission of providing motivated students the opportunity to transform their lives through education, this Code of Ethical Conduct sets forth the general principles to which we subscribe and to which we expect every member of the University Community—including but not limited to faculty, staff, officers, trustees, volunteers, visitors, contractors and vendors—to adhere. These principles have been derived from federal, state, and local laws and regulations, University policies and procedures, contractual and grant obligations, and generally accepted principles of ethical conduct. Wherever employment terms in this Code differ from the terms expressed in an applicable collective bargaining agreement with the University, employees should refer to the specific terms of the collective bargaining agreement, which will control.

## **II. Adherence to the Highest Ethical Standards and Compliance with the Law**

Every member of the University Community shall, at all times, conduct their activities in accordance with the highest professional and community ethical standards. Every member of the University Community is expected to become familiar with those laws, regulations, and University policies which are applicable to their position, role and duties, and to comply with both their letter and spirit. The University will implement programs to further community members' awareness and to monitor and promote compliance. All questions and concerns about the legality or propriety of any action or failure to take any action by or on behalf of the University must be referred to the Office of General Counsel.

## **III. Compliance with all Contractual and Grant Terms and Conditions**

Every member of the University Community is expected to maintain access to and to comply strictly with the terms and conditions of each University contract and grant on which they are working. All questions or concerns about whether a particular term or condition violates the law or whether the grantor or contractor has breached its obligations to the University should be referred promptly to the Office of General Counsel.

## **IV. Conflict of Interest and Conflict of Commitment**

Every member of the University Community is expected to faithfully carry out their professional duties and execute their responsibilities in furtherance of the University's mission, and in accordance with their role. Every member has a duty to avoid conflicts and the appearance of conflicts between their personal interests and official responsibilities and to comply with University policies for reporting and reviewing actual and potential conflicts of interest and conflicts of commitment. Additionally, a member of the University Community may not utilize their position or role with the University for their personal benefit. Members also must consider

and avoid, not only an actual conflict but also, the appearance of a conflict of interest, including but not limited to the acceptance of gifts. See the University's *Conflict of Interest and Gifts Policy for Employees* or, where applicable, *the Conflict-of-Interest Policy for Trustees, Officers, Senior Managers, Key Persons, and Special Designees*. Faculty should also refer to the *Faculty Handbook*.

In addition, University Community members who are trustees or Mercy full-time employees owe their primary professional allegiance to the University and its mission of serving students. Employees are expected to maintain primary professional loyalty to the University and to devote sufficient time and energy to meet professional obligations and are prohibited from engaging in full-time employment (or its equivalent) outside of the University.

No employment, consultative, or other work outside Mercy University may be engaged in by a full-time employee unless they receive prior approval from the department vice president or, for faculty, the school dean, after full disclosure of their total external commitment. In no event shall outside activities interfere with an employee's commitment to the University during their regular schedule. For faculty, outside activities shall not interfere with their workload assignments, teaching schedules, service to the community such as committee work, and mandatory meetings such as department meetings. If the outside employment impairs the employees' work at the University, the employee may be asked to resign or curtail the outside work or be subject to employment action at the University.

#### **V. Maintenance of the Highest Standards of Academic Integrity and Professional Standards**

Every member of the University involved in teaching and research activities is expected to conform to the highest standards of honesty and integrity. Activities such as plagiarism, misrepresentation, and falsification of credentials or falsification of data are expressly prohibited. All research at the University must be conducted in strict conformity with the applicable University policies, procedures, and approvals and the requirements of all governmental and private research sponsors.

Some professions and disciplines represented at the University are governed by standards and codes specific to their profession (such as attorneys, certified public accountants, social workers, mental health counselors, nurses, health professionals, etc.). Those professional standards generally advance the quality of the profession and/or discipline by developing codes of ethics, conduct, and professional responsibility and standards to guide their members. Those belonging to such organizations are expected to adhere to University policies and codes of conduct in addition to any professional standards. If a University Community member believes there is a conflict between a professional standard and University policy, they should contact the Office of the General Counsel.

## **VI. Respect for the Rights and Dignity of Others**

Mercy University is committed to a policy of equal treatment, opportunity, and respect in its relations with its faculty, administrators, staff, students, and others who come into contact with the University. Every member of the University is prohibited from discriminating on the basis of race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, citizenship status, veteran or military status, age, disability, and any other legally protected status; physically assaulting, emotionally abusing, bullying, or harassing anyone; and depriving anyone of rights in their physical or intellectual property, under University policy, or under federal, state, and local laws.

## **VII. Maintenance and Preservation of Accurate Records**

Members of the University Community are expected to create and maintain records and documentation which fully conform to all applicable laws and professional, and ethical standards. Every member of the University who is involved, directly or indirectly, in the preparation or submission of a bill to any governmental or private payor is expected to use his or her best efforts to ensure the bill addresses only those services rendered and products delivered and in the correct amount, supported by appropriate documentation.

## **VIII. Conducting Business Practices with Honesty and Integrity**

Every member of the University Community is expected to conduct all business with students, vendors, and the academic community with honesty and integrity. This duty includes, but is not limited to, adherence to federal and state anti-fraud and referral prohibitions in dealing with vendors and referral sources and protecting and preserving University property and assets, including proprietary intellectual property, buildings, equipment, books, supplies, and funds.

## **IX. Respect of Property**

Full-time University employees act as stewards of University property. Property includes physical assets, intellectual property, the University name, and other resources. As a nonprofit organization, largely supported by gifts, donations, and government grants, it is essential to maintain the highest standards of stewardship for the property and resources entrusted to us. Respect for property therefore entails both the efficient and appropriate use of University assets and resources. Members of the University administration are expected to do nothing that would jeopardize the University's reputation or standing with donors, grantors, or the many people who provide hard-earned resources to the University in order to educate members of their family or themselves.

## **X. Concern for Health and Safety and Respecting the Environment**

Every member of the University community is expected, in the performance of their duties, to comply with all laws and regulations which govern occupational health and safety and to make every reasonable effort to ensure that students, faculty, employees, vendors, contractors, and visitors are protected from undue health risks and unsafe conditions.

Every member of the University Community is expected, in the course of their activities, to comply with all applicable environmental health and safety laws, rules and regulations; to ensure that the University has obtained all necessary licenses, permits, and approvals; and to employ the proper procedures and controls in the storage, handling and disposition of hazardous materials.

## **XI. University Trustees Fiduciary Duties**

In addition to adhering to the rules set forth in this Policy, Mercy University Trustees must also act in accordance with the fiduciary duties of care, loyalty, and obedience, and must act in the best interests of the University, ensuring that all decisions support the institution's mission and long-term success.

1. Duty of Care. Under the duty of care, University Trustees are responsible for both the short- and long-term financial health of the institution and achievement of the goal of preserving the institution and its resources for future generations. At the same time, trustees have the obligation to develop and protect the quality of the institution's academic programs and to become appropriately engaged in the oversight thereof.
2. Duty of Loyalty. The duty of loyalty requires officers and trustees to act in good-faith and in a manner that is reasonably believed to be in the interests of the University rather than their own interests or the interests of another person or organization. Under this duty, Mercy Trustees must be loyal to the institution and not use their position of authority to obtain, directly or indirectly, a benefit for him or herself or for another. Mercy Trustees must adhere to the University's *Conflict-of-Interest Policy*, which requires board members to fully disclose financial interests and dual organizational relationships ("dualities of interest") that may affect their decision making on behalf of the institution. The *Conflict-of-Interest Policy* prohibits board members from participating in or unduly influencing decisions in which they have a material financial conflict of interest or an adverse duality of interest and may require the board member to eliminate the duality of interest.
2. Duty of Obedience. The duty of obedience of trustees is to ensure that the University is operating in furtherance of its stated purposes (as set forth in its University Bylaws) and is operating in compliance with the law. The board should also periodically re-evaluate its

purposes and mission and must be prepared to amend or change them when it is necessary and appropriate to do so under the law and the institution's governing documents. University Trustees must make reasonable efforts to ensure that the institution is both legally and ethically compliant with the law and applicable internal and external rules (for example, accreditation, environmental, research, labor, or athletics requirements) and that it has instituted effective internal controls to achieve compliance and to identify and address problems.

## **XII. Reporting Suspected Violation of this Code, Cooperation and Enforcement**

This Code of Conduct has been created and exists for the benefit of the entire University Community. It exists in addition to and is not intended to limit the specific policies, procedures, and rules enacted by the University.

Each member of the University Community is expected to uphold the standards set forth in this Code of Ethical Conduct, and to report suspected violations of this Code or any other apparent irregularity to either their supervisor or manager, Human Resources, Internal Audit, or the Office of General Counsel. They may also contact the University's **Whistleblower Hotline at 1-888-656-3729**. If a member prefers, they may make the report anonymously online <https://www.mercy.edu/whistleblower-form> or by the Whistleblower Hotline. The University will, if requested, make every reasonable effort to keep confidential the identity of anyone reporting a suspected violation, to the extent permitted by law, and except if doing so would effectively prevent the University from conducting a full and fair investigation of the allegations.

This Code of Ethical Conduct will be enforced. Reports of suspected violations will be investigated by authorized University personnel. Officers, managers, and supervisors have a special duty to adhere to the principles of this Code, to encourage their subordinates to do so, and to recognize and report suspected violations. Each member of the University Community is expected to cooperate fully with any investigation undertaken. If it is determined that a violation has occurred, the University reserves the right to take corrective and disciplinary action against any person who was involved in the violation or who allowed it to occur or persist due to a failure to exercise reasonable diligence. Additionally, the University may make an appropriate disclosure to governmental agencies (including law enforcement authorities). Disciplinary actions will be determined on a case-by-case basis and in accordance with the applicable disciplinary codes.

## **XIII. Retaliation Prohibited**

No Mercy Community Member, including students, faculty or staff, who in good faith files a complaint or reports any action or suspected action by the University or any other Community Member that is in violation of law or University policy (including but not limited to the University's *Whistleblower Policy*, *Sexual Misconduct Policy*, *Non-Discrimination Policy*,

*Student Complaint Policy*, or *Leave Policy*) shall suffer intimidation, harassment, discrimination or retaliation by anyone at the University, including manager, supervisors, or other faculty, staff or students. Violations of this non-retaliation provision will also lead to disciplinary sanctions up to and including termination for employees or expulsion for students.

In addition, the University promises that there will be no adverse action, retribution, or other reprisal for the good faith reporting of a suspected violation of this Code, even if the allegations ultimately prove to be without merit. The University will, however, pursue disciplinary action against any member who is shown to have knowingly filed a false report with the intention to injure another.

#### **XIV. Administration of This Code of Ethical Conduct**

The University reserves the right, at any time, and without notice, to amend this Code of Ethical Conduct in its sole, good faith, discretion. This Code does not create a contract. The Office of the General Counsel is responsible for the administration of this Code. If you have any questions regarding this Code or if you have questions about conflicts of interest that are not addressed in this Code, please contact the Office of the General Counsel.