

Internal Policy

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Reviewed/Approved by Executive Officer		Reviewed/Approved by General Counsel & Chief Ethics Officer		Reviewed/Approved by CEO	
	3/30/2020		3/30/2020		3/30/2020
Signature	Date Signed	Signature	Date Signed	Signature	Date Signed

I. PURPOSE

New Braunfels Utilities (“NBU”) requires all employees to adhere to the highest ethical standards in conducting NBU business. The purpose of this Policy is to (1) define appropriate standards of conduct so that NBU employees can conduct NBU business in an ethical manner, (2) establish disclosure and compliance requirements to ensure that NBU employees are in compliance with this Policy, and (3) create reporting and enforcement measures to provide NBU employees and members of the public with a method of reporting violations or suspected violations of this Policy.

II. DEFINITIONS

The following terms in this Policy shall have the meanings assigned to them below:

- A. Arm’s Length means with respect to a transaction, each party is independent of the other and does not have a special relationship with or have control over the other party or parties.
- B. Business-Related Event has the meaning provided in Section III, K. 5.
- C. CEO means the Chief Executive Officer of NBU.
- D. Conflict of Interest has the meaning provided in Section III, C.
- E. Employee or employee means NBU full-time employees, part-time employees, and temporary and seasonal employees.
- F. Executive Management means the CEO, the Chief Operations Officer, the Chief Financial Officer, the Executive Director of Strategy and People, the Executive Director of Communications and External Affairs, General Counsel/Chief Ethics Officer, and Chief Technology and Security Officer.
- G. Honorarium has the meaning provided in Section III, K.7.

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- H. Industry-Sponsored Event has the meaning provided in Section III, K.5.
- I. Member of the Same Household means a person who lives with the employee or who is otherwise financially dependent on the employee, or on whom the employee is financially dependent.
- J. NBU Assets means, but is not limited to, equipment, facilities, vehicles, computer systems and software, copy machines, tools, supplies, materials, employees' work product, keys and uniforms, items of value belonging to NBU, or any other item provided by NBU to employees to carry out their responsibilities as NBU employees.
- K. NBU Property means buildings and property owned by NBU.
- L. Outside Source has the meaning provided in Section III, K. 1. or Section III, K. 3., as applicable.
- M. Personal Financial Interest has the meaning provided in Section III, D.1.
- N. Public Information Officer means the Executive Director of Communications and External Affairs or his or her designee.
- O. Vendor means an individual or business entity that sells or desires to sell goods and/or services to NBU.

III. STANDARDS OF CONDUCT FOR CURRENT NBU EMPLOYEES

This Policy defines NBU's standard of conduct by establishing a framework of how NBU employees are required to conduct NBU business.

- A. General Standard of Conduct. NBU employees shall act with honesty, integrity, and in a trustworthy manner at all times and avoid the appearance of impropriety and undue influence.
- B. Compliance with Laws, Regulations, and NBU Policies. NBU Employees shall comply with federal, state, and local laws and regulations. Employees shall also comply with NBU policies and the NBU Employee Handbook.
- C. Conflicts of Interest. NBU employees shall avoid actual or perceived conflicts of interest while working on behalf of or as a representative of NBU.

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1. Definition. An NBU employee has a conflict of interest when his or her private interests interfere with NBU's interests, including without limitation, when he or she knows that a matter pending before NBU, which is not a matter of general application (such as rates, impact fees, and compliance matters), is likely to affect both specifically and materially the economic interests of the following:
 - a. the employee;
 - b. the employee's spouse, domestic partner, child, parent, sibling, or grandchild, and the spouse of each of those relatives;
 - c. a Member of the Same Household;
 - d. the employee's outside client or employer;
 - e. an entity in which the employee knows that any individual listed in this section holds ten percent (10%) or greater ownership interest;
 - f. an entity that the employee knows is an affiliated business or partner of an entity in which any individual listed in this section holds a ten percent (10%) or greater ownership interest; and/or
 - g. an entity, including nonprofits, for which the employee serves as an officer, director, executive or in a policy-making position, unless the employee has been appointed to the entity to represent the best interests of NBU.

2. Recusal. When an employee has a conflict of interest concerning a matter involving NBU, he or she must recuse himself or herself from the matter. From the time the conflict of interest is or should have been reasonably recognized, the employee shall
 - a. refrain from further participation in the matter, including discussions with any NBU employee or member of the Board of Trustees; and
 - b. promptly report the conflict to his or her supervisor, manager, or Executive Director, as applicable.

The party who receives the information shall report the issue to the Chief Ethics Officer and then reassign responsibility for the matter to another employee and notify the person to whom it is reassigned of the existence of the conflict of interest. Failure to report or recuse oneself may lead to disciplinary action, up to and including termination.

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3. Referrals to Chief Ethics Officer. Any questions related to whether a conflict of interest exists shall be referred to the Chief Ethics Officer. The Chief Ethics Officer will investigate the matter and make a determination regarding whether a conflict of interest exists and the related recommended action for such matter.
- D. Prohibited Financial Interests in Contracts With NBU. Except as addressed below, NBU employees are prohibited from having or acquiring a Personal Financial Interest, direct or indirect, in any contract or subcontract with NBU.
1. Personal Financial Interests Defined. An employee is presumed to have a prohibited Personal Financial Interest in a contract with NBU if any of the following individuals or entities is a party to the NBU contract or is a subcontractor on an NBU contract:
 - a. the employee;
 - b. the spouse or domestic partner of the NBU employee; or
 - c. an entity in which any of the individuals in (a) or (b) holds ten percent (10%) or greater ownership interest.
 2. Pre-existing Contracts. Any contract already in place at the time an individual becomes an NBU employee, and thereby subject to the prohibition in Subsection (1) of this Section, may remain in place and continue to be in effect until the contract expires or the transaction is completed without creating a prohibited financial interest. Amendments, change orders, and other revisions to a pre-existing contract constitute a new agreement subject to the prohibitions of this Policy.
- E. Unfair Advancement of Private Interests. NBU employees shall not unfairly advance or impair private interests as described in this Section.
1. Impartiality. An employee shall not use his or her position (a) to advance or impair unfairly private interests of any person (including the employee), or (b) to obtain, or attempt to obtain for any person (including the employee), any form of special consideration, treatment, exemption or advantage beyond that available to other individuals.
 2. Acquisition of Private Interest in Matter Pending Before NBU. An employee shall not acquire an interest in or be in a position to be affected personally by any contract, transaction, or other NBU action, other than actions or matters that generally affect all or a substantial part of the NBU customer base that includes the employee.

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3. Influence. An employee shall not indicate or imply to any outside party that he or she is able to influence NBU action on any basis other than the merits of the action/situation.

F. Associations with Suppliers, Contractors, and Customers. NBU employees shall conduct business with suppliers, contractors, and customers in an Arm's Length manner. An employee and his or her spouse, domestic partner, child, parent, sibling, grandchild, or Member of the Same Household shall not, as a result of the employee's position at NBU, give, solicit, or accept any of the following from existing or potential suppliers of land, material, equipment, or services to NBU:

1. advances or loans, other than through recognized financial institutions, such as banks and credit unions;
2. unlawful payments (for example: kickbacks, bribes, or any other similar kind of payment, benefit, or transfer of value);
3. discounts, benefits, or gifts, unless in accordance with this Policy or in connection with programs that generally affect all or a substantial part of the service provider's customer base;
4. any unusual favors or arrangements; or
5. any item that could be construed as an attempt to influence an employee's ability to conduct NBU business in an objective and impartial manner.

G. Confidential Information.

1. Protection of Confidential Information. NBU employees shall protect Confidential Information, except as provided in subsection 3, that is disclosed to them or to which they are granted access. Confidential Information means non-public information obtained by an employee through his or her employment at NBU:
 - a. that includes data, lists, customer payment history, or information that is related to other NBU employees or customers;
 - b. that involves information related to strategic and business plans;
 - c. that contains information related to NBU's power supply practice; or
 - d. that is protected by law or contractual agreement.

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Confidential information is deemed confidential whether or not identified or marked as confidential.

2. Protection of Certain Information. An NBU employee shall not use his or her position at NBU to obtain information about any person or entity for any purpose other than the performance of his or her duties.
3. Permitted Release of Confidential Information. Nothing in this Section is intended to limit or shall prohibit employees from (i) complying with any applicable laws, including the Texas Public Information Act; (ii) reporting illegal or unethical conduct under these standards or otherwise; or (iii) providing truthful testimony under oath.

With respect to the Texas Public Information Act, NBU employees shall coordinate all Texas Public Information Act requests with the Public Information Officer in accordance with the Public Information Act Policy.

H. Unauthorized Recordings in the Workplace. Unless a legitimate business purpose exists that is authorized by Executive Management and/or the CEO, NBU employees shall not record, by electronic or visual means, meetings or conversations in the NBU workplace. This prohibition includes the use of any type of recording device such as, but not limited to, the following:

1. cameras;
2. video and audio recording devices;
3. mobile devices, such as cell phones or smart phones; and
4. any similar electronic recording devices.

This prohibition does not apply to meetings that must be recorded pursuant to the Texas Open Meetings Act or at the written direction of the Board of Trustees, CEO, or Executive Management.

I. Conflicting Outside Employment. An NBU employee shall not solicit, accept, or engage in outside employment if such employment adversely affects NBU.

1. Outside employment adversely affects NBU if such employment is performed:
 - a. during the employee's regular NBU hours;
 - b. on NBU Property; or

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- c. with the use of NBU Assets or resources.
 2. An NBU employee cannot be employed or retained to work for an outside employer on any NBU contract or project.
 3. Public disclosure of the outside employment or terms or conditions of such employment cannot create the appearance of a conflict of interest to a reasonable person or put NBU in a negative or unfavorable light. Any questions related to whether outside employment creates this condition shall be referred to the Chief Ethics Officer.
- J. Use of NBU Assets. NBU employees shall use NBU assets, including personnel time, to conduct official NBU business.
 1. NBU Assets Shall Not Be Used for Private Purposes. NBU employees shall not use or permit the use of NBU Assets or NBU personnel time for public or private purposes except for the following reasons:
 - a. as expressly allowed under a written NBU policy;
 - b. to the extent and according to the terms that the NBU Assets are also available to the public or NBU's customer base (such as conservation program rebates); or
 - c. occasional and de minimis (insignificant or minimal amount) use of the computer systems and software, phone, and copy machine.
 2. No Reimbursement for Use of NBU Assets. NBU Assets and personnel time cannot be used for private use even if NBU is fully reimbursed for the value of NBU Assets or personnel time.
 3. Care of NBU Assets. Employees are responsible for the care of NBU Assets and other resources in their custody or under their responsibility.
 4. Sale of NBU Assets. An employee shall not sell, trade, or barter any NBU Assets, all of which shall remain the property of NBU at all times. NBU Assets that have reached the end of their useful life shall be disposed of in accordance with Texas law and NBU policies. Any NBU uniforms, clothing, or equipment with the NBU logo acquired by and owned by an NBU employee shall not be contributed to charity or sold unless to another NBU employee.
- K. Gifts or Benefits. NBU employees shall not solicit, accept, or provide any gift or benefit to or from an Outside Source except as provided in this Section. A gift or a benefit is considered

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anything of monetary value or that would give a monetary advantage, including cash, meals, trips, gift cards, tickets to events, products, or services.

1. Prohibited Gifts or Benefits from Outside Sources. Except as provided in this Section, employees are prohibited from soliciting, accepting, or agreeing to accept gifts or benefits from Outside Sources. An Outside Source is any person or entity who is:
 - a. a party to any contract with NBU;
 - b. a subcontractor to a contract with NBU;
 - c. a partner, a parent or a subsidiary entity to an NBU contractor or subcontractor;
 - d. an entity or individual seeking to do business with NBU;
 - e. an entity or individual regulated or inspected by NBU; or
 - f. an attorney, consultant, or other agent hired or retained by a person or entity listed in (a) through (e) to assist in seeking or conducting business with NBU or in seeking regulatory action from NBU.

2. Permissible Gifts or Benefits from Outside Sources. Employees may accept gifts or benefits from Outside Sources as described in this subsection if the gift or benefit does not create an appearance of impropriety or a conflict of interest.
 - a. Gifts or Benefits Based on Dollar Value or Services. The following gifts or benefits from Outside Sources are permissible:
 - i. an item that has a value of less than \$50, excluding cash or a negotiable instrument, if it was not given in exchange for an exercise of official discretion;
 - ii. a business meal of a value of \$75 or less per NBU employee and no more than one meal from a single source per week unless otherwise authorized by the President of the Board of Trustees, CEO, or Executive Management; or
 - iii. lodging, transportation, and meals in connection with a conference or similar event in which the employee renders services, such as addressing an audience or leading a seminar, to

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the extent that those services are more than merely perfunctory services.

If an employee inadvertently accepts a gift and/or meal from an Outside Source in excess of the limits specified herein, the employee shall immediately report such gift and/or meal to the Chief Ethics Officer.

- b. Gifts or Benefits Based on Personal or Professional Relationships. The following gifts or benefits from Outside Sources who have the relationships described below are permissible:
 - i. a gift conferred by an employee's family or by a personal friend if there is an independent relationship that is not related to the status or work of the employee; or
 - ii. a gift conferred by a professional or business contact if there is an independent relationship that is not related to the status or work of the employee.
- c. Miscellaneous. The following gifts and benefits, including fees, awards, and solicited items from Outside Sources are permissible:
 - i. a fee that is provided by law that an employee is lawfully entitled to receive for performing some function other than his or her official function as a public servant;
 - ii. awards for meritorious service or professional achievement that have been previously reviewed by the Chief Ethics Officer and approved by the NBU CEO; or
 - iii. solicitations by an employee to benefit civic or charitable causes.
3. Prohibited Gifts or Benefits to Outside Sources. Except as provided in subsection 4 of this Section, NBU employees are prohibited from providing or offering gifts or benefits to the following Outside Sources:
 - a. any person or entity that regulates NBU; or
 - b. any person who is in a position that may influence or be perceived to influence an employee's employment with NBU.

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4. Permissible Gifts or Benefits to Outside Sources. NBU employees may provide gifts or benefits to Outside Sources as described in this subsection if the gift or benefit does not create an appearance of impropriety or a conflict of interest.
 - a. Gifts or Benefits Based on Dollar Value. The following gifts or benefits to Outside Sources are permissible:
 - i. meals up to \$75 in value in connection with NBU business and not more than once per week unless otherwise authorized by the President of the Board of Trustees, CEO, or Executive Management;
 - ii. admission, meals, and, with the approval of the CEO, reasonable transportation and/or accommodations to an event connected with NBU business, including conferences, training, and widely-attended community or civic events; or
 - iii. mementos related to NBU business or accomplishments.

If an employee inadvertently provides a gift and/or meal to an Outside Source in excess of the limits specified herein, the employee shall immediately report such gift and/or meal to the Chief Ethics Officer.

- b. Gifts and Benefits Based on Personal or Professional Relationships. The following gifts or benefits to Outside Sources who have the relationships described below are permissible:
 - i. a gift based solely on a family relationship or personal friendship if there is an independent relationship that is not related to the status or work of the employee; or
 - ii. a gift based solely on a professional or business contact if there is an independent relationship that is not related to the status or work of the employee.
5. Business-Related Events. An NBU employee may accept food, beverages, and other amenities in connection with attendance at a Business-Related Event within the limits described in this subsection.
 - a. Definition of Business-Related Events. A Business-Related Event is an event to which an employee has been invited or is participating in his or her capacity as a representative of NBU. A Business-Related Event

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includes, without limitation, events such as holiday gatherings, conferences, Vendor events, conference receptions, or community events.

- b. Definition of Industry-Sponsored Events. An Industry-Sponsored Event is a Business-Related Event that is sponsored by an entity or group of entities that support the utility and/or municipal industry and to which NBU may pay a membership. Examples of Industry-Sponsored Events include Texas Public Power Association, American Public Power Association, American Water Works Association, and Texas Municipal League conferences.
- c. Prior Approval. An employee shall obtain the approval of his or her Executive Director and the Chief Ethics Officer at least five (5) business days before participating in a Business-Related Event, including an Industry-Sponsored Event or Vendor-sponsored event, except as specified below in subsection d. Each employee shall obtain approval to attend a Business-Related Event by filling out and submitting the Business-Related Events form to his or her Executive Director and the Chief Ethics Officer. The employee shall provide background information to his or her Executive Director and the Chief Ethics Officer, including, but not limited to, the following:
 - i. sponsor of the event;
 - ii. the type of event (e.g., event with food and beverages, sports event with food and beverages, or event with food, beverages, and gifts);
 - iii. who is invited to the event;
 - iv. the status of any contract with the sponsor of the event; and
 - v. any other relevant information about the sponsor of the event.
- d. Exceptions. An employee attending an Industry-Sponsored Event is not required to fill out the Business-Related Events form for an event that is open to all attendees or that is on the conference agenda. However, if the employee is asked to attend an exclusive event in connection with the Industry-Sponsored Event, the employee must complete the Business-Related Events form.

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- e. Self-Report. If an employee inadvertently attends a Business-Related Event in violation of this subsection, the employee shall immediately report such attendance to the Chief Ethics Officer.
 - f. Alcohol Consumption at Business-Related Events. If an NBU employee chooses to consume alcohol at one of these events, NBU will bear no responsibility whatsoever for an employee's actions or physical condition resulting from the consumption of alcohol. In no event shall the consumption of alcohol at a Business-Related Event interfere with or compromise the employee's ability to maintain the highest professional decorum. Conduct unbecoming of an NBU employee shall result in disciplinary action, up to and including termination.
6. Disposal of Prohibited Gifts. If an NBU employee receives a gift or benefit that is prohibited by this Policy, he or she must do one of the following:
- a. pay to the donor the market value of the gift or benefit;
 - b. if perishable, share with others in the office (examples: gift baskets or floral arrangement);
 - c. return the gift to the donor;
 - d. destroy the gift; or
 - e. donate the gift or benefit to a recognized tax-exempt organization formed for educational, religious, or scientific purposes.
7. Honorarium. An NBU employee shall not accept an honorarium payment in consideration for services that the employee would not have been requested to provide but for the employee's official position or duties. Honorarium is generally understood to be a payment in recognition of acts or professional services for which custom or propriety forbids a price to be set. However, this prohibition does not prohibit payment to an NBU employee for legitimate consideration rendered in a capacity other than as an NBU employee.
8. Door Prizes, Raffles, and Games of Chance.
- a. Outside Sources/Vendor-Sponsored Event. An employee may accept a door prize, raffle prize, or prize from a game of chance from an Outside Source, including a Vendor at a Vendor-sponsored event, that is of a nominal value of \$50 or less, excluding cash or gift cards. If such prize

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from an Outside Source exceeds \$50, the employee shall not accept the gift. This Section applies only to door prizes, raffle prizes, and prizes from games of chance from an Outside Source (as defined in Subsection 1 of this Section).

- b. Industry-Sponsored Events. An employee may accept a door prize, raffle prize, or prize from a game of chance of any value or type won in connection with attendance at an Industry-Sponsored Event as long as there is not an appearance of impropriety.
9. Gambling. Illegal gambling or solicitation of illegal gambling on NBU Property, at any time, by NBU employees during work hours, or utilizing NBU Assets to do so is prohibited and should be reported immediately to management and the Chief Ethics Officer.
- L. Endorsements. An employee shall not use NBU's name or logo in such a manner that suggests an institutional endorsement without the prior written approval of the CEO.
- M. Sponsorships/Donations. NBU shall comply with state law in determining whether sponsorship and/or donations can be made to an individual or entity. Sponsorships and/or donations must meet the requirements of Article III, Section 52 of the Texas Constitution and any related NBU policies.
- N. Action of Others. An employee shall not knowingly assist, influence, or use any person to violate any provision of this Policy.
- O. Political Activity. To avoid the appearance of bias or impropriety in carrying out NBU business, NBU and NBU employees shall comply with the following requirements in connection with any political activities.
- 1. NBU Conduct.
 - a. Donations. NBU shall not make donations to political candidates, organizations, or events and shall not reimburse employees for such contributions.
 - b. Legislative Expenditures. NBU may make expenditures for legislative-related activities directly related to NBU's ability to provide water, wastewater, and electric services to its customers.
 - 2. Employee Conduct.

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- a. Generally. NBU employees shall not:
 - i. display campaign materials in or on NBU Property;
 - ii. give the impression that NBU endorses any political campaign or candidate;
 - iii. wear campaign buttons or distribute campaign literature during business hours in an NBU uniform or on NBU Property; or
 - iv. permit the use of NBU Assets and NBU personnel time for political purposes.

- b. With Respect to Other Employees. An employee shall not, directly or indirectly, induce or attempt to induce any employee to do the following:
 - i. participate in an election campaign;
 - ii. contribute to a candidate or political committee;
 - iii. engage in any other political activity relating to a particular party, candidate, or issue;
 - iv. refrain from engaging in a lawful political activity; or
 - v. dismiss or cause to be dismissed, or threaten to dismiss, or make any attempt to procure the dismissal of, or in any manner change the rank or compensation of another NBU employee because of political opinions or affiliations.

Nothing in this Section prohibits NBU employees in the course of their duties to provide factual information or briefing on issues affecting NBU to political candidates or members of the public. In addition, a general statement encouraging another person to vote, but not for a particular candidate, does not violate this Section.

3. No Restraint of Conduct. NBU employees are encouraged to vote for the issues and candidates of their choice. No employee shall be restrained in the exercise of his or her rights as a citizen to express an opinion or cast a vote.

IV. DISCLOSURE AND COMPLIANCE REQUIREMENTS

- A. All Employees Subject to Disclosure and Compliance Requirements. NBU employees regardless of position shall comply with this Policy and will be required to submit an annual compliance declaration.

- B. Compliance Declaration. The compliance declaration will certify, among other things, that the employee is aware of this Policy, including any amendments, and that his or her activities have been in compliance with this Policy for the reporting year.

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- C. Compliance Declarations Filing Requirements. Compliance declarations for NBU employees must be filed annually. NBU shall provide a declaration form to all employees during open enrollment for health care benefits. Each employee is responsible for completing the declaration form and submitting it to NBU along with all other forms required during open enrollment.
- D. Compliance Declaration Forms. The Chief Ethics Officer shall prepare the compliance declarations forms described in this section and may amend or revise such forms as deemed appropriate upon approval by the CEO.

V. REPORTING VIOLATIONS

- A. Reporting Requirements. Employees who suspect actual or potential violations of this Policy shall report such violation or potential violation to the Chief Ethics Officer or by calling the NBU Ethics Hotline.
 - 1. Chief Ethics Officer. The Chief Ethics Officer is a resource for any employee who has questions regarding NBU's Ethics Policy. Any questions to the Chief Ethics Officer should be directed to (830) 629-8428.
 - 2. Ethics Hotline. An employee may also report ethics violation (i) by telephone to 1-833-290-0001, (ii) on-line at www.lighthouse-services.com/nbutexas, (iii) by email at reports@lighthouse-services.com, or (iv) by fax at (215) 689-3885. This hotline is managed by an independent, third party and reports are anonymous if desired by the individual reporting a suspected violation.
- B. Failure to Report or False Accusations. Failure to report unethical behavior may violate this Policy and may lead to disciplinary action, up to and including termination. All reports must be made in good faith. False reports of unethical behavior violate this Policy. An employee who is uncertain whether a specific activity constitutes a violation of this Policy should discuss it with the Chief Ethics Officer.
- C. Self-Reporting. An employee who self-reports a violation under this Policy is not exempt from disciplinary action for such violation; however, self-reporting will be considered in determining the appropriate level of disciplinary action.
- D. Investigations; Cooperation. NBU takes all reports of possible violations of this Policy seriously and will conduct a prompt and thorough investigation. All employees shall cooperate fully in any investigations of violations or potential violations of this Policy regardless of whether the investigation is conducted internally or by an external party. Employees shall maintain confidentiality regarding this investigation unless otherwise required by law. Refusal

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to cooperate with an investigation may lead to disciplinary action, up to and including termination.

- E. Acts of Retaliation. NBU does not tolerate retaliation against any employee who has reported or witnessed suspected violations of this or any other Policy.
- F. Violations of this Policy. An employee who violates this Policy may be subject to disciplinary action, up to and including termination.

VI. CONTRACTS VOIDABLE

Any contract entered into by NBU in violation of this Policy is voidable by the CEO or the President of the Board of Trustees, as applicable. A decision to void such a contract will be made after an investigation has been conducted regarding violations or potential violations of this Policy.

VII. MISCELLANEOUS

- A. Conflicts of Law. This Policy does not supersede any applicable federal, state, or administrative law or rule.
- B. Criminal Penalties. In addition to disciplinary action, a violation of this Policy may lead to criminal prosecution.