



## 2.22 ~~Purchasing Code of Conduct~~ Procurement Conflict of Interest Policy

Category: Administration

Name of Responsible Office: ~~Institutional Compliance & Internal Audit, Human Resources~~ Administrative Services

Title of Responsible: ~~Executive: President~~ Chief Financial Officer and Vice President, Administrative Services

Date Established: June 10, 2009

Date Last Approved: September 27, 2020

### Summary

In accordance with Federal Regulation (34 CFR 74.42) and New York State General Municipal Law (Sections 800 – 809) Monroe Community College establishes this policy. The purpose of this policy is to prevent college employees from participating in the selection, award, or administration of any contract to purchase goods and/or services if a real or apparent conflict of interest would be involved.

### Policy

#### *Policy Statement*

#### Conflict of Interest

Per Federal Regulation (34 CFR 74.42); and New York State General Municipal Law (Sections 800 – 809), a conflict of interest regarding the procurement of supplies, equipment, property, and services exists if an employee or immediate family member of the employee:

- has an existing or potential financial or other interest which impairs that person's independent, unbiased judgment when conducting business with suppliers, or
- has a significant business relationship with a person or firm engaging in, or seeking to engage in, business with the college, or
- has a significant ownership interest, and may receive a financial or other material benefit from knowledge or information confidential to the college.

#### Guidelines for Employees

College employees have an obligation to avoid conflicts of interest between their personal interests and purchases of commodities and services for the college by:

- abiding by policies of the college, and applicable federal, state, and county statutory requirements, and federal, state, and local grant agreement terms;
- not disclosing confidential information to suppliers or potential suppliers gained by reason of position or authority with the college;
- not engaging in college purchasing decisions with a business entity or individual in which the employee has a direct or indirect financial interest or personal relationship;
- declining personal gifts or gratuities (whether in the form of money, service, loan, travel, entertainment, hospitality, or any other form) that exceed \$75.00 in value and may influence a decision that will benefit either the college or an employee of the college;

- not appointing an officer or employee who has the powers or duties to approve or authorize a contract if there is a potential conflict of interest;
- not having an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the college for which the individual is an officer or employee if the college employee is chief fiscal officer, treasurer, or their deputy or employee.

## Employee Conflict of Interest

Any member of the Board of Trustees or any employee who has or learns about a potential conflict of interest involving the selection, award, or administration of an actual or proposed ~~purchasing~~ contract, purchasing agreement, lease or other agreement should disclose promptly the material facts surrounding any actual or potential conflict of interest to their supervisor, the Chief Financial Officer and, if appropriate, ~~to legal counsel of the Board of Trustee of the college.~~ the material facts surrounding any actual or potential conflict of interest.

## Corrective Action and/or Discipline

Any college employee who violates this Code of Conduct shall be subject to disciplinary action consistent with the personnel policies and/or collective bargaining agreements of Monroe Community College.

## *Background*

Federal Regulation (34 CFR 74.42) requires institutions of higher education to maintain written standards of conduct governing ~~purchasing~~ procurement practices. In addition, this policy provides guidance to College personnel making business decisions.

## *Applicability*

This policy applies to all employees of the College and members of the Board of Trustees

## *Definitions*

The term “**college**” shall mean any division, department, or other unit of Monroe Community College.

The term “**employee**” shall mean any person employed by the college and/or members of the Board of Trustees.

The terms “~~purchase~~” or “~~purchasing~~” “procurement” shall mean an acquisition of commodities or services, whether by rent, lease, installment or lease purchase, or outright purchase.

## *Responsibility*

~~Institutional Compliance & Internal Audit, Human Resources Office, Controller, Director of Purchasing~~ Administrative Services.

## Contact Information

~~Institutional Compliance & Internal Audit, Human Resources Office~~ Administrative Services.

## Related Information

[Federal Register 34 CFR 74.42 - Codes of conduct](#)

<https://www.gpo.gov/fdsys/granule/CFR-2010-title34-vol1/CFR-2010-title34-vol1-sec74-42>

[New York State General Municipal Law \(Sections 800 – 809\)](#)