



## 4.1 Conflicts of Interest College Officers and Non-Contract Employees Policy

Category: Human Resources

Name of Responsible Office: Human Resources and Organizational Development

Title of Responsible: Executive Director, Human Resources and Organizational Development

Date Established: December 18, 2006

Date Last Approved: March 5, 2018

### Summary

Monroe Community College (“College”) is expected to conduct its business transactions with the integrity that is expected under the law and the traditions of an institution of higher education.

Where potential or actual conflicts exist between the personal interests of the officer or non- contract employee and the interests of the College, the officer or non-contract employee is expected to consult with appropriate College officials and abide by Board policy.

### Policy

#### *Policy Sections*

- 1. Definition of Conflicts of Interest:** A conflict of interest will be deemed to exist whenever an individual is in the position to approve or influence College policies or actions which involve or could ultimately harm or benefit financially: (a) the individual; (b) any member of his or her immediate family (spouse, parents, children, brothers or sisters, and spouses of these individuals); or (c) any organization in which he or she or an immediate family member is a director, trustee, officer, member, partner or shareholder or has a substantial financial interest.
- 2. Process:** Upon appointment, the Executive Director, Human Resources and Organizational Development shall provide each Employee a copy of the Board Policy on Conflicts of Interest and the Disclosure Form. Subsequent to their initial appointment, on or about September 1 of each year, the Executive Director, Human Resources and Organizational Development shall distribute the Disclosure Form to each Employee. The Employee shall return the form within 30 days to the Executive Director, Human Resources and Organizational Development. The Disclosure Forms will be reviewed by the Executive Director, Human Resources and Organizational Development. Any potential conflicts will be referred to the President and, if appropriate, legal counsel. The Executive Director, Human Resources and Organizational Development shall maintain all disclosure forms.
- 3. Disclosure of Conflicts of Interest:** An Employee shall disclose a conflict of interest: (a) prior to entering into any contract or transaction involving the College; (b) as soon as possible after the Employee shall learn of a conflict of interest in any other context. Such disclosures must be made in writing and submitted to the Office of Human Resources and Organizational Development. Disclosure of the material facts surrounding the Employee’s conflict of interest shall be made to the President.
- 4. Failure to Disclose Conflicts of Interest:** Failure to adequately disclose a potential or actual conflict of interest shall constitute cause for dismissal.
- 5. Approval of Conflicts of Interest:** Following receipt of information concerning a contract or transaction involving a potential conflict of interest, the President shall consider the material facts concerning the proposed contract or transaction including the process by which the decision was made to recommend entering into the arrangement on the terms proposed. The President shall approve only

those contracts or transactions in which the terms are fair and reasonable to the College and the arrangements are consistent with the best interests of the College. Fairness includes, but is not limited to, the concepts that the College should pay no more than fair market value for any goods or services which the College receives and that the College should receive fair market value consideration for any goods or services that it furnishes others. The President shall keep a record of his/her decisions which record shall set forth the basis for his/her decision with respect to approval of contracts or transactions involving conflicts of interest, including the basis for determining that the consideration to be paid is fair to the College.

6. **Prohibition on the Acceptance of Gifts:** In addition to the requirement that public officers and employees disclose any conflict of interests that may exist, the law also prohibits the solicitation and acceptance of gifts from individuals, companies, or other organizations. The law prohibits the acceptance of a gift having a value of \$75 or more under circumstances where it can reasonably be inferred or expected that the gift was intended to influence you in the performance of your official duties or was intended as a reward for any official action.
7. **Prohibition on Disclosing Confidential Information:** Employees are prohibited from disclosing or using confidential information acquired in the course of your official duties to further your personal interests.

### ***Responsibility***

Campus Events Office  
Public Safety Department  
Office of Student Rights and Responsibilities

### **Contact Information**

Office of Human Resources and Organizational Development

### **Related Information**

- [New York State Public Officers Law, Sections 73, 73-a and 74.](#)
- Ethics in State Government, Commission on Public Integrity [Ethics Laws and Regulations, New York State Commission on Ethics and Lobbying in Government \(ny.gov\)](#)
- [Conflicts of Interest of Municipal Officers and Employees\(PDF\), Office of the State Comptroller, Division of Local Government and School Accountability](#)

### **History**

<b>Item</b>	<b>Date</b>	<b>Explanation</b>
BOT Approval	December 18, 2006	Policy established
Annual Review	2014	No changes
Annual Review	2017	Changes recommended
Shared Leadership Coordinating Council	January 31, 2018	Provided comment and review
BOT Approval	March 5, 2018	Policy revised