



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.

A potential conflict exists where the interests of an individual are not currently in conflict, but there is a reasonable likelihood that they may give rise to a conflict in the future. For example, where a member of staff is a trustee of a charity that is not currently linked to the College, or seeking collaboration with the College, but that charity has an interest in research and is known to regularly seek collaborations with higher education.

Conflicts of interest can arise both from roles or activities involving parties outside the College or individual committee members hold multiple roles inside the higher education institution. Conflicts may arise from activities such as procurement, commercial transactions, conduct and funding of research, contractor selection, admissions and recruitment.

A conflict of interest can include any interest, financial or otherwise, whether direct or indirect. This could include participation in any business, transaction, or professional activity, which appears to be or actually is in conflict with the officer’s or non-contract employee’s duties in the public interest. A conflict of interest may also arise when an individual directly or indirectly has authority, supervisory duties, or ability to influence the employment terms and conditions of a relative or significant other (including but not limited to spouses, partners, casual or serious dating relationships).

Conflicts of interest can be financial or non-financial:

- Financial conflicts can arise where there is, or appears to be: opportunity for personal financial gain; financial gain to someone with a close personal connection to the individual; or where it might be reasonable for another party to take the view that financial benefits might affect that

person's actions. Examples include: payments, benefits in kind, equity interests, gifts, hospitality or intellectual property rights.

- Non-financial interests may include any direct or indirect benefit or advantage, enhancement of an individual's career or education or gain to a connected person. College Officers and Non-Contract Employees should therefore consider who they are acting for, and whether there are any competing motivations or interests that could influence them, or be seen to influence them.

See Appendix for examples of areas where conflicts are particularly likely to occur in a collegiate environment and should be promptly disclosed.

2. **Prohibitions:** Officers and Non-Contract Employees covered by this policy are prohibited from: (a) engaging in other employment or conduct which may or actually does interfere with the performance of their professional obligations and duties; (b) engage in conduct that violates the New York State Public Officers Law, or any other applicable state or federal law governing conflicts of interest or ethical conduct
3. **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.
4. **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.
5. **Failure to Disclose Conflicts of Interest:** Failure to adequately disclose a potential or actual conflict of interest shall constitute **grounds for disciplinary action, up to and including cause for dismissal.**
6. **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.
7. **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.

8. **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

Item	Date	Explanation
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

Appendix

Examples of what not to do to prevent Conflict of Interest violations:

Board of Trustees Members:

1. Trustees should not own or have significant financial stakes in business that provide goods or services to the College.
2. Trustees should avoid any attempts to influence College policies or initiative based on their major donations to political campaigns.
3. Trustees should not engage in discussions regarding the hiring or engage in budgetary decisions that may impact their family members employed by the College or is a candidate for a position.
4. Trustees should refrain from participating in decisions regarding contracts or agreements with businesses they have personal or financial interest in.
5. Trustees must not use their position to promote personal projects or initiatives that may benefit them financially or socially.

College Officers and Non-Contract Employees (Employees):

1. Employees should not seek outside employment that competes with the College's services.
2. Employees should avoid unknowingly or intentionally having financial interests in organizations that partner with the College.
3. Employees must disclose relational information to appropriate college official and recuse themselves in hiring/recruitment decisions of a relative or an individual with whom they have a personal relationship outside of work.
4. Employees should not unknowingly or intentionally participate in college contract negotiations with vendors in which they have a financial stake.
5. Employees must refrain from using their influence to secure jobs or contacts for friends or family members within the College.
6. Employees should not use their positions to gain political favor, encourage or discourage political contributions or activity or interfere with an election or lawful political activity.