

Title: Conflict of Interest and Ethical Disclosure

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- Board Resolution: 96-127, 18-040
- Last Revised: August 28, 2024
 - Policy: August 15, 2018
 - Procedure: August 28, 2024
- Last Reviewed: August 28, 2024
- Effective: September 19, 2024
- Responsibility: Director of Human Resources

Policy:

The Board of Trustees recognizes that the continued excellence of educational programs and services at Cecil College is dependent, in part, upon continued public trust and faith in the individuals who administer and operate the institution. It is the policy of the Board of Trustees that its trustees and employees shall not maintain, exercise or engage in relationships or practices that are illegal, could prevent or limit the objective exercise of sound ethical judgment, or have the appearance of preventing or limiting the objective exercise of sound ethical judgment. No member of the Board of Trustees nor any College employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts, or appears to conflict, with their public duties and responsibilities. To this end:

- (1) All College resources, including, but not limited to, property, supplies, equipment, materials and employee work time, are to be used for the sole and exclusive purpose of fulfilling the College's educational and community service mission.
- (2) No College employee shall engage in or have a financial interest in, directly or indirectly, any activity, including the acceptance of gifts or favors, which conflicts with the ethical discharge of their duties and responsibilities.
- (3) All employees must take any necessary steps to avoid conflict, or the appearance of conflict, and to follow ethical disclosure procedures for any activity that raises reasonable questions regarding conflict of interest.

Procedure:

The College's ability to achieve its educational and community service goals is dependent, in part, upon upholding the public's trust in the integrity of the faculty and staff. The policy and procedures are intended to guide individuals in maintaining that trust. The standards of conduct and disclosure procedures are based, in part, upon the Maryland Public Ethics Law, Md. Code Ann., Gen. Prov. §§ 5-101 et seq..

Serious violation of this policy is misconduct and may result in disciplinary action up to, and including, termination. Violations may also be referred to law enforcement.

It is not possible to list all activities that constitute a conflict of interest or an unethical practice. The following are examples of activity that may operate to limit an individual's ability to either legally or ethically perform assigned duties.

1. Employment of College Employees

College employees shall not engage in remunerative work of any type where the source of information concerning customer, client, or employer originates or results from any information obtained from the College.

College employees may not engage in any other employment or in any private business that conflicts with the assignment of duties at Cecil College.

Employees who engage in remunerative employment outside of the College may be requested to disclose the nature and extent of the outside employment to the appropriate vice president or immediate administrative supervisor for a reason related to the employee's performance of the employee's assigned College duties.

2. Conflict of Interest Exceptions

Regulations promulgated by the State Ethics Commission identify circumstances where financial interests which are otherwise prohibited by the State Ethics Law may be held if they are disclosed and do not create a conflict of interest or the appearance of a conflict of interest.

These regulations apply to all College employees, not just those who must file financial disclosure statements. The College may implement more restrictive regulations so long as they are not inconsistent with State law and regulations.

A College employee may have a financial interest that would be otherwise prohibited under regulations of the State Ethics Commission regarding the holding of private financial interests if the:

1. Interest is disclosed as set forth under State Ethics Commission regulations;
2. Employee's College duties do not significantly impact on the entity in which the financial interest is held, or on a contract or proposed contract between the entity and the College;
3. Employee is not directly supervised by a person who has duties that significantly impact on the entity in which the financial interest is held, or on the contract or proposed contract;
4. Employee does not supervise a person who has duties that significantly impact on the entity in which the financial interest is held, or on the contract or proposed contract;

5. Employee is not affiliated with the specific unit within the College that exercises authority over the entity in which the financial interest is held, or is involved in contracts with the entity;
6. Employee has complied with relevant other sections of the ethics law relating to the matters involved;
7. Employee's financial interest in the entity involves no substantive non-ministerial duties significantly relating to their College authority over the entity;
8. Employee's financial interest in the entity does not involve negotiating or carrying out a contract involving the entity and the College, other than contracts involving broad reimbursement payments, the availability and terms of which are fixed based on a generally applicable standard which does not involve substantial College negotiation or discretion.

3. Restrictions on the Employment of Relatives

Relationship to another College employee will not constitute a bar to initial employment at the College. However, an individual may not be assigned or promoted to, transferred into, evaluated by, or in any way accept employment in a department in which any form of supervisory authority and/or responsibility affecting that department is administered by a relative of the individual.

A College employee will neither initiate nor participate in College decisions involving a direct benefit to relatives such as initial employment, retention, evaluation, promotion, salary decision and leave of absence.

For purposes of this section:

"Employee" includes full and part-time faculty members, administrators, temporary employees, regular status staff, and part-time staff employees.

"Relatives" includes the spouse, domestic partner, child, parent, sibling, aunt, uncle, grandparent, niece, nephew, sibling-in-law, and son- or daughter-in-law of an employee. Relative also includes the child, parent, sibling, aunt, uncle, grandparent, niece, nephew, sibling-in-law, and son- or daughter-in-law of an employee's spouse or domestic partner.

4. Gifts and Other Emoluments

No employee may solicit or accept directly or indirectly any gift that would tend to impair the impartiality and independent judgment of the employee or any gift that has significant value and that would give the appearance of impairing the impartiality and independent judgment of the employee or if the employee believes or has reason to believe that the gift is designed to impair the impartiality and independent judgment of the employee.

Token items constituting normal business courtesies and/or product samples may be accepted, not to exceed a value of \$75 from a single vendor within any twelve (12) month period. Examples include, but are not limited to, office supplies, food/meals and/or tickets to entertainment/sporting events. Single product samples of educational materials may be accepted.

All monetary gifts and donations of goods and services to the College from individuals or organizations must be processed through the Cecil College Foundation, Inc.

Any gift or donation accepted in violation of these provisions may result in disciplinary action up to and including termination of employment.

5. Endorsements

a. No College employee will recommend for College use any product or service furnished by a firm in which the employee has a financial interest that would be enhanced as a result of such recommendation, except as provided in these procedures.

b. Procedures Regarding Endorsements

1. No employee of the College will cause, permit, or assist any firm, organization, or individual to distribute through the College any commercial material of a purely advertising nature unless it relates to potential purchases in support of College programs or operations.

2. No College employee shall be involved on the College premises in any commercial venture which involves the solicitation, acceptance of orders for, or the delivery of any commercial product or services unless all of the following apply:

- a. The commercial venture is for the benefit of the College or for a project that is sponsored by a "recognized" group or organization. "Recognized" groups or organizations are coordinated through the Student Life Office, with the authorization of the President, and created to participate in college and community functions and to provide a place for interested students to gather.
- b. The conduct of the commercial venture is approved in writing by the vice president as appropriate.
- c. The procurement of the product or service is covered by either a written agreement between the College and the vendor or a purchase order issued by the Manager of Procurement.
- d. Any profits and/or commissions will become the property of Cecil College.
- e. No rebates, commissions, gifts, samples, or other considerations will inure to the benefit of any College employee.

3. When requested, appropriate College staff may provide references on services and items used by Cecil College. Such references may only be furnished in response to a specific verifiable request from another institution, a business entity, or an organization. In this context, the furnishing of a favorable reference is not construed as the kind of endorsement that is prohibited by College conflict of interest policy.

c. This procedure does not apply to full-time or part-time faculty members who require the use of their own copyrighted works in a College course nor to Workforce

Development instructors who require the use of their own copyrighted works by students enrolled in non-credit courses.

6. Procurement of Goods and Services

College employees shall endeavor to avoid recommending or participating in decisions or actions regarding the procurement of a specific product or service in circumstances when the employee, or a member of the employee's immediate family, has a substantial direct or indirect financial interest in the product or service. Examples of the above include:

- a. A buyer ordering products from a firm in which he or she has a financial interest;
- b. An account manager authorizing the purchase of consultant services from a member of their immediate family.

In the event that participation in decisions and actions such as those noted above are unavoidable by nature of an employee's position at the College, it is the responsibility of the employee to notify their vice president, through normal reporting channels, or immediate administrative supervisor, of the nature and extent of their financial involvement with the specific product or service prior to any participation in decisions or actions which may have the appearance of involving a conflict of interest. The vice president, or the appropriate administrative supervisor, is authorized by the President to render a final decision regarding the employee's participation in such decisions or actions.

The process for reviewing an unavoidable conflict is:

- a. An employee must submit a written request to the Vice President of Finance. The full extent and nature of the employee's interest must be described.
- b. The Vice President of Finance will review the information and determine if the employee's interest constitutes and/or raises reasonable question of conflict of interest.
- c. If there is reasonable cause to establish that an activity, including receipt of gift(s) raises the question of conflict of interest, the Vice President of Finance may attempt to resolve the issue informally. Guidance from the Maryland State Ethics Commission may be sought.
- d. If informal resolution is not possible; the Vice President of Finance will refer the issue to the President. The President will designate a body of three (3) individuals from the College to investigate. Their findings and recommendations will be submitted in writing to the President.
- e. The President will then determine appropriate action to be taken and/or make any necessary recommendations to the Board of Trustees.
- f. Any determination of the College or action taken which affects an employee of the College may be formally appealed through the College's grievance procedure, if such procedure applies to the employee. If no grievance procedure applies, any determination below the level of President may be appealed to the President, but a decision by the President will be considered final.

- g. Failure to disclose conflict of interest and/or withholding of information by employees may become grounds for disciplinary action by the College, up to and including termination.

Any College employee, with the concurrence of their supervisor, may withdraw voluntarily from participation in any decision or action which may conflict, or which may raise the appearance of conflict, between the employee's private, personal interests and the employee's public duties and responsibilities.

7. Use of Property, Supplies, Equipment, Materials and Other College Resources

All property, supplies, equipment, materials, and other College resources, including certain services and employee time, are purchased and/or maintained, in whole or in part, from appropriated public funds. As a publicly supported institution, the College has a responsibility to ensure that its resources are used and consumed for the specific educational or support purposes for which they are authorized.

8. Use of Property of the Board of Trustees

All College property (including supplies, installed and movable equipment, and motor vehicles) shall be used by employees only for purposes related to the authorized business of the College.

9. Use of Supplies and Equipment Produced by Employees

All supplies and equipment produced by an employee during or prior to their employment at Cecil College may be used by the College on the same basis as any other items, provided that the employee-produced supplies and equipment be selected and approved for use in compliance with the established procedures of selection for the College. The fact that the material was produced by said employee shall not be considered for or against its selection.

10. Use of Other College Resources

Use of College resources including, but not limited to, paper, personnel time, photocopy machines, other word-processing equipment, mail facilities, messenger services, or other College-funded services in support and/or furtherance of the personal activities of any person or the activities of any private organization is considered a misuse of public funds and is not permitted.