



Committee Meeting: Policy & Governance Committee	Date: November 16, 2018
Committee Chair: Kathleen Masiello	
New or Edited: New	

POLICY NAME: Disclosure of Conflict of Interest Policy

POLICY TYPE: Managerial

SUBMITTED BY: HR – Tracey Cleveland & Maria Carroll

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie desires to formalize a written policy to broadly address the requirement to disclose conflicts and potential conflicts of interest to insure transparency and protect public trust. This applies to personal and financial conflicts, as well as potential future conflicts.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: New

The President and the Trustees recognize that all members of the College community, including but not limited to employees, faculty, and SUNY Erie Advisory Councils, must observe standards of ethical conduct to fulfill the College’s mission with integrity and enhance public confidence in the institution. The purpose of this policy is to set forth rules of ethical conduct and procedures for disclosing potential conflicts of interest.

Definitions:

Interest - A monetary, personal, or material benefit.

Relationship - A familial kinship, personal association, or business interest.

Familial Relationship - The definition of family member includes spouse/partner, parent, child, brother, sister, grandparent, grandchild, niece, nephew, aunt, uncle, cousin, legal guardian, or any similar connection by marriage (e.g., father-in-law, grandparent-in-law) or domestic partnership. Family relationships include such connections whether they are biological, by adoption, or through other formal means (e.g., foster parent/child, step-family); this may also include past relationships where parties cannot be neutral (e.g., ex-spouse).

Personal and/or Romantic Relationships – A marital or other committed relationship; a family relationship as defined above; consensual sexual or romantic relationship; a close personal friendship; or a significant business relationship. This may also include past relationships where parties cannot be neutral (e.g., former business partner, ex-boyfriend/ex-girlfriend).

Conflict of Interest - Any relationship or activity that has the potential to compromise or bias, or appears to compromise or bias, a person’s professional judgment or ability to make objective and fair employment, academic, and/or procurement decisions. A conflict of interest may exist when an



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independent observer might reasonably question whether an individual's professional actions or decisions are determined by considerations of family, personal, and/or romantic relationships.

Policy:

Nepotism can create situations such as favoritism and conflicts of interest, which violate equal opportunity laws in the workforce and the student body. Even when a family, personal, and/or romantic relationship has no direct influence on employment, academics, research, or procurement, action may be required to eliminate perceived favoritism when the relationship has the potential to negatively impact the educational/work environment.

College employees must exercise good judgment to identify and report situations where a family, personal, and/or romantic relationship may call into question the integrity of a decision which affects terms and conditions of employment, hiring, academic progress, research, or procurement. Employees are required to disclose the relationship if there is any doubt as to whether or not it is a conflict, rather than fail to disclose in cases where a relationship exists, or has existed in the past.

When a potential conflict of interest arises, the individual in conflict has a duty to avoid or eliminate the conflict, and disclose the situation to the Vice President of Human Resources. Failure to report a conflict of interest may result in appropriate administrative action by the College. Knowingly acting and/or persisting in a conflict of interest is unethical and may be subject to disciplinary action, up to and including termination. The College reserves the right to determine if the violation warrants discipline.

The College will attempt to resolve conflict problems so that no one is unfairly disadvantaged. This policy cannot cover all conceivable ethical conflicts and employees are asked to think carefully about situations not specifically prohibited herein. Employees are required to disclose all potential circumstances where there could be the appearance of a conflict of interest. In addition, the President will determine a list of employees that are required to annually disclose any and all potential conflicts of interest, financial or otherwise, based on their role within the College.

Examples of potential conflicts of interest:

The following examples illustrate situations that may constitute a conflict of interest. This list is not exhaustive and does not limit the scope of this policy.

1. Favoring of Outside Interests for Personal Gain

- a. Exerting influence on the discussion of, or voting on, a College decision relating to agreements, programs, and/or services to the advantage of the individual or to a person with whom the individual has a relationship.



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b. Exerting influence on the decision to purchase, lease or terms of lease services, equipment or materials for the College to the advantage of the individual or to a person with whom the individual has a relationship.

c. Exerting influence on students to purchase services or materials to the advantage of the individual or to a person with whom the individual has a relationship. This would include accepting payment for goods or services directly from a student outside of a standard and acceptable method of sale (e.g. sale through campus bookstores would be an example of an appropriate standard method of sale of goods to students).

d. Engaging in a College agreement or service contract with a third party in which either the individual or a person with whom the individual has a relationship has a financial or other interest.

e. Managing (or supervising or controlling) and/or directing (or guiding/mentoring or conducting) a College program to serve the needs of a third party in which either the individual or a person with who the individual has a relationship has a financial or other interest.

f. Soliciting or accepting gifts or special favors for personal gain from private organizations or individuals with whom the College does business, or from students or colleagues, without complete disclosure in accordance with this policy. Other applicable County guidelines on ethics and gifts also apply.

2. Inappropriate Use of College Personnel, Resources, or Assets

a. Using College students or staff on College time to carry out work for an enterprise in which either the individual or a person with whom the individual has a relationship has a financial or other interest.

b. Unauthorized and non-reimbursed use of College resources or facilities to benefit a private concern in which the individual or a person with whom the individual has a relationship has a financial or other interest.

3. Inappropriate Use of Information

a. Is defined as disclosing confidential information, using information for personal gain or other unauthorized purposes, information acquired because of the individual's relationship to the College; such information might include knowledge of forthcoming developments requiring contractor selection, etc.



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b. Unreasonably delaying publication of information or premature release of information to secure personal gain or to secure gain for a person with whom an individual has a relationship.

4. Employment and Evaluative Decisions Regarding Employees With Whom You Have a Relationship

Participation in the interview/selection, supervision, evaluation, discipline or other employment-related decision(s) of a student or employee with whom the individual has a relationship, or direct supervision of same is not allowed. (See *Definitions* above).

Any employees falling within the definition of *Family Member* above cannot work directly or indirectly for each other where there is direct or indirect management decision oversight, compensation or performance decision oversight by either person, including a matrix reporting relationship. The same restriction may apply for employees falling within the other “*Personal Relationship*” definitions above.

As of the effective date of this policy, any reporting structure where such conflicts may currently exist (including existing structures in place prior to the policy taking effect) must be reported to Human Resources and will be modified to change the reporting structure to the appropriate next-level manager.

Potential conflicts under Article 4 must be disclosed in advance to the appropriate area VP or AVP. Failure to do so may result in disciplinary action.

5. Engaging in other employment, which interferes with the performance of an employee’s professional obligation at the College is prohibited. This includes but is not limited to calling in sick to the College in order to work a second job. Employees are also expected to prioritize their primary role within the College over any extended hours/additional duties/overtime etc. to prevent conflicts in administration of their work for the College. Discovery of abuse of this policy is subject to disciplinary action.

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:

Policy Committee recommends the Board of Trustees accept this Managerial policy under Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Disclosure of Conflict of Interest.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee Tokunbo Adebayo, Provost and Executive Vice President Richard Washousky,



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Executive Vice President for Administration and Finance Penelope Howard, Vice President of Enrollment Management Steven Smith, Vice President of Student Affairs Nora Clark, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, College Senate Representative Colleen Quinn, Employee Relations Manager Daniel Kaufman, Director of Human Resources Maria Carroll and Dean of Students Petrina Hill-Cheatom

DATE OF BOARD ACCEPTANCE: December 13, 2018

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP: Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual, and new staff orientation

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

Reviewed nepotism/family employment policies from several other SUNY colleges (University at Buffalo, Cayuga Community College, SUNY Sullivan, Finger Lakes Community College) and reviewed best practices of other organizations through general online search.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of June 22, 2018, August 17, 2018, September 14, 2018, October 12, 2018 and November 16, 2018.