

## Mohawk Valley Community College Conflicts of Interest Policy

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| <b>Policy Name:</b>        | 2004 MVCC Conflict of Interest Policy |
| <b>Issued:</b>             | November 21, 2011                     |
| <b>Revision Date:</b>      | March 18, 2024                        |
| <b>Responsible Office:</b> | Human Resources                       |

**Section 1. Purpose.** All Mohawk Valley Community College trustees, officers, and employees are expected to meet the highest ethical standards including the avoidance of conflicts of interest. They shall not maintain, exercise, or engage in relationships or practices that are illegal, conflict with their honest service to the College, 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. The purpose of this policy is to establish standards and procedures for preventing, disclosing and addressing conflicts of interest.

**Section 2. Supersedure.** This policy is intended to supplement General Municipal Law Article 18 and the Ethics Law of the County of Oneida, and to address scenarios specific to a college setting. In the event of a conflict between this policy and General Municipal Law Article 18 and the Ethics Law of the County of Oneida, those laws will supersede this policy to the extent of the conflict.

**Section 3. Definitions.** When uses in this policy and unless expressly stated or unless the context otherwise requires:

- A. “Close Relative” means a Covered Person’s spouse, domestic partner, son, daughter, grandparent, any descendant of the Covered Person’s grandparents, and any person who by reason of marriage or adoption would have the status of one of the foregoing, including step-relations and “in-laws.”
- B. “College” means Mohawk Valley Community College and any of its associations, boards, departments, councils, committees, and workgroups.
- C. “Contract” means any agreement, claim, account with, or demand against the College.
- D. “Covered Person” means every Trustee, officer, administrator, employee, and Educator of the College, whether paid or unpaid and without regard to full time, part time, seasonal or temporary working status.
- E. “Educator” means any employee or contractor of the College whose primary responsibilities include teaching or performing research, including without limitation all professors, adjunct professors, visiting professors, researchers, research assistants, teachers and teaching assistants.

- F. “Financial Officer” means any Covered Person, and his or her deputy, with the authority to designate a College depository bank, paying agent, registration agent, or investment institution.
- G. “Interest” means a direct or indirect pecuniary or material benefit accruing to a Covered Person as the result of a Contract with the College. A Covered Person shall be deemed to have an Interest in the Contract of: (i) his or her spouse, minor children and dependents, except a Contract of employment with the College, (ii) a firm, partnership or association of which such Covered Person is a member or employee, (iii) a corporation of which such Covered Person is an officer, director or employee and (iv) a corporation, any stock of which is owned or controlled directly or indirectly by such Covered Person.
- H. “Policy” means this MVCC Conflicts of Interest Policy.
- I. “Reporting Covered Person” means those Covered Persons required to file disclosure statements, as determined by the Governance and Personnel Committee of the College.
- J. “Trustee” shall mean a member of the Mohawk Valley Community College Board of Trustees.

**Section 4. Conflicts of Interest.**

- A. No Covered Person shall have an Interest in any Contract with the College when such Covered Person has the power or duty to negotiate, prepare, authorize or approve the Contract or authorize or approve payment thereunder; or audit bills or claims under the Contract, or appoint an officer or employee who has any of the powers or duties described in the foregoing. Additionally, no Financial Officer shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the College.
- B. No Trustee shall directly or indirectly receive any compensation or remuneration, other than reimbursement by the College for expenses inherent to his or her service, nor derive any profit or gain by reason of his or her membership on the Board of Trustees or by reason of his or her service to the College. Trustees shall avoid all matters that might create an appearance of conflict with their service to the College.
- C. Where a conflict of interest exists under this Section, the College may nonetheless enter into such Contract if it involves any of the following:
  - i. Employment Exception. A Contract with a person, firm, corporation or association in which a Covered Person has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly

affected as a result of such Contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such Contract;

- ii. Preexisting Relationship Exception. A Contract in which a Covered Person has an interest if such Contract was entered into prior to the time he or she was appointed to service for the College, but this subparagraph shall in no event authorize a renewal of any such contract;
- iii. De Minimis Stock Exception. A Contract with a corporation in which a Covered Person has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such Covered Person; or
- iv. De Minimis Value Exception. A contract in which the Covered Person has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under Contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars.

- D. A Covered Person shall promptly recuse himself from participating in, and abstain from acting upon, any matter that will result in a material financial benefit to the Covered Person or a Close Relative of the Covered Person. Upon recusal and abstention, the Covered Person shall notify his or her immediate supervisor, or in the case of the President of the College, the Board of Trustees, or in the case of the Trustees, the full Board of Trustees.

**Section 5. Disclosure of Interests.**

- A. Any Covered Person (without regard to whether he or she must file a disclosure report) who has, will have, or later acquires an interest in, or whose spouse has, will have, or later acquires an interest in, any actual or proposed Contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the College shall disclose the nature and extent of such interest in writing to the Executive Director of Human Resources as soon as he or she has knowledge of such actual or prospective interest.
- B. Any Educator shall disclose in writing to the Executive Director of Human Resources any educational materials (such as textbooks) of the Covered Person which may be sold to students at the College, and any intellectual property that the Covered Person holds by virtue of his or her relationship with any outside entity that is related to the Covered Person's field of work for the College.

C. Disclosure Statements.

- i. Within 90 days of the adoption of this Policy, and annually thereafter, the Governance and Personnel Committee of the College shall promulgate a list of all titles of sufficiently high responsibility and rank as to, in the reasoned judgment of the committee, require initial and annual reporting of interests. Such list shall include the Trustees, the President of the College, the members of the President's cabinet, the Chairperson of the College Senate, and any other title identified by the Governance and Personnel Committee in its reasoned judgment (each a "Reporting Covered Person" and collectively, the "Reporting Covered Persons").
- ii. Each Reporting Covered Person shall upon appointment or reappointment, and on an annual basis thereafter, complete and provide to the Executive Director of Human Resources a disclosure statement in such form as approved by the Governance and Personnel Committee of the College. Such statement shall include all matters specified in General Municipal Law Section 812 and such other matters as the committee determines should be disclosed.
- iii. In the event that an interest arises in the interim period between the filing of annual disclosure statements, the Reporting Covered Person shall within two weeks provide an updated disclosure statement to the Executive Director of Human Resources.

D. Failure to disclose information required by this Section with respect to a Close Relative shall not constitute a violation of this Policy if the Reporting Covered Person has made a diligent and good faith effort to obtain the information required by the disclosure statement.

E. The Executive Director of Human Resources shall maintain all disclosure statements for at least seven years, and restrict access solely to the Executive Director of Human Resources and such persons required by this Policy to review reports of violations of this Policy.

**Section 6. Prohibition on Unethical Conduct.** No Covered Person shall take any action in violation of this Policy, the Ethics Law of the County of Oneida, or Article 18 of the General Municipal Law, nor take any of the following actions:

A. Directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

- B. Induce any other persons to violate this Policy.
- C. Disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interests;
- D. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the College.
- E. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the College, whereby his or her compensation is to be dependent or contingent upon any action by the College with respect to such matter.
- F. Participate in the hiring, supervision, or evaluation of any Close Relative. An Educator may not evaluate student academic work, make changes to a student's academic record, or participate in or attempt to influence decisions involving a student who is a Close Relative or is an individual with whom the Educator has a close personal relationship, including but not limited to grading, evaluating student work, awarding credits or a credential, graduating or participating in other activities in which a student is engaged at the College.
- G. The primary work obligation for all full-time Covered Persons will be their position at college. A full-time Covered Person shall not engage in outside employment if such employment constitutes a conflict of interest; occurs when he or she is assigned or expected to perform assigned duties for the College; or diminishes the Covered Person's efficiency or attention in performing primary work obligations at the College.

**Section 7. Void Contracts.** Any Contract entered into by or with the College made in violation of this Policy shall be void.

**Section 8. Distribution of this Policy.**

- A. The Human Resources Department shall post this Policy in a conspicuous location of each campus of the College and on the College website.
- B. The Human Resources Department shall provide this Policy to each Covered Person upon his or her appointment or reappointment and on an annual basis thereafter. Each Covered Person shall thereafter certify that he or she has read and agrees to comply with this Policy.

**Section 9. Violations.**

- A. The Executive Director of Human Resources Department shall review all complaints of violations of this Policy and all disclosure statements submitted pursuant hereto. In the event of a violation of this Policy, the

Executive Director of Human Resources shall discuss the violation, and determine any resulting action or discipline, as follows:

- i. For violations by Covered Persons other than the President of the College and the Trustees, with the Vice President charged with supervision or oversight of the Covered Person.
  - ii. For violations by the President of the College, with the Governance and Personnel Committee of the Board of Trustees; and
  - iii. For violations by the Trustees, with the Ethics Board of the County of Oneida.
- B. Disclosure statements made by the Executive Director of Human Resources, and all complaints of violations of this Policy by the Executive Director of Human Resources, shall be submitted to and reviewed by the President of the College.
- C. Before imposing any discipline under this Policy, the College shall require the report of violation to be sworn, and the appropriate reviewing officer or body shall, if the circumstances require, investigate the violation and afford the Covered Person an opportunity to respond to the report of violation in writing or by hearing, as appropriate to the severity of the violation and significance of the proposed discipline. In the event a hearing is required, the hearing shall be conducted by the person or body identified in Section 9(A) of this Policy as having oversight of the putative violator.
- D. Any Covered Person who violates this Policy may be subject to discipline, in accordance with dues process and law. Such discipline may include a warning (verbal or written), reprimand (verbal or written), suspension (memorialized in writing), termination (memorialized in writing), or other such discipline as appropriate to the violation, such discipline to be made by the person or body with appointing and removal authority for the Covered Person.
- E. Any person who violates this Policy may also be subject to fines and other penalties imposed by law, whether civil or criminal, and any damages owed to the College by virtue of the Covered Person's violation of this Policy.
- F. Any person, whether or not a Covered Person, who intentionally and knowingly violates this Policy or induces another to violate this Policy shall be prohibited from entering into any Contract with the College for a period of three (3) years.

**Section 10. Whistleblower Protection.** In accordance with the College Whistleblower Policy, no person shall be subject to discipline or retaliation for reporting a violation of this Policy.

**Section 11. Revision History**

| <b>Date</b> | <b>Revision Description</b>   | <b>Revisions Made by:</b>  |
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| 3.18.24     | Complete rewrite of 2011 version of COI policy; includes former '2004 Conflict of Interest', '2003 Employment of Close Relatives', '2012 Sales to Students' and '2016 Other Employment for FT Employees'. Presented to Board of Trustees as first reading January 22, 2024 and Consent Agenda on March 18, 2024 for adoption. | Andrew Dean, Assistant Oneida County Attorney; Crystal Marceau, Executive Director of HR; Anne Nolan, Director of Compliance |