
Chapter: Personnel

Modification No. 001

Subject: **Conflict of Interest**

- I. The Board of Trustees recognizes that the continued excellence of educational programs and services at Montgomery 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 his or her public duties and responsibilities. [The Board of Trustees' Bylaws also include policy statements relating to conflict of interest.]
- II. Montgomery College has been held to be an executive agency of the State of Maryland for purposes of the Maryland Public Ethics Law and the College Board of Trustees and its employees are subject to that law.
- III. The President is authorized to establish procedures to implement this policy with respect to College employees.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 007

Subject: **Conflict of Interest**

- I. The Maryland Public Ethics Law and the following procedures apply to all employees of Montgomery College.
- II. The procedures contained in this segment are intended:
 - A. To provide detailed guidelines for the implementation of this policy to College employees;
 - B. To increase individual consciousness of the possibility of present as well as future conflicts between private interests and public responsibilities and actions; and
 - C. To promote continued public trust and confidence in the integrity of College employees.
- III. Serious violation of the foregoing policy and the following procedures shall be considered to be misconduct. Violations may be dealt with by prosecution under state or local law, by termination of employment, or by other disciplinary action, or by any combination of the above.
- IV. 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.
- V. Employment of College Employees
 - A. 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.
 - B. College employees may not engage in any other employment or in any private business that conflicts with the assignment of duties at Montgomery College. Faculty may be assigned duties during those hours that the College is open. The assignment of specific hours varies from semester to semester and duties frequently require availability at short notice.
 - C. 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 provost or immediate administrative supervisor for a reason related to the employee's performance of the employee's assigned College duties.
- VI. Conflict of Interest Exceptions
 - A. 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.

- B. 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.
 - C. An employee of the College 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 his or her 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.
- VII. Restrictions on the Employment of Relatives
- A. 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.
 - B. 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.
 - 1. "Employee" in the above categories will include full and part-time faculty members, administrators, temporary employees, and regular status staff.

2. "Relatives" in the above categories will include spouse or domestic partner per Montgomery County Code, Section 33-22, children, parent of employee or spouse or domestic partner, brother or sister of employee or spouse or domestic partner, grandparents or grandchildren of employee or spouse or domestic partner, aunts and uncles of employee or spouse or domestic partner, nephews and nieces of employee or spouse or domestic partner, brothers-in-law and sisters-in-law of employee or spouse or domestic partner, sons-in-law and daughters-in-law of employee or spouse or domestic partner.

VIII. Private Tutoring

- A. No employee of the College shall tutor privately, for a remuneration, any student who is enrolled in the College.
- B. No private tutoring of non-Montgomery College students by employees for which a remuneration is received shall take place on College property.

IX. 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.

X. Endorsements

- A. No employee of the College 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 those which have approved charters on file with the campus Student Activities Office or which have been duly authorized by the President.
 - b. The conduct of the commercial venture is approved in writing by

the vice president/provost, or senior 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 Director of Procurement.
 - d. Any profits and/or commissions will become the property of Montgomery 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 Montgomery 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/Continuing Education instructors who require the use of their own copyrighted works by students enrolled in non-credit courses.

XI. Procurement of Goods and Services

- A. 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:
 - 1. A buyer ordering products from a firm in which he or she has a financial interest;
 - 2. An account manager authorizing the purchase of consultant services from a member of his or her immediate family.
- B. Procedures
 - 1. 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 his or her vice president/provost, through normal reporting channels, or immediate administrative supervisor, of the nature and extent of his/her 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/provost, 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.
 - 2. Any College employee, with the concurrence of his or her 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.

C. Faculty-Owned Works for Use in Credit Courses

Full-time and part-time faculty members may require use of their own copyrightable works by students enrolled in credit courses in accordance with the following procedures:

1. Discipline faculty assume primary responsibility for assuring the appropriate College use of instructional materials which are copyrighted by individual faculty members, including the assignment of such material to College students in credit courses.
2. Prior to assigning personally copyrighted materials to students enrolled in a College course, the faculty member will submit the material for review to a campus review committee composed of faculty members in the discipline which is covered by the material.
3. The discipline review committee will be selected by discipline faculty, who are also responsible for determining procedures to be followed by the Committee.
4. The discipline review committee will review the materials for compliance with general copyright law and Board policy; appropriateness for the student population; a cost comparison with similar materials; and other factors as the committee may determine are appropriate.
5. The discipline review committee will approve or disapprove the assignment of the particular instructional material and will inform the faculty member and appropriate dean of its decision. The committee's decision will be noted on the book adoption form forwarded to the bookstore or in a separate approval memorandum.
6. The faculty member may appeal the decision of the campus discipline review committee to the Faculty Council¹, which may involve discipline faculty from other campuses in the appeal process before making a final decision.
7. The respective dean is responsible for assuring that the processes set forth above are followed.
8. Faculty-owned materials which are approved for use by the appropriate faculty discipline review committee may be ordered through a campus bookstore in accordance with normal procedures for ordering instructional materials.
9. The Senior Vice President for Academic Affairs or designee shall ensure compliance with the process set forth above.

¹ As defined in the new governance system, effective May 2012

D. Faculty-Owned Works for Use in Non-Credit Courses

Faculty members who teach non-credit courses may require the use of their own copyrightable works by students enrolled in non-credit Continuing Education courses and programs only with the written approval of the appropriate dean.

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

A. 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.

B. 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.

C. Use of Supplies and Equipment Produced by Employees

All supplies and equipment produced by an employee during or prior to his or her employment at Montgomery 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.

D. Use of Other College Resources

Use of College resources including, but not limited to, paper, personnel time, mimeograph and 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.

E. Authorization for Use of Property, Supplies, Equipment, Materials and Other College Resources

1. Responsibility for ensuring that inventorial property is used for its authorized purpose is assumed by the individual accountable for the control and general security of the property as provided for in the policies and procedures pertaining to property control as well as by the individual employee.
2. Responsibility for ensuring that non-inventorial property, supplies, and other College resources are used for an authorized purpose is assumed by the head of the department or office, academic or administrative, in which the resources are normally used or consumed, as well as by the individual employee.

3. Responsibility for ensuring that the staff services of College employees are used solely for an authorized purpose is assumed by the head of the office, academic or administrative, to which the employee is assigned, as well as by the individual employee.

XIII. Part-time Teaching by Administrative, Associate and Support Staff

A. Administrative Staff

Full-time administrative staff may teach part-time at the College provided that all of the following conditions are met:

1. The person must be appropriately qualified to teach the particular course(s).
2. Administrative staff may not teach more than one course in any given semester or summer session, unless the course(s) is part of a regular work assignment.
3. The teaching must have the approval of the administrative staff person's supervisor.
4. The part-time teaching assignment shall be made in accordance with the procedures of the relevant campus, and the appropriate campus dean has final responsibility for assignment of the course(s).
5. If the teaching is a part of the employee's regular assigned workload or is done during a weekday, there will be no extra compensation.
6. If the teaching is done outside of the regular administrative work schedule, compensation at the part-time faculty teaching rate may be granted, with approval of the Senior Vice President for Academic Affairs.

B. Associate and Support Staff

1. Full-time exempt associate and support staff may teach part-time at the College provided that all of the following conditions are met:
 - a. The person must be appropriately qualified to teach the particular course(s).
 - b. The part-time teaching assignment shall be made in accordance with the procedures of the relevant campus.
 - c. Compensation shall be based on the part-time faculty salary schedule.
 - d. The part-time teaching shall be done outside of the individual's normal work schedule.
 - e. Associate and support staff may not teach credit courses as part of their normal work assignment.
2. Full-time non-exempt associate and support staff shall not teach part-time at

the College.

Presidential Approval: September 21, 1987; August 31, 1992; August 25, 2004; August 1, 2012; November 5, 2012; June 24, 2013; April 28, 2014.