

**DAEMEN COLLEGE**  
**CONFLICT OF INTEREST POLICY**

**Policy Purpose**

Daemen College's policy is to comply with all laws and regulations affecting its activities. This policy on conflict of interest is intended to satisfy compliance requirements and guide College personnel in avoiding those situations that can result in a conflict of interest.

**POLICY:**

It is the policy of Daemen College that employees must discharge their duties in the best interests of the College to the extent permitted by law. Therefore, each employee must:

1. Refrain from putting the interests of any individual, agency, organization, or association above the best interests of the College.
2. Refrain from any activity or transaction that could influence or cause an employee not to act in the best interests of the College, including, without limitation, any business transaction or private arrangement for personal profit which arises out of or relates to a position of authority with the College or upon confidential information which is obtained by reason of such position of authority. For purposes of this policy "personal profit" means profit to the employee, any member of his or her immediate family (spouse, parents, children, siblings) and any entity with which he or she may be associated.
3. Disclose any financial, ownership, or management interest in any entity engaged either in the delivery of educational services, or in the delivery of goods or services of any kind to the College.
4. Refrain from participation in a transaction with the College which could result in personal profit except upon the written approval of the President or his designee.
5. Disclose any personal activity or business opportunity which is within the scope of the activities of the College and refrain from pursuing or exploiting such opportunity except upon written approval of the President or his designee.
6. Refrain from accepting any gift, favor, service, compensation, or benefit of any kind from any person who can influence the exercise of the employee's professional judgment on behalf of the College. This includes any person with whom the employee may transact business on behalf of the College, or whom the employee knows to be transacting, or seeking to transact, business with the College. Items of minimal value (*e.g.*, \$50 or less) are not included within this policy, and need not be reported, unless they occur more than twice per calendar year.

7. Refrain from making or tendering payments, gifts or services to or for the benefit of any government or accrediting agency official, employee or designee who is in a position to influence directly or indirectly, any government or accrediting agency action or decision.

8. Refrain from making or soliciting contributions in the name or on behalf of the College or with College funds, services or facilities in any form to, or in aid of, any political party, group, candidate or cause. It is not a violation of this Policy for an employee to contribute to a political party or campaign as a private citizen.

9. Refrain from participating in any employment, salary, or other important decision regarding an immediate family member or person with whom the employee is in a close personal relationship. Members of the same family may not be employed in a situation where one member of the family works under the administrative supervision of another except with the approval of the appropriate vice president. Pertinent provisions of the Faculty Handbook will be observed in any cases involving faculty members.

A conflict or a potential conflict of interest can arise at any time. It is therefore required that a situation encompassed by this Policy be disclosed before occurrence if that is possible, and in any event as quickly as possible after the situation is appreciated.

If any employee is in doubt about a situation, it should be fully disclosed to the appropriate vice president, so that a determination can be made as to what action, if any, needs to be taken. There is no harm in good faith, over-reporting; by contrast, failure to report may be a violation of this Policy.

A violation of this policy may result in disciplinary action up to and including a written warning, suspension without pay, transfer, demotion, termination of employment, cessation or prohibition of business with a vendor, and other appropriate remedies.

## **PROCEDURES:**

The President of the College, or his designee(s), will administer the Conflict of Interest Policy. The President may, at his discretion, refer selected issues or matters to the Audit Committee of the Board of Trustees.

1. This Conflict of Interest Policy is to be communicated at least annually to all employees. New employees are to be given a copy of this policy.

2. A Conflict of Interest Statement (**Attachment A**) must be executed by all College officers, Cabinet members, Deans, administrators and full time faculty members. Cabinet members are to assure that all of their employees who are required to execute the Statements do so. Signed Statements must be submitted to the Vice President for Business Affairs. An employee may be asked to complete and sign a new Statement whenever a situation arises that may potentially involve this policy. Failure to complete or sign a Statement upon request will be deemed an admission of an actual conflict of interest.

3. An employee who becomes aware at any time of a conflict of interest involving himself/herself should immediately obtain and complete a Conflict of Interest Disclosure Form (**Attachment B**) and deliver it to the cabinet member responsible for his/her area. The Cabinet member must deliver a copy of each Disclosure Form to the Vice President for Business Affairs.

4. An employee who becomes aware at any time of a possible, perceived, or actual conflict of interest involving another employee or employees must report the situation promptly by completing a written Disclosure Form and delivering it to the Cabinet member responsible for the employee(s) potentially involved in the conflict of interest. The Cabinet member must deliver a copy of the Disclosure Form to the Vice President for Business Affairs. The Disclosure Form should be accompanied by relevant supporting information or materials. If the Disclosure Form may implicate the conduct of the Vice President for Business Affairs, the Form may be given to the President or any member of the Board Audit Committee.

5. All Conflict of Interest Statements and Disclosure Forms should be delivered to the Vice President for Business Affairs. If a possible, perceived, or actual conflict is disclosed, the Vice President for Business Affairs will require the appropriate Cabinet member or dean to review the situation and contact the necessary people to develop an understanding of the situation. Thereafter the Vice President for Academic Affairs will render a decision in those cases pertaining to faculty members and the Vice President for Business Affairs will render a decision in all other cases. All decisions and resolutions must be in the best interests of the College. If research is involved, the resolution must meet the granting institution's requirements. Conflicts involving the Vice President for Business Affairs will be handled by the Board Audit Committee.

6. An employee impacted by a resolution may appeal to the President by submitting a written statement explaining the disagreement. After consulting with the Board Audit Committee, if deemed necessary, the President will issue a final decision.

7. A copy of all documents relating to the disclosure and the resolution will be retained by the Vice President for Business Affairs.

8. In general, all Conflict of Interest Statements and Disclosure Forms are to be retained for four years. All Conflict of Interest documents and related actions for grants must be maintained at least three years beyond the termination of the related grant or resolution of any action with the granting organization, whichever is longer. Research related disclosure materials are to be maintained by the Vice President for Academic Affairs.

9. All Conflict of Interest documents will be available for review by the Board Audit Committee and external auditors.

10. Conflicts involving senior management are to be resolved by the President in consultation with the Board Audit Committee and College legal counsel.

11. Conflicts involving the President are to be resolved by the Board Audit Committee and the Executive Committee of the Board if deemed necessary.

**RETALIATION PROHIBITED:**

It is a violation of College policy to retaliate against an individual who reports a potential or perceived conflict of interest. If an individual believes that retaliation has occurred or is threatened, he or she should report it immediately to the Vice President for Business Affairs. It is also a violation of this Policy for an employee to file a Disclosure Form or give a statement that is made in bad faith. The identity of the person reporting conduct in accordance with this Policy will be kept confidential to the extent possible with an adequate investigation.

**DAEMEN COLLEGE  
CONFLICT OF INTEREST STATEMENT**

{Print:}

NAME \_\_\_\_\_ POSITION \_\_\_\_\_

DEPARTMENT \_\_\_\_\_

I have read the College's Conflict of Interest Policy and recognize that as an employee of Daemen College, I occupy a position of trust with respect to the institution, and have an obligation to discharge my duties with good faith, diligence, fidelity and loyalty, including the duty to disclose any actual or possible conflict of interest.

As required by the Trustees of Daemen College, I hereby aver that, to the best of my knowledge, there does not now exist any conflict between my own interests and those of Daemen College, that I shall report to the College any instance of a conflict or possible conflict that may arise between my own interests and those of the College, and that I will never knowingly harm the interests of Daemen College, given my good faith understanding of those interests.

Furthermore, should I observe or otherwise become aware of any questionable accounting or auditing practices, I will report such conduct to the Vice President for Business Affairs or to any member of the Trustee Audit Committee.

\_\_\_\_\_ {Check if applicable.) I have attached a Disclosure Statement, in which I am providing information regarding an existing or potential conflict of interest not previously disclosed to my supervisor in a Disclosure Statement.

\_\_\_\_\_ {Check if applicable.) I have engaged in consulting over the past twelve months for which I personally received compensation or other form of benefit or compensation.

Pursuant to the Policy, I will promptly notify my vice president, in writing, of any change either to this form or its attachment (if any).

Signature \_\_\_\_\_ Date \_\_\_\_\_

NOTE: This form must be completed, signed, and submitted to the Vice President for Business Affairs NO LATER THAN DECEMBER 31, \_\_\_\_\_.

Questions about the Policy should be directed to the Vice President for Business Affairs. Completed forms will be maintained in the employee's personnel file and in the Business Office.

**ATTACHMENT A**

**DAEMEN COLLEGE  
CONFLICT OF INTEREST  
DISCLOSURE FORM**

{Print:}

NAME \_\_\_\_\_ POSITION \_\_\_\_\_

I have read the College's Conflict of Interest Policy and recognize that as an Officer or Employee of Daemen College, I occupy a position of trust with respect to the institution and have an obligation to discharge my duties with good faith, diligence, fidelity and loyalty.

In accordance with that Policy, I wish to disclose the following situation(s) which may (1) constitute an actual or potential conflict of interest not previously disclosed, or (2) involve a potential violation of the College's accounting, internal control, and/or auditing practices<sup>\*</sup> :

I have attached any materials related to this situation that I think will assist in the evaluation of whether or not it does present a conflict of interest or commitment.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Received by:

\_\_\_\_\_ Signed \_\_\_\_\_ Date \_\_\_\_\_

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\*

This Form may be submitted anonymously with the Trustee Audit Committee.

**ATTACHMENT B**