

## CONFLICT OF INTEREST

### I. Policy Section

6.0 Human Resources

### II. Policy Subsection

6.7 Conflict of Interest

### III. Policy Statement

All employees must conform to ethical and legal standards to preserve the College's reputation and integrity in the community. Grand Rapids Community College has made an effort to conform to AAUP, The American Association of University Professors, guidelines regarding conflict of Interest. Any questions regarding the parameters can be obtained by consulting the 9<sup>th</sup> edition of the AAUP Policy Documents and Reports.

Grand Rapids Community College shall not exercise control of the personal activities of employees except those activities deemed a conflict of interest within the employee's respective assignment.

The Board of Trustees of Grand Rapids Community College authorizes the President to discipline employees who violate this Conflict of Interest Policy.

### IV. Reason for Policy

The purpose for having the Conflict of Interest policy is to outline what employee activity (s) constitutes a conflict of interest that might jeopardize the College's mission and interfere with GRCC's highest standards of excellence and integrity, and notify employees of potential ramifications of policy violations.

### V. Entities Affected by This Policy

All Employees

### VI. Who Should Read This Policy

Employees/Contingency Employee/Independent Contractors  
Student Employees  
Purchasing Vendors

## VII. Related Documents

- a. Other GRCC Policies: 6.9 Academic Freedom; 6.11 Copyrights and Invention Rights; 9.1 Contracts and Agreement; Confidentiality; Acceptable Use and Non-Compete Agreements; 11.1 Reimbursement of Employee Expenses; 11.4 Employee Travel; 6.5 hiring and Dismissal of Staff;
- b. Purchasing Policies & Guidelines
- c. Non-Union, Meet and Confer Employee Handbooks
- d. Loan of College Equipment Policy and Equipment Release Form
- e. Faculty Association Agreement, Article 15b – Provisions Unique to Training Solutions Faculty

## VIII. Contacts

If you have a question about whether there might be a conflict of interest or concern with professional behavior:

- a) Talk to your supervisor, or
- b) Contact the Executive Director of Human Resources, or
- c) Contact the Vice President of Organizational Development if you wish to make an anonymous report. Individuals who, in good faith, report a conflict of interest or present evidence in such investigation are protected from retaliatory personnel or academic action. Acts of retaliation are a violation of this policy and are prohibited by law, even if such report later proves unfounded.

## IX. Definitions

- a) Conflict of interest may arise whenever an employee is in a position to influence college business, research, or other decisions in ways that could lead to any form of personal gain for the individual or his/her relative, or give improper advantage to others. Such conflicts include, but may not be limited to the following: (1) an employee's personal or financial interest conflicts or could conflict with the employee's exercise of judgment or performance of duties in the College's best interests and (2) an employee profits at the expense of the College because of advantages she/he has by being an employee of the College (3) when someone engages in an action or decision that compromises the integrity of his/her employment or places the institution at risk.
- b) Relative includes any of the following persons related to an employee by blood or law: spouse, mother, father, child, parent-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, grandchild, grandparent, son-in-law, daughter-in-law, and "step" relationships of the proceeding.
- c) Unit/Division: The College is structured through four units/divisions all reporting to the President. These units/division are 1) Academic and Student Affairs, 2) Business and Financial Services, 3) Organizational Development and 4) Learner Resources and Technology Solutions.
- d) Department: Each unit at the College has specific departments with unique functions and responsibilities. Departments may be academic departments or service (non-academic) departments. The "Relatives as

Employees” section of this policy affects employees who work in the same department AND for the same supervisor.

## X. Procedures

Employees are responsible for making themselves aware of all GRCC policies. It is the obligation of each employee to consult with his/her immediate supervisor about any involvement which may be a matter of potential conflict of interest. It is the employee’s responsibility to clarify that the proposed activity does not conflict with his/her employment prior to participation in such activities.

Since it is impossible to list guidelines to cover every situation, the absence of an activity from the list in this section does not constitute a defense or basis for avoiding disciplinary action where it is warranted. Examples include:

### Professional Conduct

- a) Personal consulting and other personal engagements or a second job, etc. should be scheduled outside of employee’s work hours at times when the duties will not interfere with the employee’s college responsibilities as defined by his/her position. Person engagements or a second job should not prevent an employee from devoting proper time or attention to his/her employment with Grand Rapids Community College.
- b) Confidential information may not be used, disclosed or shared with others during or after an employee’s employment.
- c) Owning an interest in a competing business or taking for yourself a business or financial opportunity within the scope of GRCC’s mission. A conflict arises when such interest is derived through employment with GRCC and use of GRCC resources, property or personnel.
- d) Conduct as a citizen and moral agent which precludes an employee from fulfilling substantial employment obligations, rises to a level acutely contrary to GRCC’s Mission and harms GRCC’s reputation.

### Purchases and accepting gifts

An employee in a position to authorize or execute purchases on behalf of the College shall make known to the College President or designee any financial interest that the employee may have, direct or indirect, in any proposed transaction to which the College may be a party.

See GRCC Purchasing Policy for additional instructions regarding purchasing conflict of interest.

### Employee Communications with the Public

Employees have the right to speak and write as citizens free from institutional censorship or discipline. At the same time, employees have special obligations arising from their positions in the community: to be accurate, to exercise

appropriate restraint, to show respect for the opinions of others, and to make every effort to indicate that they are not speaking for the institution.

### Relatives as Employees

Family members of current employees may also become employees of Grand Rapids Community College. However, to maintain a comfortable environment for everyone and avoid possible conflicts, appointment of any relative of an employee must be approved by the Vice President of Organizational Development in consultation with the appropriate Vice President of the area and the President of the College in advance of the appointment with the intent that no conflict of interest exist.

When employment of a relative does occur, the person who supervises the relatives must ensure that no conflict of interest exists in matters of appointment, retention, promotion, termination, assignment or other conditions of employment for relatives or employees within his or her unit.

The policy governs the following situations:

- Relatives may work in the same department, but must not work together in a supervisory/subordinate role in the same department. There are three departments that are exceptions to this situation: payroll/benefits, human resources/labor relations and cashiers. Relatives are not allowed to work in those three departments.
- Husbands and wives may not be employed in the same department on a full-time basis. If husbands and wives are considered for work in the same department, the supervisor must demonstrate business necessity based on:
  1. Lack of available, alternative qualified candidates.
  2. Negative impact on program

This exception will be considered for temporary employment only.

- One relative may not be hired to supervise or report to the other. This will eliminate charges of favoritism in appointment, retention, promotion, termination, evaluation, assignment or other conditions of employment where perceptions of preferential treatment could develop.
- In the event that relatives working under the conditions stated above demonstrate the development of a conflict of interest, the employees involved will be offered the opportunity to decide which employee will seek an alternative employment opportunity. If the employees involved cannot reach a decision, the College will make the decision based on the best interest of the College. The College will consider such factors as; the employee's skills, qualifications, training and seniority.
- Note: A limited number of related employees were hired prior to the implementation of this policy. These employees, (a list is available in Human

Resources), were not required to switch jobs or seek alternative employment opportunities. However, the College continues to monitor their employment status to eliminate charges of favoritism.

### Misconduct and Theft

GRCC employees should respect the rights of all employees to work in an environment free from all forms of illegal discrimination and harassment of any form in the workplace. Moreover, the institution has a special duty not only to set an outstanding example of tolerance, but also to challenge boldly and to condemn immediately serious breaches of civility. Employees have a major role; their voices may be critical in condemning intolerance and their actions may set examples for understanding, making clear to students, other employees and members of the community that civility and tolerance are hallmarks of educated men and women. Specific behaviors that contradict these principles may constitute misconduct. Examples of misconduct behavior include, but are not limited to the following:

- a) Disorderly conduct
- b) Behavior that is determined as under the influence of alcohol or drugs (It is the employee's responsibility to notify his/her immediate supervisor of any prescription medication that could impair the employee's ability to effectively and safely perform his/her position)
- c) Unauthorized consumption of alcohol on College premises, while engaged in business on behalf of the College, or in College vehicles
- d) Gambling or bookmaking on College property or in College vehicles
- e) Unexcused and excessive absenteeism or tardiness
- f) Smoking in designated nonsmoking areas
- g) Failure to observe policies and/or procedures of the College
- h) Unauthorized soliciting, distribution of literature, or conducting unauthorized meetings of any kind during work hours which interferes with the employee's work time or is contrary to the College's mission
- i) Failure to take reasonable precaution to keep the property of the College, i.e., student files, employee files, or client files protected and confidential
- j) Failure to observe safety guidelines of the College
- k) Unauthorized possession of a firearm, or any other item intended to be used as a weapon on College property, while engaged in College business, or in College vehicles

### Disciplinary Actions

Disciplinary action for failure to observe any of the above guidelines may include:

- 1. Verbal reprimand
- 2. Written reprimand
- 3. Suspension without pay
- 4. Termination of Employment

5. Legal action to recover any financial loss suffered by the College as a result of the activity of the employee.

The College reserves the right to impose discipline it deems appropriate, given the facts and circumstances of a particular situation. An employee may appeal the decision of the employee's immediate supervisor to the next higher level of authority. Please reference specific Contract Agreements and/or Employee handbook for specific grievance and/or appeal process.

#### Zero Tolerance Actions

The following forms of misconduct constitute grounds for immediate termination of the employment relationship:

- a) Unauthorized possession, use, distribution, manufacture, sale, or dispensing of any controlled substance or illegal drugs on College premises or in College vehicles.
- b) Stealing from College, clients, students or fellow employees
- c) Conviction of a felony while employed
- d) Falsification of payroll records
- e) Falsification of employment applications or resumes or any other College forms
- f) Failure to notify supervisor (or applicable faculty absence line) of unexcused absences of three consecutive days because unexcused absences of three or more days will be considered job abandonment and grounds for immediate termination

#### XI. Forms

Corrective Action Form

#### XII. Effective Date

December 2007

#### XIII. Policy History

- Revised – December 2007 (revised “relatives as Employees” section)
- Revised – March 26, 2007
- Revised – April 18, 2008
- Original effective date – September 20, 2005

#### XIV. Next Review/Revision Date

Organizational Development Office to review this policy in December 2008