St. Mary's College of Maryland
The National Public Honors College

Office of Human Resources
47645 College Drive
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ST. MARY'S COLLEGE OF MARYLAND
CONFLICT OF INTEREST POLICY

(a) Purpose and Scope

(1) Purpose

The purpose of this policy is to comply with the state of Maryland Ethics Law governing conflict of interest.

(2) Scope

(A) This policy enforces the State of Maryland Ethics Law, MD Ethics Law, regarding conflict of interest and the requirement for financial disclosures for state employees serving in certain job positions.

(B) This policy applies to all state employees:

(i) Permanent (PIN) St. Mary's College of Maryland ("the College") employees who are paid through the Central Payroll Bureau of the Comptroller.

(ii) Employees covered by a collective bargaining agreement

(iii) Contractual employees (non-PIN)

(C) This policy does not apply to:

(i) Vendor contractors (1099 workers contracted through the Business Office).

(b) Policy Statement

The Conflict-of-Interest provisions of the Maryland Code Annotated, General Provisions, Title 5, Subtitle 5, apply to ALL State Employees at St. Mary's College of Maryland (SMCM or "the College"). The provisions govern the behavior of all State employees and a violation of any of these principles may result in disciplinary action, up to and including termination from State employment. Compliance with this policy therefore reduces the risk of actual or perceived conflicts of interest.

(c) General Provisions

(1) Consistent with Maryland Public Ethics Laws, Annotated Code of Maryland, General Provisions Article, Title 5:

(A) Employees shall not hold financial interests that conflict with SMCM Bylaws, Policies and Procedures.

(B) Employees shall not, except as permitted by applicable law or regulation or by position description, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the College, another Maryland Institution, whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

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(C) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

(D) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, which conflict with the duties and responsibilities of their primary position at SMCM, without receiving written permission from the unit head, area Vice President and the President, or their designee. In certain circumstances, Secondary Employment or Dual Employment must also be reviewed and approved, in advance, by the Maryland State Ethics Commission.

(E) Employees shall endeavor to avoid any actions creating the appearance of any impropriety or violating applicable law or the ethical standards in applicable regulations.

(F) Upon leaving State service, College employees shall be bound by the restrictions of the Annotated Code of Maryland, General Provisions Article, Section 5- 504, with respect to lobbying and other forms of representation.

(G) The College shall provide training regarding all applicable provisions of the Maryland Public Ethics Law to all staff and administrators appointed at the level of director or above within six months of such appointment and at least once every five years. Online training provided by the Maryland State Ethics Commission for individuals who file financial disclosure statements may be substituted for the training required under this policy.

(2) Examples of the Conflict-of-Interest provisions

(A) An employee may not participate in a matter in which he or she has an interest. This prohibition also applies where an employee's relatives (spouse, children, brother, sister or parents), or certain entities has/have an interest. Non-participation includes any discussion, advising or deciding of the matter and requires disclosure of the conflict.

(B) An employee may not participate in a matter when one of the parties is a business entity in which he or she has an employment, contractual or creditor relationship. This prohibition also applies when certain relatives (spouse, children, brother, sister or parents) have such a relationship. Non-participation includes any discussion, advising or deciding of the matter and requires disclosure of the conflict.

(C) An employee may not participate in a matter in which he or she is negotiating employment with a party to the matter. This prohibition also applies where certain relatives are negotiating employment with a party to the matter.

(D) In most instances an employee may not have a financial interest in, or be employed by an entity subject to, the authority of the employee, or of SMCM, the agency with which he or she is affiliated.

(E) In most instances an employee may not have a financial interest in or be employed by an entity having or negotiating a contract with SMCM, even if the employee is not involved in that business agreement.

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(F) An employee may not hold any employment relationship that would impair his or her impartiality or independence of judgment.

(G) An employee may not intentionally use the prestige of his or her office for personal gain or that of another. This prohibition means an employee may not use any influence he/she may have to obtain a special benefit for himself/herself or another or use state resources for personal benefit or to benefit another. This includes but is not limited to: influencing the award of a State or local contract to a specific person; initiating a solicitation for a person to retain the compensated services of a particular lobbyist or firm; or using public resources or title to solicit a political contribution.

(H) An employee whose duties include matters substantially relating to the subject matter of any contract with SMCM may not become, while he or she is an employee of the College, an employee of the party contracting with SMCM.

(I) An employee may not assist or represent a party for contingent compensation in any matter involving SMCM, or any State agency or political subdivision other than in a judicial or quasi-judicial proceeding.

(J) A former employee may not assist or represent anyone other than the College for compensation in a case, contract or other specific matter involving SMCM, if that matter is one in which he or she significantly participated as an employee.

(K) An employee may not solicit any gift for him or herself or for others. Subject to certain exceptions, an employee may not knowingly accept any gift directly or indirectly from any person whom the employee knows or has reason to know:
   (i) is doing or seeking to do business of any kind with SMCM or his/her department;
   (ii) is engaged in activities that are regulated or controlled by SMCM or his/her department;
   (iii) has financial interests that may be substantially affected in a specific way by the employee; or,
   (iv) is a lobbyist with respect to the matters within the employee's functional jurisdiction.

There are limited exceptions for certain nominal gifts addressed in Md. Code Ann., General Provisions § 5-505.

(L) An employee, or a former employee of the College, may not disclose or use for personal economic benefit, or that of another, confidential information acquired by reason of his or her position at SMCM.

(M) An employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the Public Ethics Law.

(N) An employee subject to the Ethics Law may not also be registered as a lobbyist.

When New Approvals Are Required

It is the employee's sole responsibility to seek new approvals from the department head, unit Vice President, and College President or their designee in the event of a change to an employee's supervisor and/or chain of command.

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Any prior approvals granted under this policy must be reviewed by the new supervisor(s) within three (3) months of the effective date of the change. The new supervisor(s) may affirm, modify, or revoke the prior approval in accordance with this policy. Failure to notify your supervisor, in accordance with this policy, may result in disciplinary action.

(d) Financial Disclosure Requirement

(1) Certain employees of the College are required to annually file a financial disclosure with the State of Maryland Ethics Commission. Not all State employees are required to file financial disclosure. If you are unsure whether a position is required to file, contact the Office of Human Resources (OHR) and refer to the Financial Disclosure Filer Identification Manual, MD Financial Disclosure Manual.

(2) The financial disclosure forms require the filer to identify real estate interests, equity interests, and other relationships such as employment, debts and gifts so that the public can be assured that the impartiality and independent judgment of those officials and employees will be maintained.

(3) Annual ethics filing is required by employees serving in a position that meets the two-part test for inclusion of salary and duties:

(A) Public Official includes an individual employee who receives compensation at a rate of at least state grade level 16, annual salary exceeds that rate.

(B) The employee, acting alone or as a member of an executive unit, has discretionary or decision-making authority or acts as a principal advisor to one with authority in making state policy in an executive unit or in exercising quasi-judicial, regulatory, licensing, inspecting, or auditing functions and the individual's duties are not essentially administrative and ministerial. The position has discretionary and decision-making authority.

(e) Ethics Law Enforcement

(1) Anyone may file a complaint with the Commission, MD Ethics Law Enforcement, alleging a violation of the Public Ethics Law by an employee, official or lobbyist. Information related to the complaint, including the identity of the complainant and respondent, may not be disclosed by the Commission, its staff, the respondent or the complainant.

(f) Not a Contract

This policy does not constitute or create an express or implied contract. It is not intended to, and does not, create contractual obligations with respect to any matter it covers.

Approval Date: May 9, 2025
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Approved By: SMCM Board of Trustees