

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. 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.

(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 the St. Mary's College of Maryland ("the College") 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.
- (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 position.
- (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 or official may not intentionally use the prestige of his or her office for personal gain or that of another.
- (B) An official or employee may not participate in an official action, decision or matter in circumstances where the official or employee has an interest or where certain relatives of the official or employee have an interest.
- (C) An official or employee may not hold any employment relationship that would impair his or her impartiality or independence of judgment.
- (D) An official or employee may not disclose or use for personal economic benefit, or that of another, confidential information acquired by reason of his or her public position.
- (E) A former official or employee may not assist or represent anyone other than the State for compensation in a case, contract or other specific matter involving the State, if that matter is one in which he or she significantly participated as an official or employee.
- (F) Employees may not solicit gifts for themselves or others, unless permitted by position description, and generally may not accept gifts from lobbyists or those regulated by or doing (or seeking to do) business with the employee's agency.

(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.