



Jamestown Community College  
Policies and Procedures

<b>Policy Title</b>	<b>Conflict of Interest</b>	<b>Policy Number</b>	<b>002</b>
<b>Section</b>	<b>Governance, Organization and General Information</b>	<b>Approval Date</b>	<b>12/16/2008</b>
<b>Subsection</b>	<b>Governance and Organization</b>	<b>Effective Date</b>	<b>12/16/2008</b>
<b>Responsible Office</b>	<b>Administration</b>	<b>Review Date</b>	

## 1.0 Purpose

**1.1** To ensure compliance with Article 18 of the New York State Municipal Law, which sets forth rules regulating conflicts of interest for municipal officers and employees.

## 2.0 Policy

**2.1** Jamestown Community College (JCC) prohibits employees from having an “interest” in contracts with JCC if the employee has some power or duty with respect to the contract, has authority to audit or administer the contract, or appoints an official who has such powers.

**2.1.1** Even if an employee has no power, duty, or authority over a contract in which he or she has an interest, the employee is still required to file a disclosure statement if the employee or his or her spouse has an interest in the contract.

**2.1.2** Statutory exceptions to the prohibition rule that exempt certain types of contracts entirely or only require that the employee annually disclose the relationship and/or recuse themselves from participation in the approval, audit, or review of the contract include:

- Employee’s spouse or dependents are not prohibited from being employees of the College
- Contracts with non-profit organizations and other governmental entities are not prohibited
- Contracts in which an employee’s spouse has an interest must be disclosed but are not prohibited

## 2.2 Gifts

**2.2.1** Employees shall refrain from accepting duties, incurring obligations, accepting gifts, services, or favors except of nominal monetary value (less than \$75), or engaging in private business or professional activities where there is, or would appear to be, a conflict between the employee’s or the employee’s immediate family’s private interest and the interest of the college.

**2.2.2** The circumstances under which receipt of a gift is prohibited are those in which it could be reasonably inferred that the gift was intended to influence the officer or employee, or could reasonably be expected to

influence him or her in the performance of his or her official duties, or was intended as a reward for any official action on his or her part.

**2.2.3** When expense of more than \$75 is covered for business purposes for an employee(s) by a third party, the employee(s) is required to disclose this information to his or her supervisor.

**2.2.4** The college shall not provide gifts, commissions, or other incentives to employees in the areas of admissions, recruitment, financial aid, or other departments, which could create a benefit for the employee.

### **2.3 Confidential Information**

**2.3.1** JCC prohibits the disclosure or use of confidential information to further his or her personal interests.

**2.3.1.1** Confidential information includes information acquired by the JCC employee or official in the course of his or her official duties.

### **3.0 Procedures**

**3.1** Any employee or official who has an “interest” in a contract, even if the employee has no power, duty or authority over a contract in which he or she has an interest must file a disclosure statement.

**3.2** When expense of more than \$75 is covered for business purposes for an employee(s) by a third party, the employee(s) must disclose this information to his or her supervisor.

### **4.0 Definitions**

**4.1 Contract** - any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law.

**4.2 Gift** – money, service(s), loan(s), travel, entertainment, hospitality, thing(s) or promise(s) in any other form.

**4.3 Interest** - a direct or indirect pecuniary or material benefit accruing to the municipal officer or employee or his or her spouse as the result of a contract with the entity which such officer or employee or his or her spouse serves. JCC employees are deemed to have an interest in the contract of related entities such as his or her (1) spouse, minor children and dependents; (2) a firm, partnership, or association of which such officer or employee or spouse is a member or employee; (3) a corporation of which such officer or employee or spouse is an officer; and (4) a corporation which is owned or controlled directly or indirectly by such officer or employee or spouse.

### **5.0 References**

**5.1** Article 18 of the New York State General Municipal Law