



Staff Conflict of Interest Policy

Scope

This policy applies to all regular and temporary staff members.

Policy

Regular and temporary staff members of Harvey Mudd College must avoid activities or situations which may result in a conflict of interest or the appearance of a conflict of interest. Staff members must not use their college positions for the direct or indirect financial, personal or professional benefit of themselves, members of their families or others with whom they have a personal relationship.

The potential for conflict of interest exists across a wide range of activities in all areas of the College. Circumstances surrounding actions and decisions may be complex, and judgments on whether a conflict exists may be difficult to make. The following policies provide guidance for avoiding conflict of interest.

Existing Policies	Approval	Page Number
Employment of Relatives	HMC Board of Trustees February 2007	2
Appropriate Behavior Policy – Staff	HMC Board of Trustees, May 2004	3
Appropriate Use of Campus Computing & Network Resources	Council of The Claremont Colleges August 2004	4-7
“Whistleblower” Policy	HMC Board of Trustees February 2004	8-11
Consulting and Other Outside Activities	President’s Cabinet, April 2009	12-13
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Gifts and Gratuities	President’s Cabinet, April 2009	15
Annual Staff Disclosure Procedures and Form – Conflict of Interest	President’s Cabinet, April 2009	16-21

Staff members who are required to complete a Conflict of Interest Annual Staff Disclosure Form have an affirmative obligation to carefully examine any situation where there is potential for conflict of interest or the appearance of conflict of interest. Failure to do so may result in disciplinary action, up to and including termination of employment.

Staff members who are concerned that a conflict may exist, or who are uncertain as to the impact or appearance of their activities, should consult with their supervisor or the Human Resources Office prior to engaging in the activity.

Staff members who are concerned about a conflict that results in financial impropriety should follow the procedures provided in the Whistleblower Policy (pages 8-11).



Employment of Relatives Policy

Policy

It is the policy of Harvey Mudd College to allow the employment of relatives of current staff, on the same basis as other applicants, provided doing so does not result in an actual or potential problem in supervision, security, safety or morale.

For the purposes of this policy, "relatives" include, but are not limited to: spouses/domestic partners (current or former), children (natural, adopted, belonging to spouse/domestic partner or any other parent/child-type relationship), siblings, parents, in-laws, step-relatives and persons living in the same household.

Staff may not be hired or hold a position in a department or office in which a relative participates in making recommendations or decisions regarding that staff member's appointment, evaluation, work assignment, promotion, transfer, retention/dismissal or salary.

If staff members who marry, or otherwise become related, work in a direct supervising relationship with one another or in a relationship that poses other problems described above, the college will attempt to structure a working relationship that will allow both to remain employed at the college. If a position is not available, or if the college cannot otherwise structure a working relationship that will allow both to remain employed at the college, the college will ask the affected employees to make the decision as to which will continue employment at the college.



Appropriate Behavior Policy - Staff

Policy

Harvey Mudd College (HMC) discourages consensual intimate, amorous, or sexual relationships between students and staff, and absolutely prohibits such relationships whenever a staff member incident to any instructional, research, administrative or other HMC employment responsibility is involved in a relationship with a student whom s/he exercises authority over, supervises, or evaluates. Violations of this policy are subject to administrative action.

Further, Section V of HMC's Discriminatory Harassment Policy, which concerns consensual relationships, states:

"HMC considers it unwise and discourages faculty, and staff from becoming amorously, romantically or sexually involved with students and in certain instances prohibits such relationships. Policies concerning such relationships have been adopted and are included in the Faculty Notebook, Student Handbook and Staff Handbook. HMC also considers it inappropriate for faculty and staff to engage in amorous, romantic or sexual relationships with persons who work under their supervision and who are potentially subject to their judgment concerning personnel actions. Although such relationships may be a matter of mutual consent, the power differentials inherent in such relationships can undermine the integrity of the work environment. Moreover, relationships that begin as consensual, could nonetheless become the subject of a complaint under this Policy should consent be withdrawn by one party."

Approved by the HMC Board of Trustees, May 2004

**The Claremont Colleges
Policy Regarding Appropriate Use of
Campus Computing and Network Resources**

An overall guiding mission of The Claremont Colleges is education in an environment where the free exchange of ideas is encouraged and protected. The Claremont Colleges make available computing and network facilities (CNF) resources for use by the Colleges' students, faculty and staff. These services are provided for educational purposes and to carry out the legitimate business of the Colleges.

The Colleges and members of the college communities are expected to observe Federal, State and local laws that govern computer and telecommunications use, as well as the Colleges' regulations and policies. You must not use campus computing or networking resources or personal computing resources accessed through campus network facilities to collect, store or distribute information or materials, or to participate in activities that are in violation of federal, state or local laws or other Colleges policies or guidelines. These include, but are not limited to, policies and guidelines regarding intellectual property and sexual or other forms of harassment.

Computing and network facilities resources users are required to use these resources within the Colleges' standards of conduct. Individuals with expert knowledge of information systems or who make extensive use of these facilities, or with a position of trust regarding these facilities will be held accountable to a higher standard.

Responsible, considerate, and ethical behavior expected by the Colleges extends to use of computing and network facilities resources, and networks throughout the world to which electronic access has been provided. These CNF resources include but are not limited to:

- Computers and associated peripheral devices;
- Campus video cable;
- Classroom presentation systems;
- Voice messaging equipment;
- Data networking equipment systems, including remote and wireless access;
- Computer software;
- Electronically stored institutional data and messages;
- All other similar resources owned, controlled, and/or operated by the Colleges; and
- Services to maintain these resources.

OWNERSHIP

The Colleges retain absolute ownership rights of the CNF resources. Such resources are not owned by a department or by any individual. CNF resources leased, licensed, or purchased under research contracts or grants, are administered under the terms of this Policy for as long as they remain within the lawful possession or control of the Colleges. CNF resources provided to on-campus residences are also owned, operated and provided by the Colleges.

PRIVACY & SECURITY

- **File confidentiality**

Your documents, files and electronic mail stored on a College-owned networked computer or server are normally accessible only by you. However, any file or document placed on a College-owned computer or network is subject to access pursuant to this

Policy, and thus, should not be regarded as private or confidential. The system managers at both CINE (Claremont Intercollegiate Network Effort) and within the individual campus IT organizations have the ability to monitor traffic and directly view any file as it moves across the network, and they must occasionally do so to manage campus network resources. In short, files may be monitored without notice in the ordinary course of business to ensure the smooth operation of the network. All staff members working in information technology have clear guidelines that prohibit violations of privacy and confidentiality and, in the normal course of their work, they do not view the contents of user files or e-mail. However, you should be aware that authorized College personnel will take appropriate steps to investigate when there is a suspicion of inappropriate use of campus computing or networking resources. This may include monitoring network traffic, its contents, and examining files on any computer system connected to the network.

You should also know that all files on shared (i.e., networked) systems, including e-mail servers, are backed up periodically on schedules determined by each College. Backup tapes are preserved for lengths of time also determined by individual College operating procedures. These tapes can be used to restore files that you have deleted accidentally. This means that the files on the tapes are also available to someone else with reason and authority to retrieve them.

- **Network monitoring**

Troubleshooting on the campus network, as well as planning for enhancements, requires the collection of detailed data on network traffic. CINE regularly runs monitoring software that records and reports on the data that is transported across the campus networks. The reports include the origin and destination addresses, and other characteristics of files, including the URLs of the World Wide Web sites that are contacted. This data is accessed and used only by authorized IT staff members responsible for network performance, operations and planning. You should also be aware that many Web host machines on the Internet collect and log information about you and your identity when you visit their sites. This information may include, but is not limited to, information about the computer you are using, its address, and your e-mail address.

Many educational and business activities at the Colleges require network access to resources on the Internet. To ensure adequate bandwidth to these sites for the Colleges' primary educational and business purposes, CINE and campus IT staff may restrict the amount of traffic to particular sites and the amount of traffic of specific types.

From time to time these network monitoring activities may allow systems managers to identify individuals whose activities downgrade the performance of the campus network or a segment of the network, or which appear to violate the general guidelines for appropriate use of campus computing and network resources. In such instances, a CINE staff member or a member of your own College's IT staff may ask you to cease these activities. If you continue such activities, or if they include illegal activities, appropriate College authorities may be notified. In extreme cases, network privileges may be revoked on an interim basis pending resolution of the issue. The individual campuses determine specific corrective or disciplinary actions.

- ***Passwords and Codes***

Individuals entrusted with or that inadvertently discover logins and passwords are expected to guard them responsibly. These passwords are not to be shared with others. The same policy applies to door codes for restricted-access rooms/areas. Those who need logins or door codes can make a formal request to the administrator of those

codes/passwords. Passwords may be used for the purpose of security, but the use of the password does not affect the Claremont Colleges ownership of electronic information.

ACCESS TO RESOURCES

Access to CNF resources is a privilege, which is allowed only to the Colleges' authorized personnel and students. All users must understand and abide by the responsibilities that come with the privilege of use. Such responsibilities include, but are not limited to, the following:

1. You must understand and comply with all applicable federal, state, and local laws.
2. You must not intentionally seek information about, browse, copy, or modify non-public files belonging to other people, whether at a Claremont College or elsewhere. You must not attempt to "sniff" or eavesdrop on data on the network that are not intended for you.
3. You are authorized to use only computer resources and information to which you have legitimately been granted access. Sharing your passwords with others is expressly forbidden. Any attempt to gain unauthorized access to any computer system, resource or information is expressly forbidden. If you encounter or observe a gap in system or network security, immediately report the gap to the manager of that system.
4. Each College's Policy on Harassment applies as equally to electronic displays and communications as to the more traditional (e.g., oral and written) means of display and communication.
5. Messages, sentiments, and declarations sent as electronic mail or postings must meet the same standards for distribution or display as physical (paper) documents would on college property.
6. Unsolicited mailings and unauthorized mass mailings from campus networks or computing resources (i.e., "spam") are prohibited. Each campus may have specific policies regarding the use of existing group mailing lists (e.g., all-students or all-faculty). Contact your campus IT organization for details regarding these policies.
7. Spoofing, or attempts to spoof or falsify e-mail, network or other information used to identify the source, destination or other information about a communication, data or information is prohibited.
8. You must not degrade computing or network performance in any way that could prevent others from meeting their educational or College business goals. You must not prevent others from using shared resources by running unattended processes, by playing games or by "locking" systems without permission from the appropriate system manager.
9. You must conform to laws and Colleges policies regarding protection of intellectual property, including laws and policies regarding copyright, patents, and trademarks. When the content and distribution of an electronic communication would exceed fair use as defined by the federal Copyright Act of 1976, users of campus computing or networking resources shall secure appropriate permission to distribute protected material in any form, including text, photographic images, audio, video, graphic illustrations, and computer software.

10. You must not use campus computing or networking resources or personal computing resources accessed through campus network facilities to collect, store or distribute information or materials, or to participate in activities that are in violation of federal, state or local laws.
11. You must not use campus computing or networking resources or personal computing resources accessed through campus network facilities to collect, store or distribute information or materials in violation of other Colleges policies or guidelines. These include, but are not limited to, policies and guidelines regarding intellectual property and sexual or other forms of harassment.
12. You must not create or willfully disseminate computer viruses, worms, or other software intended to degrade system or network security. You must take reasonable steps to prevent your system from being used as a vehicle for such actions. This includes installing system and software patches as well as anti-virus signatures files.
13. Use of CNF resources for advertising, selling, and soliciting for commercial purposes or for personal gain is prohibited without the prior written consent of the Colleges. Faculty, students or staff who have questions about the legitimacy of a particular use should discuss it with the appropriate members of the IT staff on their home campus.
14. The disclosure of individually identifiable non-directory information to non-university personnel is protected by the Family Educational Rights and Privacy Act of 1974 (FERPA). The disclosure of financial or personnel records that are owned by the Colleges without permission or to unauthorized persons is not permitted and may be prosecuted under California Penal Code 502.
15. Willful or unauthorized misuse or disclosure of information owned by the Colleges will also constitute just cause for disciplinary action, including dismissal from school and/or termination of employment regardless of whether criminal or civil penalties are imposed. It is also expected that any user will report suspected abuses of CNF resources. Failure to do so may subject the individual to loss of CNF access and/or the disciplinary action referred to above.

The respective Information Technology organization of one of the Claremont Colleges may immediately suspend service to an individual or computer found to be significantly degrading the usability of the network or other computer systems. Inappropriate use will be referred to the appropriate College authority to take action, which may result in dismissal from school and/or termination of employment.

Note: The provisions of this Policy apply to the institutions comprising The Claremont Colleges, including the Claremont University Consortium.

Approved by the Council of The Claremont Colleges, 8/20/04



"Whistleblower" Policy

BACKGROUND

In response to a number of major corporate and accounting scandals in 2002 the Federal government enacted the Sarbanes-Oxley Act (SOX). Most of the provisions of the Act do not currently apply to non-profit organizations (such as HMC). However, the applicability of two provisions in Title XI of SOX, which deal with 1) whistle blower protection and 2) destruction and alternation or falsifications of records, is not limited to public companies. To comply with these provisions, HMC is adopting this policy and has contracted a third-party reporting system that may be used anonymously. The system is entitled "MySafeCampus" and may be used to report questions about college audit and accounting concerns.

PURPOSE

This policy governs the reporting and investigation of allegations of suspected unlawful activities (a.k.a. "whistleblowing") by Harvey Mudd College (HMC) employees and the protection of employees from retaliation. It describes the procedures for investigating known or suspected improper activities and addressing complaints of retaliation for raising such issues.

POLICY

Harvey Mudd College is responsible for the stewardship of its human, financial, physical and technological resources that enable it to pursue its mission. HMC's internal controls and operating procedures are intended to detect and prevent or deter wrongful or unlawful activities. However, intentional and unintentional violations of laws, regulations, policies and procedures may occur and may constitute wrongful or unlawful activities. HMC has a responsibility to investigate and report to appropriate parties allegations of suspected wrongful or unlawful activities, and to protect those employees who, in good faith, report these activities to the appropriate authority.

An employee may report suspected wrongful or unlawful activities at HMC and **may elect to remain anonymous in filing a report**. Confidentiality is an important part of this policy and the reporting process. If an employee chooses to identify themselves, their identity will be kept confidential, **to the extent possible**.

HMC may not: (1) retaliate against an employee who files a report under this policy or who refuses to obey an illegal order, or (2) interfere, directly or indirectly, with an employee's right to file a report with HMC or with any applicable local, state, or Federal agency. It is HMC's intention to take necessary action(s) to prevent and correct activities that violate this policy.

It is a violation of this policy to knowingly make false allegations with the intent to cause harm to another individual. Those making such allegations are subject to disciplinary action, up to and including termination of employment.

PROCEDURE

Definition of Wrongful or Unlawful Activities

A wrongful or unlawful activity is one that violates any state, Federal, or local law or regulation or HMC policy undertaken by an employee, whether or not such action is within the scope of his or her employment. This includes but is not limited to:

- Theft of HMC property
- Misappropriation of funds
- Fraudulent allegations
- Willful misrepresentation of fact
- Falsification of records (including but not limited to accounting, payroll, personnel, student, _____ and regulatory records)
- Forcing another employee to engage in wrongful or unlawful conduct
- Unlawful discrimination
- Sexual harassment
- Misuse of HMC property, technology and facilities

Filing a Report of Suspected Wrongful or Unlawful Activities

Any HMC staff or faculty member may report suspected wrongful or unlawful activities. An employee's reporting of an allegation of wrongful or unlawful activities made with a belief in the truth of the allegation based upon the facts will be considered to be done in good faith, regardless of the outcome. An allegation is not in good faith if made with reckless or willful disregard of facts that would disprove the allegation.

Allegations of suspected wrongful or unlawful activities may be reported anonymously. Employees are encouraged to submit a report in writing so as to assure a clear understanding of the issues raised, but a report may be made orally. Such reports, whether made in writing or orally, should be factual and contain as much specific information as possible and include, at a minimum, the names of the parties involved, the location of the incident(s) and the nature of the possible wrongful or unlawful activity.

Where to Report

Allegations regarding unlawful discrimination and sexual harassment should be reported to the:

- Employee's immediate supervisor, or
- The Harassment Grievance Officer, or
- Assistant Vice President, Human Resources, or
- Dean of Students, if the victim is a student

Allegations regarding forcing an employee to engage in wrongful or unlawful conduct; misuse of HMC property, technology, and facilities; fraudulent allegations; misrepresentation of fact; and falsification of non-financial records should be reported to the:

- Vice President for Administration and Finance/Treasurer, or
- Assistant Vice President, Human Resources

Allegations regarding theft of HMC property, falsification of financial records, and misappropriation of funds should be reported to the:

- Vice President for Administration and Finance/Treasurer, or
- Director of Human Resources, or

- Through MySafeCampus (See section on MySafeCampus.)

If an employee is in doubt about whether or not to report an allegation, answering the following questions may help:

- Do I suspect or know illegal or improper conduct has occurred?
- Have I talked with my supervisor, department manager or is the supervisor or manager part of the issue?
- Do the issues or concerns remain unresolved or ignored?

If an employee answers "YES" to these questions, the employee should report the allegation.

MySafeCampus

HMC has contracted with an outside reporting service called MySafeCampus to facilitate the transmission of reports of financial misconduct. Reports may be made by accessing the website www.MySafeCampus.com or by calling the toll-free number (1-800-716-9007). Both methods are available 24 hours a day, seven days a week. The HMC community has been informed of the MySafeCampus program via emails and various posters located throughout the campus.

Upon submission, the reporting party is provided with a confidential access number and asked to generate a personal password. Together, these will provide the user with access to the status of the report, and allow the user to send and receive anonymous messages pertaining to the report. Responding to follow-up questions posted on the message board will assist in a thorough and efficient investigation.

A MySafeCampus user will be asked to choose among three levels of anonymity:

- anonymous to both HMC and MySafeCampus;
- anonymous to HMC but not to MySafeCampus; or
- known to both parties

A MySafeCampus report should contain as much detailed information about the incident(s) as possible in order to facilitate an efficient and thorough investigation. This detail should include, at a minimum, the names of the parties involved, the location of the incident(s) and the nature of the possible improper activity. Once a report is made, it is important for the reporting party to check the status of the report periodically, as requests for additional information will be posted on the MySafeCampus message board. If the additional information is not provided, the investigation may not be conclusive, and action may not be able to be taken.

Confidentiality

Confidentiality is an important part of this policy and the reporting process. An employee's identity will be kept confidential, **to the extent possible.**

Report Review and Acknowledgement to Reporting Party

Allegations of wrongful or unlawful activity will be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. The procedure for investigating an allegation of wrongful or unlawful activity is determined on a case-by-case basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated. Allegations made in bad faith will be investigated and remedial and/or disciplinary action

taken as appropriate. An employee who reports an allegation and identifies himself/herself will, **to the extent possible**, be kept informed of the status of the investigation.

Investigation Process

MySafeCampus reports are instantly forwarded to individuals, designated by the college, for review and response. If the report involves a person who is one of the individuals designated by the college, the system will block submission of that report to that individual. The other individuals will receive and respond to that report. Currently the designated individuals include the following: 1) Trustee -Chair of the Audit Committee, 2) Vice President for Administration and Finance/Treasurer, 3) Claremont University Consortium Controller and Officer for HMC, 4) Assistant Vice President for Human Resources, 5) Assistant Vice President, Budget and Finance and 6) Associate Director of Human Resources.

Periodically, but not less than annually, the Chair of the Audit Committee will report the results of investigations to the Audit Committee.

Protection from Retaliation

Any employee who believes he or she has been subjected to or affected by retaliatory conduct for reporting suspected wrongful or unlawful activity should report such conduct to the:

- Vice President for Administration and Finance/Treasurer, or
- Assistant Vice President, Human Resources

All complaints of retaliation will be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where retaliation is verified and/or otherwise substantiated.

Outside Agencies

Nothing in this policy prohibits or limits an employee's right to report allegations of wrongful or illegal activity directly to applicable local, state, or Federal agencies.

Approved by Board of Trustees 2/2/2007



Consulting and Other Outside Activities

Policy

Harvey Mudd College recognizes that many staff members have expertise, talents, and knowledge which have value to outside organizations - public and private. Association with outside organizations can benefit the client or organization served, contribute to the professional growth and/or reputation of the staff member as well as bring credit and goodwill to the College. The following is intended to provide guidance concerning the appropriateness of such activities.

1. **Professional Activities:** There is a large area of professional activities, generally related to the individual's position at the College that does not present a conflict of interest. These activities serve to increase job-related skills and expertise and/or provide direct benefit to Harvey Mudd College. These activities include: (1) participation in work-related conferences, seminars, professional associations, advisory panels, visiting committees, and the like; and (2) service as a trustee, director, or advisor of an external organization with the knowledge of his/her supervisor.

2. **Outside Volunteer Activities:** Outside volunteer activities in connection with public service can also contribute to College goals as well as provide valuable public and personal benefit. Primary commitment belongs to the College and these activities should be scheduled so as not to interfere with one's regular College work commitments. Staff members should refrain from actions on behalf of these outside organizations where the interests of the College and the organizations are, or could appear to be, in conflict. Even in connection with the most worthy activities, staff members should take care not to imply that they are speaking for the College.

In general, activities on behalf of public service are not considered to be part of one's job and therefore should not, except on an occasional basis and with supervisor approval, be carried out during normal working hours or involve the use of College resources, such as secretarial support or office supplies.

3. **Outside Employment:** Staff members may also have outside income sources, outside employment, or outside business interests that do not affect, either directly or by appearance, the College. These activities are not considered part of one's job and may not be carried out during normal working hours or interfere with a staff member's work hours, job responsibilities or other obligations associated with the staff member's job without supervisor approval, or involve the use of College resources (e.g. materials, equipment, facilities, phones, computers, other staff, and funds) .

4. **Other Outside Activities:** There are also outside professional and other activities that do not fall neatly into the categories described above (strictly work-related, public service, and strictly non work-related). A staff member may decide to participate in some outside professional or business activities primarily because the activity provides financial or personal benefits to the staff member (even though there are some recognizable benefits to the College.) In these situations, a staff member's primary obligation is to the College and he or she must be sensitive to and avoid a situation where either the extent or type of activity could, either directly or by appearance, limit the staff member's impartiality or effectiveness in the conduct of his or her College position.

Consulting arrangements (with or without pay) or other outside business interests where there is a risk of conflict of interest or serious appearance of conflict must be disclosed to one's supervisor.

Other personal or outside business relationships that may affect one's decision-making and/or have the potential for dividing loyalty must be reviewed with one's supervisor. For example, disclosure is required when a staff member or relative of a staff member has an ownership interest in or is receiving a second income from a company whose product or service is used by the College and the use of this product or service can be directly or indirectly influenced by the staff member's responsibilities at Harvey Mudd College.

Further, the staff member should be aware that if there is financial benefit or reward for themselves or others with whom there is a personal relationship, the potential for conflict of interest or divided loyalty increases substantially.

Approved by the President's Cabinet, April 2009



Purchasing and Contracts

Policy

To avoid a conflict of interest, or the appearance of a conflict of interest, staff members should not make purchasing decisions, negotiate contracts and/or subcontracts where there may be a conflict of interest or an appearance of a conflict of interest. More specifically, staff members should refrain from these activities with any organization in which:

1. staff members or persons related by blood, marriage, members of the same household, including domestic partners or persons with whom staff members have a personal relationship, have a significant financial interest.
2. staff members or persons related by blood, marriage, members of the same household, including domestic partners or persons with whom staff members have a personal relationship, have current or pending employment, consulting, management, fiduciary or similar affiliation.

Staff members who stand to gain, either personally or indirectly, from any transaction as described in this policy, or similar transaction, should identify their circumstances to their supervisor so that alternate arrangements can be made for the management of the transaction.

In addition, staff members may not solicit or accept gifts, gratuities, favors or anything of monetary value from current or potential vendors, contractors or their agents, local businesses, College departments, or others with whom there is a potential or ongoing business or professional relationship. Staff members may accept ordinary business courtesies, such as payment for a modest meal or event or gifts which are promotional items without significant value and are distributed routinely.

Staff members who negotiate federal contracts or have the authority to verify satisfactory completion of federal contract work must comply with the Anti-Kickback Act of 1986, which prohibits those involved in government contracting from offering, accepting, or attempting to accept inducements for favorable treatment in awarding contracts for materials, equipment or services of any kind.

Staff members are reminded that the Conflict of Interest Policy requires an Annual Staff Disclosure Form each year.

Not adhering to this policy is considered a serious matter and may result in disciplinary action, up to and including termination of employment.

Approved by the President's Cabinet, April 2009



Gifts and Gratuities

Policy

In order to avoid a conflict of interest or the appearance of a conflict of interest, at no time should a staff member solicit or accept gifts from current or potential vendors, contractors or their agents, local businesses, College departments, or others with whom there is a potential or ongoing business or professional relationship. Staff members may accept ordinary business courtesies, such as payment for a modest meal or event, or gifts which are promotional items without significant value and which are distributed routinely.

Gratuities or gifts of money to the staff member cannot be accepted at any time and should be returned immediately to the giver.

Staff members are reminded to refer to the Conflict of Interest Policy and complete the Conflict of Interest Annual Staff Disclosure Form each year and submit it to their supervisor. All staff members are responsible for becoming familiar with and adhering to this policy. In addition, supervisors are responsible for ensuring that this policy is known by their staff members and that all staff members are following it.

Staff members who have questions regarding this policy or who are uncertain as to whether a conflict of interest exists should confer with their supervisor or the Human Resources Office.



CONFLICT OF INTEREST POLICY AND ANNUAL STAFF DISCLOSURE PROCEDURES AND FORM

Why does Harvey Mudd College have a Staff Conflict of Interest Policy?

As a non-profit organization, Harvey Mudd College is required by the Internal Revenue Service (IRS) to annually file a Form 990. This form was revised for the 2008 filing and asks whether the organization has a conflict of interest policy. The revised Form 990 and the increase in inquiries from donors about conflicts of interest have prompted many colleges and universities to create, update, or modify their conflict of interest policies. In order to respond positively to the IRS, to donors and to other interested parties, the College developed the Staff Conflict of Interest Policy. This policy has been reviewed and approved by the President's Cabinet in April 2009 and the Trustee Audit Committee in May 2009.

Staff Conflict of Interest Policy

Regular and temporary staff members of Harvey Mudd College must avoid activities or situations which may result in a conflict of interest or the appearance of a conflict of interest. Staff members must not use their college positions for the direct or indirect financial, personal or professional benefit of themselves, members of their families or others with whom they have a personal relationship.

Regular staff members who are required to complete a Conflict of Interest Staff Disclosure Form (*see next section: Annual Staff Disclosure Form and Procedures*) have an affirmative obligation to carefully examine any situation where there is potential for a conflict of interest or the appearance of a conflict of interest.

Staff members who are concerned that a conflict may exist or who are uncertain as to the impact or appearance of their activities should consult with their supervisor or the Human Resources Office prior to engaging in the activity. Other policies staff members need to know that are related to HMC's conflict of interest policy are listed below. All policies are available from the Human Resources Office and from supervisors.

- **Employment of Relatives**
 - **Appropriate Behavior - Staff**
 - **Appropriate Use of Campus Computing & Network Resources**
 - **"Whistleblower" Policy**
 - **Consulting and Other Outside Activities**
 - **Purchasing and Contracts**
 - **Gifts and Gratuities**
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Conflict of Interest Annual Staff Disclosure Procedures and Form

Staff Who are Required to Complete a Disclosure Form: Regular exempt staff members, non-exempt supervisors, and non-exempt staff who are directly or indirectly involved in purchasing or other financial transactions involving the College are required, on an annual basis, to complete and submit a Conflict of Interest Staff Disclosure Form for his or her supervisor's review. This form ensures that perceived and/or potential conflicts of interest are reported and reviewed as specified by the College's policy and serves as an annual reminder and recommitment to the College's conflict of interest policy.

In addition, regular staff members have a continuing obligation to make periodic disclosure to their supervisors when, in the staff member's or supervisor's judgment and in the spirit of this policy and general College standards, there is a risk of conflict of interest or serious appearance of conflict. Under such circumstances, the staff member must complete and submit a new Conflict of Interest Disclosure Form to provide a full and current written disclosure concerning a particular instance of potential conflict. Wider disclosure of personal interests beyond that is not necessary unless such disclosure is determined by the supervisor to be necessary.

Resolving a Conflict of Interest

If there is a conflict of interest or the appearance of one, the supervisor should review the disclosure form with the staff member to decide how best to resolve the situation. If the staff member disagrees with the supervisor's judgment or if the supervisor needs additional guidance, the relevant party or both parties should state the reasons for their concern and refer the situation to the appropriate Cabinet Member. If the situation warrants, the Cabinet Member will confer with the Human Resources Office.

To the extent possible, materials will be kept confidential by the supervisor and shared only on a need-to-know basis.

Violations of Policy

Not adhering to this policy, including failure to complete the disclosure form as required, is a serious matter and may result in disciplinary action, up to and including termination of the employment relationship.

Supervisory Responsibility

To ensure that staff members (a) understand the importance and requirements of this policy, (b) complete annual disclosure form and (c) provide for adequate and timely review, supervisors should, on an annual basis:

- review the policies related to Conflict of Interest and specifically Purchasing and Contracts, Gifts and Gratuities, Employment of Relatives, and Consulting and Outside Activities with all staff who report to them;
- obtain and review disclosure forms from those who are required to complete them for possible conflicts;
- review forms for completeness and, where necessary, take any follow up action that is appropriate.



STAFF CONFLICT OF INTEREST ANNUAL DISCLOSURE FORM

Name: _____ Date: _____
Job Title: _____ Phone: _____
Department: _____ Supervisor: _____

Definitions:

A **conflict of interest** occurs or appears to occur when a staff member or a staff member's relative receives direct or indirect financial, personal or professional benefit as a result of the staff member's position at Harvey Mudd College.

Relative is defined as a person related by blood or marriage or members of the same household, including domestic partners or persons with whom the staff member has a personal relationship. The definition includes former or current spouses/domestic partners, in-laws, step-relatives, and natural or adopted children or any other parent/child-type relationship.

Instructions for Completing this Form: Please mark either YES or NO for EACH question and provide additional information as required. **Your responses should be based on activities that are current or occurred during the past 12 months.**

A. Business Relationships

Are you or a relative involved as an investor (*defined as having greater than 5% of such organization's stock, profits or assets*), owner, employee, consultant, contractor, or board member with an organization that presently has business dealings with Harvey Mudd College, or which might reasonably be expected to have business dealings with Harvey Mudd College in the coming year?

YES NO (*If YES, please complete the following section.*)

Name of organization, type of business, and relationship to Harvey Mudd College:
Person involved with organization: <input type="checkbox"/> You <input type="checkbox"/> Relative <input type="checkbox"/> You and Your Relative
Name of relative and the relationship to you (if applicable): _____
Briefly describe your and/or your relative's position and responsibilities in the organization:
Are you receiving any compensation for this work? <input type="checkbox"/> YES <input type="checkbox"/> NO

Do your job responsibilities at Harvey Mudd College involve conducting business with this

organization?

YES NO (If Yes, please describe how.)

Have you used Harvey Mudd College's name, resources (facilities, employees, or equipment), or confidential information in connection with this business? [While there may be occasional instances when business-related correspondence or the like is received at the College office, staff members should not routinely use office facilities (either during or after normal business hours) for the conduct of outside business. Exceptions include: personal use of telephone for local calls (e-mails, etc.) that are incidental and kept to a minimum per College policy.] YES NO (If Yes, please describe how.)

Has your supervisor approved this relationship? YES NO

B. Supervision of Relatives

Relative is defined as a person related by blood or marriage, or members of the same household, including domestic partners or persons with whom a staff member has a personal relationship. The definition includes former or current spouses/domestic partners, in-laws, step-relatives, and natural or adopted children or any other parent/child-type relationship.

Do you directly or indirectly supervise a relative who works for Harvey Mudd College?

YES NO (If YES, please complete the following section.)

Direct supervision means you have the authority to take action that affects a staff member's employment (i.e. hiring, compensation, promotion, termination); indirect means you have the authority to effectively recommend or influence action affecting a staff member's employment.

Name of your relative employed at Harvey Mudd College and relationship to you:

If you directly or indirectly supervise a relative who works at Harvey Mudd College, do you make decisions about this individual's compensation, performance evaluation, job duties, eligibility for promotion and other employment-related decisions? YES NO

C. Gifts for Personal Use

Have you or a relative accepted gratuities, gifts, or special favors from someone who is doing business with or proposing to do business with Harvey Mudd College? [Staff members may accept ordinary business courtesies, such as payment for a modest meal or event, or gifts which are promotional items (e.g. pens, coffee mugs, T-shirts) without significant value and which are distributed routinely.]

YES NO (If YES, please complete the following section.)

What was the dollar value of the gift(s) you or your relative received?
Who was the donor of the gift?
What is the donor's relationship with Harvey Mudd College?

D. Outside Business Activities

Do you have a job outside of your employment at Harvey Mudd College or any outside business activities unrelated to your job at Harvey Mudd College that overlaps with or conflicts with your work hours or other obligations at the College?

YES NO (If YES, please complete the following section.)

Describe the outside business activity and how it conflicts with your job at the College:
Have you used Harvey Mudd College's name, resources (facilities, employees, or equipment), or confidential information in connection with this business? <i>[While there may be occasional instances when business-related correspondence or the like is received at the College office, staff members should not routinely use office facilities (either during or after normal business hours) for the conduct of outside business. Exceptions include: personal use of telephone for local calls (e-mails, etc.) that are incidental and kept to a minimum per College policy.]</i> <input type="checkbox"/> YES <input type="checkbox"/> NO (If Yes, please describe how.)

E. Other Relationships

Are you or a relative involved in any other activities or relationships directly or indirectly, paid or unpaid, involving Harvey Mudd College that you think may be a conflict of interest or the appearance of a conflict under the Harvey Mudd College's Conflict of Interest Policy and related policies?

YES NO (If YES, please complete the following section.)

Describe any other relationships that poses or might pose a conflict of interest:

Please sign and date this form when it is completed and give it to your immediate supervisor. Your supervisor is responsible for determining if there is a conflict of interest or an appearance of one, and identifying ways to resolve it. If you disagree with your supervisor's judgment or if your supervisor needs additional guidance, you and/or your supervisor should state the reasons for concern and refer the situation to the appropriate Cabinet Member. If the situation warrants, the Cabinet Member will confer with the Human Resources Office.

Your Signature: By signing this form you certify that:

1. you have read the Harvey Mudd College Conflict of Interest policies;
2. that the information contained in this form is complete and accurate to the best of your knowledge; and
3. you acknowledge your continuing obligation to complete and submit a new Conflict of Interest – Annual Staff Disclosure Form when there is any actual or anticipated significant change in your outside activities or related financial interests.

Signature: _____

Date: _____

**THANK YOU FOR COMPLETING AND SUBMITTING
THE STAFF CONFLICT OF INTEREST DISCLOSURE FORM**