



<b>Policy Name:</b>	Employee Conflicts of Interest and Gifts Policy	<b>Book:</b>	Human Resources Manual
<b>Associated Forms:</b>	Conflicts of Interest and Gifts Disclosure Form	<b>Policy Number</b>	2016-13
<b>Reviewed:</b>	Non-Academic Policy Committee	<b>Approved:</b>	December 12, 2016
<b>Approval Authority:</b>	President <i>Timothy L. Hall</i>	<b>Adopted:</b>	December 23, 2016
<b>Responsible Executive:</b>	Vice President for Finance	<b>Revised:</b>	November 8, 2005
<b>Responsible Office:</b>	Office of Human Resources	<b>Contact:</b>	Executive Director of Human Resources

## **I. Policy Statement**

Mercy University strives to maintain the highest standards of ethical conduct in all its dealings with individuals within and outside of the Mercy University community, including with its vendors, potential vendors, and business partners. This policy is a guide for employees to ensure that they are acting in an appropriate manner when representing the University in all aspects of University business.

## **II. Applicability**

This policy applies to all Mercy University employees except members of the University Leadership Team and others that are subject to the *Conflicts of Interest Policy for Trustees, Officers, and Senior Management*. Core faculty are also subject to the *Policy on Academic Conflict of Interest and Conflict of Commitment* in the Faculty Handbook.

## **III. Definitions**

“Conflict of Interest” is any circumstance in which the personal, professional, financial, or other interests of an employee may potentially or actually diverge from, or may be reasonably perceived as potentially or actually diverging from, his or her obligations to Mercy University and the interests of Mercy. It includes indirect conflicts such as gifts or other benefits provided to a Relative or Household Member.

“Gift” is a tangible or intangible item of any value given to a University employee, relative or household members, directly or indirectly, from an external source. Gifts can be in the form of cash, gift certificates, tickets to amusement or sporting events, meals, etc.

“Household member” is any person who resides with an individual who is subject to this policy, whether or not the household member is related to that individual.

“Relative” is a (i) spouse, sibling, parent, grandparent, child, grandchild, great-grandchild or spouse of a sibling, child, grandchild or great-grandchild or (ii) domestic partner of an individual who is covered by this policy, whether or not the relative resides with that individual.

“Significant financial interest” shall mean any direct or indirect interest with monetary value, including but not limited to:

A. salary, other payments for services (e.g., consulting fees or honoraria), royalties or other payments that, when aggregated for the employee and the employee’s relative or household member over the next twelve months, are expected to exceed \$10,000;

B. equity interests (e.g. stocks, stock options or other ownership interests) that, when aggregated for the employee and the employee's relative or household member, either exceeds \$10,000 in value (as determined through reference to public prices) or represents more than five percent (5%) ownership interest in any single entity;

C. intellectual property rights (e.g., patents, copyrights and royalties from such rights).

#### **IV. Gifts Policy**

Acceptance of gifts may create conflicts of interest, or the appearance of such, and has the potential to influence decisions. Therefore, Mercy University employees, their relatives and household members are prohibited from receiving gifts, loans or favors from any entity (such as an outside organization, vendor or potential vendor) or individual who does or seeks to do business with the University, with the few exceptions that are noted below.

University employees can accept the following from an entity or individual who does or seeks to do business with the University:

- A plaque or an award.
- Items of insignificant value that are given to everyone (such as key chains, T-shirts, coffee mugs, pens, bags).
- Gifts (including but not limited to tickets for sporting or entertainment events) from an outside organization, vendor, potential vendor or individual in value not to exceed \$100. Gifts in value of between \$50 and \$100 must be reported on the Mercy University Employee Conflicts of Interest Disclosure Form and submitted to the Office of Human Resources (or General Counsel if it is a Human Resources employee) within seven (7) days of receipt of the gift.
- Payment by an outside organization, vendor, potential vendor or individual as sponsorship for an employee's attendance at a Mercy University sponsored event. An employee shall not be sponsored more than one time per year by anyone and such sponsorship must be reported by the employee on the Mercy University Employee Conflicts of Interest Disclosure Form and submitted to the Office of Human Resources (or General Counsel if it is a Human Resources employee) within seven (7) days of the event.
- Information materials that are provided by vendors to everyone (such as booklets, audio or video tapes).
- Non-cash raffle prizes or drawings at a conference or similar event where the employee is representing the University. (Any cash prize must be used to offset the expenses associated with the event/conference.)
- An occasional business meal. Repetitive mealtime meetings are not permitted.

- Plants, food or holiday gift baskets may be accepted if shared with other departmental staff.
- Travel paid at a vendor's expense, with prior approval from the department head, when associated with speaking at a conference or viewing a potential vendor's site. The employee must report this activity on the Mercy University Employee Conflicts of Interest Disclosure Form and submit it to the Office of Human Resources (or General Counsel if it is a Human Resources employee) within seven (7) days of the travel date.
- Meals, lodging and participation in social events at conferences conducted by Mercy University business associates.

Gifts of greater value may be accepted by Mercy University for use in fundraising, celebrations and employee recognition where approved in advance by the Executive Director of Human Resources.

Where gifts do not fall within one of these permissible categories, personal gain may result not only in cases where an employee, relative or household member has a significant ownership in a firm with which Mercy does business, but also when an employee, relative or household member receives any kickback, bribe, substantial gift or special consideration as a result of any transaction or business deals involving Mercy.

An employee should consult with his/her supervisor if there is uncertainty of the appropriateness of accepting a gift. Mercy staff should be mindful that the acceptance of a gift may create an appearance of a conflict of interest and this appearance should also be weighed in the decision as to whether to accept a gift.

## **V. Other Conflicts of Interest**

- A. Mercy employees may not engage in, directly or indirectly, any conduct which is disloyal, disruptive, competitive, or damaging to Mercy University (regardless of whether the conduct occurs on or off the job).
- B. Employees must disclose any significant financial interest that they, their relative or household member has, whether individually or in any firm or company, that does or seeks to do business with Mercy University, or that competes with Mercy University.
- C. Holding an elective or appointive office or position in a branch of government or in a regulatory agency that has authority or jurisdiction over the University.

In addition, each person covered by this Policy should refrain from any potential conflicts of interest which could lead an independent observer to reasonably question whether the individual's actions are due to significant personal or financial interest.

## **VI. Disclosure Requirements and Enforcement**

A copy of this Policy shall be distributed to all new Mercy University employees, and shall be provided to all employees on an annual basis, by the Office of Human Resources. In addition, employees covered by this Policy have a duty to disclose on an ongoing basis any current, proposed, or pending situations that may constitute a conflict of interest, including the receipt of gifts that are outside the scope of what is permissible under this Policy. Persons covered by this Policy should disclose material facts relating to any conflict of interest via the Mercy University Employee Conflicts of Interest Disclosure Form to the Office of Human Resources as soon as the existence of the conflict of interest is known to the person covered by this Policy.

Failure to disclose a conflict or potential conflict of interest pursuant to this Policy could result in disciplinary action against the employee, including but not limited to suspension, demotion or termination, in accordance with the applicable University policies, Handbooks and/or Collective Bargaining Agreements.

**MERCY UNIVERSITY**  
**EMPLOYEE CONFLICT-OF-INTEREST DISCLOSURE FORM**

(Provide to the Office of Human Resources (or to the General Counsel if the reporting employee is in the Office of Human Resources))

1. Your Name and Position with Mercy University:

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2. State the gift provided by the outside organization, vendor, potential vendor or individual, including the value of the item (or approximate value if the exact value is unknown), or whether it is sponsorship for a Mercy sponsored event [state N/A if neither are applicable]:

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3. Describe the nature of travel paid at a vendor's expense, including the total value (or approximate value is exact is unknown) [state N/A if not applicable]:

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*[Signature Page Follows]*

I do hereby certify that the information disclosed herein is complete and accurate to the best of my knowledge.

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

**Received by:**

\_\_\_\_\_ Date: \_\_\_\_\_  
(Name, Title, Office of Human Resources or General Counsel)

\_\_\_\_\_  
(Signature)