

**MAINE COMMUNITY COLLEGE SYSTEM**

**PERSONNEL AND EMPLOYEE RELATIONS**  
**Section 410**

**SUBJECT: CONFLICT OF INTEREST AND OUTSIDE COMMITMENTS**

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**PURPOSE: To ensure that no real or perceived detriment to the Maine Community College System results from conflicts between personal interests and those of the System**

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**A. Purpose**

To ensure continued confidence of the people of Maine in the Maine Community College System, employees of the M CCS shall at all times act in a manner consistent with their public responsibilities to the M CCS, and shall exercise particular care that no real or perceived detriment to the M CCS results from conflicts between their personal interests and those of the M CCS. Conflicts of interest, or the appearance of such conflicts, have the potential to result in serious harm and direct losses to the M CCS. The losses are often difficult to detect and include not only direct monetary losses and loss of confidence in the M CCS, but also negative publicity and erosion of employee morale.

This policy shall be interpreted and applied to distinguish between those minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. This policy shall also be interpreted and applied to best serve the interests of the M CCS.

**B. Definition**

A conflict of interest arises when the institutional interests of a college or the System conflict with the personal interests of its employees. A conflict of interest may exist when an employee, a close relative, or a person or organization with which the employee is associated has an existing or potential financial or other interest which involves the employee's M CCS responsibilities.

There are two types of conflicts: those that actually exist (“actual conflicts”), and those that may not actually exist but that reasonably appear to others to exist (“apparent conflicts”). Employees are required by state law to avoid actual conflicts, and by M CCS policy to avoid both actual and apparent conflicts.

Often, the most common conflict is economic; where an employee stands to receive a unique private or personal economic benefit or value as a result of his or her employment. Employees must not accept anything of greater than minimal benefit or value, and should be cautious about accepting anything that provides any benefit or value. Both state law and M CCS policy distinguish between those minor and inconsequential benefits which are too small (e.g., of minimal pecuniary value), customary (e.g., a courtesy copy of a textbook or a holiday fruit basket), or incidental (e.g., a company pen) to threaten the integrity of M CCS business from

those benefits that are in fact substantial and material enough to affect, or appear to affect, the course of such business (e.g., a free condominium for a family weekend).

### **C. Obligation**

It is the policy of the M CCS that its officers, faculty, staff and others acting on its behalf have the obligation to avoid ethical, legal, financial and other conflicts of interest, and to ensure that their activities and interests do not conflict with their obligation to the M CCS or to its welfare.

### **D. Disclosure and Consultation**

Each employee with an actual or apparent conflict of interest shall promptly and fully disclose such conflict to the president or his/her designee, and shall refrain from participating in any way in the matter to which the conflict relates until the conflict question has been resolved. Each college shall develop a practice or procedure for disclosure and consultation. In some cases it may be determined that, after full disclosure, the M CCS's interests are best served by participation of the employee despite the conflict or appearance of a conflict. In other cases, the conflict may prevent or severely limit the employee from such participation.

### **E. Examples of Conflicts**

The following is a non-exhaustive list of examples of conflicts prohibited by this policy:

#### **1. Personal Gain from M CCS Position**

- a. An employee may not use or attempt to use, in a manner contrary to the interest of the M CCS, his or her position or M CCS property or services to gain or attempt to gain anything for the private benefit of the employee;
- b. An employee may not solicit or receive gifts or entertainment of significant monetary value from suppliers of goods or services, or from persons associated with or seeking association with the M CCS without prior review and approval of the college or System president; and
- c. An employee shall not use confidential information acquired in connection with M CCS related activities for personal gain or for other unauthorized purposes.

#### **2. Contracting and Leasing**

- a. An employee may not enter into any contract or lease with the M CCS if the employee is in a position to approve or influence, in his/her official capacity, the M CCS's decision to enter into the contract or lease, unless such contract is deemed in the best interests of the M CCS and has the approval of the president or his/her designee;

- b. If the employee is not in a position to approve or influence the MCCA's decision, the employee may enter into a contract or lease, provided the employee makes prior written disclosure to the president or his/her designee of the nature and extent of any relationship, unless the President determines that the employee's personal interest in the agreement will conflict substantially and materially with the employee's discharge of his or her MCCA responsibilities; and
- c. An employee may not contract with the MCCA to provide a service which is the same as or similar to the service that the employee provides as a MCCA employee. Such services may be provided only as a MCCA employee in the course of MCCA employment.

**3. Outside Commitments**

- a. Employees are permitted to engage in outside consulting activities and other outside activities provided the employee meets his/her obligation to the MCCA and complies with any applicable provisions of a collective bargaining agreement concerning outside employment;
- b. An employee shall not accept any outside position that would impair the employee's ability to fulfill the employee's obligations to the MCCA; and
- c. An employee shall not engage in outside employment or activities which could be viewed as impairing the employee's judgment in the performance of MCCA duties and responsibilities.

**4. Use of MCCA Name and Resources**

- a. An employee shall not use the official title of the MCCA or any of its parts, in whatever form that title may appear, except in connection with legitimate MCCA purposes; and
- b. The MCCA's name, facilities, equipment, stationery, supplies, personnel and other resources are to be used only to further the MCCA mission. An employee shall not make unauthorized use of any MCCA resources, including the services of MCCA employees, for the personal benefit of the employee.

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REFERENCES: 20-A M.R.S.A. §12706(1) and (11); 17 M.R.S.A. §3104; 17-A M.R.S.A. §602, §604, §605, §606 and §609

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: