

Conflict of Interest

It is the policy of Northwestern Michigan College to establish appropriate, credible, and ethical relationships between and among faculty and staff and all of those with whom the college has an academic, business, or professional relationship. All employees of NMC shall act in a manner that is consistent with the objectives of this policy.

The Vice President for Educational Services, the Vice President for Lifelong and Professional Learning, the Executive Director of Human Resources, and the Vice President of Finance and Administration, in conjunction with the appropriate faculty and staff, will be responsible for the development and publication of any procedures or guidelines that may be necessary to administer this policy area effectively.

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1. Definitions

- a. Family member (or familial relationship):
 - i. the spouse or child of the employee;
 - ii. the brother, sister, or parent of the employee or of the employee's spouse; or
 - iii. any person living in the employee's household or in a financially dependent or co-dependent relationship with the employee.
 - iv. any person involved in a consensual romantic or sexual relationship with the employee.
- b. Service area: Antrim, Benzie, Grand Traverse, Kalkaska, Leelanau, Wexford and Missaukee counties.

2. Sale and Development of Products and Services

An employee of Northwestern Michigan College shall not:

- a. Participate in the selection or award of any college contract or purchase where the employee or employee's family members would monetarily benefit as a result of the transaction.
- b. Solicit or accept anything of value from a person or firm conducting business with the college (except for natural and ordinary social courtesies), which could reasonably be expected to influence the manner in which the employee performs work or makes decisions.
- c. Schedule any outside consulting duties, speaking or other personal engagements, or supplemental employment at times which interfere with the employee's NMC responsibilities.
- d. Participate for monetary or financial benefit in the sale of goods or services to the college or to students or employees of the college. This does not preclude the college from purchasing materials authored by employees. See 2.a regarding selection.

- e. Receive financial or other remuneration for providing any service to the public within NMC's service area which is provided for a fee by the college or for which the employee is contracted (this section applies only to faculty and staff on full time regular appointments). If it is not clear whether the college is engaged in the sale of a service for which an individual may be remunerated, the faculty or staff member should consult with his/her supervisor and/or the appropriate executive officer for determination as to whether the proposed activity represents a conflict of interest.
- f. Use NMC facilities, equipment, supplies, or other resources, for income-generating activities for monetary or financial benefit.

In many disciplines and professions, distinguishing oneself in an area is a desirable enhancement of the college's image. In such instances, an individual embarking on a special activity which may result in a sale of such a product should consult with his/her supervisor to determine the appropriateness of the proposed action. An executive officer may approve of the sale of a product if it is determined that the work was above the normal expected activities of the faculty or staff member and/or the sale would bring distinction to the college. All such exceptions will be appropriately recorded with Human Resources.

If NMC facilities, equipment, supplies, or other resources are used in the development of products which result in a sale for monetary or financial benefit (such as art pieces and course materials), the individual faculty or staff member must first obtain advance written permission from his/her supervisor and must reimburse the institution for the value of the use and/or materials. Rates will be established between the department and the Business Office.

It is recognized that any employee who, outside of the normal contract responsibilities, on his/her own time and at his/her own expense, develops or produces educational material or media for publication, maintains the full rights for patent or copyright and any royalties resulting from said publication unless other written agreements exist.

It is the obligation of any employee to discuss with his/her supervisor any activities in which he/she may be about to engage that may be considered a conflict of interest under the above provisions. Exceptions on the basis of extenuating circumstances may be granted by the appropriate executive officer.

3. Joint Ventures

Any individual or group may apply for financial and/or resource support from the college in the development of special products or services. Such an application will require the applicant to enter into a contract with the college and to negotiate pertinent factors. As appropriate, patents and copyrights should be applied for and issued to the originator.

Agreements: All agreements shall be reviewed by the Vice President of Finance and Administration's office for their appropriateness and consistency. Factors for consideration as agreements are reached regarding the sale of materials or services which are in any way supported by the college may include, but will not be limited to:

- a. How the dollars generated will be distributed
- b. How costs will be determined

- c. How revenues accruing to NMC will be designated (for what purposes)
- d. Who is paid first and how
- e. What the marketing/sales strategies will be
- f. Fair costs for services provided or equipment utilized
- g. Relative access that community members at large have to the same service, such as use of library, computer labs, Internet, etc.

4. Consensual Relationships

Employees are strongly discouraged from participating in a consensual romantic or sexual relationship with another employee whom they supervise. No employee shall participate in a consensual romantic or sexual relationship with a student about whom the employee makes academic, employment, or other decisions.

5. Nepotism

a. *In the Workplace*

Nepotism in the workplace applies to the hiring and supervision of family members.

- i. Hiring. If the question occurs of hiring a person with whom a familial relationship exists, the person responsible for the hiring must submit the situation for review and approval in writing to his/her executive staff member and the Executive Director of Human Resources prior to selection. The president or his/her designee may delegate the hiring decision to an appropriate professional colleague. The responsible party must make every attempt to ensure a fair and open search for the best candidate, including a search of current personnel files and advertising for the position.
- ii. Supervision. If the question occurs of supervising a person with whom a familial relationship exists, the person responsible for the supervision must submit the situation for review and approval in writing to his/her executive staff member and the Executive Director of Human Resources. Review and approval are also required when an individual already assigned to a position becomes a relative of a supervisor, subordinate, or someone who works for the same immediate supervisor. The president or his/her designee may delegate evaluations, salary recommendations, and other related decisions to an appropriate professional colleague. If a familial relationship arises after initial employment at NMC, the president or his/her designee may delegate the responsibility for supervision, evaluation, and salary recommendations an appropriate professional colleague.

b. *In The Classroom*

When the family member of an instructor is enrolled in the instructor's class, the instructor must notify his/her immediate supervisor and ask for collaboration in the evaluation of that family member.

The college is committed to monitoring situations in which such relationships exist, and in the case of actual or potential problems, prompt action will be taken.

Ultimately the President or his/her designee and the Executive Director of Human Resources are responsible to ensure that there is neither favoritism toward nor discrimination against any individual based upon that individual having a familial relationship within the department that he/she serves.

President's authorization _____ Date 12/20/06

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