

METROPOLITAN COMMUNITY COLLEGE

BOARD POLICY

4.15040 BP

RELATIONSHIPS WITH OUTSIDE SUPPLIERS

4.15040 BP

Metropolitan Community College shall use every effort to purchase goods and services from suppliers on a competitive basis, consistent with MCC purchasing guidelines, taking into account quality, service, range of services or products available, performance, timeliness, cost effectiveness, innovation and other factors, as appropriate. MCC has built, and desires to retain, a reputation of integrity, fair dealing and high ethical standards in its business relationships.

Those who are appointed, hired or volunteer to serve the public as representatives of MCC accept a public trust, which they share with those whom they appoint, hire or otherwise enlist to help them serve the public. The public entrusts its power and resources to its employees to use only in the public interest. Public trust requires public employees to fulfill their public duties faithfully and honestly, and to subordinate any personal interest which conflicts with the public interest.

- I. Violation of this policy may result in disciplinary action up to and including termination.
- II. The following are definitions for assistance in complying with this policy.

A. Definitions

1. Personal benefit means:

- i. anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence an employee in the performance or non-performance of an official action; or
- ii. anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the employee to whom the thing is or may be offered, would recognize as being likely to be intended to influence the employee in the performance or non-performance of an official action; and

2. Gift means: any benefit or thing or act of value which is conveyed to or performed for the benefit of an employee or immediate family member, including any advance, award, contract, contribution, deposit, employment, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration.

3. Immediate family means: parents and foster parents, spouse, children, foster and step children, siblings, or any person generally considered to be a member of the immediate household.

III. The following are guidelines for assistance in complying with this policy.

- A. No employee or trustee of MCC may accept gifts for either his or her personal benefit having more than a nominal value of \$100 unless exempted by this policy from any existing or prospective supplier of MCC.
- B. No employee or member of their immediate family may accept a gift with the intent of or the perception of influence on an employee's decision making process in the performance or non-performance of an official action. This could include employment decisions, award of bids and contracts, or other related decisions in the employee's official capacity.
- C. The prohibition on soliciting or acceptance of something of value from a supplier shall not restrict negotiations by any employee, officer or trustee on behalf of MCC for the supplier to provide to MCC, or restrict receipt by MCC, from such supplier of services or products or other value-added considerations.
- D. Employees may solicit donations or contributions to MCC without personal benefit on behalf of the organization for event sponsorships, foundation contributions, and other related charitable efforts.
- E. If approved in advance in writing by the unit officer, employees (if approved in advance in writing by the unit officer) may accept a gift valued at more than \$100 for trips, or planned visits from an existing or prospective supplier when such trips or visits are of an educational or investigative nature regarding MCC purchases or possible purchases, or are of other benefit to MCC taking into account the nature of the event, trip or visit and the employee involved. In no such case shall the gift be for personal benefit.
- F. Except as otherwise provided by law, no employee shall, in such capacity, participate in the discussion, debate or deliberation, or otherwise take part in the decision-making process on any item in which the employee or a member of their immediate family has a personal financial interest.

IV. This policy is not intended to apply to the following, which although they may benefit individual employees are deemed to be primarily public benefits rather than personal benefits:

- A. unsolicited food gifts so long as the gift is shared with the work unit generally;
- B. meals for which an employee is engaged in on MCC business;
- C. fees, expenses, or income, including those resulting from outside employment, which are permitted and reported in accordance with the policies of the MCC;
- D. admission, regardless of value, to events to which employees are invited in their official, representative capacity as an official of MCC;
- E. hospitality extended for a purpose related to the official business of MCC;

- F. reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official MCC business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity;
 - G. reasonable gratuities given by a group in appreciation for an employee speaking or making any presentation before that group;
 - H. awards publicly presented in recognition of public service;
 - I. gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities;
 - J. anything of value, regardless of the value, when the thing of value is offered to MCC, is accepted on behalf of the MCC, and is to remain the property of MCC;
 - K. complimentary copies of trade publications or text books;
 - L. any unsolicited benefit conferred by any one person or business if the economic value totals less than \$ 100 per calendar year, and if there is no express or implied understanding or agreement that an official action or decision of an employee will be influenced;
 - M. anything of value, if the payment, gift, or other transfer of value is unrelated to and does not arise from the recipient's holding or having held a public position with MCC;
 - N. allowance, stipends or reasonable reimbursement for service on Public Boards or Commissions that a MCC employees serves on behalf of MCC
- V. Offers of gifts or solicitations that are in violation of the policy must be reported to the campus president and appropriate vice chancellor.

Adopted: Board of Trustees
November 17, 2016