3.2 Conflict of Interest Policy

1. MICA is committed to achieving the highest standards of professionalism in its operations and therefore expects its employees to adhere to ethical standards of conduct. Employees should always act in the best interest of MICA and not allow outside interests or personal relationships to interfere with or influence their decisions and responsibilities on behalf of the College.

2. For purposes of this policy, a conflict of interest arises when a staff person or staff person’s family member, as defined below, has an existing or potential financial or other material interest that impairs or may appear to impair the staff person’s independence and objectivity of judgment in the discharge of duties to MICA. For example, a conflict of interest exists when a staff person is in a position to influence a decision that may result in personal gain for the staff person or his or her family member as a result of MICA’s activities. A conflict of interest also exists when a staff person is responsible for evaluating the work or performance of a family member.

3. For purposes of this Conflict of Interest policy, “family member” includes but is not limited to spouse, domestic partner, parent, sibling, child, grandparent, grandchild, in-law, aunt, uncle, first cousin, step relative, or an individual that receives or provides financial support to another individual.

4. This policy does not set forth all the conflicts of interest that might possibly develop. Staff should discuss any questions regarding a possible conflict of interest with their supervisor or with Human Resources. The following is set forth to guide staff in identifying potential conflicts of interest.

a) No staff person may engage in any outside activity that will interfere with the staff person’s duties for MICA or influence decisions that should be made solely based on the best interests of MICA. Full-time staff are expected to devote their full time employment with MICA and may not engage in any outside employment without prior approval of the employee’s supervisor. Part-time staff have an obligation to devote the agreed upon amount of time to employment with MICA.

b) No outside work for compensation may be done during the staff person’s regularly scheduled working hours and no College building, equipment, labor or supplies may be used to conduct outside activity. Staff may not represent that any outside work is being done by or on behalf of MICA. “Outside work” can include teaching at MICA.

c) The College encourages its staff to serve on boards for non-profit, community-based and other arts-related organizations. However, conflicts of interest can also occur from involvement with those organizations as well. Prior to committing to service, staff should disclose the relationship and level of involvement to their Vice President and/or President to determine the appropriate action.

d) Staff may not seek or accept gifts, trips, or favors whose value exceeds $200 from anyone involved in selling goods to or performing services for MICA. Cash, gift cards or gift certificates of any amount may never be accepted.
e) Staff may not offer any type of services or items to MICA students or their families other than those authorized by MICA.

f) The College will not employ family members in such a way that one directly supervises or evaluates the performance of another family member.

g) Staff must notify their supervisor or Human Resources if they are aware that a MICA employee, applicant for employment, vendor, or person conducting or seeking to conduct business with the College is related to a MICA employee who is a family member as defined above. Such relationships will be evaluated within the context of this policy and appropriate action will be taken to avoid a conflict or the appearance of conflict.

5. Business Transactions with a Family Business

a) For purposes of this policy, the term ‘family business’ means any business that is owned in whole or in part by a ‘family member’, as defined in subsection 3 of this policy, of a MICA staff person or officer. ‘Family business’ does not include small, non-controlling shareholdings in publicly traded companies.

b) Except as provided below, staff and officers are prohibited from committing MICA to a business transaction with a family business owned by one of their own family members.

c) For staff other than officers:

i. For all purchases below $5,000, competitive bids are not required but the purchase must be reviewed and approved in advance by the division Vice President and President.

ii. For all purchases $5,000 and higher, a competitive bidding process is required, and inclusion of the family business in the bidding process requires the advance approval of the division Vice President and President.

1) The division Vice President will manage the RFP and bidding process and determine the recipient of the contract based on the bids submitted and other relevant information included in the proposal.

d) For officers, potential purchases from a family business of any amount may only occur if a competitive bidding process is employed and the family business is approved to be included in a competitive bidding process in advance by the President, Executive Committee and Audit Committee.

i. For officers other than the Vice President of Finance and Human Resources, the process for awarding the contract is carried out in the following manner:
1) The Request for Proposals (RFP) process is managed by MICA’s Office of Finance (MOF) in conjunction with the Division making the purchase.

2) The RFP is developed by the division making the purchase and is sent out by the MOF.

3) The number of vendors to be sent the RFP will be determined by the MOF in conjunction with the division making the purchase, and there shall be a minimum of three, including the family business. The RFP will be sent to those vendors selected by the MOF in consultation with the Division making the purchase.

4) All bids are submitted confidentially and directly to the MOF.

5) In order to understand potential differences in the proposals that may need further explanation, the MOF may consult with the officer of the division making the purchase.

6) The MOF makes the final determination of the firm to be awarded the contract or purchase, taking into account pricing and other appropriate factors depending on the nature of the contract.

ii. For the Vice President of Finance/Human Resources the process for awarding the contract is carried out in the following manner:

1) The Request for Proposals (RFP) process is managed by MICA’s Office of the President (MOP) in conjunction with the Division of Finance and Human Resources (DFHR) making the purchase.

2) The RFP is developed by the DFHR and is sent out by the MOP.

3) The number of vendors to be sent the RFP will be determined by the MOP in conjunction with the DFHR, and there shall be a minimum of three, including the family business. The RFP will be sent to those vendors selected by the MOP in consultation with the DFHR.

4) All bids are submitted confidentially and directly to the MOP.

5) In order to understand potential differences in the proposals that may need further explanation, the MOP may consult with the officer of the DFHR.

6) The MOP makes the final determination of the firm to be awarded the contract or purchase, taking into account pricing and other appropriate factors depending on the nature of the contract.
6. Staff members who become aware of a possible violation of this policy or other ethical concern regarding their employment or another MICA employee should contact their direct supervisor or Human Resources. MICA prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting a potential conflict of interest or cooperating in related investigations. MICA will investigate all concerns and determine what action should be taken. Violations of this policy will result in corrective action which may include disciplinary action up to and including termination.