

## University of St. Thomas Policies

### CONFLICT OF INTEREST AND GIFT POLICY

Policy Number: G.07.01

#### SCOPE

All employees, excluding members of religious orders and the Board of Directors.

#### GENERAL POLICY

All employees of the University of St. Thomas (“St. Thomas”) are responsible for performing their job related responsibilities diligently, legally, honestly, in good faith and in accordance with our core values, which are:

- Goodness:** We serve God in faith and love by giving of ourselves to students, colleagues and society.
- Discipline:** We demand personal responsibility, accountability, and integrity in ourselves and in one another.
- Knowledge:** We pursue truth and academic excellence in the Catholic intellectual tradition, emphasizing the dialogue between faith and reason.
- Community:** We build and nurture relationships that transform our lives, our university, and our world.

Any employee who has an actual or potential conflict of interest in performing their duties for St. Thomas must immediately report the actual or potential conflict of interest to their immediate supervisor or Vice President, whoever is first available. If neither is available the actual or potential conflict of interest should be reported to the Associate Vice President of Administrative Services. Prompt reporting is essential to allow key St. Thomas employees to avoid or manage the conflict. Employees must at all times be sensitive to situations that may pose a conflict of interest or the appearance of a conflict of interest. When in doubt, an employee should consult with their immediate supervisor, Vice President, or the Associate Vice President of Administrative Services for guidance.

A conflict of interest relates to a situation in which an employee’s financial, professional, or other personal considerations may directly or indirectly affect, or have the appearance of affecting, an employee’s professional judgment in exercising any St. Thomas duty or responsibility. In many cases, a conflict of interest may arise when an employee has the opportunity or appears to have the opportunity to influence St. Thomas’ business, administrative, academic, research or other decisions in ways that could lead to financial, professional, or personal gain or advantage of any kind.

As it is the responsibility of the employee to avoid conflicts of interest, they must not be in a position of making or participating in the making of decisions on behalf of St. Thomas if the personal or financial interest of themselves, members of their families or others who they have a personal relationship may be directly affected by the outcome. Employees may not participate in the making of a decision that involves a benefit, monetary or otherwise, for those persons or entities in a personal or professional relationship with the employee, which include the following:

1. Persons or entities with a business or professional relationship with the employee;
2. Family members, to include a spouse, domestic partner, persons related by blood, adoption or marriage to the employee, persons residing in the same household, or persons involved in an intimate relationship with the employee;
3. Any company or entity in which the employee or a person defined in Number 2 above, has an ownership interest of 5% equity or \$10,000, whichever is less;
4. Any entity in which the employee serves as an officer, partner, director, or employee; and
5. A company or entity with which the employee has a consulting or other business relationship and wants to do business with St. Thomas.

For purposes of this policy the term “relationship” shall be interpreted expansively. This policy is intended to provide general guidance, but the existence of a potential or actual conflict of interest depends on the totality of the facts and circumstances related to a specific situation. Employees with concerns or questions should always err on the side of caution and should at a minimum, seek guidance from their supervisor, Vice President or the Associate Vice President of Administrative Services if they have any questions regarding a possible conflict of interest or knowledge regarding the existence of a conflict of interest.

## **CONFLICTS OF INTEREST ISSUES RELATED TO GIFTS**

### *Gift to Employee from the University*

1. It is not appropriate to spend any St. Thomas funds in recognition of employees for non work-related achievement or events such as weddings, baby showers, housewarming gifts, etc.
2. University funds can be used for University wide recognition programs for performance, length of service or retirement awards.
3. Gifts and awards related to Number 2 above are taxable and must be reported as additional earnings if their value exceeds the following amounts:
  - a. Cash or gift certificates of any amount (the IRS considers most gift certificates or any savings bond to be a cash equivalent even if the property or service acquired with the gift certificate would normally be excluded);
  - b. Gifts or awards of tangible personal property with a value greater than \$100 (gifts and awards of tangible personal property to employee are “*de minimis*” when awarded infrequently and are not greater than \$100); or

- c. Gifts or awards of tangible personal property greater than \$400 for a length of service or retirement award (these awards may not be made within the employee's first five years of service or more frequently than ever five years).
  
4. Recognition may take the form of celebratory events such as department-wide luncheons, dinners or parties. Appropriate circumstances for such recognition include:
  - a. To mark the achievement of a major departmental goal;
  - b. To honor an employee in connection with a work-related recognition program;
  - c. To honor an employee that is leaving a department; or
  - d. To honor a retiree.

**NOTE: Any tangible gifts given in connection with either a – d, should be administered in a consistent manner with Numbers 1 – 3 above, and taxed accordingly.**

#### *Gift to Non-Employee on Behalf of the University*

The presentation of a non-cash gift to a non-St. Thomas individual or organization on behalf of St. Thomas is allowed for business purposes. To avoid any appearance of favoritism, no officer or employee should present a gift that appears to be offered because of the position held by the recipient. Only employees with budget approval authority can approve requests to reimburse expenses for non-cash gifts presented on behalf of St. Thomas. This authority may not be delegated and any exception must be approved by the President.

#### *Gift to Employee from Vendor*

St. Thomas employees must be particularly aware, in their capacity as an employee, of situations where a conflict may exist between our private interests and official responsibilities. We may not give, offer, or promise anything of value to any vendor, contractor, or other individual for the purpose of receiving favorable treatment. Nor shall St. Thomas employees solicit or accept anything of value from these individuals which may place an individual or department in a compromising position. St. Thomas employees should avoid accepting gifts from vendors unless the gift is truly a marketing token (pen, keychain, coffee mug, etc.) given by a vendor in the normal course of business and has a *de minimus* value (\$50 or less).

Employees may accept ordinary business courtesies, such as accepting tickets to a sporting event, meals or an invitation to an event, if the value is reasonable and not excessive. If a vendor offers to pay for or reimburse an employee for an employee's reasonable cost of transportation, lodging or meals as part of an employee conducting St. Thomas business, the employee should first discuss the situation with their supervisor to ensure there is no actual or apparent conflict of interest involved.

## **CONFLICT OF INTEREST – SERVICE ON OUTSIDE BOARDS**

Service on outside boards and entities or participation in professional, charitable or civic organizations outside of St. Thomas may mutually benefit the organization, the community and the University. An employee must always remember, however, that his or her primary obligation is to St. Thomas, and an employee must avoid any situation where the nature or amount of outside activity could, either directly or by appearance, impair the employee's impartiality or effectiveness in performing their St. Thomas responsibilities. An employee should seek guidance from their immediate supervisor if they have questions about the service on an outside board and its impact on their position with St. Thomas.

**APPROVED: Dr. Robert Ivany**

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