



UNIVERSITY OF MASSACHUSETTS DARTMOUTH PROCUREMENT MANUAL

Section 1.9 - Ethical Practices and Conduct of Employees

State employees are governed by the Commonwealth's Conduct of Public Officials and Employees statute "Conflict of Interest law", Massachusetts General Laws, Chapter 268A. This statute is lengthy and complex. It is interpreted and actively enforced by the State Ethics Commission. Copies of a brochure that generally discusses the law and restrictions placed on state employees may be obtained from the State Ethics Commission, Public Education Office, at (617) 727-0060. You may request an advisory opinion from the Ethics Commission by writing to the State Ethics Commission, One Ashburton Place, Boston, MA 02108.

1. The University's vendors, and their products, personnel, and services, are, in a sense, a natural extension of the University's own resources. It is the responsibility of all employees to work to maintain the good name of the University, to develop and maintain good relations between the University and its vendors, and to keep in mind that personal contacts form much of the basis for the opinion of the University by its vendors.
2. University employees shall refrain from accepting gifts or gratuities from vendors. Reference is directed to the Conduct of Public Officials and Employees law, Chapter 268A, Section 3, of the General Laws, which states in part:

"Whoever...directly or indirectly, asks demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of substantial value for himself for or because of any official act or acts within his official responsibility performed or to be performed by him...shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both."

In this respect, employees who are responsible for making procurement decisions, or who are in a position to influence procurement decisions, shall refrain from accepting any gratuity or benefit from any vendor, for they may be construed to influence such procurement decisions.

3. **Neptotism:** Neptotism is contrary to both the Conflict of Interest law and Trustee policy. The Trustees have voted, in part:
 - a. No officer or employee of the University shall participate directly in any decision or recommendation relating to appointment, promotion, retention, tenure, or other condition of employment at the University of any parent, child, spouse, sibling, parent-in-law, sibling-in-law, child-in-law, or stepchild or such officer or employee, except as the Chancellor has specifically approved as being within the best interest of the University.
 - b. In cases where a person within one of the categories of relationship to an officer or employee (as described in "a," above) is proposed for appointment, retention, or promotion to a position which would normally be under the supervision of such officer or employee, such person may be appointed to, retained in, or promoted to such position, and may be supervised by such an officer or employee, only if documentation is provided that demonstrates that such person is especially qualified to perform the services required and that the services are of great value to the interests of the University.



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The need for such decisions shall be brought to the attention of the Human Resources Department who will determine the appropriate level of required approval and necessary steps to request such approval. The documentation required shall accompany the personnel files of the related persons.

Questions concerning such conflict issues related to nepotism should be directed to the Human Resources department.

4. Employees shall not do business in the name of the University with companies in which they, or an immediate family member, hold a financial interest, unless disclosure of the facts of the matter and the employee's financial interest are first made to the employees Chancellor and the State Ethics Commission, and approved in writing by the employee's Chancellor (M.G.L. Chapter 268A, Sections 6 and 6A.)
5. A state employee may not have a financial interest, directly or indirectly, in a contract made by a state agency in which the Commonwealth or a state agency is an interested party (M.G.L. Chapter 268A, Section 7). This restriction is subject to certain qualifications. The employee should contact University legal counsel or the State Ethics Commission to discuss the employee's particular situation, before the fact.
6. The University subscribes to the Code of Ethics of the National Association of Educational Procurement, as follows:
 - a. Give first consideration to the objectives and policies of my institution.
 - b. Strive to obtain the maximum value for each dollar of expenditure.
 - c. Decline personal gifts or gratuities.
 - d. Grant all competitive suppliers equal consideration insofar as state or federal statute and institutional policy permit.
 - e. Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.
 - f. Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
 - g. Receive consent of originator of proprietary ideas and designs before using them for competitive procurement purposes.
 - h. Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier; and/or be willing to submit any major controversies to arbitration or other third party review, insofar as the established policies of my institution



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permit.

- i. Accord a prompt and courteous reception insofar as conditions permit to all who call on legitimate business missions.
- j. Cooperate with trade, industrial and professional associations, and with governmental and private agencies for the purposes of promoting and developing sound business methods.
- k. Foster fair, ethical and legal trade practices.
- l. Counsel and cooperate with NAEP Members and promote a spirit of unity and a keen interest in professional growth among them.