

MARIST

Code of Ethics

**MARIST COLLEGE CODE OF ETHICS
and REPORTING OF WRONGFUL CONDUCT**

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I. General Principles and Guidelines

A. Introduction

As members of the Marist College community, all executive officers, trustees, faculty, staff members and student workers are responsible for conducting themselves with the highest ethical standards. The College values integrity, honesty and fairness and strives to integrate these values into its teaching, scholarship, business practices, and daily interactions among all members of the campus community. The increasingly necessary relationships that have evolved between the College and outside entities, including but not limited to governmental agencies, community groups and business firms, require that persons representing the College conduct themselves in a manner that will withstand the sharpest scrutiny.

B. Purpose and Intent

This Code of Ethics describes standards to guide us in our daily College activities. In many cases these standards are already found in existing College policies and are being followed. A key purpose of the Code of Ethics is to commit all applicable standards to writing and to ensure that they are understood and followed by the community. It is the responsibility of all members of the Marist community to read the Marist Code of Ethics and to disclose potential or actual conflicts of interest described under Section II-A. Senior administrators are responsible for promoting the understanding of and compliance with the Code of Ethics.

The Marist Code of Ethics is a shared statement of our commitment to upholding the ethical, professional and legal standards we use as the basis for our daily and long-term decisions and actions. We are each individually accountable for our own actions and, as members of the College community, are collectively accountable for upholding these standards of behavior and for compliance with all applicable laws and regulations.

Marist College recognizes that the ultimate decision regarding an individual's personal conduct must be made by that individual, and that a formal Code of Ethics will not prevent willful unethical or illegal actions by any person. By clearly setting forth the standards of behavior that the College expects from all members of its community, it is believed that the potential for unethical behavior will be minimized and that questionable actions/situations will be brought to the attention of a responsible supervisor.

The principles and standards set forth in this Code affirm the language contained in the Marist Faculty Handbook under Code 8.80 with regard to the principle of academic freedom.

C. Applicability

This Code applies to the following members of the Marist College community:

- Individuals who have an employment relationship with Marist whether full- time or part-time including faculty, staff and students;
- Members of the Board of Trustees;
- Consultants, vendors and contractors which have an on-going business relationship with Marist College; and
- Individuals who perform services for Marist College as volunteers.

The Marist College student body is required to abide by the Student Code of Conduct which is distributed annually by the Office of the Dean of Student Affairs.

D. Commitment to Integrity and Ethical Conduct

Marist is dedicated to helping students develop the intellect and character required for enlightened, ethical and productive lives in the global community of the 21st century.

In support of the Marist mission statement above, the College is committed to maintaining a reputation for the highest ethical and professional standards of conduct. To maintain these standards, the College relies on each community member's commitment to ethical behavior, honesty, integrity and good judgment. Each member of the Marist community should demonstrate respect for the rights of others. Members of the community must strive at all times to maintain the highest standards of integrity and ethical conduct in all situations and all relationships.

Each individual is expected to conduct College business transactions with the utmost honesty, accuracy and fairness. Each situation needs to be examined in accordance with this standard. No unethical practice can be tolerated on the grounds that it is “customary” outside of Marist or that it serves other goals. Expediency should never compromise integrity.

II. Work Environment

A. Equal Employment/Harassment/Discrimination

Marist College is committed to a work environment free of harassment and disruptive behavior, and to providing an equal opportunity work environment where every member of the College community is treated with fairness, dignity and respect. No one shall discriminate against any individual on the basis of race, color, religion, sex, age, disability, national origin, sexual preference or any other factor prohibited by law.

All members of the College community, especially supervisors, must be familiar with laws, regulations and policies specifically related to employment matters including equal employment opportunity and harassment. Related policies are posted on the Human Resources web page at www.marist.edu/humanresources.

Members of the College community shall also adhere to the laws, regulations and policies of applicable governmental authorities. The failure to do so may be grounds for disciplinary action, up to and including termination of employment.

B. Conflict of Interest

The term “conflict of interest” pertains to situations in which financial or other personal considerations compromise, or have the appearance of compromising, an individual’s professional judgment and ability to perform his or her responsibilities at Marist. All individuals who are covered under this Code, especially persons occupying positions listed in section B below, should consider not only situations that are unacceptable, but also those situations that might involve the appearance of a conflict. The mere appearance of a conflict may be just as serious and potentially damaging as an actual bias in professional judgment. A member of the College community may not profit or gain an unfair advantage at the expense of the well-being of the College as outlined below.

- Members of the College community may not have a direct or indirect, financial or proprietary interest, of any nature that is in conflict with the proper

- discharge of the community member's duties.
- A member of the College community shall not accept or solicit any gift, favor or service that might reasonably influence the community member in the discharge of his or her duties or that the community member knows or should know is being offered with the intent to influence his or her official conduct.
- A member of the College community shall not accept other employment or engage in any business or professional activity that he or she might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of the community member's official position.
- No member of the College community shall disclose confidential information gained by reason of his or her official position or otherwise use such information for his or her personal gain or benefit.
- No member of the College community shall transact any business in his or her official capacity with any external business entity of which the employee is an officer, agent or member, or in which the employee has a financial interest.
- Members of the College community must disclose conflicts of interest as soon as possible after they realize that an actual conflict or potential conflict may exist. For example, an employee who is asked to serve as a member of the Board of Directors of an entity doing or seeking to do business with the College must immediately notify the College.
- If a conflict or potential conflict of interest is reported and has been acknowledged by the employee's line officer, it is required that the conflict or potential conflict be reported by the line executive to the Chief Financial Officer and that it be reviewed and monitored annually until it is resolved.

C. Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty-student and supervisor-employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are prohibited.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from

the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RAs and students over whom they have direct responsibility. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

D. Nepotism

Members of immediate families and other relatives of Marist College faculty and staff may be employed in any department within the College. However, related persons shall not be employed in a situation where one relative exercises either direct or indirect supervision over the other, including student employment. If such a supervisory relationship is deemed a distinct advantage to the College, the employment of the individual in question must be requested in writing to the line executive and approved in writing by the President in consultation with the Associate Vice President for Human Resources.

E. Disclosure Guidelines

All members of the Board of Trustees, executive officers, deans and selected staff * are responsible for filing an annual disclosure statement to disclose all business interests, affiliations and/or relationships that could reasonably give rise to a conflict of interest involving the College. Conflict of Interest Disclosure Statements are distributed by the Assistant Vice President for Human Resources, who is responsible for ensuring that statements are completed and returned each year. Members of the Marist community who become involved in potential conflict of interest situations must complete a Conflict of Interest Disclosure Statement at the time they become aware of the potential for a conflict of interest.

A Disclosure Statement that pertains to administrators, faculty and staff is attached as Appendix I. Members of the Marist Board of Trustees may obtain a Trustee Disclosure Statement from the Office of the President.

* Controller, Associate Dean of Operations and Facilities, Executive Director of Student Financial Services, Director of Athletics, Director of Enterprise Solutions Group, Director of Academic Technology/E-Learning, Director of Physical Plant, Director of Purchasing, Director of Safety and Security, Director of Special Projects and Telecommunications, Director of Technology and Systems, Director of the Library, Buyer, Associate Director of the Physical Plant, Editor for College Advancement, and Manager of Print and Duplication Services.

F. Gifts and Gratuities

External constituents sometimes offer gifts, also referred to as gratuities, in an attempt to influence an employee's conduct in relationship to the gift giver. In order to avoid a conflict of interest or the appearance of a conflict of interest, at no time should an employee solicit or accept gifts from a vendor or contractor or from a potential vendor or contractor. No gift valued at \$100.00 or more can be accepted by College employees, and should be returned immediately to the donor. Acceptance of social invitations from individuals doing business with, or seeking to do business with, Marist College when such invitations can be construed as an intention to influence an employee's decision, and the cost to the host of such entertainment would appear to be excessive, is prohibited. Gifts of money to an employee in any amount cannot be accepted at any time and should be returned immediately to the donor.

Ordinary business courtesies, such as complimentary text books or payment for a modest lunch or dinner, are acceptable. Gifts which are promotional items without significant value, and which are distributed routinely by a vendor to clients, are also acceptable.

While it may sometimes be difficult to judge the value of gifts offered to College employees, it is also important to consider the appearance of impropriety. College employees should refrain from accepting gifts when the gifts give the appearance of impropriety. The respective line officer or Dean should be consulted by any member of the community who is unsure about the appropriateness of accepting gifts or social invitations.

It is the responsibility of each member of the College community to report in writing any gift or solicitation to his/her supervisor even if the gift is returned or the solicitation has been rejected.

G. Sponsored Research and Grants

The College receives grants and contracts from federal and non-federal sources. Faculty and staff who are involved in federally sponsored research must strictly follow federal rules and regulations related to that work. Failure to observe government rules and regulations can result in the loss of funds from grants and contracts, and, in some instances, civil fines and criminal penalties. The College's capacity to receive future grant awards may also be negatively impacted. With respect to grants and contracts from non-federal sources, faculty and staff must comply with applicable regulations and requirements. In all cases, award recipients must adhere to all College policies pertaining to grants and contracts found in the Sponsored Projects Manual at www.marist.edu/grants/manual. Compliance support is available from the Office of the Controller.

H. Outside Employment/Conflict of Commitment

Marist College respects the rights of an employee to engage in activities of his or her choice, both within and outside the College, as long as those activities do not adversely affect Marist College. Outside professional commitments should not interfere with a community member's obligations to the College. No member of the College community shall accept outside employment that actually or potentially results in any conflict of interest with or intrudes upon or detracts from the fulfillment of his or her responsibilities to the College, or the programs, policies and objectives of Marist College. Employees considering outside employment are required to fully disclose the prospective employment in writing to their Dean (for faculty) or Line Executive (for staff) before accepting employment. Employees may ordinarily expect to be granted the right of outside employment provided that such duties do not conflict with the provisions of this Code. The approval of requests for outside consulting work or other forms of employment outside of Marist during the time of the employee's contract year must be received from the Dean (for faculty) or Line Officer (for staff). The Dean or Line Officer will advise the faculty or staff member in writing of his/her decision within 10 working days of receipt of the faculty/staff member's request.

A Dean or Line Officer who denies a request will provide a written reason for the denial. The Dean will notify the AVP/Dean of Faculty and the Line Officer will notify the Office of Human Resources of the requests for which approval has been granted.

I. Confidentiality of College Documents and Records

The College maintains confidential records for a variety of business needs. Records may include detailed information about students, parents, job applicants, employees, alumni, donors, institutional finances and college planning initiatives. Many records are required to be kept confidential as a matter of federal and state law and/or to protect the privacy of individuals associated with or doing business with the College.

Members of the Marist College community are expected to protect confidential information from the access or view of unauthorized persons, for securing it properly when not in use and discussing it only with those who have a legitimate business need to know. Community members who are uncertain about the use of College records and information should contact their respective supervisor.

J. Integrity and Accuracy of College Documents and Records

Every member of the College community is responsible, within the scope of his/her work, for the integrity and accuracy of the College's documents and records. No one may falsify or improperly alter information on any institutional record or document. College documents and records are retained in accordance with the law and the College's record retention requirements.

K. Workplace Health and Safety

The College seeks to provide a healthy and safe environment for all members of the College community and for visitors. Every community member is obligated to perform his or her job in a safe manner and to follow all safety rules and procedures. Community members should immediately report any hazardous conditions or job-related illness or injury to their supervisors.

L. Environmental Health and Safety

The College must comply with government laws and regulations that protect the environment and promote workplace safety. The College must operate its facilities with all of the necessary permits, approvals and controls, especially with respect to handling and disposal of hazardous and bio hazardous materials. Anyone working with or around these materials must be familiar with the rules, regulations and policies that apply to them. The Marist College OSHA Officer can be reached at 845-575-3000, x 2282. The OSHA Officer should be contacted with questions regarding applicable laws and regulations pertaining to environmental health and safety.

M. Drug and Weapon Free Workplace

The unlawful possession of a weapon or the unlawful manufacture, distribution, possession or use of a controlled substance in or on any premises or property owned or controlled by the College is prohibited. Any member of the Marist College community who is found guilty or has a sentence, fine or other criminal penalty imposed by a court for any offense involving a weapon or a controlled substance that occurred in or on College property shall report such action to his or her supervisor or to the Assistant Vice President for Human Resources within five days of the finding.

Any member of the College community who unlawfully manufactures, sells, distributes, possesses or uses a controlled substance on College property, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to disciplinary action, including dismissal from employment, or may be required to participate satisfactorily in an approved drug assistance or rehabilitation program or both.

III. Obligation to Report Suspected Violations of the Code of Ethics

Each member of the Marist community is responsible to report actual or perceived violations of the Code of Ethics that come to his or her attention. Supervisors have a special duty to adhere to the standards set forth in this Code, to recognize violations and to enforce the standards. Reports of suspected violations of these standards should be made promptly in writing and signed by the individual making the report as outlined in Appendix 2.

Reports will be impartially and confidentially investigated by either the Office of Human Resources or the College's external auditor depending on the nature of the complaint. Marist College will protect from retaliation anyone who makes a good faith effort to appropriately disclose any real or perceived wrongdoing. However, the College reserves the right to deal with malicious or frivolous allegations through appropriate disciplinary procedures.

Consequences of Violation

Violations of the Code will be considered under the College's established disciplinary practices and procedures as outlined in the Faculty Handbook, the Administrative Manual, the applicable collective bargaining agreement, or any other document to which the violator's employment is subject. Violations may carry disciplinary consequences, up to and including dismissal from employment, based on the circumstances and severity of the violations. Such violations may also subject individuals to civil or criminal actions in state or federal courts.

IV. Reporting Wrongful Conduct (Whistleblower Policy)

A. Statement of Purpose

Marist College employees are expected to abide by state and federal laws and regulations as well as College policies. Furthermore, a Marist College employee cannot be compelled by a supervisor or College official to violate the law or College policy. In the interest of the College, an individual who has knowledge of specific acts which he or she reasonably believes violates the law or College policy has a responsibility to disclose that information.

Marist College has established procedures for handling a good faith report of wrongful conduct and for responding to complaints of retaliation against individuals who make such reports (Appendix 3, "Marist College Confidential Procedure for Reporting Wrongful Conduct or Suspected Improprieties in Accounting, Auditing, or Internal Control Practices).

B. Definition of Wrongful Conduct

"Wrongful Conduct" is defined in this policy to be:

1. A violation of applicable state and/or federal laws and regulations.
2. A serious violation of Marist College policy.
3. A conflict of interest, as described in this Code of Ethics.
4. The use of Marist College property, resources, or authority for personal gain or other non-College related purpose.
5. Improprieties in accounting, auditing, or internal control practices.

C. Consequences of Wrongful Conduct

Persons who engage in wrongful conduct, as defined in this policy, will be subject to the College's established disciplinary practices and procedures as outlined in the Faculty Handbook, the Administrative Manual, the applicable collective bargaining agreement, or any other document to which the violator's employment is subject. Wrongful Conduct may carry disciplinary consequences, up to and including dismissal from employment, based upon the circumstances and severity of the action. Wrongful Conduct may also subject individuals to civil or criminal actions in state or federal courts.

D. Definition of Good Faith Report

"Good Faith Report" is defined in this policy to be an allegation of Wrongful Conduct made by an individual who believes that Wrongful Conduct may have occurred. An allegation is not in good faith if it is made with reckless disregard or willful ignorance of facts that would disprove the allegation. The College reserves the right to deal with persons who make malicious or frivolous allegations through appropriate disciplinary procedures.

V. Reporting of Improprieties in Accounting, Auditing or Internal Control Practices

A confidential procedure for reporting improprieties in accounting, auditing or internal controls practices has been implemented as part of the College's compliance with key provisions of the Sarbanes-Oxley Act as recommended for adoption by colleges and universities by major higher education associations including the National Association of College and University Business Officers and the Association of Governing Boards of Universities and Colleges.

Individuals who wish to report any concern they might have about accounting, auditing or internal control practices are asked to follow the procedure outlined in Appendix 3. Individuals who elect to report their concerns can be assured that their information will be treated confidentially and such action will in no way jeopardize their standing at the College.

**MARIST COLLEGE
CONFLICT OF INTEREST**

DISCLOSURE STATEMENT

A conflict of interest exists in any situation in which a person having official responsibilities for Marist College is empowered to make decisions on behalf of the College and who, as a result of that authority, can potentially benefit personally, directly or indirectly, from any entity or person conducting business with the College. In accordance with the “Code of Ethics”, this disclosure statement must be completed and submitted for review.

I attest that I have read the Conflict of Interest section of the “Code of Ethics” of Marist College and understand the concept of conflict of interest and am familiar with the required disclosure by affected employees of actual or potential conflict of interest situations.

I am hereby disclosing that:

a) I have no actual or potential conflict of interest (check box)

OR

b) All actual or potential conflicts of interest arising from any business interests, affiliations, and/or relationships and those of my family, no matter how small or insignificant, are described below.

PRINT NAME TITLE

SIGNATURE DATE

RETURN SIGNED ORIGINAL TO:

Deborah Raikes-Colbert, Associate Vice President of Human Resources, DN120

**MARIST COLLEGE CONFIDENTIAL REPORT PROCEDURE FOR
SUSPECTED CODE OF ETHICS VIOLATIONS**

A report of suspected Code violation should be made promptly in writing and signed by the individual making the report. Reports of code violations will be confidentially reviewed and investigated by the Office of Human Resources or the College's external auditor. The College will protect from retaliation anyone who makes a good faith effort to appropriately disclose actual or perceived violations.

Reports can be submitted to any one of the individuals listed below:

David Yellen
President of Marist College
Marist College
3399 North Road
Poughkeepsie, NY

David.Yellen@Marist.edu
845-575-3600

Dr. Geoffrey L. Brackett
Executive Vice President
Marist College
3399 North Road
Poughkeepsie, NY

Geoffrey.Brickett@Marist.edu
845-575-3496

Dr. Thomas Wermuth
Dean of the Faculty
3399 North Road
Poughkeepsie, NY

Thomas.Wermuth@Marist.edu
845-575-3629

Mr. John P. Pecchia
Chief Financial Officer
Marist College
3399 North Road
Poughkeepsie, NY

John.Pecchia@Marist.edu
845-575-3161

Mrs. Deborah Raikes-Colbert
Associate Vice President for Human Resources
Marist College
3399 North Road
Poughkeepsie, NY

Deborah.Raikes-Colbert@Marist.edu
845-575-2467

A supervisor to whom a report of a violation is made is obligated to report the violation to one of the senior executives listed.

(Appendix 2 updated September 28, 2012)

MARIST COLLEGE

CONFIDENTIAL PROCEDURE FOR REPORTING SUSPECTED WRONGFUL CONDUCT OR IMPROPRIETIES IN ACCOUNTING, AUDITING OR INTERNAL CONTROL PRACTICES

Any member of the Marist College Community who has concerns about possible Wrongful Conduct or improprieties in accounting, auditing, or internal control practices or processes should report such concerns in writing with as much detail as possible to any of the individuals listed below. The written report should be signed by the reporting individual. The College will protect from retaliation anyone who makes a good faith effort to appropriately disclose an alleged impropriety.

Mrs. Ellen M. Hancock
Chair, Marist College Board of Trustees
PO Box 169
Ridgefield, CT 06877-0169

emhancock@prodigy.net
203-438-8134

Mr. Tim Tenney
Chairman,
Marist College Board of Trustees Audit Committee
President and CEO
Pepsi-Cola of the Hudson Valley
1 Pepsi Way
Newburgh, NY 12550

timtenney@aol.com
845-562-5400 ext. 403

Frank Kurre, Partner
Marist College External Auditor
Grant Thornton, LLP
666 Third Avenue
New York, NY 10017

Frank.Kurre@US.GT.Com
212-542-9530

Paul Sullivan, Esq.
of Corbally, Gartland & Rappleyea LLP

pos@cgrlaw.com
845-454-1110

David Yellen
President of Marist College
Marist College
3399 North Road
Poughkeepsie, NY

David.Yellen@Marist.edu
845-575-3600

(Appendix 3 updated September 28, 2012)

**Updated Code of Ethics and Approved by the
Board of Trustees
May 1, 2010**