

I. POLICY

In accordance with the Virginia State and Local Government Conflicts of Interest Act and the EVMS Code of Conduct, all members of the EVMS community are required to conduct business ethically and avoid conflicts, or the appearance of conflicts, between their personal interests and the interests of EVMS.

In addition, EVMS and all employees engaged in the selection, award, and administration of contracts under a federal award must remain free of actual or perceived conflicts of interest in accordance with OMB Uniform Administrative Requirements, Principles, and Audit Requirements for Federal Awards.

It is the policy of EVMS that all actual and proposed procurement relationships with EVMS shall be evaluated and, if necessary, avoided, or managed, in accordance with this Policy.

II. DEFINITIONS

Affiliated Business Entity means a business entity or entities where EVMS (i) has a controlling ownership interest, or (ii) shares management or control with one or more third parties.

EVMS Community Member means EVMS faculty, staff, residents/fellows, students, or members of the EVMS Board of Visitors.

Gift means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include:

- (i) honorary degrees;
- (ii) food or beverages consumed while attending an event at which an employee is performing official duties related to his or her position at EVMS (e.g. attending vendor-sponsored seminars, trade shows, site visits and demonstrations where they will benefit from receiving product information and learning of new techniques and product or service trends);
- (iii) food and beverages received at or registration or attendance fees waived for any event at which the employee is a featured speaker, presenter, or lecturer;
- (iv) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service;

(v) travel related to an official meeting of, or any meal provided for attendance at such meeting by, another institution of higher education, any board, commission, authority, or other entity, or any charitable organization established pursuant to §501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his or her position at EVMS;

(vi) gifts with a value of less than \$20;

(vii) attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered.

Immediate Family Member means (i) a spouse or domestic partner; and (ii) any other person who resides in the same household as the EVMS Community Member and who is a dependent of the EVMS Community Member.

Personal Interest means:

(i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business;

(ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;

(iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually;

(iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property;

(v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or

(vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

Procurement Activity means any function related to the obtaining of a good or service including, but not limited to, solicitations, bids, awards, negotiation and execution of a contract, and any related activities.

III. CONFLICTS OF INTEREST

A. Conflict of Interest. A Conflict of Interest (COI) exists when:

1. An EVMS Community Member, or their Immediate Family Member, directly enters into a Procurement Activity with EVMS.
2. An EVMS Community Member, or their Immediate Family Member, has a Personal Interest in a business that enters into a Procurement Activity with EVMS, including a Procurement Activity that will be funded by a Federal award.
3. EVMS determines that the position held by an EVMS Community Member:
 - a. Could be used for personal financial gain, or the financial gain of an Immediate Family Member, through a Procurement Activity with EVMS; and/or
 - b. Creates an actual or perceived conflict between the EVMS Community Member's official role at EVMS and the business entering into the Procurement Activity with EVMS.
4. An EVMS Community Member participates in a Procurement Activity after soliciting or accepting Gifts from current or potential vendors or subcontractors.
5. EVMS participates in a Procurement Activity with an Affiliated Business Entity (also known as an "Organizational Conflict of Interest").

B. Disclosure and Management of COIs.

1. Gifts may not be solicited or accepted by any EVMS Community Member who has responsibility, or decision making authority, for Procurement Activities except that an unsolicited gift of food (e.g. holiday basket, chocolates, or popcorn canisters) may be accepted if it is placed in a kitchen or other open office location to be shared with other members of the employee's office.
2. An EVMS Community Member with an actual or perceived COI must notify the Director of Materials Management prior to the first Procurement Activity or upon the acquisition of the Personal Interest, whichever may come first.
3. Upon notification or discovery of an actual or perceived COI, or in the event of an Organizational Conflict of Interest, the Director of Materials Management shall determine if the potential Procurement Activity is of benefit to EVMS.
4. If the Procurement Activity is determined to be of benefit to EVMS, the Director

of Materials Management shall create (and where necessary, coordinate with the Office of the General Counsel to create) a management plan to mitigate or eliminate identified COIs and ensure impartiality in the Procurement Activity. Options for the management of COIs include, but are not limited to, the following:

- a. public disclosure;
- b. disqualification of the EVMS Community Member from participation in any aspect of the Procurement Activity;
- c. divestiture of Personal Interests or severance of relationships that create COIs;
or
- d. withdrawal of the Procurement Activity.

Under no circumstances shall an EVMS Community Member participate in the selection, award, or administration of a contract supported by a Federal award if such individual has an actual or perceived COI as outlined in Section III.

5. The management plan shall be forwarded to the VP of Administration and Finance for final review and, if approved, shall be returned to the Director of Materials Management for implementation.

C. Non-Compliance. Any noncompliance or violation of this Policy shall be a violation of the EVMS Code of Conduct and shall be subject to disciplinary procedures in accordance with EVMS policies.