

# STATE ETHICS COMMISSION

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## INFORMATIONAL MEMORANDUM #11

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October 1, 2014

### Faculty Disclosure Criteria

Faculty members who are involved in direct procurement or who directly influence procurement as described below must file financial disclosure statements with the Commission. In addition, a faculty member who is employed in another position that triggers a requirement to file a statement must do so.

#### Direct Procurement Involvement

A faculty member whose official responsibilities include the direct procurement of goods, services, real estate or other items (other than routine supplies and routine classroom or laboratory materials which are not reasonably expected to have an annual dollar volume in excess of \$2,000) must file a financial disclosure statement. Direct procurement includes placing an order with a vendor, approval of bills or invoices, signing of sales agreements, and selection of vendors.

#### Direct Influence on Procurement

A faculty member must file a financial disclosure statement if the faculty member's position, due to its responsibilities, nature, expertise or placement in the institution, involves some continuing likelihood of directly influencing or otherwise directly affecting the formation or execution of one or more agency contracts, purchases, or sales reasonably expected to have an annual dollar volume in excess of \$10,000. To make this determination, the Commission will review the faculty member's position description and actual past activities in the position.

Directly influencing or otherwise directly affecting the formation or execution of a contract includes:

- (a) Recommending a vendor;
- (b) Providing the required signature, approval or other sign-off of a document relating to specifications, a purchase or a payment;
- (c) Being involved in communications or conferences with potential contractors in an attempt to arrange the terms of a purchase, lease or contract;

- (d) Preparing specifications, being a principal advisor regarding specifications, or approving specifications which form the basis for part or all of a contract; and
- (e) Determining or being a principal advisor in determining terms acceptable to the State.

Directly influencing or otherwise directly affecting the formation or execution of a contract does not include the generic identification of the need for an item without any further activity to directly influence or otherwise directly affect the transaction.

Faculty members who solely function in their faculty positions, who do not occupy another position requiring filing, and who are not involved in procurement activities as described in this memo, are not required to file financial disclosure. If, however, a faculty member is also a public employee in another State position, he/she is required to file financial disclosure and the criteria in Informational Memorandum #9 should be followed.