

BOARD OF GOVERNORS

A-12a PROCEDURE Conflict of Interest Procedure - Board of Governors

Conflicts of interest for elected officials are prescribed by the Nebraska Political Accountability and Disclosure Act. While community college board of governors are not subject to all conflicts of interest under the Act, the College will strive to abide by the spirit of the Act.

Conflicts of interest can take many forms, and generally include the following categories:

1. Employment of family members
2. Contracts with the College
3. Receipt of gifts
4. Use of public resources

A. Definitions

For purposes of this Procedure, the following terms have these meanings:

1. *“Immediate family”* shall mean a child residing in an individual’s household, a spouse of an individual, or an individual claimed by that individual or that individual’s spouse as a dependent for federal income tax purposes.
2. *“Business with which the individual is associated or business association”* shall mean a business: (a) in which the individual is a partner, limited liability company member, director, or officer; or (b) in which the individual or a member of the individual’s immediate family is (1) a stockholder, partner or member of a non-publicly traded company where such stock, partnership interest, or membership unit is worth one thousand dollars or more at fair market value, (2) a stockholder, partner or member of a non-publicly traded company where such stock, partnership interest, or membership unit represents more than a five percent equity interest, (3) a stockholder of publicly traded stock worth ten thousand dollars or more at fair market value, or (4) a stockholder of publicly traded stock which represents more than ten percent equity interest. This section shall not apply to publicly traded stock under a trading account if the Board member reports the name and address of the stockbroker.
3. *“Public resources”* means personnel, property, resources, or funds of the College.

B. Employment of family members

1. *Conflict of Interest.* It shall be a potential conflict of interest for a board member to recommend the hiring of and/or to supervise the employment of an immediate family member.
2. *Exceptions.*
 - a. The foregoing shall not be a conflict of interest if the board member (1) makes a full disclosure on the record to the Board of Governors and a written disclosure to the person in charge of keeping records for the Board of Governors, (2) the board member abstains from any and all discussion, action and/or vote by the Board of Governors to approve such employment and (3)

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the Board of Governors approves the employment. Prior to presenting employment of an immediate family member for approval by the Board of Governors, the College shall have (1) made a reasonable solicitation and consideration of applications for such employment, (2) determined that the person is qualified for and able to perform the duties of the position, (3) recommended a salary or wage that is appropriate for the position and not unreasonably high, and (4) will ensure that the person is and will be required to perform the duties of the position.

- b. The foregoing shall not be a conflict of interest if the immediate family member (1) was employed with the College prior to the board member's election or appointment, or (2) was employed with the College prior to September 1, 2001.
3. *Procedures.*
 - a. A current board member with a conflict of interest based on the hiring or supervising of a potential new employee shall declare the conflict of interest in writing to the board chairperson before any board meeting to take action on the employment of an immediate family member. At any board meeting to take action on such employment, the board member shall declare the conflict of interest at an appropriate time before any discussion or action is taken on the employment and shall abstain from all discussion and vote on the employment.
 - b. A newly elected or appointed board member shall prior to, upon, or as soon as reasonably possible after the official date of taking office, make a full disclosure of any immediate family member currently employed by the College.

C. Contracts with College

1. *Conflict of Interest.* It shall be a potential conflict of interest for a board member, or the board member's immediate family or a business with which the individual board member is associated, to enter into a contract with the College in a contract amount valued at \$2,000 or more in any one year. A contract shall not be divided in order to evade the amount threshold.
2. *Exceptions.* The foregoing shall not be a conflict of interest if the College awards the contract through an open and public process that includes prior public notice and subsequent availability for public inspection during the regular office hours of the College of the proposals considered and the contract awarded.
3. *Procedures.* A board member with a conflict of interest shall declare the conflict of interest in writing to the board chairperson before any board meeting to take action on the contract. At any board meeting to take action on such contract, the board member shall declare the conflict of interest at an appropriate time before any discussion or action is taken on the contract and shall abstain from all discussion and vote on the contract.

D. Receipt of Gifts

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1. *Conflict of Interest.*

- a. It shall be a conflict of interest for a board member, or the board member's immediate family or a business with which the individual board member is associated, to solicit or accept anything of value or to obtain financial gain, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of the board member would be influenced thereby.
- b. It shall be a conflict of interest for a board member to accept a gift of travel or lodging or a gift of reimbursement for travel or lodging if the gift is made so that the board member's immediate family can accompany the board member in the performance of his or her official duties.
- c. It shall be a conflict of interest for a board member's immediate family to accept a gift of travel or lodging or a gift of reimbursement for travel or lodging if the gift is made so that the board member's immediate family can accompany the board member in the performance of his or her official duties.

2. *Exceptions.* There are no exceptions to the foregoing.

3. *Procedures.* The board member, and where applicable the board member's immediate family and/or business with which the board member is associated, shall abstain from the conflict of interest.

E. Use of Public Resources

1. *Conflict of Interest.* It shall be a potential conflict of interest for a board member to use or authorize the use of public resources of the College other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

2. *Exceptions.* It shall not be a conflict of interest for a board member to use a College telecommunication system, a cellular telephone, an electronic handheld device, or a computer for email, text messaging, a local call, or a long-distance call to a child at home, a teacher, a doctor, a day care center, a babysitter, a family member, or any other person to inform any such person of an unexpected schedule change or for other essential personal business. Any such communication shall be kept to a minimum and shall not interfere with the conduct of public business. A board member shall be responsible for payment or reimbursement of charges, if any, that directly result from any such communication.

3. *Procedures.* The board member shall abstain from the conflict of interest.

Related Policy: A-12

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