

WESTERN NEBRASKA COMMUNITY COLLEGE

Western Community College Area Board of Governors' Policy

TITLE: Conflict of Interest and Code of Ethics
(All Employees of Western Nebraska Community College)

DIVISION: Human Resources

CATEGORY: Personnel

REFERENCE: Nebraska Revised Statutes (NRS): §49-1401 thru §49-14,141

NUMBER: BP-410

APPROVAL/DATE: Julienne K. Walworth, President, WCCA Board of Governors
Date: June 20, 2018

Purpose

To establish a code of ethics for Western Nebraska Community College's (WNCC) administration, faculty, professional and support staff that aligns with WNCC's Mission, Vision and Values. All WNCC administration, faculty, professional and support staff are expected to display integrity and honesty toward the communities and areas that the College serves.

It is Board policy that none of WNCC's employees (staff/faculty) shall engage in any activity or relationship that places them in a conflict of interest between their official activities and any other interest or obligation. All activities are to be conducted in a manner that is free of real or perceived conflict of interest or favoritism. A conflict of interest requires all employees to disqualify themselves from participating in a decision when a personal interest is present. In addition, employees shall avoid any relationship, influence or activity that may adversely affect or give the appearance of adversely affecting an employee's independent judgment in making decisions related to their job. Certain activities create a conflict of interest or appearance of favoritism unless they are properly disclosed, approved or managed. These activities can be undertaken only after appropriate disclosures, approvals or management in accordance with this procedure.

Standards for employment decisions such as hiring, promoting, reappointing, evaluating, awarding salary and terminating employees are based on qualifications for the position, ability and performance. Educational decisions are based on academic performance and conduct. This procedure is intended to reinforce the Board's commitment to employment and educational practices that create and maintain constructive working and educational relationships and which reflect the Board's commitment to employment and educational practices that are fairly, efficiently and consistently applied.

Scope

This policy applies to all Western Nebraska Community College (WNCC) employees.

Definitions

Employee: Any person employed by Western Nebraska Community College, this includes all full-time and part-time employees whether permanent or temporary, but not independent contractors.

Familial relationship: Includes 1) a spouse, 2) any other person residing in the same household as the employee who is a dependent of the employee or of whom the employee is a dependent, or 3) any person related to the employee within the third degree of kinship or the third degree of lineage. This includes the employee's or the spouse's children, parents, grandparents, great-grandparents, brothers, sisters, half-brothers and half-sisters, grandchildren, great-grandchildren, aunts, uncles, nieces, nephews, first cousins, second cousins, and persons married to them, including adopted, step and foster relationships.

A close relationship: is considered to exist when there is a committed relationship, romantic relationship, or where the benefited individual is someone who resides in the same residence.

Line of supervision: The immediate supervisor or any person in the ascending order of supervision.

De minimis financial benefit: A financial benefit that has an aggregate value of \$50 or less in a calendar year.

Nebraska Revised Statutes Concerning Ethics and Conflict of Interest

- Neb. Rev. Stat., §49-1401 thru §49-14,141 Nebraska Political Accountability and Disclosure Act.
 - Provides provisions dealing with nepotism, conflicts of interest, abuse of official position, financial gain (gifts, loans, etc.), reimbursement for travel, and prohibitions on certain contracts.

Code of Ethics

The following standards of performance establish a benchmark for each member of WNCC's administration, faculty, professional, and support staff performance. The adoption of the following standards is the Board's commitment to a set of values guiding the performance of members of WNCC's administration, faculty, professional and support staff.

Each member of WNCC's administration, faculty, professional and support staff shall:

1. Hold the educational welfare of the students of the College as a primary concern by:
 - a. Serving the public with respect, concern, courtesy and responsiveness.
 - b. Demonstrating the highest standards of personal integrity, truthfulness and honesty and shall through personal conduct inspire public confidence and trust in the Board and the College.
 - c. Ensuring that the College maintains equality of opportunity for all students regardless of race, creed, sex, sexual orientation, religion, age, physical ability, or national origin.
2. Recognize that authority rests only with the Board in a legally constituted meeting and not with individual Board members or College personnel.
3. Promote and maintain good relations with Board members and members of the WNCC community by:

- a. Giving each individual courteous consideration of his/her opinion.
 - b. Recognizing the importance of keeping an open mind and promoting the opportunity to think through other facts and points of view which may be presented at legally constituted Board meetings and WNCC events and meetings.
4. Recognize that he/she is responsible to all citizens of the College, not solely to those who hired the WNCC employee. The authority delegated to the WNCC President, administrators, professional, and support staff must also be exercised with care and concern for the benefit of the whole WNCC community.

Individuals shall:

- a. Not use college time, property, equipment or supplies for personal benefit or the benefit of outside employers or activities.
 - b. Not assist any person for compensation or a contingent fee in obtaining any contract, claim, license or other economic benefit from the College.
 - c. Not knowingly engage in any activity or business which creates a conflict of interest or has an adverse effect on the College.
 - d. Not disclose or allow others to use confidential information acquired for private gain.
 - e. Not accept outside compensation for performance of College duties. This includes acceptance of any fee, compensation, gift, reward, gratuity, expense, or other thing of monetary value that could result in real or perceived preferential treatment, impediment of governmental efficiency or economy, loss of complete independence and impartiality, decision-making outside official channels, or disclosure or use of confidential information acquired through college employment.
5. Make decisions:
- a. Based upon all available facts in each situation.
 - b. Maintaining independent and unbiased judgment.
 - c. Abiding by and upholding the final majority decision of the Board.

Conflict of Commitment (Outside Employment or Business)

A conflict of commitment involves a situation in which an employee engages in an outside professional activity, paid or unpaid, that involves a commitment of time that may interfere, or appear to interfere, with fulfillment of the employee's obligations to WNCC, even if the outside activity is valuable to WNCC or contributes to the employee's professional development and competence.

Employees shall not engage in outside employment unless: (1) the outside employment is disclosed to the employees' immediate WNCC supervisor; and (2) the outside employment does not interfere with the employee's performance of WNCC duties.

Decisions

No member of WNCC's administration, faculty, professional, and support staff shall participate in decisions which involve a direct benefit to them or to a related party.

Employment of Family Members (Nepotism)

In the hiring of College employees, the College seeks those persons most qualified to fulfill the institution's teaching and service obligations. There is a conflict of interest when an employee makes an employment or evaluative decision concerning another individual with whom he/she has a familial or close relationship. Accordingly, all job applicants shall be required to disclose to Human Resources all family members known to be employed at the College. Members of the same family may be appointed to College positions, except as provided herein, when it has been determined that they are the most qualified candidates for the positions.

For purposes of this policy, family members shall be defined broadly to include a familial or close relationship, as previously defined, with a current College employee.

Family members of employees will not be considered for employment in the following situations:

- A. Where family members would be employed in the same work group;
- B. Where an individual would be employed in a work group, under the supervision of a family member who has or may have a direct effect on the individual's progress, performance, or welfare.

Student, adjunct, casual, or temporary employees shall be allowed to work in the same work group with another family member, provided that the employee does not work under the direct supervision of a family member. In instances where a conflict of interest might occur, under normal operating procedures, the responsibility for the decision will pass to the next higher administrative level. Finally, if an employee becomes a family member after initial employment by the College, efforts will be made to find other employment within the College that conforms to this policy.

The Board reserves the right to waive this policy at any time for appropriate business purposes in accordance with the requirements of Neb. Rev. Stat. §49-1499.04 and §49-1499.05:

- A. the employee or applicant makes a full disclosure on the record to the Board and a written disclosure to the Chief Human Resources Officer; and the Board explicitly approves of the employment or supervisory relationship in writing;
- B. there has first been a reasonable solicitation and consideration of applications for the employment or position;
- C. the employment of another employee is not terminated so as to make funds or a position available for the purpose of hiring a family member (as defined in this policy); and
- D. the family member (as defined in this policy) is qualified for and able to perform the duties of the position, is required to perform the duties of the position, and is not compensated at an unreasonably high rate of pay.

WNCC Employee Travel

WNCC administration, faculty, professional and support staff shall be required to follow WNCC Business Travel Institutional Guideline and Practice (AS.1.2017).

Political Activities/Controversial

The College adopts the position that, in a world of rapid change and recurrent crises, a college best serves the community not as a stronghold of rigid tradition, but as an open intellectual forum where varying shades of opinion may be freely expressed and fairly debated. Positive values evolve from a free exchange of ideas among broadly informed citizens, and the progressive evolution of American institutions may depend upon their quality of flexibility in meeting the changing social and economic needs. In support of these ideals, the College adopts the following policy guidelines relating to dialogue of controversial issues:

- A. In discussing controversial matters in the classroom, faculty should proceed in a fair and scholarly manner. Faculty members must not use the classroom to solicit support for any political candidate, program, or organization.
- B. Outside the College realm, employees speak and write as citizens and should be free from institutional censorship or discipline. However, their special position in the community does impose special obligations. Employees should remember that the public may judge their professional and institutional appearance by their oral, written, or electronic communication. Therefore, the individual should, at all times, be accurate, show respect for the opinions of others, and make every effort to indicate that they communicate as individual citizens, not as an institutional spokesperson.

Appropriate use of WNCC Resources

Financial Transaction

No member of WNCC's administration, faculty, professional, and support staff may enter into any contract for purchase of property or service. Refer to WNCC Board Policy 330.0300.88, Contracts, Financial Interest of Board Members and Employees Prohibited.

Prohibited Transactions

No WNCC employee may participate in a College decision to undertake a financial transaction that:

- Provides a financial benefit to the employee, or a related party, or
- Is with a nongovernmental entity in which the employee is a director, president, general manager, or similar executive officer or owns or controls a substantial interest.

In addition, no employee may engage in a substantial business transaction for private business purposes with an employee under his/her direct supervision.

A financial benefit includes holding 5% or more ownership interest in a corporation or business entity.

Transactions Requiring Board Approval

Any employee who believes that a transaction may create the appearance of a conflict of interest or favoritism should request Board approval before such a transaction is undertaken by using Exhibit F.

College financial transactions require prior Board approval if the transaction:

- Provides more than a de minimis (aggregate of \$50 annually) financial benefit to an employee, or a related party, or

- Provides more than a de minimis (aggregate of \$50 annually) financial benefit to a nongovernmental entity in which an employee is a director, president, general manager, or similar executive officer or owns or controls a substantial interest.

If an employee discovers after the conclusion of a transaction that he/she has received a financial benefit from a transaction with the College or a related party has received a financial benefit from a transaction with the College, Board ratification may be requested using Exhibit F, if the receipt of such financial benefit was not a result of willful disregard of the requirements of this procedure. If the Board does not ratify the receipt of such financial benefit, the employee or related party must divest himself/herself of the financial benefit.

The employee is responsible for submitting the request to the College's procurement staff procuring the goods, services or benefits offered by the employee or related party (Exhibit F). The College's procurement staff will forward the request to the President for approval. The College President will forward approved requests to the Board Secretary with a draft agenda item for presentation to the Board. The College President will approve a transaction only if the Board determines that it provides a benefit to the College that cannot be readily obtained elsewhere and that the benefit to the employee is incidental when compared with the benefit to the College.

A request for Board approval will be brought forward only if it includes sufficient information for the Board to determine that the benefit to the employee is incidental when compared with the benefit to the College.

Acceptance of Gifts

No employee of the College will accept gifts from any person, group, or entity, desiring to do business with the College. All business related gratuities are specifically prohibited, except for advertising items widely distributed and of nominal value.

WNCC - Certification of Review and Compliance

- A. Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment, a certificate in the form attached as Exhibit A verifying that they have read and intend to abide by this Conflict of Interest and Code of Ethics Policy.
- B. Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment, a Conflicts Disclosure Statement in the form attached as Exhibit B. Additionally, all employees shall amend their Conflicts Disclosure Statement not more than thirty (30) days after any conflict of interest arises.
- C. Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment, a Disclosure of Gifts and Benefits Statement in the form attached as Exhibit C.
- D. Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment, a Disclosure of Affiliations in

the form attached as Exhibit D. Additionally, all employees shall amend their Disclosure of Affiliations not more than thirty (30) days after any potential conflict of interest arises.

- E. Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment a certificate in the form attached as Conflict of Interest Disclosure (Exhibit E) verifying that they have read, informed, and intend to abide by this Board policy.
- F. Any member of WNCC's administration, faculty, professional and support staff who believes that a transaction may create the appearance of a conflict of interest or favoritism should request, using Exhibit F, Board approval before such a transaction is undertaken.

Revising this Policy

This Board Policy supersedes any prior WNCC policy, procedure, guideline or handbook on this subject matter.

If statutory provisions, regulatory guidance, or court interpretations change or conflict with this Board Policy, the Board retains the right to revise accordingly and for the changes to take effect immediately.

Adoption Date and Board of Governors' Minutes Item Number: June 20, 2018 Item J(1)(b)

Revision Date and Board of Governors' Minutes Item Number:

Prior Policy Number:

Schedule for Review:

Divisions/Department Responsible for Review and Update:

Sponsoring Division/Department: Human Resources

Repeal Date and Board of Governors' Minutes Item Number:

Cross Reference:

Procedure(s) for Policy:

**EXHIBIT A
ACKNOWLEDGEMENT**

Western Community College Area Board of Governors' Policy

Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment, a certificate verifying that they have read and intend to abide by this Conflict of Interest and Code of Ethics Policy.

I HEREBY CERTIFY THAT I HAVE RECEIVED, READ AND INTEND TO ABIDE BY THE WESTERN COMMUNITY COLLEGE AREA BOARD APPROVED CONFLICT OF INTEREST AND CODE OF ETHICS POLICY.

NAME: _____

POSITION: _____

DATE: _____

SIGNATURE: _____

**EXHIBIT B
CONFLICTS DISCLOSURE STATEMENT**

Western Community College Area Board of Governors' Policy

Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment, a Conflicts Disclosure Statement.

NAME: _____

POSITION: _____

DATE: _____

SIGNATURE: _____

Check One: ANNUAL FILING AMENDMENT CONFLICTS

POTENTIAL CONFLICTS OF INTEREST

Please describe below all conflicts or potential conflicts of interest which you may have. If you are uncertain whether your situation presents a conflict or potential conflict of interest, contact the WNCC Human Resources Department. Attach additional pages if necessary.

**EXHIBIT C
DISCLOSURE OF GIFTS AND BENEFITS STATEMENT
CODE OF ETHICS**

Western Community College Area Board of Governors' Policy

Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment and of receiving a gift or benefit that exceeds the amount specified in this policy, a Disclosure of Gifts and Benefits Statement.

NAME: _____

POSITION: _____

DATE: _____

SIGNATURE: _____

ATTACH/DESCRIBE GIFT AND BENEFITS:

**EXHIBIT D
DISCLOSURE OF AFFILIATIONS
CODE OF ETHICS**

Western Community College Area Board of Governors' Policy

Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment, a Disclosure of Affiliations.

NAME: _____

POSITION: _____

DATE: _____

SIGNATURE: _____

Please disclose all for-profit business corporate or other organizational directorships or official positions held by you.

Please disclose all non-profit or charitable corporate or other organizational directorships or official positions held by you.

EXHIBIT E
CONFLICT OF INTEREST DISCLOSURE

Western Community College Area Board of Governors' Policy

Each member of WNCC's administration, faculty, professional and support staff shall submit to Human Resources, within thirty (30) days of initial employment a Conflict of Interest Disclosure verifying that they have read, informed, and intend to abide by this Board policy.

I HEREBY CERTIFY THAT I HAVE RECEIVED, READ, INFORMED AND INTEND TO ABIDE BY THIS CONFLICT OF INTEREST POLICY.

Business/Outside Employment (please specify):

Name of Familial Relationship Member(s):

Name of Close Relationship Member(s):

Immediate Familial or Close Relationship Member contemplated position and line of supervision and alternative reporting and evaluation arrangements, if necessary:

Conflict of Commitment (please specify):

NAME:

POSITION:

DATE:

SIGNATURE:

EXHIBIT F
INTEREST IN FINANCIAL TRANSACTION
FORM FOR REQUESTING BOARD APPROVAL

Western Community College Area Board of Governors' Policy

Any employee who believes that a transaction may create the appearance of a conflict of interest or favoritism should request Board approval before such a transaction is undertaken.

College financial transactions require prior Board approval if the transaction:

- Provides more than a de minimis (\$50 aggregate annually) financial benefit to the employee, or a related party, or
- Provides more than a de minimis (\$50 aggregate annually) financial benefit to a nongovernmental entity in which the employee is a director, president, general manager, or similar executive officer or owns or controls a substantial interest.

The requesting employee ("Requester") is responsible for submitting an electronic copy of this form, with Section 1 completed, to the College's procurement staff procuring the goods, services or benefits offered by the employee or related party for a description of the process used to select the requesting party and information regarding other parties offering the same of similar goods, services or benefits.

The College's procurement staff is responsible for submitting an electronic copy of this form with Section 1 and Section 2 completed, to the President.

If the College President determines that the transaction provides a benefit to the College that cannot be readily obtained elsewhere and that the benefit to the employee is incidental when compared with the benefit to the College, the President will indicate approval and forward an electronic copy of this form with Sections 1, 2 and 3 completed and a draft agenda item to the Board Secretary. If the Board approves the transaction, Section 4 is completed and returned via an electronic copy of the form to the Requester.

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Section 1: Below this line to be completed by Requester and an electronic copy forwarded to procurement.
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Type of transaction:

- _____ Instructional goods purchase (textbook, video, CD, software)
- _____ Non-instructional goods/service purchase
- _____ Facilities or equipment rental or lease
- _____ Other

Description of the transaction: (Include whether the transaction provides goods or services to the College. Attach any necessary documentation).

Requester's relationship to the transaction:

- I am the sole proprietor of the entity providing goods, services or benefit
- I am a director, president, general manager, or similar executive officer of the entity providing goods, services or benefit
- I own or control a substantial interest in the entity providing goods, services or benefit
- Other (describe)

Related party's relationship to the transaction:

To be completed if a party related to the requestor will benefit from the transaction. A related party includes immediate family members.

- A related party is the sole proprietor of the entity providing goods, services or benefit
- A related party is an executive officer of the entity providing goods, services or benefit
- A related party owns or controls a substantial interest in the entity providing goods, services or benefit

The duration of the business relationship:

Anticipated financial benefit to Requester or related party:

Anticipated benefit to College:

I have fully disclosed my interest in the transaction.

Employee Name: _____

Employee Signature: _____

Date: _____

- I am requesting prior approval of the transaction.
- I am requesting ratification of a completed transaction. I certify that the financial benefit received was not a result of willful disregard of the requirements of this procedure. Explain why prior approval was not requested:

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Section 2: Below this line to be completed by procurement and an electronic copy forwarded to the President.

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Description of the College process for selecting the Requester for the transaction: (i.e. documented quote, competitive bid, RFP, etc. For instructional materials, describe or attach the College's independent selection process for determining that the instructional materials are appropriate in terms or price and content for required or supplemental course work.)

Other party (ies), if any, offering the same or similar goods, service or benefits:

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Section 3: Below this line to be completed by President and an electronic copy forwarded to the College's Vice President of Administrative Services if approved. (Return to Requester if not approved.)
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Approved _____

President's Signature: _____

Date: _____

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Section 4: Below this line to be completed by Human Resources, if approved by the Board. Human Resources will return an electronic copy of this form to Requester.
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Board approved: (Date) _____

Record Retention Requirements

Approved forms will be maintained in the employee's personnel file along with the business records of the transaction. If a Requester is required to file an Annual Disclosure Statement, a copy of this form will be maintained in the Requester's Disclosure File and this form must be referenced on the Requester's Annual Disclosure Statement each year until the financial transaction is completed.