

WESTERN NEBRASKA COMMUNITY COLLEGE

Western Community College Area Board of Governors' Policy

TITLE: Conflict of Interest and Code of Ethics
(Western Community College Area Board of Governors)

DIVISION: Board of Governors

CATEGORY:

REFERENCE: Nebraska Revised Statutes:
§49-1401 thru §49-14,141, §85-1511, and §85-1512

NUMBER: BP-110

APPROVAL/DATE: Julienne K. Walworth, President, WCCA Board of Governors

Date: June 20, 2018

Purpose

To establish a code of ethics for the Western Community College Area (WCCA) Board of Governors, hereinafter referred to as the "Board," that aligns with Western Nebraska Community College's Mission, Vision and Values. All Board members are expected to display integrity and honesty toward the communities and areas that the College serves.

It is Board policy that none of its Board members 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 any affected Board member to disqualify themselves from participating in a decision when a personal interest is present. In addition, Board members 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.

Board 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 the Western Community College Area Board of Governors members.

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 second 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 child/parent 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.

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

Nebraska Revised Statutes Concerning Board Members Ethics and Conflict of Interest

- §85-1511 Board; powers and duties; enumerated.
 - This statute sets out the powers and duties of the Board and includes subsection 11 which allows the Board to adopt such rules and regulations as they deem necessary or appropriate to the administration of the community college area.
- §85-1512 Board; qualifications.
 - States, "...No member of a community college board of governors shall be employed by the community college for which he or she serves as a board member. Each member elected to represent a district shall be a resident of the district."
- §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 Board member's performance. The adoption of the following standards is the Board's commitment to a set of values guiding the performance of Board members.

Each member of the Board 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.
 - d. Communicating the Board's and WNCC's interest in, and respect for student accomplishments by attending student ceremonies and events.
- 2. Recognize that authority rests only with the Board in a legally constituted meeting and not with individual Board members.
- 3. Promote and maintain good relations with fellow 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 elected the Board member. The authority delegated to the Board member by the voters must be exercised with as much care and concern for the least influential as for the most influential member of the 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.

Each member of the Board, shall be responsible for the above expectations and also:

- 1. Attend and participate in all meetings insofar as possible, having prepared for discussion and decision by studying all agenda materials.

2. Each Board member shall notify the President or Board Secretary when a member shall be absent from a Board meeting. Such notification shall be given as far in advance of the meeting as is possible. In the event a Board member is absent from a regularly scheduled Board meeting and has failed to notify the President or Board Secretary of his/her absence, such absence shall be unexcused. All absences from Board meetings by Board members shall be so indicated in the meeting minutes' roll call section by noting either absent - excused or absent - unexcused.
3. Recognize that Board members duties include, but are not limited to: general supervision, control and operation of the College, employment contracts, contracting of services, and audits as referenced in Neb. Rev. Stat., §85-1511.
4. Delegate authority to the College President as the chief executive officer and confine Board action to policy determination, planning, overall approval and evaluation, and maintaining the fiscal stability and instructional integrity of the College.
5. Conduct all College business in open public meetings and hold closed sessions only for those purposes permitted by law. Maintain confidentiality of all privileged information communicated in a closed session.
6. Avoid any situation that may constitute a conflict of interest. Inform the entire Board or the Board Chairperson when a matter under consideration might involve or appear to involve a conflict of interest and recuse themselves, as appropriate.

Decisions

No Board member shall participate in decisions which involve a direct benefit to them or to a related party, family member, or person with a close relationship.

Relationships/Employment

In order for each member of the Board to retain the ability to exercise his/her free and independent judgment concerning questions and proposals before the Board, no member of the Board shall be an employee of the College, nor shall any member of the Board member's immediate family be hired as a regular full-time employee of the College. Employee shall mean an employee (as defined by Neb. Rev. Stat §48-115) for a member of the Board teaching a credit or non-credit course. This prohibition shall not restrict the ability of a member of the Board who is not the instructor of record from addressing a class or a group of students as a guest lecturer.

Appropriate Use of WNCC Resources

Financial Transaction Conflicts

The Board is committed to financial practices that avoid the appearance of favoritism and conflict of interest.

Prohibited Transactions

No Board member may participate in a Board or College decision to undertake a financial transaction that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public. The Board member shall take the

following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

- (i) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict (Exhibit B and D);
- (ii) Deliver a copy of the statement to the Board Secretary, who shall enter the statement onto the public records of the College; and
- (iii) Abstain from participating or voting on the matter in which the Board member has a conflict of interest.

In addition, no Board member 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 Board member 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, using Exhibit E.

College financial transactions require prior Board approval if the transaction:

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

If a Board member 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 E, 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 Board member or related party must divest himself/herself of the financial benefit. The Board member is responsible for submitting the request to the College's procurement staff procuring the goods, services or benefits offered by the Board member or related party (Exhibit E). 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 Board member 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 Board member is incidental when compared with the benefit to the College.

Acceptance of Gifts

No member of the Board shall accept gifts from any person, group, or entity for the purpose of desiring to do business with the College. All business-related gratuities are specifically prohibited except for advertising items of nominal value that are widely distributed.

Board Travel

In the exercise of Board members' duties, it shall become appropriate and necessary for all Board members to travel to and from meetings, workshops, hearings, seminars, and conferences on occasion. All travel to regional or national workshops, seminars, and conferences shall be preapproved by the Board.

Certification of Review and Compliance

- A. All members of the Board shall submit to the Board Secretary, within thirty (30) days of taking office, 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. All members of the Board shall submit to the Board Secretary, on or before January 30 of each year, a Conflicts Disclosure Statement in the form attached as Exhibit B. Additionally, all Board members shall amend their annual Conflicts Disclosure Statement not more than thirty (30) days after any conflict of interest arises.
- C. All Board members shall submit to the Board Secretary, on or before January 30 of each year, a Disclosure of Gifts and Benefits Statement in the form attached as Exhibit C.
- D. All Board members shall submit to the Board Secretary within thirty (30) days of taking office, on or before January 30 of each year, a Disclosure of Affiliations in the form attached as Exhibit D. Additionally, all Board members shall amend their Disclosure of Affiliations not more than thirty (30) days after any potential conflict of interest arises.
- E. Any Board Member who believes that a transaction may create the appearance of a conflict of interest or favoritism should request, using Exhibit E, 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.

EXHIBIT A
ACKNOWLEDGEMENT

Western Community College Area Board of Governors

All members of the WCCA Board of Governors shall submit this Acknowledgement to the Board Secretary within thirty (30) days of taking office.

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

NAME: _____

POSITION: _____

DATE: _____

SIGNATURE: _____

EXHIBIT B
CONFLICTS DISCLOSURE STATEMENT

Western Community College Area Board of Governors

All members of the WCCA Board of Governors shall submit this statement to the Board Secretary within thirty (30) days of taking office, on or before January 30 of each year.

Additionally, all Board members shall amend their annual Conflicts Disclosure Statement not more than thirty (30) days after any conflict of interest arises.

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 WCCA Board Secretary. Attach additional pages if necessary.

EXHIBIT C
DISCLOSURE OF GIFTS AND BENEFITS STATEMENT
CODE OF ETHICS

Western Community College Area Board of Governors

All members of the WCCA Board of Governors shall submit to the Board Secretary, on or before January 30 of each year, a Disclosure of Gifts and Benefits Statement in the form attached as Exhibit C.

NAME: _____

POSITION: _____

DATE: _____

SIGNATURE: _____

ATTACH/DESCRIBE GIFT AND BENEFITS:

EXHIBIT D
DISCLOSURE OF AFFILIATIONS
CODE OF ETHICS

Western Community College Area Board of Governors

All members of the WCCA Board of Governors shall annually submit this statement to the Board Secretary on or before January 30th.

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
INTEREST IN FINANCIAL TRANSACTION
FORM FOR REQUESTING BOARD APPROVAL

Western Community College Area Board of Governors

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

The requesting Board member (“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 Board member or related party for a description of the process used to select the requesting party and information regarding other parties offering the same or similar good, 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 Board member 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 the Requester or related party:

Anticipated benefit to the College:

I have fully disclosed my interest in the transaction.

Name:

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 President.

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Description of College process for selecting 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 the President and an electronic copy forwarded to the College's Vice President of Administrative Services, if approved.
(Return to the 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 the Requester.

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Board approved: (Date)

Record Retention Requirements

Approved forms will be maintained by the Board Secretary 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.

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

Revision Date and Board of Governors' Minutes Item Number:

Prior Policy Number:

330.0300.88 Contracts, Financial Interest of Board Members, Officers, and Employees Prohibited

410.0250.17 Employment of Family Members (Nepotism)

415.0800.79 Code of Ethics

415.1000.79 Ongoing Outside Employment

415.1100.79 Political Activities/Controversial Issues

415.1900.79 Acceptance of Gifts (employees)

835.0000.79 Code of Ethics

835.0100.00 Employment by the College

835.0200.79 Acceptance of Gifts (Board members)

835.0300.96 Board Travel

Schedule for Review:

Divisions/Department Responsible for Review and Update:

Sponsoring Division/Department: Board of Governors

Repeal Date and Board of Governors' Minutes Item Number:

Cross Reference:

Procedure(s) for Policy: