



ADMINISTRATIVE PROCEDURE

TITLE: Employee Conflict of Interest

ADMINISTRATIVE PROCEDURE # 7315

RELATED TO POLICY # 7315 CONFLICT OF INTEREST

A. Definitions under ORS Chapter 244.

- 1. Potential Conflict of Interest:** Any action or any decision or recommendation by a person acting in a capacity as an employee of the College, the effect of which **could** be to the private financial benefit or detriment of the employee or the employee's relative (defined below), or a business with which the employee or the employee's relative is associated, unless the financial benefit or detriment arises out of the following:
 - a. An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the employee of the office or position.
 - b. Any action in the employee's official capacity that would have an equivalent effect on all inhabitants of the state, or on a smaller class (e.g. industry or occupation group) in which the employee, or the employee's relative, or the employee's or relative's business, is a member or is engaged.
 - c. Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.
- 2. Actual Conflict of Interest:** Any action or any decision or recommendation by an employee, the effect of which **would** be to the private pecuniary benefit or detriment of the employee or the employee's relative, or any business with which the employee or a relative of the employee is associated unless the pecuniary benefit or detriment arises out of circumstances described above.
- 3. Relative:** The spouse of the public official, or the parent, step-parent, child, step-child, sibling, step-sibling, son-in-law or daughter-in-law of the employee or the spouse of the employee; individuals for whom the employee has a legal support

obligation, or anyone for whom the employee provides benefits arising from their employment.

4. **Business:** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which an employee or employee's relative is associated only as a member or board director or in a nonremunerative capacity.
5. **Gift:** Something of economic value that is offered to an employee or employee's relative, or members of the employee's household without cost, or at a discount, or as forgiven debt, if the same offer is not available to the general public.
6. **Legislative or administrative interest:** An economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the employee acting in the capacity as an employee.
7. **Officially sanctioned:** Written approval given by a person authorized by the public body to give approval such as a supervisor or the college's Board of Education.
8. **Representing the college:** The employee is participating in an event on behalf of the college in their capacity as an employee.

B. Financial Conflict of Interest. Employees of the college who are involved in matters in their official capacity that give rise to a potential or actual financial conflict of interest, as defined above, must provide written disclosure of the conflict to their Department Head. After receiving such disclosure, the college shall designate an alternate employee to dispose of the matter, or direct the employee to address the matter as specified by their supervisor.

C. Gifts. Employees of the College and their relatives are prohibited from accepting gifts of a value greater than \$50 from a single source during a calendar year from any person that can reasonably be known to have a legislative or administrative interest, as defined above, in a decision before the individual employee in their capacity as an employee. Meals (food and beverage) and entertainment are considered gifts and are subject to the annual limitation.

The following are not considered "gifts:"

1. Campaign contributions
2. Gifts from relatives or members of the public official's household
3. Unsolicited tokens or awards of appreciation if value is less than \$25
4. Admission and meals provided to a public official when they are invited to attend a reception, meal or meeting held by an organization when the public official is attending as representative of the college. This exception does not apply to private meals with small numbers of participants.

5. Informational material, publications or subscriptions related to the public official's position
6. Expenses paid by a government entity, membership organization to which the college pays dues, or a non-profit corporation for attendance at a convention, fact-finding trip, or other meeting if the public official is delivering a speech, making a presentation, participating in a panel, or representing the college
7. Reasonable food, travel or lodging expenses paid to a public official, a relative, member of the household, or staff when the public official is representing the college on an officially sanctioned trade-promotion or fact-finding mission, or in official negotiations or economic development activities.
8. Expenses provided by a public official to another public official for travel in state to and from an event that is related to the person's official office and in which that person participates in their official capacity
9. Food and beverage provided at a reception (e.g. social gathering) where the food and beverage are an incidental part of the reception.
10. Entertainment that is an incidental part of another event or in which the public official has been invited to participate in their official capacity (i.e., throwing out the first ball at a baseball game)
11. Gifts offered as part of the usual and customary practice of a person's private business, employment or volunteer position that bears no relationship to the public official's official position

D. Statement of Economic Interest. The President and Chief Financial Officer of the College are required under Oregon law to file an Annual Verified Statement of Economic Interest with the Oregon Government Ethics Commission prior to April 15 of each year in the form required by the Commission. The Director of Human Resources shall serve as the designated contact person for the College and will provide annual written notification to the Commission no later than February 15 of the name, position or office held and mailing address of each individual required to file the Annual Verified Statement of Economic Interest form.

E. Contracts Supported by Federal Funds. No employee or agent of the College may participate in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, agent, any member of their immediate family, their partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees and agents of the College may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary action will be taken for violations of such standards by employees or agents of the College.

REFERENCES:

- ORS 244.010 to 244.047; ORS 244.120 to 244.130; ORS 244.175 to 244.179
- ORS 244.050 to 244.115
- OAR 199, Division 5 (Gifts), Chapter 20
- Oregon Government Ethics Commission "Guide for Public Officials"
- 2 Code of Federal Regulations Part 200.318(c)(1)

RESPONSIBILITY:

The Director of Human Resources is responsible for implementing and updating this policy. Specific guidance for policy implementation may be found in the associated Administrative Procedure(s).

NEXT REVIEW DATE: 2026-2027
DATE OF ADOPTION: 3/10/2021 by CC
DATE(S) OF REVISION:
DATE(S) OF PRIOR REVIEW: