

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 30: CONFLICT OF INTEREST

Approved: May 18, 2009

I. CONFLICT OF INTEREST

This policy is intended to complement the state statutes on standards of conduct for public employees and is not intended to supersede or conflict with those standards.

Employees of Flathead Valley Community College must endeavor to avoid actual or apparent conflicts of interest between their college duties and obligations and their personal and professional activities outside of the college. Any violation of this policy may result in disciplinary action up to and including termination. A conflict of interest exists:

- A. When an employee has a personal interest in a matter that may be inconsistent or incompatible with the employee's obligation to exercise the employee's best judgment in pursuit of the interest of the college; or
- B. When a non-college activity unreasonably encroaches on the time an employee should devote to the affairs of the college; or
- C. When an employee's non-college activities impinge on or compromise the allegiance, commitment, or performance the college has the right to expect from the employee.

An employee may not:

- A. disclose or use confidential information acquired in the course of official duties in order to further substantially the employee's personal economic interests;
- B. accept a gift of substantial value or a substantial economic benefit tantamount to a gift;
 - i. that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
 - ii. that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the employee for official action taken; or
- C. receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:
 - i. the employee reimburses the College for the salary paid for performing the function from which the employee is absent; or

- ii. the employee's salary from the College is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

An employee may not acquire an interest in any business or undertaking that may be directly and substantially affected to its economic benefit by official action to be taken by the College.

An employee may not:

- A. use public time, facilities, equipment, supplies, personnel, or funds for the employee's private business purposes;
- B. engage in a substantial financial transaction for the employee's private business purposes with a person whom the employee inspects or supervises in the course of official duties;
- C. assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the College;
- D. assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from the College;
- E. perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or,
- F. solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the employee regulates in the course of official duties without first giving written notification to the College President.

No college employee may engage in any activity, including lobbying, on behalf of an organization of which the employee is a member while performing the employee's job duties. The provisions of this subsection do not prohibit an employee from performing charitable fundraising activities or any other non-paid professional activity if approved by the College President or authorized by law.

II. DISCLOSURE

In the event that it is necessary for an employee to recommend or approve an expenditure of college funds to any individual or business in which the employee has a significant financial interest, the employee shall make this fact known to the President in writing, prior to taking action. This requirement includes personnel actions, but excludes textbook adoption, if the employee is identified as the author or editor.

III. GRANTS

No college employee, officer or agent may participate in the selection, award and administration of a contract supported by a grant award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties listed above, has a financial or other interest in or a tangible personal benefit from, a

consideration for a contract. Further, FVCC's employees, officers or agents may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.

REFERENCES: 2-2-104-105; 2-2-121 M.C.A.

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