

**ADMINISTRATIVE RULE NO: 1020-01
RELATED TO POLICY SERIES NO: 1020**

TITLE: CONFLICT OF INTEREST

The following information will serve as a guideline for the conduct of employees in relationship to potential areas of conflict of interest that should be avoided and/or must receive administrative clearance prior to their being undertaken.

When assessing a potential conflict of interest situation, one should consider: (1) existing college policy; (2) existing administrative regulations; and (3) statutes governing all public employees.

COLLEGE POLICY

The present college policy – Board Authority – includes this statement: "No board member or college employee shall have any pecuniary interest in the erection, repair, or furnishing of college buildings or demand or receive any commission or compensation for purchases of any college supplies or equipment."

EXISTING OPERATING POLICY

The college policy states, in essence, no college employee will accept from any person or business any gratuity in whatever form. See LBCC Contract Review Board Rules Administrative Rule 5080-01.

STATUTORY INTERPRETATION

The 1974 legislature adopted a section entitled "Government Ethics." All of the provisions of a government ethics section apply to district board members as well as college employees. There has been a general statement of purpose saying that the policy of the state is that all local officials who have potentially conflicting public responsibilities by virtue of their position as an official board member or an employee have certain responsibilities.

GENERAL DEFINITIONS

A. Business

Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity operated for economic gain.

B. Business with which he/she is associated

Any business of which the person or a member of his/her household is a director, officer, owner, or employee, or any corporation in which the person or a member of his/her household owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

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C. Potential conflict of interest

Any transaction where a person acting in a capacity as a public official takes any action or makes any decision or recommendation to the effect of which would be to the person's private pecuniary interest or detriment.

D. Gift

Something of economic value, given to a public official or member of his/her household without valuable consideration which is not extended to others who are not public officials.

E. Income

Income of any nature derived from any source, including but not limited to, any salary, wage, advance payment, dividend, interest, rent, honoraria, return of capital, forgiveness of indebtedness, or anything of economic value.

F. Member of household

A spouse of a public official and any children of either who reside with the public official.

G. Public official

Any person who is serving a governmental capacity for the state of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent, or otherwise, and irrespective of whether the person is compensated for such services. (Emphasis added)

CODE OF ETHICS

The following Code of Ethics statements are to serve as guidelines for all employees of Linn-Benton Community College.

A. No college employee shall use his/her official position or office to obtain financial gain for himself/herself, other than official salary, honoraria or reimbursement of expenses, or for any member of his/her household, or for any business with which he/she or a member of his/her household is associated.

B. No college employee or candidate for office or a member of his/her household shall solicit or receive for him or herself whether directly or indirectly, during any calendar year, any gift or gifts from any source who could have an interest in doing business with the college. (Vendors)

C. No college employee shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.

D. No college employee shall further his/her personal gain through the use of confidential information gained in the course of or by reason of his/her official position or activities in any way.

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- E. No employee or member of his or her household shall sell goods or non employment-related services to the college without full or complete disclosure and board approval.
- F. No employee of the college shall make use of any college equipment or facility for his/her own personal financial gain. Employees may, however, make use of college equipment/facilities on the same basis as a non employee of the district. Faculty may also retain ownership of those essential demonstration works required for the direct support of instruction (such as art pieces) provided all materials for such works are provided by the faculty member and not at public expense.
- G. College employees shall not pursue an "economic gain" activity during hours that are part of their normal job assignment.

The above statements should be carefully analyzed and clarification requested before an employee of the college utilizes college facilities and/or equipment for the production and/or sales of goods or products from which he or she may realize a monetary return.

Most particularly, all employees should be conscious of the restriction relating to the providing of goods or other non employment related services to the institution, either personally or by members of their immediate family as outlined above.

DATE OF ADOPTION: 08/13/84

DATE(S) OF REVISION(S):