

Section: Ethical Standards and Conflict of Interest

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Ethical Standards and Conflict of Interest

As public employees, all College employees are expected to meet ethical standards including the avoidance of conflicts of interest, as defined by Arizona law (A.R.S. 38-501 through 511) and College policies. A conflict of interest is a real or perceived conflict between an employee's professional or official duties and a non-work related interest, or is a situation where one duty conflicts with another. Conflicts of interest may arise in numerous circumstances including financial interest, nepotism, consensual relationships, and outside employment or community involvement. Conflicts of interest may create an actual bias in judgment or appearance of bias.

Definitions for Conflict of Interest

- **Financial Interest**

Financial interest refers to a situation in which a College employee or an individual with a close relationship to the College employee has a financial interest that may be directly affected by a decision involving the College employee. A conflict of interest arises when employees in their official capacity are or may become involved with a contract, grant, purchase, sale, service or decision that might affect their personal financial interest or the financial interest of a close relative. By law, those relatives include a "spouse, child, grandchild, parent, grandparent, brother or sister of the whole or half blood and their spouses, and the parent, brother, sister or child of a spouse." The College also considers close relatives of the employee to include nephew, niece, grandchild, domestic partner and child of a domestic partner.

- **Nepotism**

Nepotism is favoritism granted to relatives without regard to merit. Employees must avoid situations where the possibility of favoritism or conflict of interest might exist with relatives of the employee.

No person may be employed if such employment would create either a direct or indirect supervisor/subordinate relationship with a relative or create either an actual conflict of interest or the appearance of a conflict of interest; further, no employee may initiate or participate in any transaction or decision involving the employee, a relative of the employee, or an individual with a close personal relationship with the employee, which include, but are not necessarily limited to, College admissions, registration, records management, student grades, financial aid, student accounts, employment, payroll, operational finance, purchasing and any other College actions.

Employees who marry or become related through marriage or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between such employees or an actual conflict of interest or the appearance of a conflict of interest, as is more particularly set forth in the preceding paragraph. Should any of the above situations occur, the College will attempt to find a suitable position to which one of the affected employees may be reassigned or transferred. If accommodations of this nature are not feasible, the employees will be permitted to determine between or among themselves which one of the employees will resign. In the event the employees are unable or unwilling to do so, the College will decide which employee shall be separated from employment.

Volunteers. Although nepotism primarily addresses employment of relatives, the same principles apply to situations involving volunteers. A College employee in a position to elect, appoint, nominate, or supervise a volunteer who is a relative of the employee, must disclose the conflict of interest to his or her supervisor as described below. Additionally, a volunteer whose relative participated in nominating and/or supervision of the volunteer may not be eligible to receive travel reimbursements, token gifts, or any other financial benefits that may otherwise be available to College volunteers.

- **Consensual Relationships**

Consensual relationships are amorous, romantic and/or sexual relationships entered into by mutual consent between employees or between employees and students. The College recognizes and respects the individual employee's right to engage in activities outside of his/her employment that are private in nature and do not in any way adversely impact the employee's ability to perform his or her job for the College consistently with applicable ethical standards. However, the College reserves the right to determine when an employee's activities represent a conflict with the College's interests and to determine means to resolve the situation.

The College policy on conflict of interest precludes individuals from evaluating the work or academic performance of those with whom they have intimate or familial relationships; from making hiring, salary, or other similar recommendations or decisions that have a financial or career impact on such persons; or from conducting transactions on behalf of or accessing the individual records of such persons. The same principles apply to consensual amorous, romantic and/or sexual relationships between employees, between employees and students, and between employees and contractors.

- **Duty to Disclose Actual or Potential Conflicts of Interest**

College employees must be aware of and identify the circumstances in which they have a conflict of interest. An employee who may have a conflict of interest in a specific matter should immediately:

- refrain from further participation in all related activities and decisions until the conflict situation is addressed
- notify their supervisor; and
- complete and submit a Conflict of Interest Disclosure Form (available on the Human Resources Department intranet site, under Human Resources Forms)

The supervisor in consultation with Human Resources will determine whether a conflict of interest exists and any steps necessary to resolve the conflict of interest situation.

Failure to appropriately disclose a conflict of interest situation may result in disciplinary action.

- **Additional Ethical Standards**

Employees are prohibited from disclosing or using, without appropriate authorization, information designated as confidential by law (i.e. federal, state, or local statute or regulation), College policy, procedure or directive, or other applicable authority (i.e. accreditor, government agency, law enforcement, etc.) that they obtained from the College as a result of their employment with the College.

Employees are prohibited from using or attempting to use their official position to secure things of value or benefits for themselves or their relative(s).

College employees shall not solicit or accept money, gratuities, favors, or goods of more than nominal monetary value from any current or potential vendor.

Employees are prohibited from agreeing to receive or receiving compensation other than as provided by law for services they rendered in any case, proceeding, application, or other matter pending before the College.

Employees are prohibited from agreeing to endorse a product or service of a commercial nature without prior approval by their supervising administrator.

- **Outside Employment**

Employees shall be free to seek and engage in outside and secondary employment so long as such employment does not interfere with the full and proper discharge of their primary professional responsibilities to the College. Such activities will be conducted with no involvement of College work time, facilities, equipment, or materials. Such outside employment will be subject to A.R.S. 38-501 through 511 (Conflict of Interest of Public Officers and Employees).

- **Assistance with Ethics Questions and Issues**

Any employee with a question or concern regarding an ethics issue, including conflict of interest, is encouraged to present the item to their supervisor or Human Resources.