



BOARD POLICY BP 3-70 Conflict of Interest (Familial Relationships)

The Board recognizes that in the contemporary workplace it is not unusual for members of the same family to work for the same employer and that such employment proves to be beneficial to the organization. However, it is the policy of the Board that public office not be used to bestow preferential benefit on anyone related to any employee by family, business or social relationship. Therefore, this policy is established to provide for approval of employment of members of the families of Board members, Board employees, and community colleges whose line of supervision consists of a family member.

Please list below immediate family members who are currently employed at Pikes Peak Community College. Immediate family being:

- Spouse
- Children
- Step-children & their Spouses
- Brothers & Brothers-in-law
- Sisters & Sisters-in-law
- Parents & Parents-in-law
- Grandparents & Grandparents-in-law
- Grandchildren & their Spouses
- Niece & Nephew
- Members of the Immediate Household

Family Member Name:	Relationship to Employee:	Work Area of Family Member:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Employee Name: _____ S# _____

Signature: _____

Division/ Title: _____

Supervisor Name: _____ Supervisor Signature: _____

HR Signature: _____ Date: _____

Notification sent to Vice President for HRS and Appointing Authority

COLORADO COMMUNITY COLLEGE SYSTEM SYSTEM PROCEDURE

Conflicts of Interest – Relationships

SP 3-70a

APPROVED: November 11, 2009

EFFECTIVE: November 11, 2009

REVISED: March 17, 2014

REVISED: May 19, 2017

REFERENCE: Board Policy 3-70, Colorado Community College System Code of Ethics

APPROVED:

/ Nancy J. McCallin /
Nancy J. McCallin, Ph.D.
System President

Scope

This procedure applies to all State Board for Community Colleges and Occupational Education Board (Board or SBCCOE) members and all employees of the Colorado Community College System office and the Community Colleges.

Purpose

It is Board policy that none of its employees or 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 of SBCCOE are to be conducted in a manner that is free of real or perceived conflict of interest or favoritism. A conflict of interest requires all employees and Board members to disqualify themselves from participating in a decision when a personal interest is present. In addition, employees and 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.

Definitions

Employee: Any person hired or contracted by the State Board for Community Colleges and Occupational Education, the Colorado Community College System office, or a community college. This includes all full time and part time employees whether permanent or temporary, but not independent contractors.

Immediate family member: A Board member's or employee's spouse; children, step-children, and their spouses; brothers and brothers-in-law; sisters and sisters-in-law; parents and parents-in-law; grandparents and grandparents-in-law; aunts and uncles; nieces and nephews; grandchildren and their spouses; and members of the immediate household which shall include, but are not limited to domestic and civil union partners.

Related party: An immediate family member; an estate or trust in which a Board member or employee or his or her immediate family member has a beneficial interest; or an entity in which a Board member or employee, or his or her immediate family member is a director, officer, or has a financial interest.

Line of supervision: The immediate supervisor or any person in the ascending order of supervision up to and including the College and System President.

De minimis financial benefit: A financial benefit that has an aggregate value of \$50.00 (see footnote 1) or less in a calendar year.

Conflicts Involving Immediate Family

Employment of Immediate Family Members

The employment of qualified immediate family members of Board members or employees is permissible as long as such employment does not create actual or perceived conflict of interest.

The employment of immediate family members is subject to the following:

Immediate family members are permitted to work in the same department, provided no direct reporting or direct supervisor to subordinate relationship exists. In addition, employees may not act in an evaluative capacity in relation to members of the employee's immediate family who are in the employee's line of supervision but are not direct reports. The employee in the evaluative position must recuse himself or herself from evaluative actions concerning the immediate family member.

- Disclosure and Authorization Requirements for Resolving Conflicts Involving Employment of Immediate Family Members

Employment anywhere within the System of a Board Member's or the System President's immediate family member must be approved by the Board prior to the appointment. Approval is requested using Appendix A-1.

Employment anywhere within the System of a College President's or a System Vice-President's immediate family member must be approved by the System President prior to the appointment and disclosed to the Board. Approval is requested using Appendix A-2.

Employment of an immediate family member in the line of supervision of a System staff employee must be approved by the System President prior to the appointment and disclosed to the Board. Approval is requested using Appendix A-3.

Employment of an immediate family member in the line of supervision of a College employee must be approved by the College President prior to the appointment and disclosed to the System President by the College President. Approval is requested using Appendix A-4.

Evaluation of a Student's Academic Work or Delivery of Academic Services by an Immediate Family Member

An employee shall not evaluate the academic work of a student who is a member of the employee's immediate family, except in circumstances described within and in accordance with this procedure.

A College employee shall disclose to the employee's supervisor the enrollment of his or her immediate family member in a class taught by the employee or any other circumstance where the employee is in a position to deliver academic services to an immediate family member. Disclosure is required prior to enrollment in the class or delivery of other academic services.

The supervisor shall reasonably attempt to find an alternative arrangement that removes the employee from delivering the academic service or evaluating the student's academic work while preserving the student's educational opportunity. For instruction, the supervisor shall identify another suitable class within the College or through CCCOnline. If the supervisor determines that another class is not available, the supervisor shall reasonably attempt to identify another qualified person to evaluate the student's academic performance in the class in which the student is enrolled.

Prior to implementing any alternative arrangement, the supervisor shall submit the proposed alternative arrangement to the College President for review. The College President has the discretion to approve, modify or reject the proposal. The College President is not required to approve an alternative arrangement that involves an additional cost to the College. If no alternative class or evaluator is available and the class is required for the student's course of study, the President shall direct the supervisor to review the employee's evaluation of that particular student in a manner that assures an unbiased evaluation.

- Disclosure and Authorization Requirements for Resolving Conflicts Involving Evaluation of Student's Academic Work by an Immediate Family Member

Disclosure and approval of alternative arrangement for evaluating the student's academic performance is requested using Appendix B.

Amorous Relationship Conflicts

The Board is committed to fostering an employment and educational climate characterized by professional and ethical behavior free of discrimination and conflict of interest. Amorous relationships between an employee and another person within the System or College community may impair or undermine the learning and work environments when one person in the relationship has authority over the other or an unequal level of power exists.

Amorous relationships, whether romantic or sexual, create a conflict with the requirements of BP 3-70, Colorado Community College System Code of Ethics ("an amorous relationship conflict") that must be disclosed when an employee exercises evaluative, supervisory, educational or professional responsibility, in the workplace or academically, over the other party to the relationship, whether that party is an employee or a student.

For System staff, the System President will determine actions necessary to resolve the conflict. For College employees, the College President will determine actions necessary to resolve the conflict. These determinations will take the form of directives issued in accordance with this procedure. The System President or College President, as applicable, must issue a Directive for each disclosure that adequately addresses the conflict in a manner that removes the family member from exercising evaluative, supervisory, educational or professional responsibility over the other party to the relationship.

Relationship conflicts arising as a result of an employee exercising evaluative or supervisory authority, or educational or professional responsibility over a spouse, domestic partner or civil union partner are deemed Conflicts Involving Immediate Family, not amorous relationship conflicts and are managed in accordance with Section I of this procedure.

- Disclosure and Reporting Requirements for Amorous Relationships

College employees involved in an amorous relationship conflict must disclose the relationship to the College President at the earliest opportunity. System staff involved in an amorous relationship conflict must disclose the relationship to the System President at the earliest opportunity. Disclosures shall be accomplished using Appendix C-1.

For College employees, the College President will determine actions for resolving an amorous relationship conflict appropriate to the circumstances and consistent with the interests of CCCS. For System staff, the System President will make this determination. Upon determination of actions for resolving the conflict, Directives will be issued using Appendix C-2 and the appropriate Human Resources office will provide a copy of the Directives to the parties to the relationship and affected supervisors.

There will be no sanctions for violation of this procedure imposed on employees who disclose the relationship in accordance with this procedure at the earliest opportunity and comply with any Directives to resolve the conflict. An employee who fails to report such relationship in accordance with this procedure at the earliest opportunity or fails to comply with any Directives to resolve the conflict may be subject to discipline, up to and including dismissal, in accordance with Board policies and State Personnel Board Rules. Failure to issue effective Directives is also breach of this procedure, which may result in sanctions.

Even if an amorous relationship does not create a conflict of interest requiring disclosure (i.e. the employee does not exercise evaluative or supervisory authority, or educational or professional responsibility over the other party to the relationship), relationships between employees with unequal power or between an employee and a student can become problematic because of the complex and subtle effects of the power differential in these relationships. The employee in the position of power may misapprehend the existence or level of consent of the other party. The possibility exists that, if the relationship sours, the employee may be subject to claims of sexual harassment. In addition, an employee's amorous relationship with a student or with an employee at an unequal level of power may have an effect on others. Others may perceive that the student or employee is favored by the employee in the more powerful position and be afforded undue access and advantage above others. An employee who engages in this type of relationship is on notice that these types of relationships are discouraged and the employee assumes the risk of internal complaints of discrimination and attendant discipline and/or legal action and responsibility for damages.

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 or employee may participate in a Board, College or System decision to undertake a financial transaction that:

- Provides a financial benefit to the Board member or employee, or a related party, or
- Is with a nongovernmental entity in which the Board member or employee is a director, president, general manager, or similar executive officer or owns or controls a substantial interest.

In addition, no Board member or employee may engage in a substantial business transaction for private business purposes with an employee under his/her direct supervision.

Transactions Requiring Board Approval

Any Board member or employee who believes that a transaction with the System may create the appearance of a conflict of interest or favoritism should request Board approval before such a transaction is undertaken.

College or System 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 or employee is a director, president, general manager, or similar executive officer or owns or controls a substantial interest.

A financial benefit does not include holding a minority interest in a corporation.

If a Board member or employee discovers after the conclusion of a transaction that he/she, has received a financial benefit from a transaction with the College or System, or a related party has received a financial benefit from a transaction with the College or System, Board ratification may be requested using Appendix D 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, employee or related party must divest himself/herself of the financial benefit.

Board approval for financial transactions governed by this procedure is requested using Appendix D. The Board member or employee is responsible for submitting the request to the procurement staff of the System or Colleges that would procure the goods, services or benefits offered by the Board member, employee or related party for a description of the process used to select the requesting party and information regarding other parties offering the same of similar good, services or benefits. The System/College(s) procurement staff will forward the request to their President for approval. The System President or College President(s) will forward approved requests to the System Legal office with a draft agenda item for presentation to the Board. The System or College President(s) will approve a transaction only if the System President or College President(s) determines that it provides a benefit to the System or College(s) that cannot be readily obtained elsewhere and that the benefit to the Board member or employee is incidental when compared with the benefit to the System or College(s).

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 or employee is incidental when compared with the benefit to the System or College(s).

If the Board approves the transaction, the Board member or employee must disclose the transaction to the Secretary of State 72 hours prior to completion of the transaction. Disclosure to the Secretary of State should not be undertaken unless and until Board approval occurs.

FOOTNOTE #1: Pursuant to Article XXIX section 3(6), the fifty-dollar (\$50) limit . . . shall be adjusted by an amount based upon the percentage over a four-year period in the United States bureau of labor statistics consumer price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar. The first adjustment was done in the first quarter of 2011 which increased the limit to fifty three (\$53.00) dollars. Adjustments shall be made every four years thereafter.