

Policy 1.4 Board of Trustees and Governance: Conflict of Interest

**TRI-COUNTY
COMMUNITY COLLEGE**

**BOARD OF TRUSTEES AND
GOVERNANCE
CONFLICT OF INTEREST**

**POLICY
1.4**

In accordance with N.C.G.S. §§ 14-234, 133-32 and Chapter 138A and in order to avoid conflict of interest, the appearance of conflict of interest or the appearance of impropriety, the Board of Trustees and College employees shall adhere to the following rules:

A. Contracts with the College

Board members and employees shall not do any of the following:

1. Obtain a direct benefit from a contract that he/she is involved in making or administering on the College's behalf unless a legal exception applies;
2. Influence or attempt to influence anyone who is involved in making or administering a contract on the College's behalf; or
3. Solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the College.

A Board member or employee is involved in administering a contract if he/she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A Board member or employee is involved in making a contract if he/she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a contract if the employee or his/her spouse does any of the following: (a) has more than ten percent (10%) ownership or other interest in an entity that is a party to the contract; (b) derives any income or commission directly from the contract; or (c) acquires property under the contract.

B. Receipt of Gifts

Unless a legal exception otherwise applies, no Board member or College employee may accept gifts from any person or group desiring to do or doing business with the College unless such gifts are instructional products or advertising items of nominal value that are widely distributed.

C. Reporting Requirements

Any Board members or employee who have questions regarding this Policy or whose actions could be construed as involving a conflict of interest shall report as follows:

1. College employees shall report to the President.
2. President / Board Members shall report to the Board Chair.
3. Board Chair shall report to the College's legal counsel.

D. N.C. State Ethics Act

Pursuant to N.C.G.S. § 138A-3(30)(k), all voting Board members, the President and the Chief Financial and Administrative Officers (“Covered Persons”) are subject to the N.C. State Ethics Act. Covered Persons shall complete and file a public disclosure of economic interests as required under the Act, adhere to the ethics standard required under the Act and shall complete all required mandatory ethics education and training.

Any applicable State Board administrative regulations and rules and any applicable North Carolina state law will take precedence over this Policy.

Adopted: 5/24/18 BOT

Legal Reference: N.C.G.S. §§ 14-234, 115D-26, 133-32 and Chapter 138A

Cross Reference: Policy 3.4.1 – Conflict of Interest (duplicate)