



ADMINISTRATIVE **PROCEDURE**

3711

DESERT COMMUNITY COLLEGE DISTRICT

CONFLICT OF INTEREST - EMPLOYEES

The Desert Community College District (hereinafter “District”) recognizes the District’s responsibility and obligation to the public to conduct its business with honesty, integrity, professionalism, and quality in the performance of those operations and functions necessary to achieve its established mission and philosophy as described in Board Policy. To that end the District is committed to public accountability and transparency.

The Institutional Code of Ethics applies to all employees of the District. Employees of the District share the fundamental responsibility to always act with integrity and in a manner that reflects the best interests of the District and its students.

Employees of the District shall conform their conduct to the following standards:

- District resources shall not be used for other than their intended purpose. Employees of the District shall manage the District’s resources prudently and shall not improperly convert such resources to personal use or for the personal use of another. The District’s resources shall not be offered to another in order to obtain unfair advantage or otherwise offered in a manner or under circumstances that would constitute a violation of law.
- Employees of the District who have a financial interest in a firm under consideration for business transactions with the District, excluding publicly traded firms, must disclose the relationship to appropriate District personnel. Such employees shall recuse themselves from participation in decisions related to District business with the firm. In addition, such employees shall disclose the relationship in writing, to the District’s legal counsel to determine that the proposed activity is fair to the District and will not result in the District foregoing revenues, or incurring costs in excess of the costs that would be incurred for goods, property, or services of like quality if acquired from another source.
- Under no circumstances may a person described in the above section approve a relationship with, order or authorize purchase from, or approve or make payments to an affiliated firm or person on behalf of the District. For the purposes of this paragraph, the terms “person” and “affiliated person” includes an individual’s immediate family members, spouse, and others living within such individual’s household.

Executive administrative personnel and other designated personnel subject to the provisions of the Political Reform Act of 1974 as set forth in Government Code Section 18000 have additional responsibilities with reference to contracts and financial decisions made by the District as described in applicable conflict of interest laws, which include the following:

- **Contractual Conflicts:** Executive administrative personnel and other designated personnel are prohibited from having a controlling financial interest in any contract made by the District or in any contract entered into in their official capacity. As such, they are prohibited from making, participating in making or in any way attempting to use their official positions to influence a District decision when it is foreseeable that their personal financial interests may be affected by those decisions. If an executive administrator or other designated person determines that he or she has a conflict of interest at some point in the contract-making process, this determination shall be disclosed and he or she shall immediately disengage from the contract process.
- **Obligation to Resolve Conflicts:** Executive administrative personnel and other designated personnel have an obligation to examine any situation in which they believe they have a conflict of interest and take steps to resolve the conflict.
- **Disqualification:** When a conflict of interest exists, an executive administrator or other designated person who has declared or who has been found to have a conflict of interest in a matter shall refrain from participating in consideration of the matter.

No employee of the District shall receive or solicit anything of value in return for influencing or exercising his/her discretion in a particular way on a District matter. In addition, employees of the District are prohibited from accepting or soliciting any gratuity or thing of value (for which a fair market price has not been paid) for or because of any official act performed or to be performed in his/her official capacity with the District.

This provision does not prohibit the acceptance of an item having a nominal value or ceremonial gifts received by employees of the District in their official capacity.

The accounts and records of the District are maintained in a manner that provides for an accurate and auditable record of all financial transactions in conformity with generally accepted accounting principles, established business practices, and all relevant provisions of controlling law. No false or deceptive entries may be made and all entries must contain an appropriate description of the underlying transaction.

To the extent not required for daily operating transactions (e.g., petty cash transactions), all District funds must be retained in the appropriate District accounts with appropriately designated financial institutions and no Desert Community College District undisclosed or unrecorded fund or asset shall be established or maintained for any purpose.

All reports, vouchers, bills, invoices, payroll information, personnel records, and other essential business records must be prepared with care and honesty, and access to such data shall be closely controlled.

Employees of the District who improperly access District accounts and records or who improperly convert these records and accounts for their own personal purpose or for the personal purpose of another, or who wrongfully disclose such records or accounts will be subject to appropriate sanctions by the District.

Employees of the District who may have access to confidential information relating to students, job applicants, employees, and other information of a sensitive nature are expected to take appropriate measures to safeguard confidential or sensitive information and not disclose such information except in the course of their official duties to those who have a legitimate business need to know.

Employees of the District are expected to conform their actions to the requirements of the law and District policy related to their positions and areas of responsibility, and to ethically and effectively carry out their responsibilities. No employee of the District shall engage in any employment practice that is a violation of law or District policy, or use his or her position to intimidate subordinate employees or exact personal favors or things of value (for which a fair market price has not been paid) from subordinate employees.

Employees of the District are expected to treat other members of the District and members of the public with courtesy, honesty, professionalism, and civility.

Reference:

Accreditation Standard III.A.1.d

Adopted by Cabinet: January 11, 2011
College Planning Council Approval: February 25, 2011
Next Review: February 2016

Administrator: VP Business Affairs