

## **4.9.0000 CONFLICT OF INTEREST**

### **9.0010 INTRODUCTION**

Turtle Mountain Community College maintains uniform policies and standards for identifying, and removing, actual Conflicts of Interest and has adopted policies and procedures for managing situations that could give rise to potential or perceived Conflicts of Interest. In determining whether an actual, potential, or perceived Conflict of Interest exists in a given situation, the Turtle Mountain Community College will consider the specific details of the situation and make a determination based on the totality of the circumstances. Turtle Mountain Community College believes that clear guidelines and principles for reporting and managing actual, potential, and perceived Conflicts of Interest will assist our faculty, staff, and students in maintaining the highest level of integrity in their endeavors.

### **9.0020 POLICY STATEMENT**

- .01 An actual Conflict of Interest arises in a situation where financial or other personal or professional considerations compromise an individual's objectivity, professional judgment, professional integrity, and/or ability to perform his or her professional responsibilities to Turtle Mountain Community College. In addition to situations that clearly give rise to an actual Conflict of Interest, individuals are cautioned also to consider gray areas that might create the perception of or the potential for a Conflict of Interest. Perceived or potential Conflicts of Interest can be said to exist in situations where an individual member of Turtle Mountain Community College (Member), a member of the individual's family (Family), or a close personal relative (Close Relative) has financial interests, personal relationships, or professional associations with an individual, individuals, or outside organization, such that his or her activities within Turtle Mountain Community College could appear to be influenced by that interest or relationship.
- .02 All Members of the Turtle Mountain Community College community are committed to identifying and avoiding situations and activities that constitute a Conflict of Interest in the execution of their duties for Turtle Mountain Community College. Furthermore, activities, situations, and relationships that might create the perception of or potential for a Conflict of Interest must be identified and managed appropriately. In every instance, Turtle Mountain Community College reserves the right to make a determination in light of its best interest.
- .03 On no less than an annual basis, all Members, whether they are engaged in activities that might create the perception of or potential for a Conflict of Interest or not, are required to submit a Conflict of Interest Disclosure Survey to Vice-President or President.
- .04 Conflict of Interest Categories:
- .05 Situations and activities may be grouped into one of three categories under this Conflict of Interest Policy:

Category A: Not Significant and Generally Permissible Activities Situations where any Financial Interest held by a Member, Member's Family, or Member's Close Relative does not indicate a Significant Financial Interest and where the situation

suggests no actual, potential, or perceived Conflict of Interest. These situations may continue without special safeguards or oversight.

Category B: Potential or Perceived Conflicts of Interest Activities which represent Potential or Perceived Conflicts of Interest would be permitted to go forward after disclosure with an approved Management Plan.

Category C: Actual Conflicts of Interest Activities which represent actual Conflicts of Interest, and which may be permitted to go forward after disclosure only with an appropriate Management Plan to eliminate the conflict, safeguard against prejudice toward College activities, and provide continuing oversight.

### **9.0030 SCOPE**

This policy is applicable to:

- All TMCC Board members
- All TMCC faculty members
- All TMCC staff members
- All persons representing TMCC

### **9.0040 DEFINITIONS**

**Employee-** Any person covered by this policy as provided for in Application of Policy Conflict of Interest-

- .01 Many employees either have positions that allow them to influence college decisions, or they have been entrusted with the authority to make decisions for the college. Conflict of interest exist if an employee's position or authority may be used to influence or make decisions, or have the appearance of influence, that lead to any form of financial or personal gain for that employee or for his or her family. The bias can affect collection, analysis, and interpretation of data, hiring of staff, and procurement of materials.
- .02 In academic research, the term conflict of interest refers especially to situations in which financial or other personal considerations may compromise, or may have the appearance of compromising, an investigator's professional judgment in conducting or reporting research.  
The bias can effect collection, analysis, and interpretation of data, hiring of staff, and procurement of materials, sharing of results, choice of protocol, and the use of statistical methods. Conflict of interest can affect all scholarly fields.

It is acknowledged that, in their wider roles as academicians and professionals, the faculty may be subject to conflicts of interest that are not necessarily financial and that are not within the scope of a policy that is designed to address conflicts of interest in the employer-employee setting. Academic and professional activities not covered by this policy are best handled within the ethical guidelines of the college outlined in the code of conduct.

- In academic administration, the term conflict of interest refers especially to situations in which financial or other personal considerations may compromise, or have the appearance of compromising, decisions made by administrators.

- Significant and material conflict of interest is covered under this policy.

**Family or Close Relative-**For purpose of this policy, family or close relative is defined as the employee's spouse, children, siblings, parents and grandparents.

**Financial interest-**Any relationship, including a consulting relationship, entered into by the employee or his or her family, other than employment by the college, which could result in financial gain for the employee or his or her family

**Investigator-**For purpose of this policy, investigator shall include the principle investigator and all co-principle investigators.

**Significant Financial Interest-**The term significant financial interest means anything of monetary value, including, but not limited to: salary or other payments for services; equity interests (e.g., patents, copyrights, other ownership interests); and non-College royalties from intellectual property rights (e.g., patents, copyrights, trade secrets, and trademarks). An amount \$5,000 is used as a guide, but a conflict of interest could and can occur for an amount less than \$5,000 as indicated below.

The term significant financial interest does not include:

1. Any salary other remuneration paid by the College to the Employee and the Employee's spouse and/or dependent children;
2. The ownership of any intellectual property rights and interests, but only so long as the Employee has not received any income related to the rights and interests or if the Employee has assigned any ownership interest in those rights to the College;
3. Any reimbursed or sponsored travel, but only if the travel is sponsored or reimbursed by a Federal, state or local government, an institution of higher education, or other organization. In other words, if any other entity or organization covered your expenses for travel, you must disclose it.
4. Any income from seminars, lectures, or teaching engagements sponsored by a federal, state or local government agency, an institution of higher learning, or a research institute. In other words, if any other entity or organization paid you to deliver a seminar, lecture or teach, you must disclose it;
5. Any income from service on advisory panels for a federal, state or local government agency, an institution of higher learning, or organization. In other words, if any other type of entity or organization paid you to serve on an advisory panel, you must disclose it.
6. Salary, royalties or other payments made to the Employee's spouse and/or dependent children, from entities that do not do business with the College;
7. Salary, royalties or other payments from entities that do business with the College that, when aggregated for the Employee and the Employee's spouse and/or dependent children over the next twelve months, are not expected to exceed \$5,000.

To insure continued confidence of the members of the Turtle Mountain Band of Chippewa in the college and its personnel, individuals serving the college shall at all times act in a manner consistent with their public responsibilities to the college and shall exercise particular care that no real or perceived detriment to the college results from conflicts between personal interests and those of the college. Conflict of interest

situations, or the appearance of conflicts of interest, have the potential to result in serious harm and direct losses to the college. The losses are often difficult to detect and include not only direct monetary losses and loss confidence in the college, but also negative publicity and erosion of employee morale.

It is the policy of the college that its officers, faculty, staff and others acting on its behalf have the obligation to avoid ethical, legal, financial, or other conflicts of interest and to ensure that their activities and interest do not conflict with their obligation to the college or to its welfare.

This policy applies to all officers and employees of the college. This policy also applies to persons affiliated or associated with the college. All provisions except those relating to outside employment, apply to persons affiliated with the college.

This policy is to be interpreted and applied in a manner that will best serve the interest of the college and that distinguishes between those minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. A conflict of interest may exist when an employee, a close relative, or a person or organization with which the employee is associated has an existing or potential financial or other interest which involves the employee's college responsibilities. If an employee believes that he or she may have a conflict of interest, the employee shall promptly and fully disclose the conflict to the Vice-President and President and shall refrain from participating in any way in the matter to which the conflict relates until the conflict in question has been resolved. In some cases, it may be determined that after full disclosure the college's interest are best served by participation of the employee despite the conflict or appearance of conflict.

This policy does not prohibit an employee from freely pursuing those teaching, research, and professional and public service activities which will not result in such a conflict, nor prohibit an employee from accepting pay, compensation, fees, honoraria, or reimbursement of expenses which may be offered in connection with such activities.

## **9.0050 TYPES OF PROHIBITED CONFLICT**

### **01 Personal gain from college position**

- a. An employee may not use or attempt to use, in a manner contrary to the interest of the college, his or her position or college property or services, to gain or attempt to gain anything for the private benefit of the employee.
- b. An employee may not solicit or receive gifts or entertainment valued at \$25 or greater for personal use from suppliers of goods or services, or from persons associated with or seeking association with the college.
- c. An employee shall not use confidential information acquired in connection with college related activities for personal gain or for other unauthorized purposes.

### **02 Proposals and funded Grants**

- a. In academic research and program proposals, the investigator and others involved in the development, conduct and reporting to a funding agency must

report any potential conflict prior to submission of a proposal and thereafter annually, or sooner should a conflict arise, for funded proposals.

- b. An employee may not receive equity interest (stocks, stock options, or ownership interest) or intellectual property rights (patents, copyrights and royalties from such rights) as a result of sponsored programs.

#### .03 Contracting and Leasing

- a. An employee may not enter into any contract or lease with the college, if the employee is in a position to approve or influence, in his or her official capacity, the college's decision to enter into the contract or lease, unless such contract is deemed in the best interest of the college and has the approval of the Vice-President and President.
- b. If the employee is not in a position to approve or influence the college's decision, the employee may enter into a contract or lease, provided the employee makes prior written disclosure of the nature and extent of any relationship to the Vice-President and President and obtains written approval. The Vice-President and President shall approve an employee's interest in a lease or contract unless the Vice-President and President determines that the employee's personal interest in the agreement will conflict substantially and materially with the employee's discharge of his or her college responsibilities.
- c. An employee may not contract with the college to provide a service which is the same as or similar to the service that the employee provides as a college employee. Such services may be provided only as a college employee in the course of college employment.

#### .04 Outside Commitment

- a. Employees are permitted to engage in outside consulting activities and other outside activities provided any other outside position would not impair the employee's ability to meet his or her obligation to the college.
- b. An employee with faculty rank shall not take on a teaching assignment in another institution of higher learning during the academic year except after obtaining written approval of the Academic Dean.
- c. An employee shall not engage in outside employment or activities which could be viewed as impairing the employee's judgment in the performance of college duties and responsibilities.

#### .05 Use of College Name and Resources

- a. An employee shall not use the official title of the college or any of its parts, in whatever form that title may appear, except in connection with legitimate college purposes.
- b. The college's name, facilities, equipment, stationary, supplies, personnel and other resources are to be used only for the furtherance of the college's mission. An employee shall not make unauthorized use of any college resources, including the services of college employees, for the personal benefit of the employee.

#### **9.0060 Disclosure and Consultation**

When it appears that a material conflict of interest may arise between the personal interest of an employee and his or her responsibilities to the college, the employee shall notify the Vice-President and President by submitting a written statement describing the nature of the possible conflict. **If** an apparent conflict comes to the attention of the Vice-President or President, the Vice-President or President may request a written statement from the employee.

When it appears that a conflict of interest may affect a sponsored program, the Vice-President will notify the funding agency of the potential conflict and the remedy sought to resolve the conflict. Should the college be unable to resolve the conflict, the Vice-President or President shall notify the funding agency.

If an employee is in doubt as to whether he or she is confronted with a conflict of interest, the employee should consult with the Vice-President and President to determine if the outside interest could conflict with the employee's obligation to the college.

Any employee, who becomes aware of a conflict of interest within the college, shall immediately notify the Vice-President or President.

The Vice-President and President shall promptly notify the employee or associate in writing that:

- a. There is no conflict and the employee may proceed; or
- b. There may be a conflict and further consultation is necessary prior to reaching a determination; or
- c. There is a conflict and the employee shall not proceed with his or her personal interest which results in the conflict.

The employee may appeal the decision to the Board of Directors.

#### **9.0070 SANCTIONS**

Failure to disclose a conflict of interest may be grounds for disciplinary action, up to and including termination. **All** employees and persons associated with the college shall adhere to the laws, rules, regulations, and policies of applicable governmental and college authorities and the standards set for in the college's code of conduct (Section 5.4.0080 CODE OF CONDUCT). Failure to do so may be grounds for disciplinary action, up to and including termination.

#### **9.0080 RECORDS**

The records of all Conflicts of Interest will be kept on file for a minimum of three (3) years