Conflict of Interest Policy

TMCC Boards, staff and faculty members, where appropriate, students become involved in situations where their loyalties may be divided or where their personal interest may conflict with their duty. This policy sets a general standard to govern conduct when such situations arise.

7.0010 Application:
This policy applies to all staff, faculty and Board members, where appropriate, students and any other person representing the college. Hereafter referred as “employee”.

7.0020 Defined
.01 A conflict of interest exists where an employee owes a duty of loyalty to the College, which is or can be compromised, directly or indirectly, by the pursuit of a member's personal interests.

.02 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 representative of TMCC for his or her family. The bias can affect collection, analysis, and interpretation of data, hiring of staff, and procurement of materials.

.03 A conflict of interest arises from the situation, rather than from the character, or even the actions, of the individual. Thus, when an employee has a financial interest at variance with his/her duty to the College, a conflict of interest will exist, even if the employee or representative of TMCC acts without regard to his/her financial interest.

7.0030 Personal gain from college position
.01 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.

.02 An employee shall not use confidential information acquired in connection with college related activities for personal gain or for other unauthorized purposes.

7.0040 All employed by the College must adhere to the following regarding conflict of interest
(a) Employees shall disclose to the President, Vice President or Comptroller of the College any potential conflict of interest of which they are aware related to the purchase of equipment, materials, goods and services prior to the execution of the purchase request. Written disclosure must accompany the requisition.

(b) Except in very unusual circumstances, the College will not purchase equipment, materials, goods, and services from an employee, a member of an employee’s immediate family, or from a business in which an employee or a member of the employee’s immediate family. If an exception is necessary, the requester of the purchase must provide a written disclosure of the transaction of its budget executive and the written disclosure must accompany the requisition.

7.0051 Examples:
The following are examples of conflict of interest situations that may arise in the College context. The situations enumerated are illustrative only and not exhaustive:

a. Employment, supervision, or evaluation:
No employee or representative of TMCC will participate in the appointment, employment, promotion, supervision, or evaluation of members of their family (as defined the nepotism policy in the personnel section) or a person to whom they owe a personal or legal obligation.

b. Acquisition and disposition of assets:
No employee or representative of TMCC will influence, participate in or authorize the acquisition or disposition by the College of any asset, including supplies or services from or to an enterprise in which he/she has a financial or other interest.

c. Participation in organizations doing business with the College:
No employee or representative of TMCC may influence the decisions of an external enterprise doing business with the College, whether or not for profit, as it relates to the College in general and to the member’s activities at the College specifically.
Q54. For the definition of completer, can an IHE include passage of the state licensure tests as program requirements? This definition would ensure a 100 percent pass rate by defining program completion as passing the test.

A54. For purposes of Title II reporting, a program completer (see definition from User Manual below) is one who has met all the educational or training requirements in a state-approved course of study for initial teacher certification or licensure. This definition is silent with regard to the practice of some institutions that require their students to take and pass all state assessments before they can complete all of the program's educational or training requirements (including practice teaching), i.e., become a program completer. However, where a student already has completed the teacher preparation program and received a degree, etc. that proves program completion, the definition prohibits an institution or state from classifying the individual as a program completer for purposes of Title II reporting only after he or she subsequently passes the assessments the state requires of candidates for initial licensure or certification.

IHEs that require students to pass state assessments before they complete the required educational and/or training requirements will report 100 percent pass rates for their program completers on these assessments. These institutions, in effect, will have weeded out students who do not pass assessments before they complete the teacher preparation program; hence, their 100 percent pass rates do not reflect how well the institutions have prepared all the students enrolled in their programs to pass the state assessments. On the other hand, institutions that have chosen not to have this requirement before their students complete their programs may well report lower pass rates. States may wish to use
supplemental information both to help the public understand what differences in pass rates
Updated 2/15/11

may mean, and to consider providing alternative measures of assessing the quality of the
teacher preparation programs in the state.

Program completer: A person who has met all the requirements of a state-approved
teacher preparation program. Program completers include all those who are documented as
having met such requirements. Documentation may take the form of a degree, institutional
certificate, program credential, transcript or other written proof of having met the
program’s requirements. In applying this definition, the fact that an individual has or has
not been recommended to the state for initial certification or licensure may not be used as a
criterion for determining who is a program completer.

From NCATE: http://www.ncate.org/Governance/NCATEPolicies/AccreditationPolicies/
UseofPassRates/tabid/334/Default.aspx

In states with a program approval process, the unit’s programs are approved by the appropriate
state agency or agencies. In states with candidate licensing examinations and required pass rates,
the unit’s summary pass rate meets or exceeds the required state pass rate.

From www.ndspb.gov

ESPB requires 80% of the program completers who have taken the test to pass the applicable
state licensure test for the content field.
MEMO

3-20-2013

Re: TMCC Conferred Bachelor’s Degree in Teacher Education

Dear Larry:

This memo is in response to inquiries regarding the manner in which a BS degree in teacher education at Turtle Mountain Community College is conferred. As of May 2012, 78 Bachelor’s degrees have been conferred; 62 in Elementary Education and 13 in Secondary Science. The criteria for a Bachelor’s degree is successful completion of the entire education curriculum including student teaching as described in the TMCC catalog and passing scores on all Praxis examinations. Adhering to these standards has allowed TMCC to maintain its standing with regard to program approval with North Dakota Standards and Practices Board and accreditation with the North Central Association Higher Learning Commission.

The teacher education program is responsible to three agencies for program approval and accreditation: U.S. Department of Education Title II Higher Education Act, National Council for Accreditation of Teacher Education (NCATE) and the North Dakota Education Standards and Practices Board (NDESPB). Each entity has specific requirements which designate a program as either poor performing or at risk. At this time a program must comply with 80% completion in order to maintain good standing in this area. TMCC has a 100% completion rate. This is due to our policy of only conferring a degree to those individuals who complete the curriculum and pass the Praxis exams.

The strongest justification for our policy is the relatively low number of graduates as compared to four year main stream institutions of higher education in ND. An example would be in the class of secondary students that had only four graduates, Three of which passed the Praxis exam. Had we conferred a degree to the student who did not pass the Praxis exam our completion rate would have been 75%. Institutions are allowed one probationary year to rectify this “poor performance”. If the problem is not addressed the entire department could be placed in non-compliance and may require review by the Board of Examiners in Bismarck.

According to our records, there are 9 students who have entered the teacher education program, completed all coursework and student teaching, and were not conferred a BS due to their failure to pass the Praxis examinations. While it is an unfortunate situation for these individuals, it does not mean they are completely without options. My strong suggestion would be for them
to enroll in the Praxis II preparation course (EDUC 236) and apply themselves fully to passing the examination. Those students who have embraced this course with every academic means of support have been successful in meeting this high stakes requirement.

Respectfully,

Dr. Carmelita Lamb-Chair

Teacher Education Department
QUARTERLY REPORT

Submitted by: Jim Davis  
Quarter: April, May, June 2013

Department: President's Office

Brief Description/Goals of Department: The department has the overall responsibility for fulfilling the mission and goals for the TMCC.

Monthly Activities:

1. Completed much of Phase I for the Organizing for Success initiative including the strategic plan. Phase II remains in the process of development with on-going work to be completed.
2. Completed the economic impact study for TMCC. In the 2012 calendar year, TMCC's economic impact in ND and within our community was $36.1 million. NDSU did the majority of work in conducting the study.
3. The ND Legislative Assembly completed their work the end of April, and the ND Tribal Colleges were successful in getting passed Senate Bill 2218. This bill authorizes and appropriates $5 million for the biennium which provides each of the five tribal colleges $1 million for the biennium for programs in workforce development. Applications to the ND Department of Commerce will be due in early July 2013.
4. The ND Board of Nursing conducted an on-site visit to TMCC for our LPN Program. A report was provided and later on we attended a meeting with the Board of Nursing with an expectation that we will be able to enroll LPN students for the Fall Term. This will be decided on July 20, 2013 as to whether or not we will be able to enroll new students this fall. This program was in real jeopardy, and still remains in jeopardy since the initial report was not good. We made changes in the Directorship of this program (we are now advertising for this position) and have good reasons to believe that we will be able to move forward in a positive and successful manner this fall term.
5. We are awaiting notice from the US Department of Education on our application for the Native American Technical and Education Program (NACTEP) application. The recent information on this is that some of those who applied have been given notice that they will not receive the grant. We did not receive this notice so it appears we may be in line to receive some $450,000 to $600,000 per year for the next five years.
6. The Budget Committee has devoted a lot of time with development of the FY 2014 budget. At this point, we are in sort of a stand still since we are awaiting information on some grants that typically have an impact on our basic ISC direct and indirect budgets. And, we still do not know how much we’re going to receive from BIE – our basic hard money resources – for FY 2014.
7. An area that has a big impact on our overall budget is our fringe benefit package with the biggest impact being health benefits. We will be attending a meeting with Preferred One in
Minneapolis in mid-July to see what we can do to reduce health costs especially in light of the Affordable Care Act. Preferred One will thereafter be meeting with the Board of Directors this fall. For planning purposes, I believe we need to look at alternative plans for health care benefits for our employees which include new employees.

8. We have had a lot of leaks with our new roof that was replaced last summer. Target Roofing has been on site to address the problem.

9. We have been working on a new Department of Labor grant that is a collaboration among four or five other tribal colleges in ND and Mt. This is for workforce training as well.

10. We met with NDSU recently and will be entering into an MOU that will allow us to pursue collaborations in various curricula areas. A draft of the MOU will be available the end of June.

11. We will be meeting with Minot State University June 19th to discuss other collaborations we can enter into for the benefit of our students.

12. A two year report is being written and should be completed by mid-July.

13. We have an opportunity to work with the Tribal Housing Authority for the building of residential facilities for our students. We will need to provide the site, water and sewer infrastructure, and they will provide the resources for construction of these facilities. This has to do with low income housing opportunities for our community. Tax credits will be used to build the facilities and Housing will pursue all of this on our behalf. There will not be any cost to TMCC except for the infrastructure costs. After 15 years of occupancy, the facilities will be owned by TMCC. It is a good concept but we have to determine how we will finance the costs associated with students housed in these facilities.

14. We have been planning for a fundraising event scheduled for July 20th at the Rolla Golf Course.

The golf tournament will be held for the sole purpose of raising funds for the Foundation and for our students. Get your clubs out and come out and have a great time on Saturday, July 20th.

Highlights and Successes: The two highlights are the passage of Senate Bill 22018, and the near completion of Phase I for Organizing for Success. The transition of Phase I will be an on-going process for a few months because of the impact of funding for FY 2014 which has not been fully determined.

Challenges during Quarter: The greatest challenge has been and continues to be our BIE funding. The ND Association of Tribal Colleges has taken a strong stand that directs AIHEC to do a lot more to increase our federal funding. If we were to receive base funding at the level of $8,000 per FTE that has been authorized by federal law, our annual budget would, based on 650 FTEs, be $5.2 million. For the coming FY 2014, I believe we will receive no more than $5,800 per FTE which equates to a budget of $3.77 million for FY 2014. I don’t believe AIHEC has been doing its job for tribal colleges in this regard.

Anticipated Travel: In July I will travel to Minneapolis July 16-17 for a meeting with Preferred One regarding our employee health benefits plan. I will be in Bismarck July 18th for a ND Board of Nursing meeting in regard to our LPN program. I will also be doing some travel for fundraising.