



# College of The Albemarle Policy

**Policy Number: 3.4.1**

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**Title: Conflict of Interest**

**Related Policy and Procedures: Policy 1.4 Conflict of Interest (duplicate)**

**Division of Responsibility: Human Resources**

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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 s/he 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 s/he 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 s/he 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 business with 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 member or employee who has questions regarding this Policy or whose actions could be construed as involving a conflict of interest shall report as follows:



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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.

#### **E. Contracts with Non-Profits**

A Board member who is also a director, officer, or governing board member of a nonprofit organization will not (1) knowingly vote on, participate in deliberations on, or administer any contract with that nonprofit; (2) influence or attempt to influence the deliberation or vote of others on any such contract; or (3) solicit or receive any gift, reward, or other benefit in exchange for recommending, influencing, or attempting to influence the award of such contract in violation of G.S. 14-234.3. A Board member must notify the Chair of any potential conflict under this section and, if the Board votes on the matter, a Board member with a conflict under this section may not participate in the debate or vote on the matter. Once the Board member's recusal is recorded in the minutes of the Board, the Board may approve the contract.

Any contract entered into in violation of this section is void.

#### **F. Appearance of a Conflict**

Board members and employees shall make every effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person may conclude from the circumstances that a Trustee or employee's ability to protect the public interest, or perform public duties, is compromised by familial, personal, or financial interests. An appearance of conflict may exist even in the absence of a true conflict of interest.

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

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

Cross Reference: Policy 1.4 Conflict of Interest (duplicate)

June 13, 2023

October 10, 2023

October 10, 2023

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**Date Approved by Board of Trustees**

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**Date of Last Review**

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**Date of Last Revision**