1.0 Definitions

1.1 “Conflict of Interest”

1.1.1 A “conflict of interest” exists when a Los Rios Community College District employee, in their role as a District/College employee, participates in a decision or transaction or provides services, where the employee personally benefits from the decision, transaction or services.

1.1.2 A “conflict of interest” also exists when a Los Rios Community College District employee, in their role as a District/College employee, participates in a decision or transaction or provides services, where the member of the employee’s immediate family personally benefits from the decision, transaction or services.

1.1.3 A benefit may either be financial or non-financial.

1.1.2.1 A financial benefit exists when an employee or a member of their immediate family receives a monetary benefit or their existing financial interests are materially affected by the decision, transaction or services.

1.1.2.2 A nonfinancial benefit exists when an employee or a member of their immediate family receives a nonmonetary benefit (for example, the employee or family member receives a grade, a service, an enrollment, priority enrollment or special treatment) by the decision, transaction or services.

1.1.4 Where the benefit received in the transaction is indirect and immaterial, a conflict of interest does not exist.

1.2 The immediate family of an employee is defined as: mother, father, grandparent or grandchild of the employee or of the employee’s spouse or domestic partner; stepmother, step-father, spouse, domestic partner, son, mother-in-law, father-in law, son-in-law, step-son, daughter, daughter-in-law, step-daughter; brother, brother-in-law, sister, sister-in-law, aunt or uncle of the employee; child of a domestic partner, sibling of a domestic partner; wife or husband of a domestic partner’s child; or any person living in the immediate household of the employee.
1.3 A District/College employee “participates in a decision” when the employee, in his or her role as a District/College employee, makes or participates in the making of a decision. A District/College employee “participates in a transaction” or “provides services” when the employee, in his or her role as a District/College employee, participates in, executes, processes, reviews, or approves a transaction or services.

1.4 “Financial interest” means a District/College employee’s investment in or position with business entities, interests in real property, sources of income, sources of gifts, the personal finances of the employee or the personal finances of a member of the immediate family of the employee.

2.0 Conflict of Interest Prohibited

2.1 A District/College employee shall not participate in a decision or transaction or provide services when they have a conflict of interest.

2.2.1 If it is unclear whether a conflict of interest exists, the determination shall be made by the General Counsel.

3.0 Purchasing Transactions

3.1 A District/College employee shall not participate in the preparation of specifications for the purchase of equipment or material, the selection of a vendor, or the selection of a contractor if such participation constitutes a conflict of interest.

3.2 A District/College employee who participates in the selection of a vendor shall sign the following conflict of interest disclaimer statement:

"This is to certify that the undersigned employee has no economic interests which may foreseeably be materially affected by having participated in the development of the specifications for equipment and/or material represented by this requisition."

3.3 No purchase or lease of goods or contract for services shall be made from any District/College employee or a member of the immediate family of an employee unless there has been a specific determination in writing by the Director of General Services that the goods or services are not available from any other source.

4.0 Specific Employee and Immediate Family Transactions
4.1 A District/College employee shall not participate in a decision or transaction or provide services that will benefit the employee or a member of the immediate family of the employee in the following areas:

4.1.1 Student record transactions: Examples include, but are not limited to, grade changes, course enrollments, and providing permission numbers.

4.1.2 Financial transactions: Examples include, but are not limited to, payroll, fee payments, retail purchases (bookstore, cafeteria, etc.), and box office transactions.

4.1.3 Human resource transactions: Examples include, but are not limited to, hiring, discipline, termination, employee record changes, and absence report or timesheet processing.

4.1.4 Financial aid transactions: Examples include, but are not limited to, application, approval and disbursement for grants, loans, fee waivers, and scholarships.

4.1.5 Student services: Examples include, but are not limited to, counseling, CalWORKs, DSPS, EOP&S, and Child Development Centers.

5.0 Incompatible Activities

5.1 A District/College employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, contrary to, or inimical to his or her duties as a District/College employee. Prohibited activities include, but are not limited to, the following:

5.1.1 Using the prestige or influence of the District/College(s) for the employee's private gain or advantage or the private gain or advantage of another.

5.1.2 Using District/College(s) time, facilities, equipment, or supplies for the employee's private gain or advantage or the private gain or advantage of another.

5.1.3 Using, or having access to, confidential information available by virtue of District/College(s) employment for private gain or advantage or providing confidential information to persons to whom issuance of this information has not been authorized.
5.1.4  Receiving or accepting money or any other consideration for the performance of his or her duties as a District/College employee from anyone other than the District.

5.1.5  Performance of an act in other than his or her capacity as a District/College employee knowing that the act may later be subject, directly or indirectly, to the control, inspection, review audit or enforcement by the same employee.

5.1.6  Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the District/College(s) or whose activities are regulated or controlled by the District/College(s) under circumstances from which it reasonably could be substantiated that the gift was intended to influence the employee in his or her official duties or was intended as a reward for any official actions performed by the District/College employee.

5.1.7  Subject to any other laws, rules, or regulations as pertain thereto, not devoting his or her full time, attention, and efforts to the District/College(s) during his or her hours of duty as a District/College employee.

6.0  Student Loans [Higher Education Opportunity Act, Pub. Law No 110-315, section 493]

6.1  As it relates to student loans, the following prohibitions also apply to the District/College and its employees:

6.1.1  A District/College employee is prohibited from steering students to use one particular student loan lender over another or delaying the processing of a loan with one student loan lender over another lender. Students must select the student loan lender of their choice.

6.1.2  A District/College employee shall not make the offer of private student loans to a student contingent upon a specific number of Title IV loans being offered to a student loan lender.

6.1.3  A District/College employee shall not request or accept from any lender any assistance in calling students or working in the financial aid offices of the Colleges. Notwithstanding this prohibition, student loan lenders may provide professional development
training and educational counseling materials as long as the materials identify the lender that assisted in preparing the materials and student loan lenders may provide staffing services on a short-term, non-recurring basis during emergencies or disasters.

7.0 Exceptions

7.1 Employees shall make every effort to avoid conflicts of interest or perceived or potential conflicts of interest. In the event an employee believes they may have a conflict of interest, they shall discuss that matter with their immediate supervisor. As appropriate, the immediate supervisor shall inform the Vice Presidents of Administration for College employees or a Director of Accounting Services for District Office employees.

7.2 There are certain decisions, transactions or services that may benefit an employee or a member of the immediate family of the employee where employees are required to participate due to their position in the District or due to the resources available. In those instances, prior to participating in the decision or transaction or rendering the services, the employees shall disclose any interest they have that may be benefited from the decision, transaction or services in writing to the Vice President of Administrative Services for College employees or a Director of Accounting Services for District Office employees, and obtain their written approval. Additional controls, such as periodic review, shall be undertaken to prevent or detect irregularities.

7.3 The selection of educational materials by faculty in the context of a course they teach is not covered under this District Policy.