



CONFLICT OF INTEREST/NEPOTISM PROCEDURE

Board Bylaw:

Policy Number: 4.4000

Subject Area: Personnel

Approved Date: 08/27/2018

While it is impossible to list all circumstances that may give rise to a potential conflict of interest, the following procedures are designed to assist Kaskaskia College employees in identifying situations that present potential conflicts.

PERSONAL GAIN AND OUTSIDE EMPLOYMENT

During working hours, College employees, whether full or part-time, are to devote their full time and attention to the business affairs of the College. College employees may not use College resources (property, equipment, supplies, materials, facilities, students, or funds) or College time for personal gain. Personal gain provides a benefit or advantage that relates to a particular person rather than to the College. Employees may not obligate themselves for additional services inside or outside of the College if such obligations would interfere with fulfilling their primary responsibilities to the College or conflict with the mission, goals, or objectives of the College.

Employees are expected to evaluate their activities outside the College concerning professional and ethical propriety and the reputation of the College. Employees should consult with the Director of Human Resources as needed.

HIRING PRACTICES

Kaskaskia College is committed to hiring individuals solely on the basis of their qualifications and shall make every effort to hire the most qualified candidate. While the College is committed to hiring the most qualified candidates, immediate family members (mother, father, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, husband, wife, and children) of the President and the Vice Presidents may not be considered for employment at Kaskaskia College. In reference to other employees of the College, persons who are their immediate family, or who are cohabiting or living as a family unit, or have a guardian/dependent relationship, may not be employed by Kaskaskia College in a situation in which:

- A. One person would have the authority or practical power to supervise, appoint, remove, or discipline the work of another;
- B. One person would be responsible for auditing the work of the other person; or
- C. Other circumstances exist which would place the person in a situation of actual or reasonably foreseeable conflicts between their interests and the interests of the College, including collusion.

This policy does not affect student workers or individuals who are employed by the College prior to becoming family members.

Employees shall not influence the hiring of a full-time or part-time employee for personal gain.

An employee shall not participate in the making of a decision or take action with respect to any matter in which the employee has special interest, including the special interest of an immediate family member(s).

VENDOR CONTRACTS AND OTHER SPECIAL INTERESTS

An actual or potential conflict of interest exists when an employee is in a position to influence a decision or is conducting business on behalf of the College that might result in a personal gain for the employee or one of his or her relatives. For conflicts of interest, a relative is any person who is related to the employee by blood or marriage, or whose relationship with the employee is similar to being a relative even though they are not related by blood or marriage. Employees who are uncertain as to whether a conflict of interest exists should contact the Vice-President of Administrative Services.

The College does not automatically assume that there is a conflict of interest when an employee has a relationship with an outside company or organization that does business with the College. However, if the employee has the ability to influence transactions involving purchases, contracts, or leases from the company, the employee must inform the Vice-President of Administrative Services about the relationship once identified. By doing this, the College can establish safeguards to prevent a conflict of interest from occurring and protect those parties involved.

The possibility for personal gain is not limited to situations where an employee or relative has a significant business relationship with a firm that does business with the College. Personal gains can also result when the employee or relative receives, including but not limited to, a kickback, bribe, gift, or special consideration as a result of a transaction or business dealing involving the College.

INSIDE INFORMATION

Inside information is defined as information not known to the public that an employee has obtained by working inside of an organization.

The College prohibits the release or use of inside information relating to the College's business for the personal gain or advantage of the employee or his/her relatives. Advantage is defined as substantial likelihood the information would be viewed by a reasonable person as significantly altering the total mix of information available publicly about the College.

STUDENT ENROLLMENT AND SCHOLARSHIP AWARDS

In regard to selective admissions programs and scholarship awards, faculty and staff involved with these processes for students must excuse themselves from participating in any case where they have, or appear to have, a conflict of interest concerning the applicant.

FEDERAL OR STATE AWARD

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees, officers and agents of the College must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts (2 CFR 200.318).

Kaskaskia College will adhere to federal and state rules and regulations concerning awards and conflict of interest. In accordance with these statutes, Kaskaskia College will disclose in writing any potential conflict of interest to the pass-through entity in accordance with applicable awarding agency policy (2 CFR 200.112 and 30 ILCS 708/35).

PERCEIVED CONFLICT OF INTEREST

Employees should be sensitive to situations which could be perceived as potential or apparent conflicts between personal interests and the College's interest. These situations shall be discussed with the employee's vice-president to determine the proper course of action.

REPORTING

Suspected violations of this policy should be reported to the College administration through the employee's chain of command. If the suspected violation involves a member of the chain of command, the report should be made directly to the employee's vice-president or the Director of Human Resources. College legal counsel will be consulted and serves as the College Ethics Officer and will inform the Board of Trustees of reported violations. Individuals making the report may be informed of the progress of the review as appropriate. An employee may not be retaliated against for disclosing suspected ethical violations.

VIOLATION OF POLICY

Any employee who violates the provisions of this policy shall be subject to appropriate disciplinary sanctions up to and including discharge from employment. The provisions noted in this policy do not limit the authority of the Board of Trustees to take appropriate action or to adopt other or more stringent obligations and expectations. This policy does not repeal, amend or modify provisions of other applicable statutes, ordinances, regulations, or existing College policies. To the extent that any such existing policies are less restrictive than this policy, the provisions of this policy shall prevail.

PROHIBITED POLITICAL ACTIVITIES AND GIFT BAN POLICY

For information regarding the College's Prohibited Political Activities and Gift Ban Policy, see Policy #2.42. The penalties for violations of the College's Prohibited Political Activities and Gift Ban Policy #2.42 shall be in accordance with penalties set forth in 5 ILCS 430/50-5.

KASKASKIA COLLEGE FOUNDATION

The Kaskaskia College Foundation is a separate legal entity that is integral to College operations. The Foundation shall not be used as a conduit to circumvent the Conflict of Interest/Nepotism Policy and Procedure.

ACKNOWLEDGEMENT

New staff members will be advised of this policy upon employment and sign the below statement. Administrative staff members will annually indicate awareness of and compliance with this policy.

Approval History: Replaces Conflict of Interest/Nepotism Policy 2.40 approved 8/27/2018