

SECTION: 3.0 PERSONNEL

SUBJECT: ETHICAL CONDUCT

Title: Conflict of Interest / Ethical Conduct

Background: This policy provides guidelines for employees' conduct in areas where there are actual or potential ethical concerns between their public duties and their private interests. The State Board of Education policy on Conflict of Interest and Ethical Conduct can be located at <https://boardofed.idaho.gov/board-policies-rules/board-policies/human-resources-policies-section-ii/conflict-of-interest-and-ethical-conduct-all-employees-ii-q/>

Point of Contact: Human Resource Services (HRS)

Other LCSC offices directly involved with the implementation of this policy, or significantly affected by the policy: Controller, President, Provost, Vice President for Finance & Administration, and Vice President for Student Affairs

Date of approval by LCSC authority: August 21, 2023

Date of State Board Approval: N/A

Date of Most Recent Review: August 21, 2023

Summary of Major Changes incorporated in this revision to the policy: Updates to policy include guidelines for assessing potential conflicts of interest and procedures for investigating conflicts of interest concerns. Established conflict management plan template. Established procedures for reviewing and investigating conflict of interest issues/concerns.

1. General Purpose

Employees of Lewis-Clark State College (LC State) are expected to conduct themselves in such a way as to strengthen the faith and confidence of the people of Idaho in the integrity of state government and state employees. It shall be a paramount concern of LC State employees that they engage in no conduct which might reasonably be interpreted as tending to influence or adversely affect the performance of their official duties. This policy provides guidelines for employees' conduct in areas where there are actual or potential ethical concerns between their public duties and their private interests. Unless the context indicates otherwise, "state employee(s)" shall have the broadest meaning possible within the Executive Department of Idaho State government consistent with Idaho law, and "person" shall include an association, corporation, or governmental entity.

2. General Principles of Ethical Conduct

- A. Conflicts of interest are situations that can arise under many different circumstances. This policy does not attempt to provide an exhaustive list of every possible situation but provides requirements for LC State employees to avoid, minimize, and manage a real or potential Conflict of Interest. Employees who feel there may be a conflict or appear to be a conflict in a given situation should report the real or potential conflict to review the situation and develop a plan if necessary.
- B. All employees of LC State:
 - i. shall not hold financial interest that conflict with the conscientious performance of their official duties and responsibilities.
 - ii. shall not engage in any financial transaction to further any private interest using nonpublic information of the State Board of Education or LC State.
 - iii. shall put forth honest effort in the performance of their duties.

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- iv. shall make no commitments, representations, promises, or political or social statements, and shall take no actions, purporting to bind or to represent the official policy or position of LC State, without the prior express authorization of the president of LC State or the president's authorized designee.
- v. shall not use their public office for private gain.
- vi. shall act impartially and not give preferential treatment to any private or public organization or individual other than what is outlined in Code of Federal Regulations (CFR; e.g., [CFR 200.321](#)).
- vii. shall protect and conserve public property and shall not use it for other than authorized activities.
- viii. shall not engage in outside employment or activities that conflict with official duties and responsibilities, including seeking or negotiating for employment.
- ix. shall promptly report potential or apparent violation, waste, fraud, abuse, or corruption in accordance with applicable law, policy, and conflicts of interest. Such instances should be reported on the Conflict of Interest and Personal Relationship Disclosure Form and sent to the Compliance Officer, who also serves as the Vice President for Student Affairs. Confidential reports can be made using the Confidential Report Line located at: [LC State Lighthouse Services Online Reporting Form](#) Confidential reports will be forwarded to the applicable department for follow-up.
- x. shall endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of LC State.
- xi. shall avoid conflicts of interest, potential conflicts of interest and circumstances giving rise to the appearance of a conflict of interest.

3. Conflict of Interest

A conflict of interest occurs when a person's private interests compete with his or her professional obligation to the college to the degree that an independent observer might reasonably question whether the person's professional actions or decisions are materially affected by personal considerations, including, but not limited to, personal gain, financial or otherwise.

4. Disclosure Requirements

A. Annual Reporting

All faculty and staff must complete the annual Conflict of Interest and Personal Relationship Disclosure Form by October 1, whether or not the employee has any situation that presents an actual or potential conflict to disclose. Human Resource Services will review and forward any form indicating an actual or apparent conflict of interest within five business days to the employee's immediate supervisor and to the compliance officer for their review. The signed form will be kept electronically in employees' personnel files.

B. Reporting Conflicts as They Occur

- i. Employees must disclose on an ad hoc basis current or prospective situations that may raise questions of Conflict of Interest. In the event that a person subject to this policy is called upon to consider a transaction involving LC State and a person, entity, party, or organization with which the person is affiliated, as defined below, that person shall 1) disclose fully within thirty days the precise nature of the interest or involvement in the transaction and/or the organization, and 2) refrain from participating in the college's consideration of the transaction.

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- ii. Each person subject to this policy shall disclose all relationships and business affiliations that reasonably could give rise to a conflict of interest because of the employee's duties and responsibilities. This disclosure obligation is ongoing, and each employee has a duty to supplement or amend the employee's annual disclosure as necessary.
 - a) For the purposes of this policy, an employee is "affiliated" with an organization if the person, a member of the person's immediate family (i.e., spouse, parents, children, siblings, or the same relationship by marriage), or a person residing in the employee's residence or a legal dependent of the employee: 1) is an officer, director, trustee, partner, employee, or agent of the organization, 2) is either the actual owner or beneficial owner of more than one percent (1%) of the controlling interest in the organization, 3) has any other direct or indirect dealings with the organization from which the employee is materially benefited. It shall be presumed that an employee is "materially benefited" if he or she receives, either directly or indirectly, money, services, or other property in excess of one thousand dollars (\$1,000) in any calendar year.
 - b) All ad hoc disclosures during the year must be submitted on the Conflict of Interest and Personal Relationship Disclosure Form and sent to Human Resource Services within thirty (30) days of becoming known to the employee. HRS will forward the form to the employee's immediate supervisor and to the Compliance Officer within five (5) business days of receipt.
 - c) If determined necessary by the compliance officer, disclosures may be vetted with the compliance committee for final disposition.

C. Review Process

The compliance officer will review the disclosures, evaluate the nature and extent of potential conflicts, and, if necessary, pass those disclosures on to the compliance committee for further review and discussion as outlined in the following section.

Compliance Committee

- i. The compliance committee may include but is not limited to representatives from Information Technology, Athletics, Student Affairs, Human Resource Services, Administrative Services, and Public Safety.
- ii. The committee shall determine the appropriate resolution of a Conflict of Interest if deemed necessary by the compliance officer. Resolution of a conflict may include, but is not limited to:
 - a) determination that no conflict exists, in which the employee will be informed by the compliance officer that the matter is closed;
 - b) determination that a conflict may exist, in which case the compliance officer will work with the committee, the employee, and their immediate supervisor, (and any other appropriate administrators) on a plan to eliminate or manage the conflict ("Management Plan"). The committee shall have final approval authority of all management plans.
- iii. A Management Plan may include a range of actions. It must be signed by the employee, the employee's supervisor, the compliance officer, and the appropriate vice president.

All management plans will be reviewed and approved by the committee. The employee has the right to appear before the committee, and/or to provide additional information. The committee may request additional information from the employee and others to aid in making its findings and recommendations.

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iv. Appeals

- a) An employee may appeal the decision of the committee to the provost and VP for Academic Affairs. All appeals shall be in writing and shall set forth pertinent facts. If the conflict involves an employee other than a faculty member, the provost and VP for Academic Affairs shall consult with the VP for Finance and Administration.
- b) The decision of the provost and vice president for Academic Affairs may be appealed to the president of the college. The decision of the president shall be the final decision of the college.

5. Outside Employment

The maintenance of a high standard of honesty, impartiality, and conduct by LC State employees is essential to ensure the proper performance of the college and to strengthen the faith and confidence of the people of the State of Idaho in the integrity of our faculty and staff. The college recognizes that employees may engage in outside employment of a professional nature, directly related to the professional or other competencies of the employee. However, no employee may undertake outside employment that interferes with the employee's assigned duties to the college. In all outside employment, the outside employer must be informed that the employee is acting in a private capacity and that the college is not liable or responsible for the employee's performance. All employees must notify their immediate supervisor of outside employment. All faculty and professional staff must include outside employment on the Conflict of Interest and Personal Relationship Form.

6. Political Activities

Employees retain all of their individual and political rights of citizenship. However, employees may not exercise those political rights in the name of LC State, or through the use of college facilities, or through the use of forms or other official stationery of any kind, or in any way that might involve LC State in partisan political activity or controversy.

- A. LC State will not prevent, threaten, harass, or discriminate against any employee should that employee choose to run for public office.
- B. Employees are permitted to campaign freely in a manner that does not violate Board Policies <https://boardofed.idaho.gov/board-policies-rules/board-policies/human-resources-policies-section-ii/> or applicable provisions of the Idaho Code.
- C. Employees may choose to request leave and either use their accrued vacation or take leave without pay in order to campaign for elective office or to serve in an elective office.

7. Loyalty Oaths

No loyalty oath shall be required of any LC State employee.