

# Davis Applied Technology College: A Utah College of Applied Technology Campus Conflicts of Interest Policy

**Effective Date: 28 August 2003**

CDMT Approval: 12 August 2003

Campus President's Council Approval: 19 August 2003

Board Approval: 28 August 2003

## 1. Purpose

To outline Davis Applied Technology College: A Utah College of Applied Technology Campus (College Campus) policies and procedures relating to conflicts of interest and thereby provide assistance to College Campus personnel in assuring compliance with the Utah Public Officers' and Employees' Ethics Act.

## 2. References

**2.1** Utah Code [Title 67, Chapter 16](#) (Utah Public Officers' and Employees' Ethics Act)

**2.2** Davis Applied Technology College Employee Obligations Policy

## 3. Definitions

**3.1. Assist.** Assist means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to so assist such person or business entity.

**3.2. Business Entity.** Business Entity means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on commercial business activities for profit-making purposes.

**3.3. Compensation.** Compensation means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.

**3.4. Substantial Interest.** Substantial interest means (1) the ownership, either legally or equitably, by an individual, his/her spouse, or his/her minor children, of at least ten percent of the outstanding capital stock of a corporation or a ten percent interest in any other business entity; or (2) the holding of a position in a business entity as an officer, director, or employee.

**3.5. Transaction.** Transaction means a formal or informal contract or agreement, express or implied, to which the College Campus is a party, that involves any transfer of consideration or payment of compensation.

## 4. Policy

**4.1. Ethics Act** - It is the policy of the College Campus to comply fully with all applicable provisions of the [Utah Public Officers' and Employees' Ethics Act](#). The statements of detailed policies and procedures set forth herein are intended to provide notice to the College Campus employees of the requirements of that Act, and to indicate guidelines for avoiding conflicts there under.

**4.1.1.** The purpose of the [Utah Public Officers' and Employees' Ethics Act](#), and of the regulations and guidelines set forth herein, is to promote the public interest and strengthen public confidence in the integrity of the College Campus by establishing standards of conduct for College Campus personnel in areas where there are actual or potential conflicts of interest between their duties to the College Campus and their private interests. Neither the Ethics Act nor these regulations are intended to deny to College Campus personnel the

opportunities available to all citizens to acquire private economic or other interests as long as this does not interfere with the full and faithful discharge of public duties.

**4.1.2.** The College Campus recognizes that the dividing lines between the College Campus obligations and the private interests of a College Campus officer or employee are not clearly defined. Therefore, while this policy statement provides the general guidelines College Campus personnel should use to determine their own conduct, the College Campus must rely primarily on each officer or employee's sense of integrity and interest in the College Campus and the approvals of his/her immediate superior to implement this policy and thus eliminate any conflicts of interest which might arise.

**4.2. Prohibited Conflicts.** The following are prohibited conflicts of interest:

**4.2.1.** A College Campus officer or employee is forbidden to participate in his/her official capacity with respect to any transaction between the College Campus and a business entity in which the officer or employee has a substantial interest.

**4.2.2.** A College Campus officer or employee is forbidden to receive compensation (in addition to regularly budgeted salary or wages for services to the College Campus) as a result of, or in connection with, any transaction between the College Campus and a business entity in which the officer or employee has a substantial interest.

**4.2.3.** A College Campus officer or employee is forbidden to accept employment or engage in any business or professional activity which he/she might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of the officer or employee's College Campus position.

**4.2.4.** A College Campus officer or employee is forbidden to disclose confidential information acquired by reason of his/her College Campus position, or to use such information for his/her or another's gain or benefit.

**4.2.5.** A College Campus officer or employee is forbidden to accept other employment which he/she might reasonably expect would impair his/her independence of judgment in the performance of College Campus duties and responsibilities.

**4.2.5.1.** All personnel of the College Campus holding full-time positions shall give full service to the work of the College Campus during scheduled work periods. Any non-College Campus employment must not interfere with the discharge of the person's full-time service obligation to the College Campus.

**4.2.6.** A College Campus officer or employee is forbidden knowingly to receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for him/herself or another/ if it tends to influence the discharge of his/her College Campus duties or responsibilities, or if the officer or employee has recently been, now is, or in the near future may be involved in any College Campus action or decision directly affecting the donor or lender.

**4.2.7.** A College Campus officer or employee is forbidden to have personal investments in any business entity which will create a substantial conflict between his/her private interests and College Campus duties.

## **5. Procedures**

### **5.1. Disclosure Requirements**

**5.1.1.** A College Campus officer or employee who agrees to receive compensation for assisting any person or business entity in any transaction involving the College Campus or any state agency is required to file a sworn disclosure statement, which is a matter of public record, in accordance with Utah Code [§67-16-6](#). Information and assistance in complying with this requirement may be obtained from the Human Resource Director.

**5.1.2.** A College Campus officer or employee who holds a substantial interest, the value of which exceeds \$2,000 (exclusive of life insurance policies and annuities), in any business entity which is subject to state regulation may be required to file an annual disclosure statement with the secretary of state pursuant to Utah Code [§67-16-7](#). Information and assistance in complying with this requirement may be obtained from the Human Resource Director.

**5.1.3.** It is the duty of every College Campus officer or employee to disclose to his/her immediate superior, and to the Campus Vice President of Finance, the existence of a substantial interest which he/she has in any business entity which the officer or employee knows, or has reason to believe, may submit a bid or sealed proposal for, or otherwise seek to enter into, a transaction with the College Campus.

**5.2. Sanctions.** An officer or employee of the College Campus who knowingly and intentionally violates the provisions of the [Utah Officers' and Employees' Ethics Act](#), or of this Policy and Procedure, may be subject to appropriate disciplinary action, including possible dismissal from College Campus employment. See Utah Code [§67-16-12](#) and [§67-16-14](#).