

### 3. Code of Ethics and Conflicts of Interest

#### 3.1. Code of Ethics. Each person employed by the Board:

- 3.1.1. Shall serve the public with respect, concern, courtesy, and responsiveness;
- 3.1.2. Shall demonstrate the highest standards of personal integrity, truthfulness, and honesty and shall through personal conduct inspire public confidence and trust in the College;
- 3.1.3. Shall recognize that personal gains from public service are limited to respect, recognition, salary, and normal employee benefits;
- 3.1.4. Shall not use public service to bestow any preferential benefit on anyone related to the public official by family, business or social relationship;
- 3.1.5. Shall not disclose or use or allow others to disclose or use confidential information acquired by virtue of their position or employment, whether for private gain or otherwise;
- 3.1.6. Shall not accept any fee, compensation, gift, payment of expense, or any other thing of monetary value, under circumstances in which the acceptance may result in:
  - 3.1.6.1. An undertaking to give preferential treatment to any person; or
  - 3.1.6.2. Any loss of complete independence or impartiality or the making of a governmental decision outside official channels;
- 3.1.7. In the case of an employee, shall not engage in outside employment unless the outside employment is disclosed to the President of the College or the employee's immediate supervisor and the outside employment does not interfere with the performance of College duties;
- 3.1.8. Shall not knowingly engage in any activity or business which creates a conflict of interest or has an adverse affect on the confidence of the public in the integrity of government;
- 3.1.9. Shall not use or permit the use of state time, property, equipment or supplies for private gain;
- 3.1.10. Shall comply with all applicable state and federal laws and regulations and all policies and regulations of the Board and the College;
- 3.1.11. Shall carry out all duties as a public servant by exposing corruption in government wherever discovered; and

- 3.1.12. Shall support equal access and educational and employment opportunities for all persons and comply with the Board's Equal Opportunity and Affirmative Action Policy and shall not discriminate against any person on the basis of his or her race, color, national origin, gender, age, disability, religion, sexual orientation, political beliefs, or veteran status; and
- 3.1.13. Shall comply at all times with the Standards of Conduct set forth in Title 24, Article 18, of the Colorado Revised Statutes, and the provisions of Article XXIX (Amendment 41) of the Colorado Constitution.

### 3.2. Conflicts of Interest

- 3.2.1. Definition of Terms. As used in this policy, the following terms, unless otherwise specified, mean:
  - 3.2.1.1. "Board Designated Officers" means the Chairperson, Vice Chairperson, Secretary, Treasurer and any deputies designated by the Board.
  - 3.2.1.2. "Board" means the Board of Trustees for Fort Lewis College.
  - 3.2.1.3. "College Officers" means the College President, vice presidents, and persons with similar titles or responsibilities.
  - 3.2.1.4. "Administrative Staff" means professional and administrative personnel, other than Teaching Faculty with administrative duties, subject to types of appointments that are primarily associated with higher education institutions or their administrations. Persons whose duties include both academic and administrative responsibilities shall be considered "Administrative Staff" to the extent of their administrative appointment.
  - 3.2.1.5. "Teaching Faculty" means all persons whose duties are primarily academic in nature, including teaching, research or public service. Persons whose duties include both academic and administrative responsibilities, shall be considered "Teaching Faculty" hereunder to the extent of their academic appointment.
  - 3.2.1.6. "Contracting Personnel" means any individual (including State classified personnel) who engages in policy making, negotiating, reviewing, approving and/or signing contracts for the purchase of goods or services on behalf of the Board or College.
  - 3.2.1.7. "Immediate Family" means spouse, life partners, and dependents for tax purposes.

- 3.2.1.8. "Affiliation" means that a person covered by the conflict of interest policy is deemed to be affiliated with a nongovernmental organization if he/she or a member of his/her immediate family:
- 3.2.1.8.1. Is an officer, director, trustee, partner, agent, or employee of such non-governmental organization;
  - 3.2.1.8.2. Is either the actual or beneficial owner of more than 5% of the stock or controlling interest of such non-governmental organization; or
  - 3.2.1.8.3. Has any other direct or indirect dealings with such non-governmental organizations from which he/she knowingly is materially benefited. For purposes of this subparagraph, it shall be presumed that a person is "materially benefited" if he/she receives, directly or indirectly, cash or other property (exclusive of dividends and interest) in excess of \$10,000.00 in any year in the aggregate in connection with such affiliation.
- 3.2.2. Declaration of Policy. The Board hereby finds and declares that public employment and appointment is a public trust, and any effort to realize personal gain through official conduct other than as compensation set through established processes, disclosure of confidential information, or the advancement of interests that compete, are adverse to, or appear to be in conflict with the interests of the Board and the College, is a violation of that trust. All decisions of the Board, the Board Designated Officers, the College Officers and the College must be made solely on the basis of a desire to promote the best interests of the Board and the College.
- 3.2.3. Definition of Conflict of Interest. A conflict of interest exists when a Board member or employee has or represents interests that may compete with or be adverse to those of the Board and the College. A conflict of interest exists not only when there is any benefit, direct or indirect, received by an individual or those with whom such person has an "Affiliation" in connection with the official actions of the Board and the College, but also when the Board or College interests are, or could be, adversely affected by a conflict of interest or perception or appearance of a conflict. Although members of the Board may have allegiances to and associations with the College and/or community, as well as other outside interests, their paramount fiduciary obligation is to serve the best interests of the Board and the College.

3.2.4. Disclosure of Conflicts of Interest.

3.2.4.1. By August 31<sup>st</sup> of each year, the following individuals shall file a disclosure statement with the Secretary of the Board indicating all their Affiliations that reasonably could give rise to an actual or apparent conflict of interest:

3.2.4.1.1. Board members;

3.2.4.1.2. Board Designated Officers;

3.2.4.1.3. College Officers and Contracting Personnel; and

3.2.4.1.4. Such other Administrative Staff and Teaching Faculty as the Secretary and/or the College President shall designate who, because of their respective duties and responsibilities, should provide a continuing and/or annual disclosure of such outside relationships and/or business Affiliations to the Board.

3.2.4.2. Members of the Board shall immediately notify the Secretary of any material change in the information submitted in their annual disclosure statement.

3.2.4.3. In the event that the Board or Board Designated Officers shall be called upon to consider a transaction involving the Board or the College and a possible conflict of interest exists for an individual to whom this policy applies, such individual, before being involved in any vote or discussion of such transaction should:

3.2.4.3.1. Fully disclose the nature of his or her interest or involvement in such transaction to the Board; and

3.2.4.3.2. Refrain from participation in the Board's consideration of the proposed transaction if it is determined by the disinterested members of the Board, with advice of counsel if necessary, that a conflict of interest exists.

3.2.4.4. Nothing hereunder shall be deemed to prohibit members of the Board from engaging in business transactions with the Board or College, so long as the required disclosures are made and such member refrains from participating in the consideration of any decision regarding any such transaction. Such disclosure and abstention shall be noted by the member in open session of any meeting of the Board and duly reflected in the minutes of the Board.

3.2.4.5. It is recommended that individuals, including members of the Board and officers and employees of the College, follow the voluntary procedures set forth in § 24-18-110, C.R.S., for making prior

disclosure to the Secretary of State of actions proposed by them that may result in conflicts of interest. Such disclosures must include the amount of the person's financial interest, if any, the purpose and duration of services to be rendered, if any, the compensation to be received for such services, and any other information necessary to describe the interest. This statute requires that those making such disclosures must also summarize "for the record" the nature of the interest involved at the time of taking any such action. Although these procedures are voluntary, the statute provides that persons having a conflicting interest who follows them shall have an affirmative defense to any civil or criminal action or other sanction that might otherwise apply.