

**Employees are subject to the conflict of interest provisions of Arizona law. No employee shall directly or indirectly receive any compensation or remuneration, or derive any profit or gain, by reason of his/her employment or by reason of his/her services to the college district (ARS 38-501 et seq).**

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The board, officers, and employees of Mohave Community College have the responsibility to uphold the public trust, protect and advance the College's integrity, administer the affairs of the College honestly and prudently, and exercise their best care, skill, and judgment for the sole benefit of the College. The interests of the organization must be the first priority in all decisions and actions. The purpose of this policy and procedure is to ensure that employees identify and disclose potential Conflicts of Interest, and conduct themselves in a manner that will not compromise the integrity of the College.

#### Definition of Conflict

An actual conflict of interest occurs when financial or personal considerations compromise an individual's objectivity, professional judgment, professional integrity and/or ability to perform his/her responsibilities for the College. A perceived or potential conflict of interest can occur when, although there is no actual conflict of interest, the circumstances are such that a reasonable person might question whether a decision maker is biased in carrying out his/her professional responsibilities for the College. Actual or potential conflict of interest may arise in the following situations:

- An employee or his/her family members has an ownership interest in an entity which supplies goods and services to the College.
- An employee or his/her family member has an ownership interest in an entity from which the College leases property and equipment.
- An employee or his/her family member has an ownership interest in an entity with whom the College is dealing or planning to deal in connection with the gift, purchase or sale of real estate, securities, or other property.
- An employee or his/her family member holds office, serves on the board, participates in management, or is otherwise employed (or formerly employed) with any third party dealing with the College.
- An employee or his/her family member has an ownership interest in any agency, organization, or association which affects the operations of the College
- An employee receives personal gifts, gratuities or loans from any past, present or potential supplier of goods or services to the College.
- An employee receives a significant salary or other compensation from an entity/individual with which the College does business
- An employee has a relationship or receives a significant salary or other compensation from a competing or affinity organization.
- An employee has the potential for family members to enroll in course(s) he/she teaches, or who, in the roll of student, are under the employee's scope of control.

Conflicts might arise in other areas or through other relations. It is assumed that the officers, directors, and employees will recognize such areas and relation by analogy.

**5.117**

**Employee Conflict of Interest**

**5.117**

*Date of Adoption: Adoption of Manual: July 2008*

*References: ARS 38-501 et seq.*

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Outside Employment

Mohave Community College recognizes that certain outside employment activities are of benefit to the college and to the private sector, as well as to individual employees. Although the right of employees to engage in outside employment is recognized, full-time college employees must understand that their first employment responsibility is to the college and the assignments for which they have been contracted. Outside employment may represent an actual or potential conflict of interest when an employee accepts outside employment with an organization that directly competes with Mohave Community College or outside employment negatively affects the employees ability to be successful in his/her college assignments.

All full-time employees of Mohave Community College, including faculty, administration, professional and support positions, are required to annually disclose outside employment, using the approved disclosure process. The employee will not be permitted to use any college staff, equipment, supplies or facilities to promote or assist in his/her outside assignment. The college employee may not use the college name, logo, telephone number, or address on any material such as letterheads, business cards, or brochures in the promotion of his/her outside business or employment.

Should outside employment occur during the course of the fiscal year, employment must be reported using the appropriate form within 5 business days of the acceptance of employment.

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Disclosure

Any employee or Governing Board member who has, or whose spouse, domestic partner, or business associate has such an actual or potential Conflict of Interest will make known that interest by annually completing the appropriate form before any transaction is consummated. Employee forms shall be kept in Human Resources and Governing Board member forms shall be kept in a special file maintained in the college contracts office which shall be open to the public. Should a conflict occur during the course of the fiscal year, the actual or perceived conflict of interest must be reported using the appropriate form within five (5) business days of the understanding of the conflict.

It is the continuing responsibility of the board, officers, and employees to scrutinize their transactions, business interests and relationships for potential conflict. Potential conflicts should be disclosed as such conflicts arise and annually thereafter.

Disclosure forms will be submitted to the Chief Human Resources Officer (or if he/she is the one with the conflict, then to the President), who shall bring the matter to the attention of the Board. The Board shall determine whether a conflict exists and in the case of an existing conflict, whether the contemplated transaction may be authorized as just, fair, and reasonable to the College. The decision of the Board on these matters will rest in their sole discretion, and their concern must be the welfare of the College and the advancement of its purpose.

It shall be the continuing responsibility of the board, officers, and employees to scrutinize their transactions and outside business interests and relationships for potential conflicts. Potential conflicts should be disclosed as such conflicts arise and annually thereafter. Transactions with parties with whom a conflicting interest exists may be undertaken only if all of the following are observed:

1. The conflicting interest is fully disclosed;
2. The person with the conflict of interest is excluded from the discussion and approval of such transaction;
3. A competitive bid; and
4. The Board has determined that the transaction is in the best interest of the College.
5. Failure to disclose potential conflicts of interest will result in disciplinary action.

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*References: 38-501 et seq.*