

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LOCAL)

Note: For conflicts of interest and gifts and gratuities related to federal grants and awards, see CAA and CAAB.

Conflict of Interest

Disclosure General
Standard

An employee shall disclose to his or her immediate supervisor any personal, professional, commercial, financial interest or any other obligation or relationship that could reasonably be expected to directly or significantly affect the employee's performance of his or her assigned duties and employment responsibilities or create a substantial conflict between the interest of the employee and the best interest of the College District.

Annually, Board members, the Chancellor, college presidents, employees who report directly to the Chancellor, and any other employee engaged in the preparation of specifications, evaluation, recommendation, execution, or administration of any purchase or contract for the purchase of goods or services by the College District (other than employment contracts) shall certify in writing, on a form that meets the requirements of the General Counsel for the College District, that neither he or she, nor any of his or her relatives in the first degree of consanguinity or affinity, has a substantial interest in any business entity that is a party to or receives direct financial benefit from a College District purchase or contract. The Chancellor shall promulgate rules to provide for such certification.

Specific Disclosures

*Substantial
Interest*

The Chancellor shall file an affidavit with the Board Chairperson disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Chancellor or any of his or her relatives in the first degree may have.

Any college president, any employee who reports directly to the Chancellor, and any other employee who is in a position to affect a financial decision involving any business entity or real property in which the qualifying employee, including his or her relatives in the first degree of consanguinity or affinity, has a substantial interest as defined by Local Government Code 171.002 shall file an affidavit with the Chancellor.

*Interest in
Property*

The Chancellor, any college president, any employee who reports directly to the Chancellor, or any other employee who is in a position to affect a financial decision involving the acquisition of property by the College District shall be required to file an affidavit disclosing his or her interest in the property in accordance with Government Code 553.002.

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*Conflicts
Disclosure
Statement*

No employee other than the Chancellor shall be required to file the conflicts disclosure statement, as promulgated by the Texas Ethics Commission and as specified by Local Government Code 176.003-.004.

[See BBFA]

External Activities

The College District allows and encourages College District employees to engage in external activities as long as the activity does not violate the law or College District policies governing the conduct of College District employees, including ethics standards and provisions relating to conflicts of interest, conflicts of commitment or use of state resources. External activities must not, however, conflict, reduce, or interfere with the proper discharge of the employee's duties or the employee's ability to meet his or her employment responsibilities.

Conflict of
Commitment

A conflict of commitment exists when the external activities of a College District employee have the potential (either in actuality or appearance) to interfere or compete with the employee's employment responsibilities; when the employee uses College District property in connection with the employee's external activity; or when an employee undertakes, on behalf of another organization, activities that would ordinarily be performed on behalf of the College District.

For purposes of this policy, employment responsibilities are those activities in the course and scope of an employee's performance as a College District employee and related to the employee's professional expertise, such as teaching, administrative duties, service on College District committees, and any duties or responsibilities outlined in the employee's job description or employment agreement, irrespective of when and where the activities occur.

Conflicts of commitment may arise regardless of the location of the activity (on or off campus, online), the type of external entity (individual, for-profit, not-for-profit, or government), or the level of compensation (compensated or uncompensated). Examples of conflicts of commitments include:

1. An external activity that substantially reduces the time available for the employee to fulfill his or her employment responsibilities;
2. Teaching for another educational institution; or
3. Undertaking activities that compete, or have the potential to compete, with the College District in areas that are within the mission and purpose of the College District.

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	<p>The Chancellor shall promulgate procedures for the evaluation of potential or actual conflicts of commitment and an appeal process that may be available from an adverse determination.</p>
Full-time Employees	<p>Full-time employees owe their primary professional commitment to the College District. Accordingly, full-time College District faculty, staff and administrators shall not be engaged in full-time employment or assignment at another educational institution while employed full-time by the College District.</p>
Disclosure	<p>An employee shall promptly disclose all actual or potential conflicts of commitment to the employee's supervisor (or a designee) as potential conflicts are identified. An employee must also provide additional relevant information concerning all actual or potential conflicts of commitment as may be requested by a supervising authority and/or deemed necessary for the purpose of evaluating the actual or potential conflict.</p> <p>When in doubt as to whether an external activity warrants disclosure, employees are encouraged to resolve such doubt on the side of disclosure.</p> <p>Disclosure requirements shall apply to all full-time and part-time employees.</p>
Prior Approval Required	<p>Except as otherwise provided below, approval from the proper authority is required prior to engaging in any compensated or uncompensated external activity, including employment, that reasonably appears to, or that an employee reasonably expects will create or reasonably have the appearance of creating a conflict of commitment. Approval requirements shall apply to all full-time staff, faculty, and administrators.</p> <p>The review and approval of requests to engage in external activities shall be managed in accordance with established College District procedures.</p> <p>Certain leave options may permit external activities that otherwise might constitute conflicts of commitment. [See DEC(REGULATION)]</p>
No Prior Approval Required	<p>Certain external activities enhance the mission of the College District and provide College District employees opportunities for professional development related to the discharge of their duties. Such activities are encouraged by the College District and are considered "pre-approved," such that prior approval by the College District is not required to engage in the activity. The following external activities are encouraged by the College District:</p>

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1. Service on a local, state, or federal government agency committee, panel, or commission;
2. Acting in an editorial capacity for a professional or scholarly journal;
3. Attending/presenting at conferences on matters related to the employee's College District responsibilities; and
4. Membership in a professional or industry association.

Rescission

Irrespective of whether prior approval by the College District is required, an employee may be asked to cease participation in an external activity at any time pending receipt of information indicating that the external activity is inconsistent with College District policy, applicable law, or that it conflicts, reduces, or interferes with the proper discharge of the employee's duties or the employee's ability to meet his or her employment responsibilities. Notice of such a request or rescission of approval shall be provided to the employee in writing.

Retroactive Approval

An external activity may be approved retroactively when the employee is called upon to engage in an external activity for which prior approval would be impossible or unreasonable to obtain, i.e., an emergency or urgent situation. In such cases, the activity must be disclosed to and approval sought from the proper authority as soon as reasonably possible.

Use of College District Resources

Except as authorized by the appropriate College District authority, employees may make only incidental use of College District resources for purposes unrelated to the discharge of their duties or the mission of the College District. For purposes of this policy, "incidental use" shall be as defined in CR(LOCAL).

Gifts

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA, CAAB, and CDE]

Endorsements

An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the employee during nonschool hours, unless the product, material, or service is recommended, endorsed, or required for a course the employee teaches and is reasonably related to the subject matter of the course and the course syllabus.

No employee shall require students to purchase a specific brand of supplies if other brands are equal and suitable for the intended instructional purpose.

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Sales

An employee shall not use his or her position with the College District to attempt to sell products or services, unless the product or service is recommended, endorsed, or required for a course the employee teaches and is reasonably related to the subject matter of the course and the course syllabus.

**Instructional
Materials**

The Chancellor shall establish procedures governing the required purchase by students of instructional materials (including textbooks, study guides, syllabi, and supplies) either from College District employees or in a manner by which a College District employee may receive direct financial benefit.

Violations

A College District employee who violates this policy may be subject to disciplinary action, up to and including termination of employment, in accordance with applicable College District policies and procedures.