

SECTION 3, COMPREHENSIVE STANDARD 3.2.3

The board has a policy addressing conflict of interest for its members.

JUDGMENT OF COMPLIANCE

Compliant

Partially Compliant

Noncompliant

RATIONALE FOR JUDGMENT OF COMPLIANCE

The *Board of Regents Policy Manual* addresses conflict of interest in several places. These include Section 802.03 [1], which speaks to the employment of relatives. It states:

- A. The basic criteria for the appointment and promotion of employees in the University System shall be appropriate qualifications and performance as set forth in the policies of the Board of Regents. Relationship by a family or marriage shall constitute neither an advantage nor a disadvantage.
- B. No individual shall be employed in a department or unit which will result in the existence of a subordinate-superior relationship between such individual and any relative of such individual through any line of authority. As used herein, "line of authority" shall mean authority extending vertically through one or more organizational levels of supervision or management (*BOR Minutes*, 1989-90, p. 250). This standard does not apply to the temporary or part-time employment of children under age 25, nor to any individual employed as of February 14, 1990, at any institution where a relative of such individual then holds a superior position at least one level of supervision removed from such individual in any line of authority. Exceptions may be approved by the Board of Regents upon recommendation of the Chancellor as being clearly in the best interest of the institution and the University System.
- C. For the purpose of this policy, relatives are defined as husbands and wives, parents and children, brothers, sisters, and any in-laws of any of the foregoing (*BOR Minutes*, February 14, 1973, p. 312).

Section 802.14 [2] speaks to gratuities and states:

An employee of the Board of Regents shall not directly or indirectly solicit, receive, accept, or agree to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence his/her performance or failure to perform any official action. The acceptance of a benefit, reward or consideration where the purpose of the gift is to influence an employee in the performance of his/her official functions is a felony under O.C.G.A. § 16-10-2.

An employee of the University System of Georgia or any other person on his/her behalf, is prohibited from knowingly accepting, directly or indirectly, a gift from any vendor or lobbyist as those terms are defined in Georgia statutes (O.C.G.A. 21-5-70(6) and 45-1-6(a)(5)b). If a gift has been accepted, it must be either returned to the donor or transferred to a charitable organization. A gift may be accepted by the employee on behalf of the institution subject to reporting requirements of the Board of Regents. If the gift is accepted, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

For purposes of this policy a gift is defined as lodging, transportation, personal services, a gratuity, subscription, membership, trip, loan, extension of credit, forgiveness of debt, advance or deposit of money, or anything of value.

Policy 802.14B [3] addresses conflict of interest in general terms and states:

An employee shall make every reasonable effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person will conclude from the circumstances that the employee's ability to protect the public interest, or perform public duties, are compromised by personal interest. An appearance of conflict can exist even in the absence of a legal conflict of interest. Employees are referred to State Conflict of Interest Statutes O.C.G.A. §45-10-20 through §45-10-70 and Board of Regents Policies 802.16 through 802.1603 and institutional policies governing professional and outside activities.

Policy 802.14C [4] addresses "Other Rules of Conduct" and states:

Every employee shall make a due and diligent effort to determine whether he/she has a conflict of interest or appearance of conflict before taking any action.

Every employee shall continually monitor, evaluate, and manage

his/her personal financial and professional affairs to ensure the absence of conflicts of interest and appearance of conflicts.

Policy 802.14D [5] relates to the consequences of violating conflict of interest policy and states: "A violation of this policy may subject an employee to disciplinary action, including termination of employment."

Policy 802.16 [6] speaks about outside work of system employees. It states: "An employee of the University System of Georgia should avoid actual or apparent conflict of interests between his or her college or university obligations and his or her outside activities."

The Board of Regents is also under the authority of the State of Georgia and therefore adheres to the *Official Code of Georgia Annotated* [7]. Sections 45-10-20 through 45-10-70 speak to conflict of interest and conduct.

Section V.2 of the bylaws of the Board of Regents [8] speaks to guarding against a conflict of interest and states: "Except as permitted in these *Bylaws* or *The Policy Manual* of the Board, a member of the Board of Regents shall not recommend any person for employment in any position in the University System".

As a unit of the University System of Georgia, North Georgia College & State University adheres to Board of Regents Policy. In addition, NGCSU has policies related to outside employment by faculty such as consulting and summer work. Section 3.5 of the *Faculty Handbook* [9] speaks to these issues and states: "Employees may not accept or retain outside employment or responsibilities that would result in ethical, legal, financial, or other conflicts or competition with the interests and purposes of NGCSU". Section 3.6 [10] addresses gratuities and gifts and states:

An employee of the Board of Regents shall not directly or indirectly solicit, receive, accept, or agree to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence his/her performance or failure to perform any official action. The acceptance of benefit, reward or consideration where the purpose of the gift is to influence an employee in the performance of his/her official functions is a felony under O.C.G.A. § 16-10-2.

Document Reference:

Number	DB Num	Document Title	Resource
1		Board of Regents Policy Manual, Section 800: Personnel, Section 802.03, Employment of Relatives	http://www.usg.edu/regents/policymanual/800.phtml
2		Board of Regents Policy Manual, Section 800: Personnel, Section 802.14, Gratuities	http://www.usg.edu/regents/policymanual/800.phtml
3		Board of Regents Policy Manual, Section 800: Personnel, Section 802.14B, Appearance of Conflicts of Interest	http://www.usg.edu/regents/policymanual/800.phtml
4		Board of Regents Policy Manual, Section 800: Personnel, Section 802.14C, Other Rules of Conduct	http://www.usg.edu/regents/policymanual/800.phtml
5		Board of Regents Policy Manual, Section 800: Personnel, Section 802.14D, Violations	http://www.usg.edu/regents/policymanual/800.phtml
6		Board of Regents Policy Manual, Section 800: Personnel, Section 802.16, Outside Activities	http://www.usg.edu/regents/policymanual/800.phtml
7		Georgia General Assembly, Georgia Code Chapter List, Code of Ethics for Government Service	http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=45-10-1
8		Bylaws of the Board of Regents, Section V.2, Duties of the Board and its Committees, Communications with the Board of Regents	http://www.usg.edu/regents/bylaws/#V.2
9		NGCSU Faculty Handbook, July 2005, Section 3.5, Outside Employment	http://www.ngcsu.edu/VPAA/Fcitybk/chapter3.htm#3.5
10		NGCSU Faculty Handbook, July 2005, Section 3.6, Gratuities and Gifts	http://www.ngcsu.edu/VPAA/Fcitybk/chapter3.htm#3.6