



ACCREDITATION EVIDENCE

Title: Board Policy 7210G: Board Member Conflict of Interest

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BOARD MEMBER CONFLICT OF INTEREST

Reference: W.S. § 6-5-118, 9-13-101 through 9-13-107

Board of Trustee members are expected to render impartial and objective decisions on behalf of Western Wyoming Community College, aka “the College.” The Board of Trustees are expected to annually disclose past or present activities that might affect his or her ability to provide impartial and objective decision-making.

It is not the intent of this policy to prevent the College from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the District, familial relationships, and his/her interest in his/her place of employment (or other indirect interests) might conflict. It is intended to avoid appearances of conflict of interest.

The Board is encouraged to seek counsel from the College’s legal counsel where any question arises.

Definitions

- A. **Employee:** Any person employed by Western Wyoming Community College, this includes all full-time and part-time employees whether permanent or temporary, but not independent contractors.
- B. **Familial Family Members:** Wyoming Statutes define family or relative as an individual’s spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin, and this procedure includes any other person living in the employee’s household. A close relationship is considered to exist when there is a committed relationship, romantic relationship, or where the benefited individual is someone who resides in the same residence.
- C. **De minimis financial benefit:** A financial benefit that has an aggregate value of \$50 or less in a calendar year.

Wyoming Revised Statutes Concerning Board Members Conflict of Interest

- §6-5-118, Conflict of interest; public investments; disclosure required; penalty; definitions.
 - a) No public officer or public servant who invests public funds for a unit of government, or who has authority to decide how public funds are invested, shall transact any personal business with, receive any pecuniary benefit from or have any financial interest in any entity, other than a governmental entity, unless he has disclosed the benefit or interest in writing to the body of which he is a member or entity for which he is working. Disclosures shall be made annually in a public meeting and shall be made part of the record of proceedings. The public officer or

public servant shall make the written disclosure prior to investing any public funds in any entity, other than a governmental entity, which:

- i. Provides any services related to investment of funds by that same unit of government; or
 - ii. Has a financial interest in any security or other investment made by that unit of government.
- b) A violation of subsection (a) of this section is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.
- c) The definitions in W.S. 6-5-101 shall apply to this section except "pecuniary benefit" shall also include benefits in the form of services such as, but not limited to, transportation and lodging. As used in this section, "personal business" means any activity that is not a governmental function as defined in W.S. 6-5-101(a)(ii).

Decisions

Board members should avoid any situation that may constitute a conflict of interest. Board members must inform the entire Board or the Board President when a matter or decision under consideration involves a direct benefit to them or to a related party, family member, or person with a close relationship or might involve or appear to involve a conflict of interest. The Board member may be asked to recuse herself or himself from voting.

Relationships/Employment

No Board member shall:

- Approve employment of an immediate familial family member (a) without first having made a reasonable solicitation and consideration of applications for such employment, (b) who is not qualified for and able to perform the duties of the position, (c) for any unreasonably high salary, or (d) who is not required to perform the duties of the position.
- Cause the termination of the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member.

Note: This section does not apply to an immediate family member of a Board member who was previously employed in a position subject to this section prior to the election or appointment of the Board member.

Prior to, upon, or as soon as reasonably possible after the official date of taking office, a newly elected or appointed Board member shall make a full disclosure of any familial family members employed by the College.

Board members; employment by WWCC.

Wyoming statute prohibits a member of the Board from being classified as an employee of the College. Therefore, a sitting Board member shall not apply for employment with the College. This prohibition shall not restrict the ability of a member of the Board, who is not the instructor of record, from addressing a class or a group of students as a guest lecturer. (Permission to be a guest lecturer should be obtained by the Department Chair and President. No remuneration shall be provided for serving as a guest lecturer.)

Appropriate use of WWCC Resources

Financial Transaction Conflicts

The Board is committed to financial practices that avoid the appearance of favoritism and conflict of interest.

Prohibited Transactions

No Board member may participate in a Board or College decision to undertake a financial transaction that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public. The Board member shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

- Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict (Exhibit B.);
- Deliver a copy of the statement to the Board Administrative Assistant, who shall enter the statement onto the public records of the College; and
- Abstain from participating or voting on the matter in which the Board member has a conflict of interest.

In addition, no Board member may engage in a substantial business transaction for private business purposes with an employee under his/her direct supervision. A financial benefit includes holding 5% or more ownership interest in a corporation or business entity.

Transactions Requiring Board Approval

Any Board member who believes that a transaction may create the appearance of a conflict of interest or favoritism should request Board approval before such a transaction is undertaken using Exhibit E.

College financial transactions require prior Board approval if the transaction:

- Provides more than a de minimis (aggregate of \$50 annually) financial benefit to a Board member or employee, or a related party, or

- Provides more than a de minimis (aggregate of \$50 annually) financial benefit to a nongovernmental entity in which a Board member is a director, president, general manager, or similar executive officer or owns or controls a substantial interest.

If a Board member discovers after the conclusion of a transaction that he/she, has received a financial benefit from a transaction with the College or a related party has received a financial benefit from a transaction with the College, Board ratification may be requested to update Exhibit B, if the receipt of such financial benefit was not a result of willful disregard of the requirements of this procedure. If the Board does not ratify the receipt of such financial benefit, the Board member or related party must divest himself/herself of the financial benefit.

The Board member is responsible for submitting the request to the College's procurement staff procuring the goods, services or benefits offered by the Board member or related party (Exhibit B, Section D). The College's procurement staff will forward the request to the College President for approval. The College President will forward approved requests to the Board Administrative Assistant with a draft agenda item for presentation to the Board. The Board President will approve a transaction only if the Board determines that it provides a benefit to the Colleges that cannot be readily obtained elsewhere and that the benefit to the Board member is incidental when compared with the benefit to the College. A request for Board approval will be brought forward only if it includes sufficient information for the Board to determine that the benefit to the Board member is incidental when compared with the benefit to the College.

Acceptance of Gifts

No member of the Board shall accept gifts from any person, group, or entity for the purpose of desiring to do business with the College. All business-related gratuities are specifically prohibited except for advertising items of nominal value that are widely distributed.

Board Travel

In the exercise of Board members' duties, it shall become appropriate and necessary for all Board members to travel to and from meetings, workshops, hearings, seminars, and conferences on occasion. All travel to regional or national workshops, seminars, and conferences shall be preapproved by the Board.

Certification of Review and Compliance

- A. All members of the Board shall submit to the Board Administrative Assistant, within 30 days of taking office an acknowledgement (Exhibit A) verifying that they have read and intend to abide by this Conflict of Interest policy.
- B. All members of the Board shall submit to the Board Administrative Assistant, within 30 days of taking office, a Conflicts Disclosure Statement (Exhibit B).

- C. Board members shall amend their Conflicts Disclosure Statement not more than 30 days after any conflict of interest arises. The amended Conflict Disclosure Statement (Exhibit B) shall be filed with the Board Administrative Assistant.

Adopted January 26, 1989
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