

**CONFLICT OF INTEREST CODE**  
**BOARD POLICY NO. 1.004**

I. **Purpose.** The California Political Reform Act requires all public agencies to adopt a formal conflict of interest code and develop procedures which ensure, at a minimum, designated employees file required annual conflict of interest statements. The NAAEC's code elaborates on state minimum requirements by ensuring all employees who are likely to be involved in decision making where conflicts may be present, are aware of potential conflicts of interest and situations where disqualification is required.

II. **Conflict of Interest Statement.** In order to merit the respect and confidence of the public trust, the NAAEC is governed by the highest ideals of honesty and integrity in all public and personal relationships. Personal profit or any benefit obtained through misuse of public or personal relationships is dishonest and will not be tolerated. NAAEC officers and employees should not accept directly or indirectly, any form of gift, meal, gratuity, honorarium, loan, favors or service, entertainment, prejudicial discounts, preferential treatment or other things of value or benefit in excess of \$50.00/year total value from any single person or entity, which might influence or appear to influence any business or operation of the NAAEC (California Government Code Section 87313).

III. **NAAEC Responsibility.** The General Counsel shall develop procedures that ensure Statements of Economic Interest (Form 700) are distributed to persons holding a designated position and that such forms are submitted to the appropriate agency annually. The General Counsel is also responsible to ensure its conflict of interest disclosure process is reviewed and amended as required by statute.

IV. **Employee Responsibility.** Outside professional, private financial interests or arrangements, or the receipt of benefits from third parties can create an actual or perceived appearance of impropriety. NAAEC officers and employees must at all times avoid the appearance of unethical or compromising practices in relationships, actions and communications.

A. It is the responsibility of each of NAAEC's officers and employees to remain free of any and all interests and activities which are, or could be, detrimental or in conflict with the best interests of the NAAEC.

B. In order to maintain the highest standard of ethical conduct, NAAEC officers and employees with other professional or financial interests shall disclose them in compliance with applicable conflict of interest/conflict of commitment policies, and shall not engage in any activity or transaction which is in violation of those policies.

V. **Potential Conflict of Interests Between NAAEC and Employees.** It is unlawful for any person to utilize any information, not a matter of public record, which is received by that person by reason of his or her employment by, or contractual relationships with, the trustees, NAAEC, or an auxiliary organization of NAAEC, for personal monetary gain, or contemplated by the terms of the employment or contract, regardless of whether the person is or is not so employed or under contract at the time the gain is realized.

VI. **Designated Employee Positions**

A. Persons holding positions listed identified in Table AP-100, Conflict of Interest Designated Positions, below, are designated as positions which individuals make or participate in the making of decisions which may have a foreseeable material effect on financial interest as specified under Government Code Section 87302.

**TABLE AP-100  
CONFLICT OF INTEREST DESIGNATED POSITIONS**

<b>POSITION</b>	<b>CATEGORY</b>
<i>Executive Cabinet of Directors</i>	<i>All</i>
<i>Working Group Members</i>	<i>All</i>
<i>Executive Director</i>	<i>All</i>

B. The District's designated position list shall be reviewed, and if appropriate, amended whenever a reorganization of college organizational structure occurs, relevant changes in the duties assigned to an existing position occurs, or a new position is created (California Government Code 87306.).

C. Statement of Economic Interest Filing: Persons holding the designated positions are required to file a California Fair Political Practices Commission, Statement of Economic Interests (Form 700) upon assuming and leaving office, and annually during office.

D. Legally Required Participation: Designated officials and employees shall not be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made. The fact that the vote of a designated employee on a voting body is needed to break a tie does not make his/her participation legally required for purposes of this regulation.

E. Disclosure of Disqualifying Interest: In the event a designated employee determines he/she should not make a District decision because he/she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

F. Violations: Conflict of Interest Codes have the force and effect of law. Designated employees violating any provision of the NAAEC's Conflict of Interest Code are subject to the administrative, criminal and civil sanctions provided as provided in California Government Code Sections 81000 – 91015.

VII. **Disclosure Categories:** As specified under Government Code Section 87302(c), the District defines the circumstances under which “designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision” as follows:

- **Category 1:** All investments and business positions and sources of income from business entities that do business with the NAAEC or own real property within the boundaries of the NAAEC, plan to do business or own real property within the boundaries of the NAAEC within the next year, or have done business with or owned real property within the boundaries of the NAAEC within the past two (2) years.
- **Category 2:** All interest in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of the NAAEC.
- **Category 3:** All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction, or the acquisition or sale of real property within the jurisdiction of the NAAEC, plan to engage in such activities within the jurisdiction of the NAAEC within the next year, or have engaged in such activities within the jurisdiction of the NAAEC within the past two (2) years.
- **Category 4:** All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.
- **Category 5:** All investments and business positions in, and sources of income from, business entities that provide services,

supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the NAAEC.

**VIII. Gifts and Honoraria**

A. **Gifts:** No Executive Cabinet Director or Designated Employee shall accept gifts or meals with a total value of more than \$50.00 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts or meals from that source on his or her statement of economic interests.

B. **Honoraria**

i. For purposes of the application of this section, an honorarium is a payment received for making a speech, publishing an article, or attending any public or private conference, convention, meeting, social event, meal or similar gathering.

II. No member of the Executive Cabinet Director or Designated Employee shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

**IX. Hiring of Immediate Family or Household Members.** No Executive Cabinet Member, Executive Director or Designated Employee, or other manager or supervisor shall vote, make recommendations or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, evaluation, retention, tenure, compensation, promotion, termination, or other reemployment status or interest of an immediate family or household member. Members of the immediate family or household means spouse, parents, grandparents, in-laws, domestic partner, or any other person living in the designated employee's home.