

# HERKIMER COUNTY COMMUNITY COLLEGE BOARD POLICY

**TITLE:** Conflict of Interest Policy for Herkimer County Community College Board of Trustees

**POLICY #:** BT 19-10

**DATE OF BOARD OF TRUSTEES APPROVAL:** January 15, 2020

**RESOLUTION #:** 19-10

**POLICY STATEMENT:** The Herkimer County Community College Board of Trustees recognizes a shared responsibility to ensure that they conduct themselves in an unbiased manner and serve the goals of the College. It is thus the responsibility of each member of the Board to guard against conflicts of interest that might compromise the integrity and perception of objectivity by the College community. Further, we expect all Members and employees to maintain the highest standards of professionalism and integrity while performing their duties as a Member and while their membership represents and reflects upon the community's perception of the Board, as a whole.

It is the policy of the Herkimer County Community College Board of Trustees that:

1. Members of the Board shall not participate in any institutional decisions involving personal benefits such as appointments, retentions, promotions, Contracts (as defined herein) or awards for themselves or any Related Persons (as defined herein).
2. Members shall not have a direct or indirect interest or benefit in any contract, be it pecuniary or material, nor shall they negotiate, prepare, authorize or approve the contract or authorize payment thereunder, nor shall they audit bills or claims under the contract or appoint an officer or employee who has any of the preceding powers, in any contract, agreement or business dealings with any firm, partnership or association of which such Member is also an employee or member, any corporation which such Member is an officer, director or employee or in which they own more than five (5%) of the shares thereof, or any form of business ventures or enterprises that have dealings with the College.
3. Members in a position to influence a College business decision for which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her official duties must disclose the nature of the conflict, and, must recuse or remove himself/herself from involvement in the decision-making process of the Board.

4. Members shall not solicit nor accept, for personal or any Related Person's (as defined herein) gain, any gift of more than nominal value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or that was intended, or could be reasonably inferred to be a reward for any official, whether previous, future or concurrent, action made by said Member.
5. Members shall not make use of or disclose confidential information gained during the course of, or as a result of their membership on the Board, nor shall they use such confidential information to further their personal interests or the personal interests of any Related Person.
6. Members shall not use or attempt to, use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others.

**Related Persons:** For this Policy, defined as the Member's spouse and the Member or their spouses', parents, grandparents, children, grand-children, any variation of great-grandchildren, brothers and sisters. Adopted, half, and step members of any of the preceding group of relatives are also included as "Related Persons." Any firm, partnership or association of which such Member is also an employee or member, any corporation which such Member is an officer, director or employee or in which they own more than five (5%) of the shares or stock thereof, shall also be considered "Related Persons" for the purposes of this policy.

**Contract: For this policy, defined as any claim, account or demand against or agreement, express or implied, and shall include the designation of a depository of Herkimer County Community College funds.**

Further, The Board of Trustees of the Herkimer County Community College recognize that New York State General Municipal Law, Article 18 (§800 et seq.) contains provisions of law relative to conflicts of interest of municipal officers and employees (see General Municipal Law, §800{4},{5}), and affirms that any conduct prohibited by such sections is also prohibited by this Policy.

Referenced: Trustee Reference Manual

**BACKGROUND:** The State Comptroller's audit conducted in 2019, as well as the Middle States Commission on Higher Education, have recommended that the College have a Conflict of Interest Policy. The Herkimer County Community College Board of Trustees recognize the importance of declaring their responsibility against conflicts of interest which might compromise their ethical values and the integrity and objectivity perception by the College community. The Board ensures the impartiality of the governing body. Therefore, this Conflict of Interest Policy was adopted on January 15, 2020, and the attached questionnaire is to be completed by the Board each year at their annual meeting.

**Herkimer County Community College**  
**Board of Trustees**  
**Conflict of Interest Questionnaire**

1. Do you or any related person have any relationship or engage in any activities that might impair your independence or judgment concerning business conducted by the Herkimer County Community College Board of Trustees?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Do you or does any related person have any personal financial interest that might impair your independence of judgment or influence your decisions or actions concerning Herkimer County Community College and the Board of Trustees financial dealings?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Have you accepted any gifts, benefits, or hospitality that might tend, in any way, to impair your independence of judgment or influence your decisions or actions concerning Herkimer County Community College and the Board of Trustees financial dealings?

Yes \_\_\_\_\_ No \_\_\_\_\_

As a member of the Herkimer County Community College Board of Trustees, I understand that I have an obligation to disclose and eliminate any potential or actual duality of interest or conflict of interest concerning my position as Member of the Board of Trustees.

I hereby certify that I have read, understand, and voluntarily agree to the Herkimer County Community College Board of Trustees Conflict of Interest Policy and associated Resolution, as well as the questions presented above, and that the information I have provided in this statement of questionnaire is complete and accurate, to the best of my knowledge.

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_