

**ADMINISTRATIVE PROCEDURE 2710 CONFLICT OF INTEREST DISCLOSURE****I. General Requirements**

- A. **Purpose:** The California 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 District'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.
- B. **Conflict of Interest Statement:** In order to merit the respect and confidence of the public trust, the District 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. District faculty and staff 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 District (California Government Code Section 87313).
- C. **District 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 for ensuring that its conflict of interest disclosure process is reviewed and amended as required by statute.
- D. **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. District faculty and staff must at all times avoid the appearance of unethical or compromising practices in relationships, actions and communications.
1. It is the responsibility of each District faculty and staff member 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 District.
  2. In order to maintain the highest standard of ethical conduct, District faculty and staff 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.
- E. **Potential Conflict of Interests Between District 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, and/or contractual relationships with, the Trustees, the District, or an auxiliary organization of Peralta Community District, 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.

**II. Designated Employee Positions**

- A. Persons holding positions listed identified in Table AP-2710, Conflict of Interest Designated Positions, below, are designated as positions in 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.

<b>TABLE AP-2710 CONFLICT OF INTEREST DESIGNATED POSITIONS<sup>1</sup></b>	
<b>POSITION</b>	<b>CATEGORY</b>
Board of Trustees	1,2,3,4,5,6
Chancellor	1,2,3,4,5,6
Presidents	1,2,3,4,5,6
Chief of Staff	6
Vice Chancellor, Finance and Administration	1,2,3,4,5,6
Vice Chancellor, Human Resources and Employee Relations	6
Vice Chancellor, Academic Affairs	5,6
Vice Chancellor, Information Technology	5,6
Vice Chancellor, General Services	1,2,3,4,5,6
Associate Vice Chancellor of Workforce Development and Continuing Education	5,6
Assistant Vice Chancellor of Enrollment Mgt.	5,6
Registrar	5,6
Executive Director, Public Information, Communication & Media	6
Director of Purchasing	6
Director of Capital Projects	1,2,3,4
Director of Institutional Research & Planning	5,6
Director of International Services and Student Support	6
Director for Employee Relations & Diversity Programs	6
Director of Human Resources	6
Benefits Manager	5,6
Director of Network Services	5,6
Director of Enterprise Services	5,6
Budget Director	6
Director of Payroll Services	6
Director of Strong Workforce and Continuing Education	6
Vice Presidents	6
Director of Business and Administrative Services	6
Deans	6
Director of Student Activities & Campus Life	6
Director of Facilities, Planning and Development	2,3,6
Construction Consultants	6

<sup>1</sup> As required under California Government Code Section 87302.

B. **Construction Consultants** must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this code subject to the following limitation:

1. The Chancellor, or the General Counsel, may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus not required to comply fully with the disclosure requirements of this policy.

2. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements.
  3. The determination is a public record and shall be retained for public inspection in the same manner and location as Statements of Economic Interest (Form 700) filed by the District's designated officials and employees.
- C. 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.).
- D. **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.
- E. **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.
- F. **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.
- G. **Violations:** Conflict of Interest Codes have the force and effect of law. Designated employees violating any provision of the District's Conflict of Interest Code are subject to the administrative, criminal and civil sanctions provided as provided in California Government Code Sections 81000 – 91015.
- III. **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 District or own real property within the boundaries of the District, plan to do business or own real property within the boundaries of the District within the next year, or have done business with or owned real property within the boundaries of the District 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 District.
  - **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 District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District 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 District.

- **Category 6:** 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 Designated Employee's Department or subordinate departments.

#### IV. **Gifts and Honoraria**

A. **Gifts:** No member of the Board or Designated Employees 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**

1. 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.
2. No member of the Board 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.

V. **Hiring of Immediate Family or Household Members:** No member of the Board, 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.

Approved by the Chancellor: February 19, 2012

Revised and approved by the Chancellor: December 12, 2017