

Northern Marianas College
Board of Regents Policy

SUBJECT:	Board Operations	EFFECTIVE:	October 27, 2017
SECTION:	1017	POLICY NAME:	Conflict of Interest and Commitment Code for Board of Regents and Employees
WASC SCUC Standard/Policy:	Standards 1&3; CFR 1.5; 1.7; 3.6-3.10; IGBP; §95-10-805; AGB		

The Northern Marianas College shall adopt this Conflict of Interest and Commitment Code which shall apply to all governing board members and employees.

All Board members and employees of the College are expected to perform their duties with conscience, honesty, integrity, and with the best interests of the College as an academic institution in mind. All Board members and employees must comply with applicable federal and CNMI laws. Board members and employees may not unlawfully use their position or the knowledge gained as a result of their position for private or personal advantage. All Board members and employees are responsible for their own actions. Any individual who has concerns or questions regarding a perceived or potential conflict or regarding application or interpretation of applicable federal or CNMI law or NMC Board of Regents policy is encouraged to communicate with a supervisor or the President.

The President shall publish this Conflict of Interest and Commitment Code, circulate the code annually to the Board of Regents and employees, and obtain up-to-date signed statements from each Board member and employee. Signatories agree to disclose potential and actual conflicts and to act in accordance with the code. Board members and employees should be mindful of everyone’s conflicts and invoke the policy as situations arise, noting in writing any recusals and absences resulting from conflict. ⁱ

DEFINITION OF CONFLICT OF INTEREST:

A conflict of interest occurs when a board member or employee has a direct or indirect financial or other interest that may benefit him/her and/or immediate family members, as defined in procedure.

Conflicts can arise if board members or employees and/or their immediate family members are:

- Employees of the educational institution.
- Persons with an ownership or investment interest in any entity that has transactional or other relation with the educational institution.
- Persons with contractual or other compensated relationships with the educational institution (such as the employee of a bank, the College’s lawyer, or a consultant to the College).
- Persons who are appointed to the board by another entity to which they have ties.

ⁱ WASC SCUC Independent Governing Board Policy
<https://wascsenior.org/content/independent-governing-board-policy>

Board members or employees who have interests that fall into these categories are considered “interested” persons, meaning they have multiple interests that may come into conflict with the interests of the educational institution. Not all “interested” persons will have a conflict of interest.ⁱⁱ

DEFINITION OF CONFLICT OF COMMITMENT:

A conflict of commitment occurs when an NMC employee engages in non-college activities that are substantial or demanding on the employee’s time and attention and adversely affects the discharge of the employees’ responsibilities to the college. In the case of the Board of Regents members, a conflict of commitment exists when the Regent’s external activities will or reasonably can be expected to significantly interfere with the Regent’s time and energy devoted to College activities. NMC employees and Board members shall disclose Conflicts of Commitment. Employees are required to obtain written approval prior to engaging in any activity that may give rise to a Conflict of Commitment.ⁱⁱⁱ

INTERESTED PERSONS MUST:

- Disclose fully in writing the details of the interest to the President, and follow such person’s guidance regarding additional steps to be taken.
- Refrain from participating in or attending discussions, meetings, or votes on any matters that relate to the conflict.^{iv}
- All disclosures shall be made using the Conflict of Interest and Commitment Disclosure Statement for Northern Marianas College.
- Members of the Board of Regents and employees shall disclose not less often than annually any and all relationships that may be perceived by constituent groups as influencing judgment pertaining to any issue before the Board. This includes but is not limited to immediate family members. The disclosure form shall be developed by the President of the College.^{v vi}
- The President’s disclosure statement shall be submitted to the Board of Regents. The Board of Regents disclosure statement shall be submitted to the Office of the Board of Regents.

ADDITIONAL ACTIONS TO BE TAKEN BY MEMBERS OF THE BOARD OF REGENTS AND THE PRESIDENT:

- Members of the Board of Regents and the President shall file annual statement of financial interest in accordance with the applicable provisions of the Commonwealth Government Ethics Code Act of 1992, as amended.

HISTORY: Replaces Board Policy No. 1022; Revised 8/8/2013; Revised 11/10/2016; Revised 10/27/2017

ⁱⁱ Office of Sponsored Projects Conflicts of Interest Policy, Dartmouth College.

<http://www.dartmouth.edu/~osp/resources/policies/dartmouth/cofinterest.html#Section1>

ⁱⁱⁱ Adapted from the University of Vermont and University of British Columbia

^{iv} University of Guam Guidelines for Completing Annual Conflicts of Interest or Commitment Disclosure Form

^v AGB Board of Directors’ Statement on Conflict of Interest and Guidelines on Compelling Benefit

<http://agb.org/statements/2012/agb-statement-on-conflict-of-interest>

^{vi} CNMI Law Administrative Code, Title 95

<http://www.cnmilaw.org/admincode/Title95/T95.html>