

**APPROVAL OF A CONFLICT OF INTEREST POLICY
FOR THE STATE AND REGIONAL TRUSTEES OF THE COLLEGE**

RESOLUTION NUMBER 2008-9

WHEREAS, the State Board of Trustees of the College has responsibility for establishing policies for the College and may prescribe rules for the effective operation of the College, and

WHEREAS, it has become common for governing boards, such as the State Board of Trustees, to adopt a conflict of interest policy, and

WHEREAS, the adoption of such a conflict of interest policy is considered one of the best practices that governing boards are encouraged to implement, and

WHEREAS, the State Board of Trustees finds that its members desire for all of the College's State and Regional Trustees to be in strict compliance with such a conflict of interest policy as well as the Indiana conflict of interest statute, IC 35-44-1-3, and

WHEREAS, the Planning Committee of the State Board of Trustees has reviewed and recommended adoption of the conflict of interest policy for State and Regional Trustees of the College set forth in this resolution:

NOW THEREFORE BE IT RESOLVED, that the State Board of Trustees of the College hereby adopts the following conflict of interest policy for the State and Regional Trustees of the College:

**CONFLICT OF INTEREST POLICY FOR
THE STATE BOARD OF TRUSTEES AND THE REGIONAL BOARDS OF TRUSTEES
OF
IVY TECH COMMUNITY COLLEGE OF INDIANA**

Section 1. Purpose. The purpose of this conflict of interest policy ("Policy") is to protect the interests of Ivy Tech Community College of Indiana (the "College") when it has entered into, or is contemplating entering into, any transaction or arrangement that might benefit the private interest of a trustee or related person or entity (defined below as "Interested Person"). As a public institution, the College must conduct its business in a manner which is beyond reproach. The actions of College trustees must be proper in all respects. The College expects all trustees to exercise sound judgment and the highest ethical standards in their private activities if such outside activities can in any way affect the College. In particular, every trustee has an obligation to avoid any activity, agreement, business investment or interest, or other situation that could be construed either as in conflict with the College's interest or as an interference with the trustee's duty to serve the College. To implement this principle and to establish guidelines, this Policy has been adopted.

Section 2. Definitions.

(a) Interested Person. Any member of the College's State Board of Trustees ("State Trustee") or any member of any of the College's Regional Boards of Trustees ("Regional Trustee") who has a direct or indirect financial interest, as defined below, is an interested person.

(b) Financial Interest. A person has a financial interest if the person has, directly or indirectly, through business, investment or family:

(1) an ownership or investment interest in, or a compensation arrangement (which includes direct or indirect remuneration as well as substantial gifts or favors) with, any entity or individual with which the College has a transaction, purchase, contract or other arrangement; or

(2) a potential ownership or investment interest in, or a compensation arrangement (which includes direct or indirect remuneration as well as substantial gifts or favors) with, any entity or individual with which the College is negotiating a transaction, purchase, contract or other arrangement.

Section 3. Policy. It is the policy of the College that no Interested Person shall, without the specific approval provided for in this Policy:

(1) have a direct or indirect financial interest in any business enterprise or with any individual that has current or known prospective dealings with the College as a supplier, vendor, contractor, customer, lessor, or lessee;

(2) seek or receive, for personal or any other person's or entity's gain, any payment, whether for services or otherwise, loan (except from a bank at a competitive rate), gift or discount of more than nominal value, or entertainment that goes beyond common courtesies usually associated with accepted business practice from any business enterprise, that has current or known prospective dealings with the College as a supplier, vendor, contractor, customer, lessor, or lessee;

(3) for personal or any other person's or entity's gain, deprive the College of any opportunity that could be construed as related to any existing or reasonably anticipated future activity of the College;

(4) for personal or any other person's or entity's gain, make use of or disclose confidential financial information learned as a result of the person's relationship with the College; or

(5) do any act or omission that potentially could conflict with the purposes that this policy is intended to implement.

Section 4. Duty to Disclose and Procedures for Assessment and Approval.


(a) Annual Statements. Each State Trustee and each Regional Trustee shall annually sign a statement similar to that attached as Exhibit 1, which affirms that such person:

- (1) has received and read a copy of the conflict of interest policy;
- (2) agrees to comply with the conflict of interest policy in all respects, and that in the event of any actual or potential conflict of interest, will comply with the disclosure obligations of the policy; and
- (3) has received and read a copy of Ind. Code 35-44-1-3 and agrees to comply with the terms of the statute in all respects.

(b) Procedures for Assessment of Potential Conflicts of Interest and Approval. Occasionally, what appears to be prohibited by a conflict of interest may, under certain circumstances, be authorized by appropriate disclosure and approval. In connection with any actual or possible conflict of interest, an Interested Person must disclose the existence and nature of his or her financial interest. The disclosure must allow for the College to determine whether an actual conflict of interest exists and provide sufficient information for the potential approval of the transaction, contract, purchase or other arrangement in question. Such a disclosure must be made before action on the transaction, contract, purchase or other arrangement is taken by filing the form set forth in Exhibit 2 with the College's General Counsel. The Trustee who has the actual or possible conflict of interest may not participate when action is taken on the proposed transaction, contract, purchase or other arrangement.

Section 5. Violations of the Conflict of Interest Policy. All Interested Persons have a fundamental duty of loyalty to the College. Accordingly, the prohibitions of this Policy should be construed broadly. Each Interested Person has the personal responsibility of compliance with this Policy. In the event of any question as to whether a conflict of interest exists in a particular situation, you are encouraged to discuss the matter with the President of the College or the Chairperson of the State Board of Trustees. No set of guidelines can eliminate the need for good judgment. In the event an Interested Person has failed to disclose an actual or possible conflict of interest or otherwise violates this Policy, appropriate action will be taken under the procedures established by the State Board of Trustees for addressing a violation of the Code of Conduct.

**State Trustees
Ivy Tech Community College of Indiana**



Jesse R. Brand, Chairman



Martha E. Rivas-Ramos, Secretary

Dated February 14, 2008

EXHIBIT 1

ANNUAL CONFLICT OF INTEREST STATEMENT

To: General Counsel, Ivy Tech Community College of Indiana

I, the undersigned, affirm that I am associated with Ivy Tech Community College of Indiana (hereinafter the "College") as either a member of the State Board of Trustees of the College or a member of one of the Regional Boards of Trustees of the College, and that, as of the date specified below:

1. I have received a copy of the College's Conflict of Interest Policy (the "Policy").
2. I have read the Policy.
3. I declare that I will comply with the Policy in all respects and that, in the event of any actual or potential conflict of interest, I will comply with the disclosure obligations of the Policy.
4. I understand that any violation of the Policy will result in appropriate action being taken under the procedures set forth in the Code of Conduct for Trustees of the College .
5. I have received a copy of IC 35-44-1-3, the Indiana conflict of interest statute, and the disclosure form developed for compliance with that statute.
6. I disclose the following in regards to my financial interests:

A. I am employed by the following entity or entities:

B. My spouse is employed by the following entity or entities:

C. I or my spouse, or both, have an ownership interest of more than five percent (5%) in the following business or businesses:

D. I am an officer or director of the following entity or entities:

E. My spouse is an officer or director of the following entity or entities:

EXHIBIT 1 CONTINUED

F. I or my spouse, or both, have a legal or beneficial interest in the following real estate that the College currently leases or that the College may have an interest in acquiring or leasing in the future because of its proximity to other property owned or leased by the College:

Signed: _____

Date: _____

Name Printed: _____

Exhibit 2

UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT Indiana Code 35-44-1-3

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant who is under the direct or indirect administrative control of the public servant; or receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant. "Dependent" means any of the following: the spouse of a public servant; a child, stepchild, or adoptee (as defined in I.C. 31-3-4-1) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The foregoing consists only of excerpts from I.C. 35-44-1-3. Care should be taken to review I.C. 35-44-1-3 in its entirety.

1. Name and Address of Public Servant Submitting Statement:

2. Title or Position With Governmental Entity:

3. a. Governmental Entity: _____
b. County: _____

4. This statement is submitted (check one):

a. _____ as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or

b. _____ as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.

5. Name(s) of Contractor(s) or Vendor(s): _____

6. Description(s) of Contract(s) or Purchase(s) (Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship):

Exhibit 2 Continued

7. **Description of My Financial Interest** (Describe in what manner the public servant or "dependent" expects to derive a profit or financial benefit from, or otherwise has a pecuniary interest in, the above contract(s) or purchase(s); if reasonably determinable, state the approximate dollar value of such profit or benefit.):

(Attach extra pages if additional space is needed)

8. **Approval of Appointing Officer or Body** (To be completed if the public servant was appointed by an elected public servant or the board of trustees of a state-supported college or university):

I (We) being the _____ of

(Title of Officer or Name of Governing Body)

_____ and having the power to appoint

(Name of Governmental Entity)

the above named public servant to the public position to which he or she holds, hereby approve the participation to the appointed disclosing public servant in the above described contract(s) or purchase(s) in which said public servant has a conflict of interest as defined in Indiana Code 35-44-1-3; however, this approval does not waive any objection to any conflict prohibited by statute, rule, or regulation and is not to be construed as a consent to any illegal act.

Elected Official	Office

9. **Effective Dates** (Conflict of interest statements must be submitted to the governmental entity prior to final action on the contract or purchase.):

Date Submitted	Date of Action on Contract or Purchase

10. **Affirmation of Public Servant:** This disclosure was submitted to the governmental entity and accepted by the governmental entity in a public meeting to the governmental entity prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signed: _____
(Signature of Public Servant)

Date: _____

Within 15 days after final action on the contract or purchase, copies of this statement must be filed with the State Board of Accounts, Indiana Government Center South, 302 West Washington Street, Room E418, Indianapolis, Indiana, 46204-2765 and the Clerk of the Circuit Court of the county in which the governmental entity executed the contract or purchase. A copy of this disclosure will be forwarded to the Indiana State Ethics Commission.