

# Asheville-Buncombe Technical Community College

# (A-B Tech) Procedure

## Procedure 110: Code of Ethical Conduct

The Board of Trustees expects Board members and College employees to constantly strive to maintain the confidence of the College’s students, employees, vendors, and the public.

In general, the use of good judgment, based on high ethical principles, will guide employees with respect to acceptable professional conduct. If an employee needs assistance determining whether his or her decision or action is in conflict with this policy, unethical, or otherwise improper, she or he should consult with the immediate supervisor.

### Conflict of Interest:

#### Board of Trustees, President, and the Vice President for Business and Finance/Chief Financial Officer

Consistent with NC State statutes and administrative regulations, Board of Trustees Members shall:

1. Attend ethics training as provided by the State Ethics Commission within six (6) months of appointment and at least once every two (2) years thereafter;
2. Submit an annual economic interest statement to the State Ethics Commission by April 15;
3. Disclose to the Chair (or in the case of the Chair, to the College Attorney) any potential conflicts of interest prior to the meeting where the subject of the potential conflict is to be discussed or in any situation where a potential conflict of interest arises. The Chair shall consult with the College Attorney regarding any potential conflict of interest brought to his or her attention by a Trustee and advise the Board accordingly. Even if the potential conflict of interest would not violate a statute, a majority of the Board may, based on the interest of the College, consider the relationship or arrangement to constitute a conflict of interest and require the Trustee to take appropriate action.

#### Employees

Employees have an obligation to perform their work in a manner that prevents actual, potential, or perceived conflicts of interest. The following information serves as a guide to prevent conflicts of interest and is not all-inclusive.

1. No employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature that is, as determined by the College, in substantial conflict with the proper discharge of his or her official College responsibilities.
2. An employee shall not accept or solicit any gift, favor, service or other benefit that could reasonably be construed to influence the employee’s discharge of assigned duties and responsibilities, or that could be reasonably construed as being offered with the intent to influence the employee’s official conduct.
3. Other than generic promotional items of nominal value, an employee shall not accept any item or service from a vendor or potential vendor that has a value in excess of $100.
4. An employee who is responsible for preparing plans, specifications or estimates for contracts, awarding or administering contracts, or inspecting or supervising construction shall not solicit or accept any gift, favor, service or benefit, regardless of its value, from any vendor who has a contract or subcontract with the College, who has performed under a contract or subcontract with the College during the prior year, or who anticipates bidding on such a contract, whether as a prime or subcontractor, in the future. A meal furnished by a contractor or subcontractor to an employee during a meeting to discuss business under an ongoing contract is not prohibited. However, the purpose of the meeting must be for the contractor to discuss ongoing business and there should be no solicitation of future business.
5. Employees may accept an honorarium of up to $100 for participating in meetings and presentations. Meals furnished at banquets are also acceptable.
6. An employee shall not accept employment or compensation or engage in any business or professional activity that could, or does, impair the employee’s judgment in the performance of assigned duties, or that could require the disclosure of confidential information acquired because of the employee’s College position.
7. Employees are expected to disclose actual and potential conflicts of interest in writing to the applicable Senior Administrator.

## Nepotism

1. The College will not concurrently employ two or more persons who are closely related by blood, marriage, or domestic partnership in positions which would result in one of the two supervising the other or having a substantial influence over the employment, salary or wages, evaluation, or other personnel actions pertaining to the other.
2. Employment decisions will be based on objective criteria and every effort will be taken to avoid nepotism, or the appearance of nepotism. Toward this end, an employee serving on a screening committee, or otherwise evaluating an applicant’s suitability for employment, will recuse him/herself from the employment process if she/he becomes aware that a close relative/friend is an applicant. This action will protect both the applicants and the employee.

## Professional Standards

Employees will demonstrate the highest ideals of honor and integrity by adhering to legal and professional standards of conduct in the fulfillment of their responsibilities. The following standards provide examples of ethical behavior and are not intended to be all-inclusive.

### Employees will:

1. Devote time, skills, and efforts to their positions both independently and in cooperation with other employees.
2. Exercise prudence and integrity in the management of funds in their custody and in all financial transactions.
3. Not knowingly sign, subscribe to, or permit the issuance of any statement or report which contains any misstatement or which omits any material fact.
4. Respect and protect privileged information to which they have access by virtue of their office.
5. Not knowingly be a party to, or condone, any illegal or improper activity.
6. Manage all employee matters within the scope of their authority so that impartiality governs their decisions.
7. Promote equal opportunities for employees and students, consistent with the letter and spirit of applicable laws.

## Reporting Ethical Concerns

1. Policy 509.03, Grievance and Reporting, describes the process employees should follow to report ethical violations. Policy 509.04, Workplace Retaliation, prohibits retaliation against employees for reporting violations of federal or state law; violations of College policy; and/or ethical or safety concerns. The associated procedures provide details regarding employee rights and responsibilities regarding reporting such instances and participating in related investigations.
2. The Office of State Auditor investigates allegations of improper governmental conduct by state agencies or state employees within its statutory authority. Such improper governmental conduct includes alleged fraud, misappropriation, mismanagement or waste of state resources. It also includes alleged violations of state or federal law, rule regulation in administering state or federal programs, and substantial and specific danger to the public health and safety. A reporter’s identity must be kept confidential under state law and reporters are protected from retaliation or discrimination. Reports can be made by:
3. Phone: 800.730.8477
4. Fax: 919.807.7685
5. In writing: State Auditor’s Office, 2 South Salisbury Street, 20601 Mail Service Center, Raleigh, NC 27699-0601
6. Online web form or Hotline phone app, which can be found at the [NC State Auditors Website](http://www.ncauditor.net/pub42/)

### References:

State Government Ethics Act (Board of Trustees)

GS 115D-26

GS 14-234, 14-234.1

1C SBCC 200.98

Policy 111, Non-Discrimination and Harassment

Policy 509.03, Grievance and Reporting

Policy 509.04, Workplace Retaliation

Pursuant to Board Policy 110, Code of Ethical Conduct must be adhered to by Trustees and employees of the College.

Owner for Board of Trustees: President

Owner for Employees: Vice President, Human Resources and Organizational Development,

Ex. 7178

Updated: December 15, 2016