

ADMINISTRATIVE REGULATION

4000.9

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

HUMAN RESOURCES

CONFLICT OF INTEREST CODE

A. Conflict of Interest and Prohibition Against Making, Participating in the Making or in Any Way Attempting to Use Official Position to Influence Decision

In accordance with Government Code, Section 87100, and Title 2, California Code of Regulations, Section 18730, no employee or member of the Board of Trustees of the South Orange County Community College District (“District”) shall make, participate in making, or in any way attempt to use his or her official position to influence a decision of the South Orange County Community College District, which he or she knows or has reason to know will have a reasonable foreseeable material financial effect, distinguishable from its effect on the public generally, on the officer or employee or a member of his or her immediate family, or on any of the following:

1. Any business entity in which the officer or employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
2. Any real property in which the officer or employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
3. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the officer or employee within 12 months prior to the time when the decision is made;
4. Any business entity in which the officer or employee is a director, officer, partner, trustee, employee, or holds any position of management; or
5. Any donor of, or any intermediary or agent for a donor or, a gift or gifts aggregating four hundred seventy dollars (\$470) or more in value provided to, received by, or promised to the officer or employee within 12 months prior to the time when the decision is made.

B. Employment and Supervision of Relatives

This policy applies to any administrator, faculty, or staff member of the District, and any other employee(s) in whom is vested the authority by law, rule, regulation, or policy to supervise or indirectly supervise, evaluate, recommend, promote or advance or to influence

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Page 1 of 9

directly in the course of business the supervision, evaluation, recommendation, promotion, or advancement of other employees.

As defined in this policy “member of an employee’s family” includes the employee’s father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, grandfather, grandmother, grandson, grand-daughter, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, step-daughter, stepbrother, stepsister, half-brother, half-sister, or any person who is living in the same household as the employee.

1. Members of the same family shall not be assigned to a regular position in which one member would be required as part of his/her responsibilities to directly supervise or to evaluate another family member.
2. The District shall not place members of the employee’s family in the same department, division, or facility if the work involves potential conflict of interest.
3. If co-employees marry or otherwise become related subsequent to assignment to the same department, division, or facility, the District shall make reasonable efforts to reassign job duties so as to minimize problems of supervision, safety, security, or morale, including utilization of the transfer provisions of any applicable collective bargaining agreement. No change will be made that imposes a hardship.
4. Any work situations contrary to this policy but already in effect at the time the policy is adopted may remain in effect. However, college and District administration must be alert for the earliest possibility of changing work assignments to conform to the policy, provided such change does not impose hardship.

C. Prohibition Upon Designated Employees' Employment by or Other Business Relationships with District Vendors

In accordance with Government Code, Section 1126, the employment of a designated employee or other business relationships with a current vendor of the District is prohibited. No designated employee shall accept compensation from any vendor who has done business with the District within the last two (2) years.

D. Penalties

Any designated employee who fails to disclose reportable investments, business positions, interests in real property and income as required by the Political Reform Act, or any officer or employee who shall make, participate in making, or in any way attempt to use his or her official position to influence a decision of the District in which he or she knows or has reason to know he or she has a financial interest shall be subject to discipline, including and up to dismissal in accordance with the procedure articulated by Government Code, Section 91003.5. Classified employees shall be subject to discipline under Education Code, Section 88013. Academic employees shall be subject to discipline under Education Code, Section

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87732. In addition, state law provides for administrative, criminal and civil sanctions as discussed in paragraph I.2, Section 11 below.

E. Annual In-Service

The District shall conduct annually an in-service for its officers and employees concerning the District's conflict of interest code and the requirements included therein. This in-service shall cover:

1. The reporting requirements contained in Form 700 entitled, "Statement of Economic Interests for Designated Employees."
2. Conflicts of interest and the prohibitions of Government Code, Section 87100.
3. The code of conduct expected and required of all officers and employees, including but not limited to the acceptance and reporting of gifts, meals, and gratuities.

F. Disclosure of Loans as Income

Designated officers and employees shall disclose reportable loans on Schedule C of Form 700. Income is defined in Government Code, Section 82030 to include loans which aggregate five hundred dollars (\$500) or more from a single source which is either located in the jurisdiction, is doing business in the jurisdiction, has done business in the jurisdiction during the previous two (2) years or plans to do business in the jurisdiction of the District. All reportable loans received or outstanding during the reporting period must be disclosed. Loans are not required to be disclosed in the following circumstances:

1. Any loan from a commercial lending institution used to purchase, refinance the purchase of, or for improvements to, the principal residence of the filer if the loan is made in the lender's regular course of business on terms available to members of the public without regard to official status. Home equity loans exceeding ten thousand dollars (\$10,000) from a commercial lending institution or home equity loans from other sources exceeding five hundred dollars (\$500) if not used for the purchase, refinance of or for improvements to the principal residence are reportable.
2. Loans from a commercial lending institution in the normal course of business which, in the aggregate, do not exceed ten thousand dollars (\$10,000) at any time during the reporting period.
3. Any indebtedness created as part of a retail installment or credit card transaction made in the lender's regular course of business on terms available to members of the public without regard to the official status of the filer if the aggregate amount owed to the creditor does not exceed ten thousand dollars (\$10,000) at any time during the reporting period.
4. Any loan from an individual's spouse, child, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, uncle, aunt, or first cousin, or the

spouse of any such person, except that a loan from any such person is reportable if the lender is acting as an agent or intermediary for any person not covered by this provision.

G. Filing Deadline for Statements of Economic Interests

Designated officers and employees shall file annual Statements of Economic Interests for the South Orange County Community College District no later than April 1 of each year using the electronic filing system supported by the Orange County Board of Supervisors.

- H. For questions concerning the reporting requirements of the Political Reform Act, Appendix "A" of the District's conflict of interest code should first be consulted. Appendix "A" sets forth the positions of those persons, which are required to report financial interests and the disclosure categories, which apply to each designated position. Next, the Statement of Economic Interests for Designated Employees Form 700 should be consulted. Form 700 includes all the schedules, which may need to be completed depending upon the disclosure category or categories applicable to a designated employee as well as instructions on how to complete each schedule. All designated employees must complete the first page of Form 700 indicating the type of statement which is being submitted (i.e., assuming office, annual, leaving office, or initial statement), the summary of schedules on the following page and any schedules in which a reportable interest exists.

For additional information on reporting requirements or information on conflicts of interest and prohibitions as discussed in paragraph A above, the Political Reform Act of 1974 commencing at Government Code, Section 81000, and the Fair Political Practices Commission's implementing regulation found at Title 2, California Code of Regulations, Section 18730, should be consulted. The applicable provisions of Section 18730 are set forth below in paragraph I.

I. Section 18730: Provisions of Conflict of Interest Codes

1. Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87307 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code, Section 87100, and to other state or local laws pertaining to conflicts of interest.

2. The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs., Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. Designated Employees.

The members of the Board of Trustees and employees holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions, which may foreseeably have a material effect on financial interests.

Section 3. Statements of Economic Interests: Time of Filing.

- a. Initial Statements. All designated employees employed by the District on the effective date of the District's code, as originally approved by the Orange County Board of Supervisors, shall file initial statements within 30 days after the effective date of the code. Thereafter, each person already in a position when it is designated by an amendment to the code shall file an initial statement within 30 days after the effective date of the amendment.
- b. Assuming Office Statements. All persons assuming designated positions shall file statements within 30 days after assuming the designated positions.
- c. Annual Statements. All designated employees shall file statements no later than April 1.
- d. Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days.

Section 4. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided she or he did not make or participate in the making of, or use her or his position to influence any decision and did not receive or become entitled to receive any form of payment as a result of her or his appointment. Such persons shall not file either an assuming or leaving office statement.

- a. Any person who resigns a position within 30 days of the date of a notice form, the filing officer shall do both of the following:
 - 1) File a written resignation with the appointing power, and
 - 2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence

any decision of the District, or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 5. Contents of and Period Covered by Periods of Economic Interests.

- a. Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.
- b. Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office.
- c. Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.
- d. Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 6. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supported by the electronic filing system used by the Orange County Board of Supervisors , and shall contain the following information:

- a. Investment and Real Property Disclosure. When an investment or an interest in real property is required to be reported, the statement shall contain the following:
 - 1) A statement of the nature of the investment or interest.
 - 2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business is engaged.
 - 3) The address or other precise location of the real property.
 - 4) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000) or exceeds one million dollars (\$1,000,000).
- b. Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:

- 1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or aggregating fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 - 2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least \$500 but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000);
 - 3) A description of the consideration, if any, for which the income was received;
 - 4) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift, the amount of value of the gift, and the date on which the gift was received;
 - 5) In the case of a loan, the annual interest rate and the security, if any, given for the loan; and the term of the loan.
- c. Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:
- 1) The name, address, and a general description of the business activity of the business entity;
 - 2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such persons was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.
 - 3) If a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interests. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.
- d. Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which she or he is a director, officer, partner, trustee, employee, or in which he or he holds any position of management, a description of the business

activity in which the business entity is engaged, and the designated employee's position with the business entity.

- e. Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 7. Prohibition on Receipt of Honoraria.

No member of the Board of Trustees or designated employee shall accept any honorarium from any source, if the officer or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

Section 7.1. Prohibition on Receipt of Gifts of \$470 or More.

No member of the Board of Trustees or designated employee shall accept gifts from any single source in any calendar year with a total value of more than four hundred seventy dollars (\$470) if the officer or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

Section 8. Legally Required Participation by Member of Board of Trustees.

No member of the Board of Trustees shall be prevented from making or participating in the making of any decision to the extent her or his participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make her or his participation legally required for purposes of this section.

Section 9. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a member of the Board of Trustees, this determination and disclosure shall be made part of the minutes of the Board of Trustees; in the case of the chancellor, this determination and disclosure shall be made in writing to the Board of Trustees; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

Section 10. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code, Section 83114, or from the attorney for his or her district, provided that nothing in this section required the attorney for the district to issue any formal or informal opinion.

Section 11. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Codes, Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government code, Section 87100 or 87450, has occurred may be set aside as void pursuant to Government Code, Section 91003.

References:

Government Code Sections 87100, 87103, 87105, 87200-87210, 89503

Title 2 Section 18730 et.seq.

Other citations as listed above

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APPENDIX A

Conflict of Interest Code

EXHIBIT A

Entity: College Districts

Agency: South Orange County Community College District

Position	Disclosure Category	Files With
ADA Compliance and Leave Administration Manager	OC-02	COB
Assist. Dean, Health Science and Human Svcs./Dir. of Nursing	OC-02	COB
Assistant Athletic Director	OC-02	COB
Assistant Dean of Career and Technical Education	OC-02	COB
Assistant Dean of Community Outreach and Recruitment	OC-02	COB
Assistant Dean of Division/Director of Emeritus Institute	OC-02	COB
Assistant Dean of Financial Aid and Student Support Services	OC-02	COB
Assistant Dean, Noncredit, Adult & Community Education & AEBG	OC-02	COB
Assistant Director of Facilities	OC-01	COB
Assistant Director of Facilities - Capital Outlay Projects	OC-01	COB
Assistant Director of Fiscal Services	OC-01	COB
Assistant Director of Marketing and Creative Services	OC-02	COB
Assistant Director, Technology Services & Broadcast Systems	OC-02	COB
Assistant Vice President for Institutional Effectiveness	OC-02	COB
Associate Director of Adult Education	OC-02	COB
Associate Director of Applications Delivery	OC-02	COB
Asst Dean, Health and Wellness Center & Veterans Service Ctr	OC-02	COB
Athletics Director / Asst Dean of Kinesiology & Athletics	OC-02	COB
Board Member	OC-01	COB
Board Policies & Administrative Regulations Program Director	OC-02	COB
Buyer	OC-01	COB
Central Services Manager	OC-02	COB
Chancellor	OC-01	COB
Chief of Police	OC-02	COB
Construction Manager	OC-01	COB
Consultant	OC-30	Agency
Contract Specialist	OC-01	COB
Dean of Advanced Technology and Applied Science	OC-02	COB
Dean of Business Sciences, Online and Extended Education	OC-02	COB
Dean of Career Pathways and Dual Enrollment	OC-02	COB
Dean of Community Ed, Emeritus Inst., & K-12 Partnerships	OC-02	COB



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Agency: South Orange County Community College District

Position	Disclosure Category	Files With
Dean of Counseling Services	OC-02	COB
Dean of Economic Workforce Development & IDEA	OC-02	COB
Dean of Economic Workforce Development and Business Sciences	OC-02	COB
Dean of Enrollment Services	OC-02	COB
Dean of Fine Arts and Media Technology	OC-02	COB
Dean of Health Sciences and Human Services	OC-02	COB
Dean of Health Sciences, Kinesiology and Athletics	OC-01	COB
Dean of Instruction, Economic and Workforce Development	OC-02	COB
Dean of Kinesiology and Athletics/Athletics Director	OC-01	COB
Dean of Liberal Arts	OC-02	COB
Dean of Mathematics, Science and Engineering	OC-02	COB
Dean of Online Education and Learning Resources	OC-02	COB
Dean of Social and Behavioral Sciences	OC-02	COB
Dean of Students and Counseling Services	OC-02	COB
Dean of the Arts	OC-02	COB
Dean of Transfer, Career and Special Programs	OC-02	COB
Dean of Wellness, Social Services & Child Development	OC-02	COB
Director of Annual Giving and Development Services	OC-02	COB
Director of ATEP Development	OC-01	COB
Director of Audience Development	OC-02	COB
Director of Career and Re-Entry Center	OC-02	COB
Director of Child Development Center	OC-02	COB
Director of College Broadcast Services	OC-02	COB
Director of Community Education	OC-02	COB
Director of Economic and Workforce Development	OC-02	COB
Director of Facilities Planning	OC-01	COB
Director of Financial Aid	OC-01	COB
Director of Fiscal and Contract Services	OC-01	COB
Director of Foster and Kinship Care Education Program	OC-02	COB
Director of HR, Employee Relations and Compliance	OC-02	COB
Director of Information Technology - Academic Systems	OC-02	COB



APPENDIX A

Conflict of Interest Code

EXHIBIT A

Entity: College Districts

Agency: South Orange County Community College District

Position	Disclosure Category	Files With
Director of Information Technology - Administration Systems	OC-02	COB
Director of Information Technology-Infrastructure & Security	OC-02	COB
Director of International Students Program	OC-02	COB
Director of IVC Facilities	OC-01	COB
Director of Learning Assistance	OC-02	COB
Director of Marketing and Communications	OC-02	COB
Director of Outreach and Recruitment	OC-02	COB
Director of Outreach, Recruitment and Student Services	OC-02	COB
Director of Recruitment and Employment Services	OC-02	COB
Director of Research, Planning and Accreditation	OC-02	COB
Director of Site Development	OC-02	COB
Director of Student Health Center	OC-02	COB
Director of Student Life	OC-02	COB
Director of Student Life and Equity	OC-02	COB
Director of Student Success and Support Program	OC-02	COB
Director of Technology Services	OC-02	COB
Director of Technology Services and Broadcast Systems	OC-02	COB
District Accountant	OC-02	COB
District Director of Public Affairs and Government Relations	OC-02	COB
District Director of Research, Planning and Data Mgmt.	OC-02	COB
District Director, Chancellor and Board Operations	OC-01	COB
Employer / Employee Relations Manager	OC-02	COB
Exec Director, Procurement, Central Svcs & Risk Management	OC-01	COB
Executive Director of College Foundation	OC-01	COB
Executive Director of Facilities Planning	OC-01	COB
Executive Director of Fiscal Services/Comptroller	OC-01	COB
Executive Director of HR and Employer-Employee Relations	OC-01	COB
Executive Director of Marketing and Creative Services	OC-02	COB
Executive Director of Public Private Partnership Development	OC-01	COB
Facilities Grounds and Day Custodial Supervisor	OC-01	COB
Facilities Maintenance and Energy Projects Manager	OC-01	COB



APPENDIX A

Conflict of Interest Code

EXHIBIT A

Entity: College Districts

Agency: South Orange County Community College District

Position	Disclosure Category	Files With
Grant Project Manager	OC-02	COB
Grant Project Manager for Real Estate	OC-02	COB
Grants Program Manager	OC-01	COB
Internal Auditor	OC-02	COB
Manager of College Fiscal Services	OC-01	COB
Manager, Office of the President	OC-01	COB
Night Facilities Operations Supervisor	OC-02	COB
Payroll and Benefits Manager	OC-01	COB
Police Operations Lieutenant	OC-02	COB
President	OC-01	COB
Project Director of Career Technical Education	OC-02	COB
Purchasing and Contracts Manager	OC-01	COB
Registrar	OC-02	COB
Risk Manager	OC-01	COB
Senior Buyer	OC-01	COB
Senior Director of College Facilities	OC-01	COB
Student Information Systems (SIS) Support Manager	OC-02	COB
Student Payment and Veterans Offices Manager	OC-02	COB
Systems Manager, Computers and Networking Operations	OC-02	COB
Vice Chancellor of Business Services	OC-01	COB
Vice Chancellor of HR and Employer-Employee Relations	OC-01	COB
Vice Chancellor of Technology and Learning Services	OC-01	COB
Vice President for College Administrative Services	OC-01	COB
Vice President for Instruction	OC-02	COB
Vice President for Student Services	OC-02	COB
Workday HCM/Fin Enterprise Resource Planning Program Manager	OC-02	COB

Total: 119



APPENDIX A

Disclosure Descriptions

EXHIBIT B

Entity: College Districts

Agency: South Orange County Community College District

Disclosure Category	Disclosure Description
OC-01	All interests in real property in Orange County, the authority or the District as applicable, as well as investments, business positions and sources of income (including gifts, loans and travel payments).
OC-02	All investments, business positions and sources of income (including gifts, loans and travel payments).
OC-30	Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation: The County Department Head/Director/General Manager/Superintendent/etc. may determine that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure required. The determination of disclosure is a public record and shall be filed with the Form 700 and retained by the Filing Officer for public inspection.

Grand Total: 3