

# *San Diego Community College District*

Procedure  
4460.2

October 14, 1998

## **CONFLICT OF INTEREST**

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This procedure is applicable to all officers and employees. It specifies activities which are inconsistent, incompatible, or conflicting with their duties or offices and requires action be taken by supervisory/management personnel.

### FUNCTION - Regulations

A District employee or officer shall not engage in any activity or enterprise for compensation which is inconsistent with or inimical to either his/her own duties with the District or to the functions or responsibilities of the District.

This prohibition includes, but is not limited to, the following:

- a. Use of District time, facilities, equipment, supplies or name in a manner clearly for private gain or advantage.
- b. Receipt or acceptance of money or other consideration from other than the District for activity which the employee or officer is expected to render in the regular course or hours of his/her employment with the District.
- c. Employment involving time demands which would render performance of his/her duties as a local agency officer or employee less efficient.
- d. Sale or promotion, on District property during employee's or officer's duty hours, of products or services, rental of property or products, or promotion of any academic or non-academic enterprise in which the employee or officer may have a pecuniary interest.
- e. Acceptance of remuneration, direct or indirect, for tutoring a student who is, or was during the past two semesters, enrolled in a faculty member's classes. No faculty member shall engage in tutoring for which he/she receives a fee on any of the campuses of the District nor may any equipment belonging to the District be used for this purpose.
- f. Outside employment and attendance at classes/courses at colleges and universities must be scheduled outside of the assigned hours.
- g. Receiving or giving of gifts, presents, or articles of value between students and staff.
- h. Submission of bids to purchase surplus District personal property when such is offered for public sale by the District.
- i. Outside activity which involves the use for private gain or advantage of the prestige or influence of the individual's position as a faculty or staff member, or employee of a particular department or office. This includes the use of information not readily available to the general public, gained in the course of District employment, for private gain or advantage, or the gain or advantage of another.
- j. Performance, outside of the District, of any work or service for compensation where any part of his/her efforts will be subject to approval or control by any other District employee, unless reported and approved in accordance with paragraph 1 below.

### IMPLEMENTATION

1. All officers and employees should apprise their immediate supervisor, in writing, when they are engaged or intend to engage in any activity, employment or enterprise which could be in violation of the regulations enumerated above.

This requirement is in addition to the reporting requirements for designated employees covered by the District Conflict of Interest Code.

2. When a conflict of interest is suspected, the issue shall be resolved in the following sequence:
  - a. The immediate supervisor/manager shall confront the employee with the allegation that activities engaged in by the employee violate a specific prohibition of this procedure. (If this step is verbal, a follow-up written memo shall be sent confirming the verbal allegation.)
  - b. The employee shall be informed of his/her right to appeal any determination of conflict of interest, and from its application in his/her specific case. Questions regarding conflicts of interest shall be resolved by and referred, in order, to the president/director via the appropriate chain of command. Presidents and directors may contact County Counsel for advice, and shall report each such question and decision to the Chancellor's Cabinet.
  - c. Continued or willful disregard for the restrictions of this procedure shall be cause for disciplinary action which could result in dismissal and/or prosecution.

#### FORMS/REFERENCES

1. California Government Code, [Section 1125 et seq.](#)

SUPERSEDES:  
Policy 4460.1, 07/16/76