

Human Resources

BP 7050 EMPLOYEE CONFLICT OF INTEREST

References:

Government Code, Sections 1126, 82029, 87100, 87302;
CCR, Title 2, Section 18705

The following policy pertains to all employees of the Cerritos Community College District.

A. CONFLICTS OF INTEREST ARE PROHIBITED

No employee or consultant/contractor of the Cerritos Community College District shall make, participate in making, or in any way attempt to influence a decision of the Cerritos Community College District in which he/she/they knows or has reason to know will have a financial effect, distinguishable from its effect on the public generally, on the employee or his/her/their "immediate family." Immediate family members, consistent with Board Policy 7310 Nepotism, shall be defined as father, mother, brother, sister, spouse, domestic partner, child, grandchild, stepfather, stepmother, stepson, stepdaughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandfather, grandfather-in-law, grandmother, grandmother-in-law, foster parents in lieu of father or mother, foster children or family members living in the immediate household, which includes:

1. Any business entity in which the employee, consultant/contractor or his/her/their immediate family has an investment;
2. Any business entity in which the officer, employee, consultant/contractor or his/her/their immediate family is a director, officer, partner, trustee, employee, or holds any position of management; or,
3. Any real property in which the officer, employee, consultant/contractor or his/her/their immediate family has a direct or indirect interest.

B. USE OF CONTRACTORS

In accordance with Government Code, Section 1126, no designated employee filing an Annual Statement shall accept money or gifts from any current contractor providing facilities, grounds, or construction services to the District. Designated employees are required to disclose on the Annual Statement any money or gifts in any amount from any current contractor providing facilities, grounds, or construction services to the District. For purposes of this section, a 'current contractor' refers to any business entity or individual including contractors, suppliers, architects, attorneys, engineers, and insurers, providing services related to the construction of facilities or grounds for the District during the year covered by the Annual Statement.

36 **C. PENALTIES**

37 Any employee who shall make, participate in making, or in any way attempt to use
38 his/her/their relationship with the Cerritos Community College District to influence
39 a decision of the Cerritos Community College District in which he/she/they knows
40 or has reason to know he/she/they has a prohibited financial interest shall be
41 subject to discipline, including up to dismissal.

42 **D. ACADEMIC DECISIONS**

43 In the area of academic decisions, the Fair Political Practices Commission has
44 established certain specific exemptions from conflict of interest provisions which
45 are applicable to the Cerritos Community College District. Academic decisions
46 with respect to textbook utilization and other educational materials are also subject
47 to the District's written guidelines for textbooks which appear in the collective
48 bargaining agreement. The regulations for academic decisions adopted by the
49 California Fair Political Practices Commission, at Title 2 Code of the California
50 Code of Regulations (CCR), Section 18705, provide as follows:

51 Section 18705. Academic Decisions.

52 “(a) Except as provided in subsection (b), neither disclosure of financial
53 interests nor disqualification is required under Government Code, Sections
54 87100, 87302, or any Conflict of Interest Code, in connection with:

55 “(1) Teaching decisions, including the selection by a teacher of books or
56 other educational materials for use within his/her/their own school or
57 institution, and other decisions incidental to teaching;

58 “(2) Decisions made by a person who has teaching or research
59 responsibilities at an institution of higher education to pursue personally a
60 course of academic study or research, to apply for funds to finance such a
61 project, to allocate financial and material resources for such academic study
62 or research, and all decisions relating to the manner or methodology with
63 which such study or research will be conducted. Provided, however, that
64 the provisions of this subsection (2) shall not apply with respect to
65 institution- or campus- wide administrative responsibilities respecting the
66 approval or review of any phase of academic research or study conducted
67 at the institution or campus.

68 “(b) Disclosure shall be required under Government Code, Section 87302
69 or any Conflict of Interest Code in connection with a decision made by a
70 person or persons at an institution of higher education with principal
71 responsibility for a research project to undertake such research, if it is to be
72 funded or supported, in whole or in part, by a contract or grant (or other
73 funds earmarked by the donor for a specific research project or for a specific
74 researcher) from a nongovernmental entity, but disqualification may not be
75 required under Government Code, Sections 87100, 87302, or any Conflict

76 of Interest Code in connection with any such decision if the decision is
77 substantively reviewed by an independent committee established within the
78 institution.”

79 **E. DISTRIBUTION OF THIS POLICY**

80 Copies of this policy shall be distributed by the Human Resources Office to all
81 current and future employees.

82 Office of Primary Responsibility: Vice President, Human Resources

83 See also BP/AP 2710 titled Conflict of Interest and BP 2712 titled Conflict of Interest
84 Code.

Date Adopted: 12/10/08

Date Revised: 11/6/19

Dates Reviewed: 4/8/19, 1/21/26