

**Human Resources**

**1 BP 7050 EMPLOYEE CONFLICT OF INTEREST**

**2 References:**

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

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

6 **A. CONFLICTS OF INTEREST ARE PROHIBITED**

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

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

25 **B. USE OF CONTRACTORS**

26 In accordance with Government Code, Section 1126, no designated employee  
27 filing an Annual Statement shall accept money or gifts from any current contractor  
28 providing facilities, grounds, or construction services to the District. Designated  
29 employees are required to disclose on the Annual Statement any money or gifts in  
30 any amount from any current contractor providing facilities, grounds, or  
31 construction services to the District. For purposes of this section, a 'current  
32 contractor' refers to any business entity or individual including contractors,  
33 suppliers, architects, attorneys, engineers, and insurers, providing services related  
34 to the construction of facilities or grounds for the District during the year covered  
35 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 or her relationship with the Cerritos Community College District to influence a  
39 decision of the Cerritos Community College District in which he or she knows or  
40 has reason to know he or she has a prohibited financial interest shall be subject to  
41 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 or her 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 See also BP/AP 2710 titled Conflict of Interest and BP 2712 titled Conflict of Interest  
83 Code.

84 Office of Primary Responsibility: Vice President, Human Resources

**Date Adopted: December 10, 2008**

**Date Revised: November 6, 2019**

**Date Reviewed: April 8, 2019**

*(Replaces former Cerritos CCD Policy 5000.1)*