

Board Policy Committee

January 23, 2026

**** AGENDA ****

For 1st Reading:

- BP 5015 Residence Determination
 - *Both the original OCCA version and the CCC Financial Aid office edits are included.*

For 2nd Reading:

- BP / AP 2110, Vacancies on the Board of Education

To Rescind:

- 4.115 Shift Differential, Confidential Classified
- 4.120 Callback, Confidential Staff
- 4.125 Work Week, Confidential Staff
- 6.212, Sanctions for Violations of Student Code of Conduct
- 6.215P, Student Discipline Procedure
 - *Both replaced by BP 5500, Standards of Student Conduct, AP 5505, Hazing, and AP 5520, Student Discipline on 9/11/2025*

From Fall 2025 Legal Update:

- BP 5040 Education Records, Directory Information and Privacy
- AP 2710 Conflict of Interest

BOARD POLICY AND PROCEDURE PROGRAM

BP 5015 Residence Determination

References:

- OAR 589-002-0200
- Senate Bill 312 Resident Tuition for Native American/Alaska Native Graduates of Oregon High Schools
- Senate Bill 234 Federal Vocational Rehabilitation Education Benefits for Military Dependents

Residency for tuition purposes at Clatsop Community College shall be determined in accordance with Oregon statutes and administrative rules governing community colleges. Clatsop Community College establishes three tuition classifications:

1. **In-State Resident:**

Students whose permanent address is within the State of Oregon at the time of enrollment shall be classified as in-state residents for tuition purposes.

2. **Border State Resident:**

Students whose permanent address is in one of the bordering states—Washington, California, Idaho, or Nevada—shall be classified as border state residents and charged the border state tuition rate.

3. **Out-of-State Resident:**

Students whose permanent address is in any other state or country shall be classified as out-of-state residents and charged the out-of-state tuition rate.

Veterans, Eligible Dependents and Active Duty Members of the Military:

In accordance with ORS 341.606 and federal law, veterans receiving education benefits under Chapter 31 (Vocational Rehabilitation and Employment) or Chapter 33 (Post-9/11 GI Bill) shall be charged in-state tuition rates, regardless of their state of residence. Additionally, dependents using education benefits under Chapter 35 (Survivors' and Dependents' Educational Assistance Program) shall also be charged in-state tuition rates. **Active Duty Members of the Military** shall also be charged in-state tuition rates.

Residency classification is based on the address provided by the student at the time of admission or registration. Students are responsible for providing accurate address information and promptly notifying the College of any changes.

The **President** shall enact procedures to assure that residence determinations are made in accordance with **Oregon law and this policy**.

BOARD POLICY AND PROCEDURE PROGRAM

Adopted:

BOARD POLICY AND PROCEDURE PROGRAM

BP 5015 Residence Determination

References:

No Oregon statutory requirement

NOTE: *This policy is legally advised.*

[Insert state law requirements for student residence determination]

The **[CEO]** shall enact procedures to assure that residence determinations are made in accordance with **[state law and this policy]**.

Adopted:



BP 2110 Vacancies on the Board of Education

References:

ORS 341.335

AP 2110 Vacancies on the Board of Education

The Board of Education shall declare the office of a board member vacant if it finds any of the following:

- (a) The incumbent has died or resigned.
- (b) The incumbent has been removed or recalled from office or the election of the incumbent thereto has been declared void by the judgment of a court.
- (c) The incumbent has ceased to be a resident of the district from which the incumbent was nominated or elected.
- (d) The incumbent has ceased to discharge the duties of office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause or unless excused by the chairperson of the Board of Education.

A Board member who changes permanent residence from one Zone of the District to another Zone or who by a change in Zone boundaries no longer resides in the Zone to which elected or appointed is entitled to continue to serve as a Board member until June 30 following the next regular district election at which a successor shall be elected to serve for the remainder of the unexpired term, if any.

When a vacancy is declared the remaining Board of Education members shall meet and appoint a person to fill the vacancy from any of the electors of the zone from which the vacancy occurs.

If the offices of ~~a majority~~four or more of the board members are vacant at the same time, ~~the~~ governing body of the principal county shall appoint persons to fill the vacancies from any of the electors of the zone from which the vacancy occurs.

The period of service of a Board of Education member appointed to a vacant position commences upon appointment and expires June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office on July 1.

The Board of Education shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board of Education will determine the schedule and appointment process, which may include interviews at a public meeting.



Board Adoption Date:
Last Revised:

Rescinds: 1.025

AP 2110 Vacancies on the Board of Education

References:

ORS 341.335

Sample Interview Questions are listed at the end of this Procedure

When the Board of Education determines to fill the vacancy by appointment, the President shall assure that there is ample publicity to and information for prospective candidates.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board of Education.

~~Persons applying for appointment to the Board of Education shall receive a letter from the President containing information about the college and the Board of Education, including a candidate interest and information sheet to be completed and returned by a specific date. The President's Designee Board secretary will review all completed applications to confirm statutory qualifications.~~

The Board of Education will develop a "standard" set of questions ~~to that will~~ be asked of ~~each the~~ candidates. ~~Each candidate will be asked the same questions.~~ The candidates will be provided a copy of the questions in advance of the scheduled interview.

The Board of Education shall request personal interviews with all qualified candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board of Education member will review all candidate information sheets, with final selection made by a majority vote ~~(four or more)~~ of the Board of Education members at a public meeting called for that purpose.

END OF PROCEDURE

Approved: ~~November 13, 2018~~

~~Sample interviewee to receive the questions in advance of the Interview~~

Board Interview Vacancy Questions
Zone _____

A. ~~Candidate~~ ~~3 minute statement of interest~~

B. ~~Board~~ ~~Interview Questions:~~

1. ~~Describe your volunteer and community experience.~~
2. ~~If a visitor asked you to describe the College, how would you describe it?~~
3. ~~What motivated you to apply for this position?~~
4. ~~This Position on the Board expires on June 30, _____. Would you consider running for office in the May _____ election to serve the unexpired _____ year portion of this 4-year term?~~
5. ~~What expertise (business background, previous work in an educational institution, education related service, etc.) do you feel you bring to the Board?~~
6. ~~If you find yourself in a minority position on an important issue, how will you handle the situation?~~

C. ~~Candidate~~ ~~Do you have any Questions?~~

D. ~~Candidate~~ ~~Is there anything, which we didn't ask you about that you would like to share?~~

END

Clatsop Community College

Code: 4.115
Adopted: 10/89
Orig. Code: 362

SHIFT DIFFERENTIAL-CONFIDENTIAL STAFF

Confidential staff shall receive a 10% shift differential for time worked between 6 p.m. and 7 a.m. There shall be no shift differential for overtime hours.

END OF POLICY

Legal Reference:

ORS Chapter 341

Clatsop Community College

Code: 4.120
Adopted: 10/89

CALLBACK-CONFIDENTIAL STAFF

A confidential staff employee who has already left work and is called to return to work, without previously being assigned such return, shall be paid a minimum of two hours. The rate of pay will be time and one-half for whatever portion of the callback puts the employee over 8 hours in the day and 40 hours in the scheduled week.

END OF POLICY

Legal Reference:

ORS Chapter 341

Clatsop Community College

Code: 4.125
Adopted: 10/89
Orig. Code: 360

WORK WEEK-CONFIDENTIAL STAFF

Salaries at Clatsop Community College are based on an eight-hour day and forty-hour week. Offices shall be open for business between 8 a.m. and 5 p.m., unless otherwise authorized. One hour is allowed for lunch. Office hours and hours of work may be changed at College discretion.

All confidential staff are encouraged to take two 15-minute rest or coffee breaks within the eight-hour work day to be taken as approved by the immediate supervisor. Where possible, breaks should be staggered so that offices are not left unattended.

END OF POLICY

Legal Reference:

ORS Chapter 341

SANCTIONS FOR VIOLATIONS OF THE STUDENT CODE OF CONDUCT

The Dean of Student Services will be responsible for maintaining and disseminating a disciplinary procedure for imposing sanctions while ensuring a student's right to due process (Student Discipline policy/procedure-6.215/6.215P). The severity of the sanction(s) should reflect the severity of the violation and may be imposed singly or in any combination. Sanctions for violation(s) of the Student Code of Conduct may include, but are not limited to, the following:

1. Written Reprimand: Written warning that a student's conduct does not meet College standards and that continuation of such misconduct may result in further disciplinary action.
2. Disciplinary Probation: Imposition of a probationary status, for which further violations may result in additional disciplinary action, including suspension. Disciplinary probation may be imposed for any length of time up to one calendar year. The terms of the probation and conditions for ending it will be specified in a letter to the student. Disciplinary probation may include referral for intervention, screening, and treatment in cases where use of alcohol or other controlled substances have impaired safety and judgment.
3. Personal Mental Health Referral: A sanction which may be invoked in circumstances where the student's behavior poses a potential threat to the campus community.
4. Bar Against Re-Enrollment: May be imposed on a student who has a disciplinary case pending or who fails to pay a debt to the College.
5. Restitution: Reimbursement for costs of damage to a person or property or for a misappropriation of property. Restitution may take the form of appropriate services to repair or otherwise compensate for damages. Restitution may be imposed in combination with any other penalty.
6. Withholding of an Official Transcript: May be imposed upon a student who fails to pay a debt to the College.
7. Suspension of Rights or Privileges: Imposes specific limitations on, or restrictions to, the status of a student's enrollment at the College.
8. Suspension of Eligibility for Extracurricular Activities: Prohibited from joining a recognized student organization and participating in its activities or attending its meetings and/or from participating in official athletic or other extracurricular activities for any length of time up to one calendar year.

9. Temporary Exclusion: An instructor or supervisory staff member may remove a student from class, a service area, or a College sponsored event when, in the judgment of the instructor or supervisor the student is disrupting the educational or administrative processes of the College or poses a danger to other staff or students. Prior to removal, the instructor or supervisor must inform the student of the nature of the disruptive behavior and request that the student cease the behavior. If the student does not comply, the instructor or supervisor has the authority to ask the student to leave the service area or College sponsored event for the remainder of the class session, service day, or event.

10. Suspension: A student may be suspended for a defined period of time. During a period of suspension the student is prohibited from registering for one or more credit or non-credit classes sponsored by the College and may be barred from entering the College campus except with the permission of the President, Vice-President of Instruction/Student Services, Dean of Student Services, or Dean of Community Education. The conditions of re-enrollment shall be stated in the letter of suspension.

11. Summary Suspension: Summary suspension may be used to protect the College from potential disruption of instructional or other college activities, or to protect the safety of students, faculty, staff, or College property. Summary suspension, for the purpose of investigating the event or events in which the student or students were allegedly involved, shall be for no more than five (5) school days; however, it may be continued pending final disposition of the case if it is deemed necessary for the safety of students, faculty, staff, or College property or in cases where the student's presence is considered to be disruptive to the orderly functioning of the College.

The President, Vice-President of Instruction/Student Services, Dean of Student Services, Dean of Community Education or their designees may summarily suspend a student within the stated guidelines. Such suspension shall remain in effect until the outcome of a formal hearing is determined. The formal hearing shall be held no more than ten (10) working days from the first day of suspension. This timeline may be modified with the agreement of both parties.

12. Readmission after Suspension: When a student is suspended, the conditions for re-enrollment that must be met will be outlined in the letter the student receives at the time of suspension. In the case of a long-term suspension, (more than one week), the student will be required to meet with the Vice-President of Instruction/Student Services prior to re-enrollment, and to request re-enrollment in writing. The Vice-President will be responsible for determining if the conditions for re-enrollment have been met. The Vice-President will provide the student, in writing, with his/her decision regarding the student's reentry into the College and the reasons for the decision.

13. Expulsion: A permanent separation from the College. A student may be expelled from the College only on approval of the decision by the College's Board of Directors.

Note: The parents or guardian of any dependent student under age 18 years of age who is placed on disciplinary probation, suspended, or expelled shall be notified.

END OF POLICY

Clatsop Community College

Code: 6.215P
Adopted: 06/30/97*
Revised: 02/01/02&
06/06/02
04/19/11

*as part of 6.210P

STUDENT DISCIPLINE PROCEDURE

These procedures have been established by the College to protect and support its mission as an educational institution, provide for the orderly conduct of its activities, and safeguard the interests of the College community. These disciplinary procedures are considered part of the College's educational process. Hearings or appeals conducted as part of this process are not courts of law and they are not subject to many of the rules of civil or criminal hearings. Because some violations of the College's Student Code of Conduct are also violations of law, students may be accountable to both civil authorities and to the College for their actions. Disciplinary action at the College will normally proceed regardless of external civil or criminal proceedings and may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

Charges

Any student, staff, or faculty member may file a formal complaint against any student for violating the Student Code of Conduct (Policy 6.210). Prior to initiating a formal complaint process a student, faculty or staff member must attempt to informally resolve the complaint (Exceptions to this will be determined by the appropriate College official). Faculty and staff, depending on the severity of the violation, may elect to warn a student regarding violations of the Student Code of Conduct by completing a Student Conduct Warning form. *A formal complaint must be filed within fifteen working days of the date that the incident or event occurred that prompted the formal complaint.

Complaints should be prepared on a College "Formal Complaint Form" and directed to the Dean of Student Services. These forms are available in the Student Services Center, Sharepoint Document Center, Human Resources Office, Learning Resource Center (Library), Community Education Office, South County Center, and MERTS.

Investigation of Charges

The Dean of Student Services, or his/her designee, will conduct an investigation to determine if the charges have merit and/or if they can be resolved administratively by mutual consent of the parties involved. During investigation of the charges, the status of the student shall not be altered nor shall his/her right to be present on the campus and to attend classes be suspended except for reasons related to the safety and well-being of students, faculty, staff, or College property, or in cases where the student's presence interferes with the orderly operation of the College as judged by the Dean of Student Services. Under these circumstances the temporary suspension policy may be invoked according to the College's policy on Sanctions for Violations of the Student Code of Conduct-6.212).

Hearings

There are two levels of hearings, informal and formal. The informal hearing step shall be held for all violations of the Student Code of Conduct in which it has been determined that the charges have merit and cannot be discharged administratively with the consent of all involved parties. Formal hearings are held in cases where the violation of the Student Code of Conduct could result in such disciplinary action as final expulsion, or indefinite or long-term suspension from the College.

Notice

A student charged with a formal complaint for violating the Student Code of Conduct or any other College policy or rule will be notified to meet with the Dean of Student Services or his/her designee at a specific time, date, and place regarding the charges. Notification will be made in the most effective manner considering the circumstances and timelines. Notification may include a phone call followed by a letter, notification exclusively by postal service, e-mail, or any other method determined to be effective and expedient. In the case of a dependent student, such notice may also go to the parent or guardian.

Required Attendance

Failure on the part of the accused student to meet as requested for an informal or formal hearing without good cause and prior notification or a verifiable emergency, will result in a decision being made in the student's absence. In all cases, evidence in support of the charges shall be presented and considered. The student shall be notified of this decision in writing.

I. Informal Hearings

If the Dean of Student Services determines that the charges have merit and the situation cannot be resolved by mutual consent of the involved parties, he/she will conduct an informal hearing utilizing the following steps:

- A. Review the charges with the student and ensure that the student receives, in writing, notification of the charges.
- B. Review the possible disciplinary action that could be taken if the student is found to have violated the Student Code of Conduct.
- C. If requested by the student or the Dean of Students set a follow-up meeting date/time for the student to respond to the charges. This date should be not less than five or more than ten working days from the date of the initial meeting with the student.
- D. At this follow-up meeting, the Dean of Student Services and the student will discuss the charges and the student's response.
- E. Within ten working days of the meeting in which the student responded to the charges, the Dean of Student Services will take one of the following actions:
 - Dismiss the charges
 - Respond with counseling and behavior advice/referrals
 - Order restitution or probation
 - Reprimand the student in writing
 - Invoke short-term suspension of no longer than one week.
 - Continue a short-term suspension until a formal hearing is convened
 - Order a formal hearing to be held no more than fifteen working days after the student is informed of this decision by the Dean of Student Services
 - Recommend any other action or combination of actions including long-term suspension or expulsion, which is directed at remedying the situation in accordance with College

Policy 6.212, "Sanctions for Violations of the Student Code of Conduct." Long-term suspensions or expulsions must be reviewed by the Student Discipline Committee.

F. The student will be notified, in writing, of the decision of the Dean of Student Services.

Appeals

A student may appeal the decision of the Dean of Student Services to the Student Discipline Committee. The request for an appeal must be made, in writing, within five working days to the Dean of Student Services.

II. Formal Hearings

Formal hearings are held in cases where alleged violations of the Student Code of Conduct could result in such disciplinary action as expulsion or long-term suspension from the College or when the student appeals the decision of the informal hearing. The Dean of Student Services, or his/her designee, will convene the Student Discipline Committee for formal discipline hearings. The charge of the committee is to consider and student conduct cases in which the potential sanction being considered is suspension or expulsion. The Student Discipline Committee will utilize the following structure and processes:

A. Membership of the Committee will include:

- Three representatives from the Faculty Association
- The College Counselor
- One student appointed by the ASG president when deemed appropriate by the Dean of Student Services
- Dean of Student Services or his/her designee.

B. Members will serve for no longer than three years; faculty vacancies that occur during the year shall be filled as they arise by the Faculty Association. Staff positions will be filled by the Dean of Student Services.

C. A quorum shall consist of three members for student discipline hearings and must include the Dean of Student Services;

D. All committee members shall have voting rights.

E. The Dean of Student Services serves as chair of the committee and meetings are conducted utilizing the following formal hearing guidelines:

A. The hearing process employed by the Student Discipline Committee is not subject to the formal procedures or technical rules of evidence found in a court of law. All hearings and meetings, however, will be conducted in an atmosphere of fairness and concern for all parties involved.

B. Hearings are not open to the campus community, general public, or press.

C. The deliberations and decisions of the Student Discipline Committee are considered confidential in compliance with student rights to privacy as regulated by the Family Educational Rights and Privacy Act (FERPA).

- D. Admission of any eligible person to the hearing shall be at the discretion of the Dean of Student Services.
- E. The accused student will be provided with a list of the names and titles of the Committee members prior to the date of the scheduled hearing.
- F. Students may be assisted at hearings by an advocate, a faculty member, staff member, family member or student enrolled at Clatsop Community College but must conduct all aspects of their own defense. Advisors are not permitted to speak or to participate directly in any hearing. This process is not a court of law and legal counsel is not part of the student judicial process. The student may seek legal advice at his/her own expense, but to avoid an adversarial situation and to maintain an educational environment and not the appearance of a court of law, neither the College nor the student will be represented by a lawyer during the hearing. An exception regarding legal counsel will be made in the event that criminal charges against a student are either pending or potential. The attorney will be allowed to advise the student but not allowed to speak at or participate directly in the hearing. The cost of such counsel shall be borne by the student. If such legal counsel is required, the student must provide, in writing, sufficient notice to the College so that the College may also arrange for legal counsel to be present.
- G. Written statements, exhibits, academic records or any other documentation relevant to the proceedings may be accepted as evidence for consideration at the discretion of the Dean of Student Services. Evidence commonly relied upon by reasonable people in the conduct of their daily business affairs shall be admissible. Unduly repetitious or cumulative evidence may be excluded.
- H. All involved parties have the right to present witnesses and evidence subject to the approval of the Dean of Student Services. Witnesses also have the right to have an advisor present subject to the same restrictions as the accused student.
- I. The accused student will have the opportunity to hear and question all participants at the hearing by directing questions to the Committee.
- J. In no case will the Committee consider written statements adverse to the accused student unless the content and names of those making the statements are available to the student.
- K. The hearing shall proceed in the following order:
 1. Declaration of the charges against the student.
 2. Presentation of evidence and witnesses in support of the charges.
 3. Opportunity for the accused student to ask questions of witnesses by directing them through the Committee.
 4. Opportunity for the Committee to direct questions to witnesses.
 5. Accused student's evidence and witnesses in opposition to the charges.
 6. Opportunity for the accused student to ask questions of witnesses by directing them through the Committee.
 7. Opportunity for the Committee to direct questions to witnesses and accused student.
 8. Summary statement from the accused student.

- L. The final decision for all procedural questions regarding the hearing rests with the Dean of Student Services.
- M. A record of the proceedings shall be kept. The record shall be the property of the College.
- N. If the accused student elects not to appear at the hearing, a hearing considering all available evidence will be held in the student's absence.

Outcome of Hearing

Upon conclusion of the hearing, in a closed session, the Student Discipline Committee shall determine by majority vote whether it is more likely than not that the student has violated the section or sections of the Student Code of Conduct with which he/she is charged.

Notification of Outcome

The student will be notified, in writing, within ten working days of the decision of the Student Discipline Committee.

Appeals

Appeals of disciplinary sanctions imposed by the Student Discipline Committee may be made only when the student has been suspended for more than one week or expelled. The only grounds upon which an appeal of the decision of the Student Discipline Committee will be considered are:

- A. A procedural error or irregularity which materially affected the decision.
- B. New evidence of substantive nature not previously available at the time of the hearing that would have materially affected the decision.
- C. Demonstrated bias on the part of the Committee that materially affected the hearing. Evidence of such bias must be included with the appeal.
- D. The sanction imposed is clearly excessive when compared to the findings established during the hearing process.

If the student feels that he/she has grounds for an appeal, the student must appeal the decision of the Student Discipline Committee by filing a written appeal with the College President within ten working days of receipt of the Committee's decision. The President shall render a decision, in writing, regarding the appeal within ten working days. The decision of the President shall be final and not subject to further appeal.

*(All deadlines indicated in this procedure may be extended or reduced with the agreement of both parties.)

BOARD POLICY AND PROCEDURE PROGRAM

BP 5040 Education Records, Directory Information, and Privacy

References:

The Family Educational Rights and Privacy Act (FERPA) (20 U.S. Code Section 1232g);
34 Code of Federal Regulations Part 99);
NWCCU Standard 2.C.4
ORS 341.290(17) and OAR 589-004-0100 to -0750
ORS 180.805
ORS 181A.820 to 181A.829

NOTE: *This policy is legally required.*

The [CEO] shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

The [CEO] may direct the implementation of appropriate safeguards to assure that student records cannot be accessed or modified by any person not authorized to do so.

Any currently enrolled or former student of the [entity] has a right of access to any and all student records relating to him or her maintained by the [entity].

No representative of the [entity] shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit the information.

NOTE: *This language below is an extremely limited definition of "directory information." Federal laws permit the Board of Education to adopt a definition of "directory information." However, an expansive definition of "directory information" is not recommended out of concern for both the family privacy and the safety of students. Applicable law does not give the entity discretion to use a more expansive definition of directory information on a selective basis, e.g., in order to make such data available to potential vendors.*

Directory information may include, but is not limited to the student's:

- Name and address;[**Telephone listing, electronic mail address**];

BOARD POLICY AND PROCEDURE PROGRAM

- [**Photograph**];
- [**Date and place of birth**];
- Major field of study;
- Grade level;
- Enrollment status (e.g. undergraduate or graduate, full-time or part-time);
- Dates of attendance;
- Participation in officially recognized activities and sports;
- Weight and height, if a member of an athletic team;
- Degrees, honors, and awards received; and
- Most recent educational agency or institution attended.

Directory information does not include a student's:

- Social security number and
- Student identification number.

NOTE: The following language is consistent with the Oregon Attorney General's "Model Policies Regarding Immigration" Model Policy 7.

Federal Immigration Authority Access to Student Records

Oregon law prohibits disclosure of student records to federal immigration authorities for the purpose of enforcing federal immigration laws.

Federal and state laws also make student records confidential and permit their disclosure only in limited circumstances. To assure compliance with applicable federal and state law, [**entity's**] employees shall not disclose student records, or information from those records, to federal immigration authorities except as allowed by this policy and procedures found in AP 5040 Education Records, Directory Information, and Privacy and AP 3801 Sharing or Disclosing Citizenship or Immigration Status or Country of Birth Information or Other Protected Information.

Adopted:

NWCCU Standard Updated 5/20
Revised 10/25

AP 2710 Conflict of Interest

References:

NWCCU Standard 2.D.3
ORS 244.010 to 244.047; ORS 244.120 to 244.130; ORS 244.175 to 244.179
OAR 199, Division 5 (Gifts)
Oregon Government Ethics Commission "Guide for Public Officials"

NOTE: This administrative procedure is accreditation related and recommended as legally advised. Insert local requirements pertaining to Board of Education conflict of interests.

Board of Education members shall publicly announce the nature of a financial conflict of interest on the record prior to taking action on the issue before the Board as required by Oregon law. The type and nature of the conflict shall be recorded in the official minutes of the meeting.

Board of Education members may participate in discussion and may vote on an issue after announcing a **potential** conflict of interest publicly prior to taking action. If a Board of Education member announces an **actual** conflict of interest, the Board of Education member must refrain from any discussion or debate on the issue out of which the actual conflict arises and may not vote on the issue.

Employees of the college who are involved in matters in their official capacity that give rise to a potential or actual financial conflict of interest, must provide written disclosure of the conflict to their supervisor. The college must find another employee to dispose of the matter or direct the employee to address the matter as specified by their supervisor.

"Potential Conflict of Interest" – means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **could** be to the private financial benefit or detriment of the person or **the** person's relative or member of the household, or a business with which the person or the person's relative or member of the household is associated, unless the financial benefit or detriment arises out of the following:

- a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
- b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or member of the household, or business with which the person or the person's relative or member of the household is associated, is a member or is engaged.

c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

“Actual Conflict of Interest” – means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **would** be to the private financial benefit or detriment of the person or the person’s relative or member of the household, or any business with which the person or a relative or member of the household of the person is associated unless the financial benefit or detriment arises out of circumstances described above.

“Relative” means: spouse, parents, step-parents, children, siblings, step-siblings, sons-in-laws, daughters-in-laws, individuals for whom the employee has a legal support obligation, or anyone for whom the employee provides benefits arising from their employment.

“Member of the household” means any person who resides with the public official.

“Business” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

Gifts

Board of Education members, employees of the college, and their relatives are prohibited from accepting gifts of a value greater than \$50 from a single source during a calendar year from any person that can reasonable be known to have a legislative or administrative interest in a decision before the Board of Education or the individual employee as a public official. Meals (food and beverage) and entertainment are considered gifts and are subject to the annual limitation.

The following are not considered gifts:

- a) Campaign contributions.
- b) Gifts from relatives or members of the public official’s household.
- c) Unsolicited tokens or awards of appreciation if value is less than \$25.
- d) Admission and meals provided to a public official when they are invited to attend a reception, meal or meeting held by organization when the public official is attending as representative of the college. This exception does not apply to “private meals with small numbers of participants.”

- e) Informational material, publications or subscriptions related to the public official's position.
- f) Expenses paid by a government entity, membership organization to which the college pays dues, or a non-profit corporation for attendance at a convention, fact-finding trip, or other meeting if the public official is delivering a speech, making a presentation, participating in a panel, or representing the college.
 - a. "Representing" the college means that the public official is participating in an event on behalf of the college in their capacity as a public official.
- g) Food, travel or lodging expenses paid to a public official, a relative, member of the household, or staff when the public official is representing the college on an "officially sanctioned" trade-promotion or fact-finding mission, or in official negotiations or economic development activities.
 - a. "Officially sanctioned" means written approval given by a person authorized by the public body to give approval such as a supervisor or the college's Board of Education.
- h) Expenses provided by a public official to another public official for travel in state to and from an event that is related to the person's official office and in which that person participates in their official capacity.
- i) Food and beverage provided at a reception (e.g. social gathering) where the food and beverage are an incidental part of the reception.
- j) Entertainment that is an incidental part of another event or in which the public official has been invited to participate in their official capacity (i.e., throwing out the first ball at a baseball game).
- k) Gifts offered as part of the usual and customary practice of a person's private business, employment or volunteer position that bears no relationship to the public official's official position.

"Gift" means something of economic value that is offered to a public official or to relatives or members of the household of a public official or candidate without cost or at a discount or as forgiven debt and the same offer is not made or available to the general public who are not public officials.

"Legislative or administrative interest" means an economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official.

Nepotism

A Board of Education member is prohibited from participating in any personnel action taken by the [**entity**] that would impact the employment of a relative or member of the public official's household, and must follow the conflict of interest requirements above. A Board of Education member may not participate in the following personnel actions: appointing, employing or promoting; discharging, firing or demoting; interviewing;

discussing or debating the appointment, employment, promotion, discharge, firing or demotion of a relative or member of the household. This prohibition does not apply to relatives or members of the household who serve the [**entity**] as an unpaid volunteer.

Approved:

| Updated 11/19, [10/25](#)
NWCCU Standard added 5/20