

Policy Number: 1190

Policy Name: Conflict of Interests

Responsibility for Maintenance: Director of Human Resources

Effective Date: July 1, 2018

Last Updated: August 15, 2023

I. Reason for Policy

The purpose of this policy is to provide guidance to employees and officers relating to conflict of interests and to inform them of their duty to comply with the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 et seq.).

II. Applicability of the Policy

This policy applies to all employees at RBC during the term of their employment with the College.

III. Definitions

A. **Employee:** All persons employed by Richard Bland College in any capacity.

B. **Immediate Family:** An employee's spouse or immediate family member who resides with the employee and is a dependent of the employee. Note that as the definition relates to public procurement (contracting), the following is the definition of "immediate family": an employee's spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee.

C. **Business (or external entity or organization):** Any corporation, partnership, sole proprietorship, firm, franchise, association, trust or foundation, or any individual or entity carrying on a business or profession, whether or not for profit. This definition excludes the College or any other entity controlled by, or affiliated, with the College.

D. **Personal Interest (as defined by the Virginia State and Local Government Conflict of Interests Act):** a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of (i) or (iv) above.

IV. Policy Statement

The citizens of the Commonwealth are entitled to be assured that the judgment of public

officers and employees will not be compromised or affected by inappropriate conflicts. The State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 et seq.) and the Virginia Public Procurement Act, § Virginia Code § 2.2-4367 et seq.), provide the body of law applicable to all Richard Bland College employees regarding such conflicts. The entire law is not summarized in this policy; however, employees should be aware that the following situations may represent violations:

- A. Soliciting or accepting money or gifts:
 - except allowable expenses, employee compensation, or other remuneration paid by the College;
 - for compensation for obtaining employment, an appointment, or promotion of any person with any government agency;
 - for consideration of the use of your public position to obtain a contract for any person/business with any government agency; or
 - that may tend to influence you in the performance of your official duties.
- B. Accepting any business/professional opportunity that is being afforded to your immediate family or you to influence you in the performance of your official duties.
- C. Using any confidential information for your or another party's benefit that you have acquired by reason of your position and which information was not available to the public.
- D. Having a personal interest in a Richard Bland College agreement/contract other than your contract of employment, or any attempt by an immediate family member to have an interest in any such agreement/contract.
- E. Having a personal interest in a contract with another state agency that was not awarded through a competitive process.
- F. Involvement by you or a member of your immediate family in any manner in a Richard Bland College procurement transaction while at the same time negotiating/arranging for prospective employment with that bidder or offeror.
- G. While involved in any manner in a procurement transaction, soliciting or accepting any money, service or anything of value from any bidder or offeror, contractor or subcontractor, unless authorized by law.

V. Related Documents

- A. [RBC Policy 1240: Outside Employment Disclosure](#)
- B. [State and Local Government Conflict of Interests Act \(Virginia Code § 2.2-3100 et seq.\)](#)
- C. [Virginia Public Procurement Act \(specifically Virginia Code § 2.2-4367 et seq.\)](#)

VI. Contacts

The cited Code of Virginia sections should be consulted by any employee or officer who may be involved in any such situation as summarized above. The Code may be accessed at <http://leg1.state.va.us/000/src.htm>. Employees who have questions should consult with the Office of Human Resources or with College Counsel. When in doubt, ask before you act. The consequences for failing to do so can be severe.

OFFICE	TITLE	TELEPHONE NUMBER	EMAIL
Human Resources	Director of Human Resources	(804)862-6100, ext. 6409	rbchr@rbc.edu