

CONFLICT OF INTEREST AND NEPOTISM

Board of Governors for Higher Education
State of Rhode Island and Providence Plantations

Adopted: 05/08/80 (BR) 07/02/81 (BG) Legal Citation: Ch. 36-14
16-31-13
Amended: 16-59-14

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I. GENERAL PURPOSE

It is the general purpose and intent of these regulations to define and prohibit conflicts of interest and nepotism in the activities of all employees of the Office of Higher Education, the public institutions of higher education and all other agencies under the jurisdiction of the Board. These regulations are in addition to any other laws, regulations or policies which may apply to the same subject matter, and they shall not be construed to allow any activity which is prohibited by such other laws, regulations or policies.

II. CONFLICT OF INTEREST

A. General Prohibition

No person employed in any capacity under the Board's jurisdiction shall have any interest, financial or otherwise, direct or indirect, or engage in any business, employment transaction, or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties or employment in the public interest.

B. Substantial Conflict

Such person has an interest which is in substantial conflict with the proper discharge of his/her duties or employment in the public interest if he/she has reason to believe or expect that he/she or his/her spouse (if not estranged) or any dependent child, business associate or any business by which said person is employed or which said person represents will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his/her official activity. He/she does not have an interest which is in substantial conflict with the proper discharge of his/her duties in the public interest if any benefit or detriment accrues to him/her or his/her spouse (if not estranged) or any dependent child, business associate, or any business by which said person is employed or which said person represents as a member of a business, profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group.

C. Contracts

No such person and no spouse (if not estranged) or any dependent child of such person or business associate of such person or any business entity in which said individual, spouse or child or business associate of such person has a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest shall enter into any contract with this Board or any agency under its jurisdiction unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded; provided, however, that contracts for professional services which have been customarily awarded without competitive bidding shall not be subject to competitive bidding if awarded through a process of public notice and disclosure of financial details.

III. NEPOTISM

A. Family Defined

For purposes of this regulation the term "family" shall mean and include parents, spouse (if not estranged), children and their spouses, siblings and their spouses and children.

B. Commissioner, President, etc.

No member of the same family as the Commissioner and Assistant Commissioners of Higher Education or of the President or Vice Presidents of the higher education institutions, shall be employed in any capacity under the Board's jurisdiction.

C. Other Employee

No two persons of the same family may hold positions under the Board's jurisdiction in which one of them is directly or indirectly responsible for recommendations or decisions involving the other in such matters as initial appointment, retention, promotion, salary, leave of absence, or any other job-related function of a supervisory nature.

D. Prospective Application

The prohibitions contained in subsections B. and C. of this section shall apply prospectively and shall not prohibit family member employment existing on the date of the adoption of these regulations.

E. Subsequent Family Formulation

The prohibitions contained in subsections B. and C. of this section shall not apply to those instances of family member employment which arise from the formation of the family after such employment has begun.

F. Student Employment

The prohibitions contained in subsections B. and C. of this section shall not apply to the employment of students who are members of an employee's family, provided that such student employment is of a type generally made available to students at the institution or agency in which the employment is held.

G. Resolution of Special Cases

In those cases where two or more family members are employed because of the exceptions provided in subsections D., E., and F. of this section, and where one family member is directly responsible for recommendations or decisions involving another in such matters as initial appointment, retention, promotion, salary, leave of absence or any other job-related function of a supervisory nature, the effected family members and the employing institution or agency shall, to the extent reasonably practicable, resolve a means for the evaluation to be accomplished by a non-family member.

H. Special Exemptions

In those instances where an institution or agency can show to the satisfaction of the Board that such institution or agency will suffer a genuine hardship in the pursuit of its purposes by reason of the application of the provisions of this section, such institution or agency may apply to the Board for a special exemption and the Board may grant the same subject to such conditions as it shall deem proper.