

MISSOURI SOUTHERN STATE UNIVERSITY POLICY

Policy #:	01-0003				
Name of Policy:	Board Conflict of Interest				
Date of Last Revision:	March 2024	Initial Date of Approval:		Initial Effective Date:	
Policy Owner	Board of Governors				
Policy/Chapter Sections	Authority Prohibited Acts Procedure Campaign Contributions Nepotism Disclosure of Relationship				
Date of Next Review:	March 2027				

1.0 PURPOSE

This policy is intended to ensure that all members of the University Board of Governors execute their duties and responsibilities solely for the benefit of the public, the Board, and the University, and avoid acting in their own personal or financial interest when such interests conflict with those of the public, Board, or University.

2.0 SCOPE

This policy governs the University's ethical expectations for the Board of Governors when acting on personal or financial interests as those interests relate to those of the University as set forth herein and in accordance with Article VII, Section 6 of the Missouri Constitution and Sections 105.452 and 105.454 of the Missouri Revised Statutes.

3.0 POLICY

Authority

All members of the Board of Governors should review the provisions of Article VII, Section 6 of the Missouri Constitution and Sections 105.452 and 105.454 of the Missouri Revised Statutes which apply to governing boards of higher education.

Prohibited Acts

1. No member of the Board shall vote on, attempt to influence the vote of other members of the Board or attempt to influence the decision of the University with regard to any matter under consideration by the Board or by the University in which the action will result in a material financial gain or personal gain for the Board member or his spouse or dependent children.
2. No member of the Board shall act or refrain from acting, in connection with his or her duties and responsibilities as a member of the Board, by reason of the payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value by the Board member or his spouse or dependent children.
3. No member of the Board shall use in any manner whatsoever or disclose to others confidential information obtained in connection with his or her duties and responsibilities as a member of the Board with intent to result in material financial gain or personal gain for the Board member or his spouse or dependent children.

The Board requires each member annually:

- i. to review this policy
- ii. to review the referenced constitutional and state statutory references; and
- iii. to disclose any possible personal, familial or business relationships that reasonably could give rise to a conflict involving the University.

Procedure

If a member of the Board reasonably believes that he or she or another Board member has a conflict of interest, a potential conflict of interest or reasonably believes that the general public might perceive that a conflict of interest exists with regard to any matter that is under consideration by the Board, he or she shall report such conflict of interest, potential conflict of interest or perceived conflict of interest to the Chair of the Board and the Board's General Counsel at the earliest opportunity and, if possible, prior to any discussion, deliberation or vote by the Board on that matter.

Unless the member of the Board voluntarily agrees to abstain from all such discussions and voting on the matter, the Chair of the Board shall determine whether an actual or perceived conflict of interest exists and, if so, shall request that such member of the Board refrain from all such discussions and voting on the matter. If requested by the Chair of the Board, the member shall be absent from all discussions, recommendations, determinations, decisions and voting on the matter.

If the Chair of the Board is the Board member whose financial or personal interest is at issue, the Vice-Chair of the Board shall determine whether an actual or perceived conflict of interest exists and, if so, shall request that the Chair of the Board refrain from all such discussions and voting on the matter and determine whether the Chair should be absent during discussions, recommendations, determinations, decisions and voting on the matter.

In all cases the Board is the final authority on conflict of interest issues. Any Board member who has been requested by either the Chair of the Board or the Vice Chair of the Board to recuse himself or herself from discussions, recommendations, determinations, decisions and voting on a matter has the right to appeal this decision to the Board as a whole. In such a case, all Board members shall vote on the issue and a majority of the Board shall be the final arbiter of whether said Board member shall abstain. The Board member whose financial or personal interest is the subject of any vote shall not be eligible to vote thereon.

Campaign Contributions

It is recognized that any officer or employee who contributes or causes to be contributed, directly or indirectly, the sum of three thousand dollars (\$3,000.00) or more in the aggregate to any statewide elected official must disclose such contribution to the Missouri Ethics Commission under certain circumstances.

Nepotism

Pursuant to the Missouri Constitution, no Board member shall participate, either directly or indirectly, or attempt to influence any decision to appoint or hire an employee of the University, either part-time or full-time, who is related to such Board member within the fourth degree by consanguinity (blood) or affinity (marriage). It also shall be a violation of this policy for a Board member to supervise, either directly or indirectly, the work of a university employee who is related within such fourth degree, unless the supervisory role is specifically approved by the President of the University.

Disclosure of Relationship

No Board member shall actively participate in the selection of a prospective employee, a consultant, or a contractor to provide services to the University without disclosing any close personal friendship, business association, or family relationship which the officer or employee may have with the prospective employee, consultant, contractor, or any member of the consultant's firm or the contractor's company. Such disclosure shall be made prior to selection of the employee, consultant, or contractor.

4.0 HISTORY

This policy may be revised, edited, changed or removed at any time with or without notice to applicable individuals.

March – updated to new format, revised by Board of Governor's Attorney.

5.0 RELATED DOCUMENTS

None