



Policy Number 3.3.3

Chapter: Employees and Human Resources

Title: AHEC Employee Conflicts of Interest and Commitment

Division/Department: Administration/Human Resources

Policy Administrator: Director of Human Resources

Adoption Date: April 3, 2024

Revision Dates:

1. PURPOSE

The Board of Directors of the Auraria Higher Education Center is committed to operating AHEC in an ethical manner and in compliance with applicable legal requirements.

Conflicts of Interest or Commitment, or even the appearance of a conflict, can erode the public trust, undermine the reputation of the institution, and may expose the Center to liability. All employees of the Center must endeavor to remain free of outside interests that would improperly influence their decisions and actions taken on behalf of the institution. The purpose of this policy is to define conflicts of interest and commitment, help prevent conflicts from arising, and provide a means for the Center to act in the event that a Conflict of Interest or Commitment does arise.

2. DEFINITIONS

- 2.1. Auraria Higher Education Center or “AHEC”: The higher education complex established in C.R.S. Title 23, Article 70, and located in the City and County of Denver.
- 2.2. Conflict of Commitment: A Conflict of Commitment exists when an employee undertakes an external commitment, such as outside employment or consulting work, which burdens or interferes with the employee’s obligations and time commitments to AHEC.
- 2.3. Conflict of Interest: A Conflict of Interest exists when an employee’s financial, familial, business, or other personal interests and affiliations may compromise, or reasonably appear to compromise, the employee’s independence of judgment in

fulfilling the duties of their employment for AHEC. Conflicts of Interest include potential Conflicts, when an employee proposes to enter into a business or financial transaction, affiliation or interest that may result in a Conflict; and apparent Conflicts, when it reasonably may appear to AHEC's administration or to the public that the employee's private interest, relationship or affiliation could improperly influence the performance of their duties.

- 2.4. Conflict of Interest or Commitment Disclosure Form: A form prescribed by AHEC General Counsel ([Attachment A](#)) to be completed by the employee at any time a Conflict of Interest or Commitment arises.
- 2.5. Management Plan: A written document detailing the manner in which a Conflict of Interest or Commitment will be managed by the employee, the employee's superiors, and AHEC administration to avoid, eliminate or mitigate the Conflict so that the requirements of the AHEC Employee Code of Ethics and Conduct and this policy are met.

3. POLICY

- 3.1. This policy is intended to ensure that the decisions and actions of AHEC employees are not improperly influenced by Conflicts of Interest or Commitment.
- 3.2. It is critical that the AHEC administration be made aware, in advance, of an employee's interests that could be of concern to the people of the state of Colorado so that steps can be taken to address them, as appropriate. Thus, AHEC requires that every employee disclose a Conflict of Interest or Commitment as soon as they become aware of the Conflict.
- 3.3. Conflicts of Interest or Commitment may violate the law. All employees of AHEC shall abide by the applicable laws, which include:
 - 3.3.1. Colorado Revised Statutes (C.R.S.) § 24-50-117: "No employee shall engage in any employment or activity which creates a conflict of interest with his duties as a state employee."
 - 3.3.2. C.R.S. § 24-18-103: "The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of ... employees. A[n]... employee shall carry out his duties for the benefit of the people of the state." As used in the statute, "employee" includes every employee of AHEC.
 - 3.3.3. C.R.S. § 24-18-104(1): An employee shall not:
 - (a) Disclose or use confidential information acquired in the course of his official duties in order to further substantially his personal financial interests; or

- (b) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:
- (I) Which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or
 - (II) Which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken.

As used in this policy, “substantial value” means the amount set forth in the Independent Ethics Commission guidelines, as amended, for gifts to state employees under Colorado constitution Art. XXIX, section 3, currently set at \$75.

- 3.3.4. C.R.S. § 24-18-201: Prohibits an employee from being “interested in any contract made by them in their official capacity or by any body, agency, or board of which they are members or employees.” Being interested in a contract means having a pecuniary interest in a state contract unless the contract was awarded to the lowest competitive bidder.
- 3.3.5. Colorado constitution, Art. XXIX, § 3: “No ... government employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from ... the employee who accepted or received the money, forbearance or forgiveness of indebtedness.”
- Exceptions are made for gifts of trivial value, gifts from friends and relatives on special occasions, and amounts received as compensation in the normal course of employment.
 - The value of a gift considered “trivial” is established by the Colorado Independent Ethics Commission and is, at the time of adoption of this policy, \$75.00. This amount may change from time to time, and the revised amount shall apply under this policy.
- 3.4. Whenever an AHEC employee believes that they have a Conflict of Interest, the employee shall disclose the Conflict to Human Resources in writing and shall refrain from participating in the matter to which the Conflict relates.
- 3.5. AHEC employees owe duties of loyalty and care to AHEC and must avoid Conflicts of Commitment that arise by undertaking outside employment or other activities that interfere with their duties as an AHEC employee. Before

undertaking outside employment, employees are expected to consult with their AHEC supervisor about the competing demands for the employee's time.

- 3.6. Any person may report a suspected Conflict of Interest or Commitment to Human Resources.
- 3.7. Human Resources will follow up every report of a Conflict of Interest or Commitment by interviewing those involved and making a recommendation to the Chief Administrative Officer as to whether there is a Conflict.
- 3.8. If the Chief Administrative Officer determines there is a Conflict, the employee must recuse themselves from the activity as to which the Conflict exists, or, if recusal is not possible without impairing the employee's work, must eliminate the Conflict. An employee who fails or refuses to eliminate a Conflict may face disciplinary action up to and including termination of employment.
- 3.9. All employee Conflicts of Interest and Commitment that are not resolved by the employee ceasing the activity creating the conflict shall require a Management Plan. Employees with a Management Plan must continue to follow it until the underlying conflict is eliminated and no longer requires the plan.
- 3.10. All employee Conflicts of Interest and Commitment that require a Management Plan shall be reported to the Auraria Board.

4. APPROVAL AND ADOPTION

This Policy has been reviewed and approved by the Board of Directors for the Auraria Higher Education Center.

Date: April 3, 2024

Approved by: Tracy Huggins
Chairperson of the Auraria Board