



Ethics/Conflict of Interest Policy

Introduction

Southwestern College Foundation is a California, non-profit organization exempt from federal income taxation under Internal Revenue Code §501(c)3. Adherence to this policy evidences the commitment of the Southwestern College Foundation to the lawful and ethical conduct of the Foundation's business and is intended to promote lawful and ethical behavior and conduct by the Foundation and its directors, officers, employees, and volunteers. Members of the board, officers, and employees of the Foundation serve the public trust and have a clear obligation to fulfill their responsibilities in a manner consistent with this fact and manage any conflicts with the goals of accountability and transparency in mind. All decisions of the board and employees of the Foundation are to be made solely on the basis of a desire to promote the best interests of the Foundation, and thereby Southwestern College, and the public good. The Foundation's integrity must be protected and advanced at all times.

Definitions

- The term 'Foundation' refers to Southwestern College Foundation
- The term 'Directors' refers to elected, appointed, honorary, and ex-officio members
- The term 'Employees' refers to (a) all individuals employed and compensated by the Foundation, (b) all individuals employed and compensated by Southwestern College whose compensation from Southwestern College is reimbursed, in whole or in part, by the Foundation and (c) all individuals employed and compensated by Southwestern College whose primary employment is to support the Foundation through the Development, Advancement, or Institutional Effectiveness department(s).
- The term 'Interested Person' is any person who is in a position of control over the Foundation who has a personal and/or financial interest that may be or could be perceived to be in conflict with the interests of the Foundation.
- The term 'Family Member' refers to a spouse or domestic partner, parent/legal guardian, grandparent, child, sibling, grandchild, great grandchild, or spouse/domestic partner of a child, sibling, grandchild, or great grandchild.
- The term 'Financial Interest' refers to an arrangement with the Foundation and/or Southwestern College, including but not limited to a sale, exchange or leasing of property; the lending of money or other extension of credit; the furnishing of goods, services, or facilities, including specifically the provision of services as a vendor; the payment of compensation (or payment or reimbursement of expenses); or the receipt of, or use of, the income or assets of the Foundation.

Statement of Policy

A conflict of interest arises when a Foundation director, officer, employee, or volunteer has a personal interest that conflicts with the interests of the Foundation, resulting in inappropriate financial gain to an interested person or family member or the appearance of a lack of integrity in the decision-making process of the Foundation. Both results are damaging to the Foundation and are to be avoided.

Accepting gifts, entertainment, or other favors from individuals or entities can also result in a conflict of interest when the party providing the gift/entertainment/favor does so under circumstances where it may be inferred that such action was intended to influence or possibly would influence the interested person in the performance of his or her duties. This does not preclude the acceptance of items of nominal or insignificant value (\$100 or less) or entertainment of nominal or insignificant value which are not related to any particular transaction or activity of the Foundation or considered outside of normal and customary courtesy.

Institutional Responsibility

- Each person offered a position as a director, officer, or employee and thereafter on an annual basis shall sign a statement similar to that attached as Exhibit A which affirms that such person has: (a) received a copy of the Ethics/Conflict of Interest Policy; (b) has read and understands the policy; (c) agrees to comply with the policy; and (d) disclose any existing financial interests. The signed document(s) will be retained in Foundation files.
- The Foundation will not extend personal loans to any director, officer, employee, or volunteer.
- In furtherance of the Foundation's commitment to ethical and legal behavior, all directors, officers, and employees should report to the Foundation any violations or suspected violations of law or ethical standards so that they may be investigated and appropriately corrected or otherwise addressed.
- Any director or officer who has an interest in a contract, a non-passive investment, or other transaction presented to the Board of Directors or a committee for authorization, approval, or ratification shall make a prompt and full disclosure of his or her interest prior to any action being taken on such contract or transaction. Disclosure will be reflected in the meeting minutes.
- An interested party who has a conflict of interest shall not participate in or be permitted to hear the Foundation's discussion on the matter except to disclose material facts and to respond to questions. Such person shall not attempt to exert his or her personal influence with respect to the matter, either at, or outside of the meeting, nor will such person be counted in determining the presence of a quorum for purposes of the vote, or allowed to vote, or be present in the room when the vote is taken, unless the vote is by secret ballot. Such person's ineligibility to vote shall be reflected in the meeting minutes.
- Any individual who becomes aware of a potential conflict situation involving another director, officer, or employee is strongly encouraged to bring such potential conflict to the Board of Directors or committee since conflicts of interest may arise in varied contexts and may not be understood as a conflict by the conflicted individual.

Individual Responsibility

The Foundation is committed to honesty, integrity and ethical behavior in all aspects of its operation and expects these same behaviors from its directors, officers, and employees. In general, when acting for the benefit of or on behalf of the Foundation:

- Tell the truth and do not mislead.
- Deal fairly and ethically with everyone and afford respect to all.
- Avoid behavior that can be perceived as failing to do the right thing.
- Act in the best interests of the Foundation and avoid the appearance of a conflict of interest.
- Represent the Foundation with dignity and in a manner which promotes respect for the Foundation.
- Hold in confidence all non-public information that, if disclosed, would be damaging to the best interests of the Foundation or its donors.

Exhibit A

Conflict of Interest Statement

I, the undersigned, associated with the Southwestern College Foundation (hereinafter "Foundation") in a capacity of director, officer, employee, or volunteer member of a committee with board delegated powers represent that as of the date specified below, I have financial interests described below.

In accordance with Southwestern College Foundation's duly adopted Ethics/Conflict of Interest Policy, I understand that I have a financial interest if I have, or as a result of a transaction at issue will have a compensation or other financial arrangement with the Foundation and/or Southwestern College, including but not limited to a sale, exchange or leasing of property; the lending of money or other extension of credit; the furnishing of goods, services, or facilities, including specifically the provision of services as a vendor; the payment of compensation (or payment or reimbursement of expenses); or the receipt of, or use of, the income or assets of the Foundation.

I further understand that this same financial interest extends to my family members as specified in this policy.

As of this date, I have the following financial interests:

As of this date, my family members have the following financial interests:

I declare that I will inform the Board of Directors of the Foundation, in writing, of any material change in the information I have provided herein.

I further declare that I have received a copy of the Ethics/Conflict of Interest Policy, that I have read and understand such policy, and that I agree to comply with such policy.

I hereby affirm that the foregoing information is correct and complete.

Signed: _____

Printed Name: _____

Date: _____

Adopted on: April 24, 2012
Reviewed on: