



WESTERN NEW MEXICO UNIVERSITY

POLICY NAME	Employee Conflict of Interest Policy	POLICY NO.	BA443
APPROVING BODY	President/Cabinet	VERSION NO.	01 02
RESPONSIBLE DEPARTMENT	Business Affairs – Human Resources		
EFFECTIVE DATE	08-JUN-2017	REVIEW/REVISION DATE	12-SEP-2024

PURPOSE:

~~To ensure that employees conduct themselves in accordance with the expectations set forth under the Governmental Conduct Act of New Mexico (GCA). The GCA requires that all State Agency employees conduct themselves in the best interests of Western New Mexico University (WNMU) and the State of New Mexico. The GCA was created to promote public confidence in all State Agencies, including WNMU, through the policies and procedures regarding conflict of interest that are enacted in accordance with the State Statute (see Chapter 10, Article 16 NMSA 1978).~~

The purpose of this policy is to establish expectations for identifying, disclosing, and addressing actual or potential conflicts of interest involving WNMU employees in accordance with the New Mexico Governmental Conduct Act (GCA), Chapter 10, Article 16 NMSA 1978.

POLICY:

~~WNMU employees are responsible and obligated under State Statute to disclose and report any activities or relationships that may present a conflict of interest or have the potential of putting themselves and/or WNMU at risk of violating the State Statute. Under the GCA and this policy, it is unlawful for an employee to take an official act for the primary purpose of directly enhancing the employee's financial interest or financial position.~~

WNMU employees must disclose any activities, relationships, or interests that may present an actual or potential conflict of interest involving their University responsibilities. Employees may not take an official act for the primary purpose of directly enhancing their own financial interest or financial position and must disqualify themselves from official acts when required by the Governmental Conduct Act.

DEFINITIONS

CONFLICT OF INTEREST

A conflict of interest exists when there is a situation in which an employee is in a position to derive personal benefit from actions or decisions made in their official act.

EMPLOYEE

Employee means any elected or appointed official or employee of a state agency or local government agency who receives compensation in the form of salary or is eligible for per diem or mileage but excludes legislators. WNMU employees are any employees classified as adjuncts, faculty, or staff regardless of rank, position, or full-time/part-time status.

STATE AGENCY

State Agency means any branch, agency, instrumentality or institution of the state.

IMMEDIATE FAMILY

The spouse, child or stepchild, grandchild, parent or stepparent, sister or stepsister, brother or stepbrother, grandparent, son-in-law or daughter-in-law or brother-in-law, mother-in-law or father-in-law or others who reside in the same household with the employee, or a person who is acting in place of a parent or who is in the care of a person acting in place of a parent.

CONFLICT OF INTEREST ACTIVITIES

~~Activities which combine the personal and professional interests and the official acts and responsibilities of an employee are generally prohibited under this policy.~~

Activities involving an employee's personal or financial interests in connection with their University responsibilities may create a conflict of interest and must be disclosed as required under this policy.

OFFICIAL ACT

Official act means an official decision, recommendation, approval, disapproval or other action that involves the use of discretionary authority.

DISCLOSURE

Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service. ~~Any employees~~ Employees must disqualify themselves from participating in any official act directly affecting a business in which they and/or their immediate family have a financial interest.

~~Disclosure should be made immediately, in writing, to Purchasing and include the relationships of the parties involved and the nature of the conflict. Once a year, WNMU will initiate a recertification of every employee's understanding of this policy and request reconfirmation of any conflict of interest. All employees are required to comply with this requirement upon hire, on a yearly basis, and earlier if conflicts arise.~~

Employees must disclose real or potential conflicts of interest upon hire, annually, and whenever a conflict arises. Human Resources will administer the annual disclosure process and track employee completion. Identified or potential conflicts will be referred to Compliance & Labor Relations for review. When a conflict involves purchasing or procurement activities, Purchasing will be notified and will coordinate with Human Resources and Compliance & Labor Relations, as appropriate.

VIOLATIONS OF THIS POLICY

When a disclosed, known, or suspected conflict of interest activity is reported, warranted action will be determined based on documentation and investigation. ~~Disciplinary~~ Corrective action up to and including termination of employment will be initiated if necessary.

~~Failure to disclose any conflict of interest, regardless of the significance, may result in disciplinary action up to and including termination of employment.~~

Failure to disclose a conflict of interest is considered a violation of this policy. WNMU reserves the right to pursue criminal or civil action against violations of this policy, as appropriate.

~~WNMU reserves the right to pursue criminal or civil actions against any violators under this policy.~~