

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: **Conflict of Interest**

EFFECTIVE DATE: **November 30, 2020; Revised January 22, 2024 (updating job title);**

Revised August 9, 2024 (foreign talent recruitment program); Revised September 1, 2026

Purpose

All employees of Southwest Tennessee Community College (“Southwest” or “the College”) have a duty to avoid activities and situations that actually or potentially put their personal interests before the professional obligations that they owe to the College. This policy is intended to establish standards of integrity and objectivity that should guide the actions of all employees.

It is also intended to define the general principles that should guide employees’ actions, offer illustrations of activities that potentially constitute a conflict of interest, make employees aware of disclosure requirements related to conflicts of interest, describe the process by which disclosures will be evaluated, and describe the decision-making process.

Definitions

Conflict of Interest - occurs when the personal interests, financial or otherwise, of a person who owes a duty to the College actually or potentially diverge from the person’s professional obligations to, and the best interests of, the College.

Conflict of Commitment - occurs when the personal or other nonwork-related activities of an employee of the College impair the ability of that employee to meet commitments of time and energy to the College.

Conflicting Party - a person or entity with, or is seeking to obtain, contractual or other business or financial relations with the College or has interests that may be substantially affected by the performance or nonperformance of the employee.

Immediate Family - for purposes of this policy, it means spouse or minor child living with the employee.

Foreign Talent Recruitment Program (FTRP)- a program run by a foreign country or entity that offers money and non-monetary compensation for their services.

Malign Foreign Talent Recruitment Program- a FTRP run by China, North Korea, Russia, Iran, or an entity based in one of these countries.

* See additional definitions in the FTRP section of this policy

Policy

I. Applicability

This policy shall apply to everyone employed by the College whether full-time, part-time, or temporary.

II. General Principles

- A. **Conflict of Commitment.** Employees of the College should avoid external commitments that significantly interfere with the employee's duties to the College. Disclosure of outside employment shall be made as required by TBR Policy 5.01.05.00, Outside Employment, and evaluated as indicated therein.
- B. **Conflict of Interest.** Employees should avoid situations where the self-interests of the employee diverge from the best interests of the College.
- C. **Management of Conflict of Interest.** The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated.
 - 1. Where the potential detriment to the College is at most minor and inconsequential, and the conflict does not indicate violation of federal or state law, regulation or policy, individuals charged with evaluating disclosures should allow the activity to proceed without interference after documenting the evaluation process.
 - 2. For those situations that do not implicate federal or state law, regulation or policy, the standard or determination of whether a conflict of interest should be managed, reduced or eliminated is whether that conflict would appear to a reasonable person to call into question the integrity or judgment of the affected employee.

III. Situations and Activities Creating a Conflict of Interest

- A. The following situations may create an actual or apparent conflict of interest. This list is illustrative and not exhaustive: self-dealing; College purchasing decisions involving an employee's or immediate family member's financial interest; use of educational materials from which a faculty member derives a financial benefit; solicitation or acceptance of prohibited gifts, gratuities, or favors; inappropriate use of students or support staff; inappropriate use of College resources; and failure to disclose intellectual property as required by TBR Policy 5.01.06.00. Existing exceptions and monetary limits governing gifts remain applicable unless revised through the formal approval process.
 - 1. **Self-dealing**
 - a. Situations in which an employee can appear to influence or actually influence a College-related decision from which that person or a member of that person's immediate family stands to realize a personal financial benefit are self-dealings and conflicts of interest.
 - b. Examples of self-dealing activities include the following:
 - (1) Purchase of state-owned property by an employee absent fair and open bidding.

- (2) College purchases from businesses in which an employee or family member has a financial interest.
 - (a) Use of educational material from which a faculty member derives financial benefit in that faculty member's teaching activities.
 - (b) Any faculty member who wishes to use in his or her teaching activities educational material (e.g. a textbook) that he or she authored, or in which he or she otherwise stands to benefit financially from such use, a conflict of interest disclosure shall be made per this policy.
 - (c) Whether the use of such material shall be permitted shall be evaluated by the Institutional Review Committee established in Section VII of this policy.
 - (d) Such evaluation shall include consideration of suitable substitute material and ensure that the needs of students are best served by use of the material in which the faculty member has an interest.

(3) Acceptance of Gifts, Gratuities or Favors

- (a) Gifts. No employee shall knowingly solicit or accept, directly, or indirectly, on behalf of himself or herself or any member of the employee's household, for personal use or consumption, any gift, including but not limited to gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value from any person or entity that:
 - (i) Has, or is seeking to obtain, contractual or other business or financial relations with the College; or
 - (ii) Has interests that may be substantially affected by the performance or nonperformance of the employee.

(4) Exceptions

- (a) The prohibition on accepting gifts in Section (4)(a) above does not apply to:
 - (i) A gift given by a member of the employee's immediate family, or by an individual, if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee;
 - (ii) Informational material in the form of books, articles, periodicals, other written material, audiotapes, videotapes, or other forms of communication;
 - (iii) Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business, including items distributed at tradeshow and professional meetings where vendors display and promote their services and products;
 - (iv) Food, refreshments, foodstuff, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional meetings, if the value of such items does not exceed fifty dollars (\$50.00) per

occasion, provided further, that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more people or entities identified in Section III.A.1.b.(4).

- (v) There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the College. In such circumstances, the employee is to use his or her best judgment, and disclose the gift including a description, estimated value, the person or entity providing the gift, and any explanation necessary to their immediate supervisor within fourteen (14) days;
- (vi) Food, refreshments, meals, foodstuff, entertainment, beverages, or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization that has regular meetings;
- (vii) Participation in College or foundation fundraising and public relations activities, i.e., golf tournaments and banquets for which conflicting parties provide sponsorships; and
- (viii) Loans from established financial institutions made in the ordinary course of business on usual and customary terms, as long as there are no guarantees or collateral provided by any conflicting party.

b. Inappropriate use of students or support staff

1. Employees shall ensure that the activities of students and support staff are not exploited for the benefit of any external activity of the employee.
2. Prior to assigning any such non-College related task that is more than incidental or de *minimis* in nature to a student or member of the support staff, an employee shall disclose such proposed activity and obtain approval from the College's Associate Vice-President of Human Resources or Vice-President of Academic Affairs, as applicable.

c. Inappropriate use of state-owned resources

Employees may not make significant use of College facilities, equipment, material or other resources, not otherwise available to the public, in the course of activities that are not related to the College and that are intended for personal benefit without prior disclosure and approval of the College's Chief Administrative Officer.

d. Failure to disclose intellectual property

1. TBR Policy 5.01.06.00 governs the rights and responsibilities that people affiliated with TBR and the College have regarding intellectual property developed during the term of

their affiliation.

2. Among the responsibilities enumerated in the policy is that of disclosure of inventions and those copyrightable works that may be reasonably expected to have commercial value, which they have jointly or solely developed or created during their affiliation with the TBR and the College.

IV. General Disclosure Requirements

- A. People to whom this policy applies who believe that a conflict of interest may exist personally or with respect to another covered person shall make a written disclosure describing the pertinent facts and circumstances using the current College-approved disclosure by using this [link](#) or providing the information via email at coi@southwest.tn.edu. For submission via email, use the disclosure form attached hereto as Exhibit 1.
- B. Disclosures shall be submitted to the employee's immediate supervisor or other person designated by the President to receive such disclosures.
- C. Disclosures made by the President shall be submitted online to the Tennessee Ethics Commission.

V. Special Disclosure Requirements for Researchers Applying for or Receiving NSF or PHS Funding, and for Employees Requesting Grants, Service, or Other Contracts with Federal Agencies

- A. Investigators seeking funding from either the National Science Foundation or the Public Health Service are required to disclose to the College all significant financial interests of the investigator:
 1. That would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the NSF or PHS; or
 2. In entities with financial interests that would reasonably appear to be affected by such activities:
 - a. Such disclosures must be submitted prior to the time the proposal is submitted to the Federal agency.
 - b. Further, such disclosures must be updated during the period of the award, either annually or as new reportable financial interests arise.
 - c. The College will eliminate or manage such conflicts prior to receipt of the award.
 - d. To facilitate such disclosures, a disclosure form (Exhibit 2) is attached.
 3. The College, through each employee requesting a grant, service, or other contract with a federal agency, other than the Public Health Service or the National Science Foundation, is responsible for determining disclosure requirements, management of potential conflicts of interest, and for ensuring that any such requirements are met.

4. Disclosure of financial interests made pursuant to this Section does not eliminate the responsibility for making disclosures under Sections IV or VI herein when conflict of interest situations arise.

VI. Special Disclosure Requirements for the President and Certain College Employees

- A. The President, coaches, assistant coaches, and employees of the athletic department who are exempt from the provisions of the Fair Labor Standards Act are required to file a financial disclosure form within one month of their initial appointment and annually thereafter in January.
- B. Disclosure of financial interests made pursuant to this Section does not eliminate the responsibility for making disclosures under Sections IV or V herein when conflict of interest situations arise.
 1. The President is required by Tenn. Code Ann. § 8-50-501(a)(15) to file an online Statement of Disclosure of Interests Form with the Tennessee Ethics Commission at <https://conflict.app.tn.gov/conflict/>, Form SS-8005 (State Officials). For the President, the Statement of Disclosure will meet the requirements of this policy.
 2. Coaches, assistant coaches, exempt employees of the athletic department and other College personnel required to complete a disclosure form shall also use the Tennessee Ethics Commission document SS-8005, titled Statement of Disclosure of Interest Form, and accompanying instructions (Exhibit 3). The form shall be submitted to the College's Associate Vice-President of Human Resource Officer or another person designated by the President.

VII. Review of Disclosures

- A. Disclosures made under Section VI of this policy by the President shall be evaluated by TBR or a duly appointed committee thereof.
- B. The College shall establish an Institutional Review Committee ("Committee") to receive and evaluate conflict of interest disclosures made under Sections IV and V herein in accordance with the following guidelines:
 1. Member Selection
 - a. The President will appoint a five-member Committee to review and consider disclosures made pursuant to this policy and will designate one of the individuals to serve as Chairperson of the Committee. Any Committee member selected who has an interest in the outcome of a matter or is biased for or against a disclosing employee shall disclose the same to the Chairperson prior to evaluating the disclosure. The Chairperson shall advise the President and, the President shall replace the member with an alternate.
 - b. At least one of the five Committee members selected by the President shall be from the faculty and at least one member selected from administrative or support staff personnel. The remaining members designated by the President shall be selected from the College's Chief of Staff, Finance, Administrative Services, Human Resources, Academic Affairs,

or Student Affairs, departments.

- c. Specific departments with subject matter expertise on a given disclosure, such as Campus Police, may be brought in to advise and assist the Committee as needed.
 - d. The Committee Chairperson shall serve as the liaison between the Committee and other areas of the College. The Chairperson shall have the responsibility for keeping the President and other appropriate officials informed of Committee activities.
 - e. Committee members shall serve a two-year term and may serve multiple consecutive terms, at the President's discretion.
2. Meetings
- a. The Committee shall meet as needed, but no less than once per spring and fall semester.
 - b. The Chairperson shall be responsible for calling meetings and assuring Committee guidelines are followed.
 - c. Each Committee shall select a member to serve as the Committee's secretary, who will keep the minutes of each Committee meeting.
 - d. The minutes shall reflect the date and time of the meeting, members present, members absent, issues discussed, and actions taken by the Committee.
 - e. Approved minutes and records generated by the Committee shall be provided to the Office of the Chief of Staff and kept in accordance with the provisions of item SW25: Administration Documents under TBR Policy 1.12.01.00, Records Retention and Disposal of Records.
3. Disclosure Evaluation and Review Process
- a. The Committee shall evaluate conflict of interest disclosures and make determinations regarding what actions should be required to manage, reduce, or eliminate conflicts of interest.
 - b. The Committee shall conduct an independent and thorough review. In order to do so, the Committee shall have the power to receive evidence and/or information from the employee with the potential conflict ("employee") and gather evidence and/or information from other sources.
 - c. If the Committee determines that the employee has a potential conflict of interest, the Committee shall notify the employee, in writing, to provide an opportunity to appear before the Committee and be heard before a final determination is rendered. If the employee would like to be heard by the Committee, he or she must advise the Committee in writing.
 - d. The employee will be allowed to present pertinent evidence to the Committee and to have the Committee call those witnesses who have testimony pertinent to its decision. The

Committee will hear witnesses, including the employee, separately.

- e. The Committee shall forward any disclosure that indicates a violation of state or federal law to the President along with the Committee's findings. The President will determine the appropriate action(s) to be taken.
- f. For any disclosure that indicates a conflict of interest exists but is not a violation of federal or state law, the Committee is permitted to make a finding that the conflict is de minimis and is permitted to place restrictions on the employee to manage the conflict or to instruct the employee to eliminate the conflict.
- g. The Committee shall provide its determination to the employee in writing along with a notice advising the employee of the right to appeal the Committee's determination to the President within ten (10) working days, absent good cause, of receipt of the Committee's determination.

VIII. Federal and State Laws on Conflicts of Interest

In addition to this policy, there are state and federal laws regarding conflict of interest that apply to employees of the College. Employees are required to comply with all applicable laws. If there is a conflict between this policy and a state or federal law, the most restrictive requirements will control. Pertinent state and federal laws are attached hereto (Exhibit 4).

IX. Sanctions

Failure to observe restrictions imposed by the Committee as a result of review of a conflict-of-interest disclosure or a knowing failure to disclose a conflict of interest may result in disciplinary proceedings under Southwest and/or TBR policies.

X. Appeals

A. Decisions made by the Committee may be appealed to the President.

- 1. The Committee shall provide written notice of the appeal process to the employee at the time that the employee is advised of the outcome of the review process.
- 2. The appeal process shall consist of an opportunity for the employee to provide to the President information that might change the decision.
- 3. The appeal process will not be a de novo review of the decision, and an employee will not be allowed to present an appeal to the President in person, unless it is determined, in the President's sole discretion, to allow an in-person appeal.
- 4. The appealing party may send a written appeal to the President within ten (10) working days, absent good cause, of receipt of the Committee's determination.
 - a. The appealing party must explain why, in his or her opinion, the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard

was not applied, and how this would change the determination in the case.

- b. Failure to do so may result in a denial of the appeal.
5. The President will issue a written response to the appeal as promptly as possible. The decision of the President shall be final and binding.

XI. Foreign Talent Recruitment Program

This portion of the policy is designed to comply with the CHIPS and Science Act, which mandates that Southwest implement a regulation that requires Individuals to disclose their participation in a Foreign Talent Recruitment Program (FTRP) on an annual basis and also upon applying for a federal grant.

Covered individuals participating in federally funded research shall disclose participation in a Foreign Talent Recruitment Program annually and when submitting a federal grant application, as required by applicable federal requirements. Covered Individuals are prohibited from participating in a Malign Foreign Talent Recruitment Program. Disclosures and certifications shall be submitted through the College's designated [conflict-of-interest process](#). The Chief of Staff shall review disclosures, provide guidance and training, maintain required records, and coordinate additional review, legal consultation, or corrective action when potential noncompliance is identified. Definitions, countries of concern, restricted entity lists, and permissible international collaboration activities shall be interpreted consistently with current controlling federal requirements and award terms.

A. Definitions

Covered Individual- a College employee who is funded by a federal award and contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a federal research agency and is designated as a covered individual by the federal research agency concerned. A principal investigator, as well as any co-principal investigators, are Covered Individuals and must provide applicable disclosures and certifications.

Foreign Talent Recruitment Program (FTRP)- any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether or not directly or indirectly stated in the arrangement, contract, or other documentation at issue.

Malign Foreign Talent Recruitment Program- any Foreign Talent Recruitment Program that meets either one (1) of the following two (2) criteria:

1. Where compensation or remuneration from any foreign country is provided to the Covered

Individual in exchange for any of the following:

- a. Engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a U.S. entity or developed with a U.S. federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
 - b. Being required by a foreign country to recruit trainees or researchers to enroll in such program, position, or activity;
 - c. Establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a U.S. federal research and development award;
 - d. Being unable to terminate the FTRP contract or agreement except in extraordinary circumstances;
 - e. Through funding or effort related to the FTRP, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award;
 - f. Being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
 - g. Being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the U.S. federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the U.S. federal research and development award;
 - h. Being required to not disclose to the U.S. federal research agency or employing organization the participation of a Covered Individual in such program, position, or activity; or
 - i. Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the U.S. federal research and development award.
2. Where a Covered Individual is sponsored or supported by a foreign country of concern or an entity based in a foreign country of concern (whether or not directly sponsored by the foreign country of concern). Foreign countries of concern currently include:
- a. China;
 - b. North Korea;
 - c. Russia;
 - d. Iran; and
 - e. An academic institution or foreign talent recruitment program on the list developed under §1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232) available at <https://basicresearch.defense.gov>.

B. Disclosure by Covered Individuals

1. Any College employee defined as a Covered Individual who is engaged in U.S. federally funded research activities must disclose participation in a FTRP. If participating in a

- FTRP, a Covered Individual must certify that there is no participation in a Malign FTRP.
2. For federal grant applications, investigators and senior or key personnel must disclose any FTRP participation at the time of grant submission. The principal investigator, as well as any co-principal investigators and others identified by the principal investigator, are also required to certify that they do not participate in any Malign FTRP.
 3. Disclosures must be made to the College both annually and also upon submission of any federal grant application through the Conflict-of-Interest process, which is currently overseen by the Chief of Staff.
 4. The Chief of Staff is responsible for:
 - a. Reviewing disclosures by Covered Individuals and verifying the accuracy and completeness of the information provided, and assessing whether participation in the FTRP aligns with federal, Tennessee Board of Regents, and Southwest regulations;
 - b. Providing guidance to Covered Individuals on compliance with this policy;
 - c. If potential involvement with a Malign FTRP is identified, undertaking further investigation, and taking appropriate action, which may include obtaining legal advice from TBR's Office of General Counsel, recommending suspension of certain activities, and taking corrective measures;
 - d. Maintaining accurate records of all disclosures and taking action to ensure ongoing compliance with this policy, including reviews of research activities as necessary; and
 - e. Providing training to faculty and staff about disclosure requirements, the implications of participation in a FTRP, and the implications of non-compliance.
 5. Covered Individuals are prohibited from participating in a Malign FTRP program pursuant to the CHIPS and Science Act of 2022 and the National Security Presidential Memorandum-33.
- C. Acceptable International Collaboration Activities
- A FTRP does not include the following international collaboration activities if the activity is not funded, organized, or managed by an academic institution or a FTRP identified herein:
1. Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
 2. Participating in international conferences or other international exchanges, research projects, or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;
 3. Advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request;
 4. Engaging in the following international activities:
 - a. Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the

- U.S. - Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific exchanges and interactions such as providing invited lectures or participating in international peer review panels.
- b. Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency (e.g., membership in the Pontifical Academy of Sciences or The Royal Society).
 - c. Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education activities such as receiving a doctorate or professional certification at an institution of higher education (e.g., the University of Oxford, McGill University) that are not in conflict with the interests of the U.S. federal research agency.
 - d. Receiving awards for research and development that serve to enhance the prestige of the U.S. federal research agency (e.g., the Nobel Prize).
 - e. Other international activities determined appropriate by the U.S. federal research agency head or designee.

Exhibits

Exhibit 1 - Employee Conflict of Interest Disclosure Form
Exhibit 2 - Financial Conflict of Interest Disclosure Form
Exhibit 3 - Statement of Disclosure of Interests Form SS-8005
Exhibit 4 - Pertinent state and federal laws

Source of Policy: <u>TBR</u>	Responsible Administrator: <u>Chief of Staff</u>
	<u>5.01.05.00; 5.01.06.00</u>
	<u>5.01.00.06; 5.01.02.00</u>
Related Policy: <u>5:01:02:00/28</u>	TBR Policy Reference: <u>1.02.03.10; 1.12.01.00</u>
	TBR Guideline: <u>A-115</u>
Approved: <u></u>	Date: <u>September 1, 2026</u>
President	

Exhibit 1

SOUTHWEST TENNESSEE COMMUNITY COLLEGE
Employee Conflict of Interest Disclosure Statement
Southwest Policy 1:02:03:10/11; TBR Policy 1.02.03.10, Conflict of Interest
Policy Original Effective Date:
November 30, 2020

INSTRUCTIONS

If you have a conflict of interest, please complete this Employee Conflict of Interest Disclosure Statement (Disclosure Statement) by entering the appropriate information below.

If you do NOT have a conflict of interest, you do NOT need to complete this Disclosure Statement.

DEFINITIONS

The following definitions apply to this Conflict-of-Interest Disclosure Statement in compliance with Southwest Policy 1:02:03:10/11 and TBR Policy 1.02.03.10, Conflict of Interest.

Conflict of interest - occurs when the personal interests, financial or otherwise, of a person who owes a duty to the College actually or potentially diverge with the person's professional obligations to and the best interests of the College.

Conflict of commitment - occurs when the personal or other non-work-related activities of an employee of the College and its constituent Institutions impair the ability of that employee to meet their commitments of time and energy to the College.

Family member - includes the spouse and children (both dependent and non-dependent) of a person covered by this policy.

Immediate family – means spouse, dependent children or stepchildren, or relatives related by blood or marriage.

SECTIONS

- | | |
|---------------------------------|--------------------------------------|
| I. Employee Information | VII. Lobbying |
| II. Family Relationships | VIII. Outside Employment |
| III. Financial Interests | IX. Intellectual Property |
| IV. Business Relations | X. Use of College Owned Resources |
| V. Gifts, Gratuities, or Favors | XI. Use of Students or Support Staff |
| VI. Financial Transactions | XII. Other Conflicts of Interest |

I. EMPLOYEE INFORMATION

Employee Name:			
Title or position:		Banner No:	
Department:			
Address:			
Phone:		Email:	

The following statements are submitted in accordance with Southwest Tennessee Community College Conflict of Interest Policy:

II. FAMILY RELATIONSHIPS

At any time during the preceding twelve (12) months, was any TBR Board Member or Executive Officer of the College a family member of yours?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

Name of Trustee or Executive Officer	Position Held by Executive Officer, or if a Board Trustee, indicate by stating "Trustee"	Specific Family Relationship

III. FINANCIAL INTERESTS

Please review the selections below and check all that apply. For financial interests for which an employee has a financial interest conflict, please also complete the information in the table provided.

☐ I have a single-transaction financial interest in a specific business, contract, vendor, subcontractor, or purchase connected to the College or TBR (please attach an explanation and supporting documentation).

☐ I, or a member of my family (spouse, dependent, extended relative), holds a financial interest in one or more businesses, contracts, vendors, or subcontractors connected with the College or TBR, or from whom the College or TBR purchases products or services (please attach an explanation and supporting documentation).

Name of Company or Business for which the College Employee has an ownership interest	Type of Goods or Services offered by the Company and purchased by the College	Purchase Amount or Value (includes Goods, Services, or Contracts)

IV. BUSINESS RELATIONSHIPS

At any time during the preceding 12 months, did you, or any member of your family, have a Business Relationship with any Southwest Tennessee Community College Employee?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

Name of Employee	Position Held by Employee	Specific Business Relationship

V. GIFTS, GRATUITIES, OR FAVORS

Cash

At any time during the preceding 12 months, did you, or any member of your family, provide or receive a gift of cash of any value to or from a Southwest Tennessee Community College employee?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

Name of Employee	Position Held by Employee	Cash Amount

Non-Cash

At any time during the preceding 12 months, did you, or any member of your family, provide or receive a non-cash gift of more than \$50.00 or more in value to or from a Southwest Tennessee Community College employee?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

Name of Employee	Position Held by the Employee	Gift Description

VI. FINANCIAL TRANSACTIONS

During the preceding twelve months, did you, or any family member, provide or receive a loan, grant, lease, license, commercial contract, investment agreement, prize, scholarship, consulting contract, or fellowship to or from any College employee in connection with the College's regular business operations?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

Name of Employee	Position Held by Employee	Type of Financial Transaction

VII. LOBBYING

During the preceding twelve months, did you or any organization or firm with whom you were affiliated or hired engage in compensated, registered legislative lobbying related to any educational issue?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

Agency or Entity Represented in Your Lobbying Capacity	Measures or Legislation Supported or Opposed	Participating in Public/Political Official or Legislative Committee Name

VIII. OUTSIDE EMPLOYMENT

During the preceding twelve months, did you engage in any employment outside your regular, full-time employment with the College, including but not limited to, part-time, temporary, or self-employment?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

Type of Employment	Place of Employment	Schedule

IX. INTELLECTUAL PROPERTY

During the preceding twelve months, did you develop, create, invent, or author any copyrightable work or invention, either jointly or solely, during your affiliation with College?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

X. USE OF COLLEGE OWNED RESOURCES

During the preceding twelve months, did you use any College-owned resources, facilities, equipment, or materials for activities not related to the College without prior disclosure and written approval of your supervisor?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

XI. USE OF STUDENTS OR SUPPORT STAFF

During the preceding twelve months, did you utilize a student or support staff member for a non-College related task or personal activity without prior disclosure and written approval of your supervisor?

☐ Yes (If 'Yes,' please provide an explanation below and attach any supporting documentation)

☐ No

XII. OTHER CONFLICTS OF INTEREST (PLEASE DESCRIBE IN DETAIL BELOW)

Examples include, but are not limited to the following:

1. Your spouse or relative is your direct or indirect supervisor.
2. You and your spouse are involved in the same Research Project.
3. You are involved in a hiring decision involving a relative, spouse, or significant other.

Signature of Employee: _____ Date: _____

Please email this form to coi@southwest.tn.edu

Exhibit 2

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

Conflict of Interest Checklist

Southwest Policy 1:02:03:10/11; TBR Policy 1.02.03.10, Conflict of Interest

Policy Original Effective Date:

November 30, 2020

FINANCIAL CONFLICT OF INTEREST DISCLOSURE FORM

Financial Conflict of Interest Disclosure Form for Proposals made to the Public Health Service (Including the National Institutes of Health) or to the National Science Foundation

Disclosure by each investigator of all significant financial interests (including those of the investigator's spouse and dependent children) which a) reasonably appear to be affected by the research or educational activities funded or proposed for funding, or b) exist in entities whose financial interests would reasonably appear to be affected by such activities.

"Investigator" means the principal investigator, co-principal investigators, and any other person at Southwest Tennessee Community College ("College") who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding.

"Significant financial interest" means anything of monetary value, including, but not limited to, salary or other payments for services (greater than \$10,000 per year from sources other than the employee's income from the College), equity interest (greater than \$10,000 in value or more than 5% of the ownership interest in a single entity), and intellectual property rights.

Project title:

☐ I certify that I do not have any significant financial interests associated with the aforementioned proposal/ project.

☐ I do have a significant financial interest associated with the aforementioned proposal/ project. I have disclosed this interest in accordance with TBR System and College policy.

Please submit this form and any supporting documentation to:

Conflict of Interest Review Committee

You may be requested to meet with the Conflict of Interest ("COI") Committee. An appeal of the COI Committee's decision can be filed within (10) days of the COI Committee's decision. Appeals must be sent to the Office of the President. **Note:** The President's decision is final and binding.

Investigator (Printed Name)

Signature

Date

Exhibit 3



Statement of Disclosure of Interests
State and Local Office Holders, Candidates and Appointees to such Positions, Non-General Assembly Members

****This form must be filed with the TBR General Counsel by Senior Staff; all others, file as appropriate with Institution**

Please see the attached instructions before completing this form. Attach additional pages as necessary. Note that this disclosure statement must be signed and the signature attested to by a witness in item 12.

Please Print or Type

1. Staff Member Name:	2. Phone Number Work: _____ Home: _____								
3. Home Address 									
4. Senior Staff _____ Other _____									
5. Sources of Income List major source(s) of private (non-governmental) income of more than \$1,000 for yourself, your spouse or minor child residing with you. "Major sources of private income" include, but are not limited to: offices, directorships and salaried employments. No dollar amounts need to be stated. Select as many recipients as necessary. NONE <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 55%;">Name of Source</th> <th style="text-align: left; width: 45%;">Recipients</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>Filer Spouse Minor Child</td> </tr> <tr> <td>_____</td> <td>Filer Spouse Minor Child</td> </tr> <tr> <td>_____</td> <td>Filer Spouse Minor Child</td> </tr> </tbody> </table>		Name of Source	Recipients	_____	Filer Spouse Minor Child	_____	Filer Spouse Minor Child	_____	Filer Spouse Minor Child
Name of Source	Recipients								
_____	Filer Spouse Minor Child								
_____	Filer Spouse Minor Child								
_____	Filer Spouse Minor Child								

6. Investments – List any investment by you, your spouse or minor child residing with you in any corporation or other business organization in excess of ten thousand dollars (\$10,000) or five percent (5%) of the total capital. The name of the corporation or organization must be listed but no dollar amounts or percentages of the investment need be stated.

NONE

Name of Corporation or Organization

Held By

_____	Filer	Spouse	Minor Child
_____	Filer	Spouse	Minor Child
_____	Filer	Spouse	Minor Child

7. Lobbying – List any person, firm or organization for whom compensated lobbying is done by any associate, your spouse or minor child residing with you. Also, list any firm in which you, your spouse or minor child residing with you hold any interest for whom compensated lobbying is done. Explain the terms of any such employment, the subject matters lobbied and/or the measures to be supported or opposed.

NONE

Name of Lobbyist	Terms of Employment	Subject Matter or Measures	Lobbyist Relation to Filer	
_____	_____	_____	Filer	Associate of Filer
			Spouse	Minor Child
_____	_____	_____	Filer	Associate of Filer
			Spouse	Minor Child

8. Professional Services – List in general terms (by areas of the client's interests) the entities to which professional services, such as those of an attorney, accountant or architect, are furnished by you or your spouse.

NONE

Licensed Profession	Client Interest	Furnished by	
_____	_____	Filer	Spouse
_____	_____	Filer	Spouse

9. Retainer Fees – List any retainer fee you receive from any person, firm or organization who is in the practice of promoting or opposing, influencing or attempting to influence directly or indirectly, the passage or defeat of any legislation before the Tennessee General Assembly, the legislative committees or the members thereof.

NONE

10. Bankruptcy – List any adjudication of bankruptcy or discharge received in any United States district court within five (5) years of the date of this report.

NONE

11. Loans – List any loan or combination of loans for more than one thousand dollars (\$1,000) from the same source made in the previous calendar year to you, your spouse or minor child residing with you. *See the attached instructions for the list of loans that should not be disclosed in this report.*

NONE

Lender Name

Loan Recipient

Filer Spouse Minor Child

Filer Spouse Minor Child

12. Signature – Must be attested to by a witness

I certify that the information contained in this disclosure statement is true and that it is a complete and accurate report in accordance with the Conflict-of-Interest Disclosure Act.

Signature

Date

To be completed by witness:

I, _____, the undersigned, do hereby witness the above signature, which was (Print
Name of Witness) signed in my presence:

Signature of Witness

Date

Instructions to Statement of Disclosure of Interests (SS-8005)

When Must the Statement Be Filed?

- Within 30 days of appointment.
- Current officeholders must file by January 31st of each year.

Where Should the Statement Be Filed?

- File the state with the TBR General Counsel, or the appropriate designated individual at your institution.

An amended Statement of Disclosure of Interests must be filed whenever reported conditions change due to a termination or an acquisition of any of those interests that you are required to report. This report is a public document and will be posted on the internet. Social security numbers, dates of birth, and account numbers are not required and should not be included in your Statement.

SUPPLEMENTAL INSTRUCTIONS

Question 5: Sources of Income

1. "Private income" refers to any income you, your spouse or minor child residing with you receive in excess of \$1,000 per annum from a non-governmental source.
2. "Private Income includes, but is not limited to:
 - Bank and Bond Interest
 - Business Income
 - Capital Gains
 - Clinical Practice Income
 - Income from Employment
 - Income from Contractual Relationships
 - Directorships
 - Dividends from CDs, stocks and securities
 - Compensated Fiduciary Positions (trusteeships, conservatorships, etc.)
 - Honoraria
 - Lecture Fees
 - Payments from Annuities, Settlements...etc.
 - Rental income
 - Research Grants
 - Research Foundation Income
 - Trust Income (The principal is reported in the investment question.)

This list is not exhaustive, but merely exemplary. If you, your spouse, or minor child residing with you have other income that is not listed here but meets the requirements of this section, you are required to list them.

3. "Private income" does not include monies received directly by inheritance or gift. The term does include the income produced by an investment which has been received by inheritance or gift.

As a general rule, if the receipts are reportable to the IRS as private income, then they must be listed on the form.

Question 6: Investments

1. Do not report holdings that are ten thousand dollars (\$10,000) or less in value or five percent (5%) of the total capital. If, however, the holding is ten thousand dollars (\$10,000) or less in value, but is five percent (5%) or more of the total capital, the holding must be reported;
2. Examples of investments that must be listed if held by you, your spouse or minor child residing with you:
 - 401K, 403(b) and 457 plans
 - Annuities
 - Bonds
 - Certificates of Deposit
 - College Savings Programs
 - State Deferred Compensation Plans
 - Estates
 - Stocks and securities
 - IRAs
 - Keogh Plans
 - Limited Liability Corporations (LLCs)
 - Mutual Funds in IRAs
 - Mutual Funds not in IRAs
 - Notes (investments)
 - Pensions
 - Real Estate (but not your primary or secondary residence)
 - Real Estate Investment Trusts (REITs)
 - Retirement Plans for States other than Tennessee
 - TIAA-CREF Supplemental Retirement Plans
 - Treasury Notes
 - Blind Trusts
 - Warrants
 - Zero Coupon Bonds
3. If the investment is managed by entities other than yourself, spouse or minor child residing with you (such as mutual funds or 401Ks), list the entity managing the account and the type of investment, but not the corporations to which the money has been distributed.

Question 7: Lobbying Interests

1. If you, your spouse, or minor child residing with you are associated with a compensated lobbyist, you must provide the name(s) of the entities for which the associate lobbies.
2. If you, your spouse, or minor child have any interest in any lobbying firm, you must list the name of the entity. Do not report interests in employers of lobbyists, e.g., do not report interests in public corporations or other entities that may engage a lobbyist.

Question 8: Professional Services

For the purpose of this question, you must list the general areas of interest of your (or your spouse's) clients if you (or your spouse) engage in any profession licensed by the State of Tennessee. You are not, however, required to list your clients or to otherwise furnish personal information about your clients. These professions include, but are not limited to:

Chiropractic
Dentistry
Physical Therapy
Pharmacology
Public Accounting

Massage Therapy
Medicine
Midwifery
Podiatry
Veterinary Medicine

Optometry
Audiology
Nursing
Architecture
Law

This list is not exclusive. If you or your spouse practice a profession that is not listed but that requires a license to practice in the State of Tennessee, you are required to list the general areas of your clients' interests.

Question 11: Loans

Loans need not be disclosed in this report if they are:

1. From your immediate family (spouse, parent, sibling, or child);
2. From a federally insured financial institution or made in accordance with existing law in the ordinary course of doing business of making loans. The loan must bear the usual and customary rate of interest, be made on a basis which assures repayment, evidenced by a written instrument and subject to a due date or amortization schedule;
3. Secured by a recorded security interest in collateral, bearing the usual and customary interest rate of the lender made on a basis which assures repayment; evidenced by a written instrument and subject to a due date or amortization schedule;
4. From a partnership in which you have at least ten percent (10%) partnership interest;
5. From a corporation in which more than fifty percent (50%) of the outstanding voting shares are owned by you or by your immediate family (spouse, parent, sibling, or child).

Exhibit 4

Pertinent Federal and State Information

The following lists are intended to indicate sources of information that may provide additional guidance regarding conflict-of-interest situations.

The lists are not intended to be exhaustive and additional laws, regulations, and policies may be implicated in a given conflict of interest situation.

Federal Regulations on Conflict of Interest

1. The National Science Foundation (NSF) and the Department of Health and Human Services (HHS), acting through the Public Health Service (PHS) (which includes the National Institutes of Health (NIH)), have promulgated policies and regulations regarding conflicts of interest and disclosure of financial interests by investigators who receive funding from these Federal agencies.
2. The NSF policy regarding researcher conflicts of interest is contained in Section 510 of NSF Publication 95-26, the Grant Policy Manual. The PHS regulations, upon which the NSF policy is modeled, are contained in the Code of Federal Regulations at 42 CFR 50.601 et seq. and 45 CFR 94.1 et seq.
3. Other Federal agencies (e.g., the Veterans' Administration or the Food and Drug Administration) may require as a condition to a contract, disclosure, and management of conflicts of interest (see, for example, Veterans' Administration Acquisition Regulation 852.209-70).

TENNESSEE LAWS ON CONFLICTS OF INTEREST

1. Accepting rebates, gifts, or other things of value. Tennessee Code Annotated Section 12-3-106 prohibits employees who are responsible for initiating requisitions from directly or indirectly accepting or receiving any rebate, gift, money, or other thing of value from any person, firm, or corporation to whom a contract for the purchase of materials, supplies, or equipment may be awarded. This statute also prohibits accepting or receiving any promise, obligation, or contract for future rewards of compensation from a contractor.

2. Having a personal interest in any contract in which the College is or may be interested. Tennessee Code Annotated Section 12-4-101 prohibits employees who are in a position to select a contractor, to oversee work under a contract, or in any manner to superintend a contract in which the College is or may be interested from being directly interested in the contract. An employee is directly interested if the contract is with:

- The employee,
- A business in which the employee is the sole proprietor,
- A business in which the employee is a partner, or
- A business in which the employee has a controlling interest, i.e., owns or controls the largest number of outstanding shares owned by any single individual or corporation. Violation of this statute carries a civil penalty requiring forfeiture of all pay and compensation received under the contract, dismissal from the employee's position, and ineligibility for the same or a similar position for ten years.

Exceptions:

- Any interest that does not fall within the definition of a direct interest is an indirect interest and is also prohibited unless it is publicly acknowledged at the time of contracting.

- If the employee, proprietorship, partnership, or corporation is the sole supplier of required goods or services in the county, the employee's interest will not violate this statute if it is publicly acknowledged at the time of contracting.

3. Selling goods to the College or any other State agency. Tennessee Code Annotated Section 12-4-103 prohibits all College employees from bidding on, selling, or offering to sell any merchandise, equipment or material, or similar commodity to the College or any other State agency. This prohibition applies to sales by:

- The employee;
- A business in which the employee is the sole proprietor;
- A business in which the employee is a partner; or
- A business in which the employee has a controlling interest (see 2, above).

This prohibition continues for six months after employment with the College terminates.

Violation of this statute carries both civil and criminal penalties:

- Civil. The employee must refund to the College, or the State all amounts paid for the goods, plus 8 percent interest.
- Criminal. Violation of Section 12-4-103 is a Class E felony.

Exceptions:

- Sales by a business in which an employee owns less than a controlling interest are also prohibited unless the employee's interest is publicly acknowledged at the time of the sale.
- If the employee, proprietorship, partnership, or corporation is the sole supplier of required goods in the county, the sale will not violate this statute if the employee's interest is publicly acknowledged at the time of the sale.

4. Providing personal, professional, or consultant services to the College or any other State agency. Tennessee Code Annotated Section 12-4-109 requires that all personal, professional, and consultant services to the College and other State agencies be procured as prescribed by the regulations of the State Department of Finance and Administration. Under those regulations, all employees are prohibited from contracting with the College or another State agency to provide personal, professional, or consultant services. The prohibition applies to contracts with:

- The employee;
- A business in which the employee is the sole proprietor;
- A business in which the employee is a partner; and
- A business in which the employee has a controlling interest (see 2, above).

This prohibition continues for six months after employment with the College terminates.

5. Interests of spouse or minor child. For the purpose of applying every statute and regulation described above, the interest of a spouse or minor child with whom the employee commingles asset is treated as the employee's interest.

6. Nepotism. Tennessee Code Annotated Section 8-31-103 prohibits employees who are relatives from working within the same direct line of supervision whereby one relative is responsible for supervising the job performance or work activities of the other. "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or any other family member who resides in the same household.