

3.2.3

Governance and Administration: Board conflict of interest

The governing board has a policy addressing conflict of interest for its members.

Judgment

Compliance Partial Compliance Non-Compliance Not Applicable

Narrative

The Tennessee Board of Regents' (TBRs') Conflict of Interest policy is in place to avoid any potential situations that would put a TBR member in an actual or perceived conflict in terms of their work with the Board [1]. TBR ensures that all new members are aware of the policies and abide by them. Any new member appointed to the TBR is required to go through an orientation, which is led by the TBR General Counsel and overviews the TBR's policy on conflict of interest and Code of Ethics that must be followed [2]. Each member must then complete a disclosure form that outlines any potential conflicts of interest that he or she foresees in performing his or her duties with the Board [3]. TBR General Counsel sends a memo to TBR members to request submission of an updated conflict of interest form [4]. As evidence of this process, attached are completed forms signed by the TBR members [5]. TBR instituted its conflict of interest policy to prevent Board members from becoming involved in an actual or perceived conflict of interest related to the Board. These policies work from a collective interest as well as per individual Board member. The General Counsel is available throughout the year should the new member feel that a potential conflict of interest has arisen, but every January after their appointment, Board members are required to file a new form [6].

Not only do TBR members have to account for their potential conflict of interests, but state statute and TBR policy also require that each institution's President and certain other members of the President's staff (coaches, assistant coaches, any member of the athletic department who is exempt from the provisions of the Fair Labor Standards Act, and any researchers applying for or receiving NSF or PHS funding) yearly report on their potential conflicts of interest through a disclosure form. TTU Policy 132 Conflict of Interest is based on TBR Policy 1:02:03:10 and further delineates requirements [7]. Specific individuals must provide notice throughout the year if conflicts have arisen that were not formerly reported. This policy helps ensure that the institution's integrity is not put in jeopardy.








Members of the Board are required to submit their disclosure to the TBR Office of General Counsel using the TBR Member Disclosure Form while the TBR Chancellor and all TBR institution presidents are required to file an online disclosure with the Tennessee Ethics Commission. TBR policy regarding Board meetings states that, "When a member identifies a conflict of interest in connection with a vote on a matter before the Board, he or she should withhold his or her vote." Further, "persons potentially committing a conflict of interest violation under consideration by a conflict of interest review Committee shall receive notice of the Committee's evaluation, and be given an opportunity to appear before that Committee." Additionally, "failure to observe restrictions imposed 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 TBR and Institutional policy" [1].

The policy ensures that members of the Board and all employees of the TBR and its constituent institutions serve the interests of the State of Tennessee and its citizens, and that all have a duty to avoid activities and situations which, either actually or potentially, put personal interests before the professional obligations that they owe to the State and its citizens. For additional discussion of conflict of interest, see CR 2.2 and CS 3.2.4.

Conclusion

The TBR, which governs TTU, has a policy that addresses conflict of interest. This policy defines “general principles which should guide the actions of members of the Board and of employees,” includes “illustrations of activities which potentially constitute a conflict of interest,” and describes disclosure requirements [1]. TBR Policy 1:02:03:10 Conflict of Interest provides authority for TTU Policy 132 Conflict of Interest. TTU is in compliance with Comprehensive Standard 3.2.3.

Sources

-  [1] TBR Conflict of Interest Policy
-  [2] New Member Orientaton
-  [3] Board Member Conflict of Interest Form_1_02_03_10_Exhibit_2_0
-  [4] Memo to Board Members
-  [5] All Board Member Forms
-  [6] Email Communication with Mickey Sheen Manager of Paralegal Services TBR
-  [7] TTU Policy 132