

Conflict of Interest Committee

I. Purpose

All employees of Dyersburg State Community College serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations that, either actually or potentially, put personal interests before the professional obligations that they owe to the State and its citizens. This policy is intended to establish standards of integrity and objectivity that should guide the actions of all employees of DSCC.

II. Scope

Administrative staff and faculty members of Dyersburg State Community College (DSCC) are required to fulfill their responsibilities with care and loyalty. All decisions and actions are to be made for the sole purpose of advancing the best interests of the institution and the public good. Therefore, this policy applies to all persons employed (either as full-time, part-time, or temporary employees) at DSCC.

III. Policy

I. Applicability

A. This policy shall apply to all persons employed, either as full-time, part-time or temporary employees, by the College.

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, Disclosures of outside employment shall be made as required under Policy 5.01.05.00 Outside Employment and Extra Compensation for Additional Assignments and evaluated as indicated in that policy.

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, those persons charged with evaluating disclosures should allow the activity to proceed without interference after documenting the evaluation process.

2. For those situations which do not implicate Federal or State law, regulation or policy, the standard for 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. In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee allowing his or her personal interests, and not the best interests of the College, to affect that employee's judgments. This list is illustrative, and not exhaustive.

1. Self-dealing

a. Situations in which an employee can appear to influence or actually influence an Institutionally-related decision from which that person or a member of that person's immediate family stands to realize a personal financial benefit is self-dealing, and a conflict 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) Institutional purchases from businesses in which an employee or family member has a financial interest.

(3) Use of Educational Materials from Which a Faculty Member Derives Financial Benefit in That Faculty Member's Teaching Activities.

(a) Any faculty member who wishes to use in his or her teaching activities educational materials (e.g., a textbook) which he or she has authored, or in which he or she otherwise stands to benefit financially from such use, a conflict of interest disclosure shall be made per Section IV of this policy.

(b) Whether the use of such materials shall be permitted shall be evaluated either under the terms of Institutional policy, or in the absence of such policy, by the Review Committee established under Section VIII of policy.

(c) Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.

(4) 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 any 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 institution in which the individual is employed; or

(ii) Has interests that may be substantially affected by the performance or nonperformance of the employee.

(5) 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 materials in the form of books, articles, periodicals, other written materials, 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 tradeshows and professional meetings where vendors display and promote their services and products;

(iv) Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshows 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 persons 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 institution. 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 within fourteen (14) days to their immediate supervisor;

(vi) Food, refreshments, meals, foodstuffs, 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 which has regular meetings;

(vii) Participation in institution 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, so long as there are no guarantees or collateral provided by any conflicting party.

(b) Inappropriate use of students or support staff

(i) Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any external activity of the employee.

(ii) Prior to assigning any such non-institutionally related task that is more than incidental or de minimus in nature to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval from the institution's director of human resources or chief academic officer, as applicable.

(c) Inappropriate use of State owned resources

(i) Employees may not make significant use of State-owned facilities, equipment, materials or other resources, not otherwise available to the public, in the course of activities which are not related to the Institution and which are intended for personal benefit, without prior disclosure and approval of the institution's chief financial officer.

(d) Failure to disclose intellectual property

(i) TBR Policy 5.01.06.00 Intellectual Property governs the rights and responsibilities which persons affiliated with the College have regarding

intellectual property developed during the term of their affiliation with the College

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

IV. General Disclosure Requirements

A. Persons to whom this policy applies who believe that a conflict of interest may exist either personally or with respect to another person covered by this policy shall make a written disclosure of the facts and circumstances surrounding the situation.

B. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances.

C. At the College, disclosures shall be submitted to the employee's immediate supervisor or other person designated by the President to receive such disclosures.

D. Disclosures made by the College's President shall be submitted online to the Tennessee Ethics Commission.

V. Special Disclosure Requirements for Researchers Applying for or Receiving NSF or PHS Funding

A. Investigators seeking funding from either the National Science Foundation or the Public Health Service are required to disclose to the investigator's employer 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 whose financial interests would reasonably appear to be affected by such activities.

B. Such disclosures must be submitted prior to the time the proposal is submitted to the Federal agency.

C. Further, such disclosures must be updated during the period of the award; either annually or as new reportable financial interests arise.

D. The College is responsible for eliminating or managing such conflicts prior to receipt of the award.

E. To facilitate such disclosures, the accompanying disclosure form (Exhibit 1) is available.

F. The College is responsible for determining if a grant, services, or other contract with Federal agencies other than the Public Health Service or the National Science Foundation requires disclosure and / or management of conflicts of interest, and for ensuring that any such requirements are met.

G. Disclosure of financial interests made pursuant to this Section V notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section IV, when specific conflict of interest situations arises.

VI. Special Disclosure Requirements for Certain College Employees

A. The College's President, coaches, assistant coaches and employees of athletic departments 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 VI notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section IV, when specific conflict of interest situations arises.

1. The College 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://apps.tn.gov/conflict/>, Form ss-8005 (State Officials). For the President this 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 Form ss-8005, Statement of Disclosure of Interest Form and accompanying instructions. The form shall be submitted to the College's Human Resource Director.

VII. Review of Disclosures

A. Disclosures made under Section VI of this policy by the College's President shall be evaluated by the Board or a duly appointed committee thereof.

B. The College will establish a Review Committee comprised of no fewer than three persons to receive and evaluate disclosures generated under Sections IV, V, and VI herein by employees of the Community Colleges, and Colleges of Applied Technology. Policies and procedures regarding such matters as selection of members, duration of membership, frequency of meetings, etc. shall be adopted by the College.

1. Establishment of a Conflict of Interest Disclosure Review Committee: A Committee shall be formed from Institution faculty and staff, pursuant to TBR Policy 1:02:03:10. The general responsibilities of this Committee are defined in TBR Policy 1:02:03:10. Additional details associated with the Committee are defined herein.

2. Number of Members: The Committee shall consist of three members, with at least one member selected from the faculty and at least one member selected from administrative or support staff personnel.

3. Selection of Members: Members of the Committee shall be selected by the College's President or Director.

4. Duration of Membership: Members of the Committee shall serve two-year terms. Members may serve multiple, consecutive terms.

5. Meetings: The Advisory Committee shall meet as frequently as necessary to conduct its business, but no less than once per semester.

6. Duties: As described in TBR Policy 1:02:03:10, the committee shall evaluate conflict of interest disclosures and make determinations regarding what actions may be required to manage, reduce or eliminate conflicts of interest. Following evaluation of the disclosure, the Committee shall render a decision regarding the issue(s) presented by the disclosure.

a. Where the potential detriment to the institution is at most minor and inconsequential, and the conflict does not indicate a violation of Federal or State law, regulation, or policy, the Committee should allow the activity to proceed without interference.

b. Where the potential detriment to the institution is deemed consequential, the Committee shall notify the employee of their evaluation and recommendation. The employee shall be given an opportunity to appear before that Committee.

c. Any disclosure which indicates an actual violation of law shall be forwarded to the President along with the Committee's findings.

C. 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.

VIII. Federal and State Laws on Conflict of Interest

A. In addition to this policy, there are state and federal laws regarding conflict of interest that apply to employees of the College. All 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. See Exhibit 3 to this policy for pertinent federal and state laws.

IX. Sanctions

A. 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 the College's policy.

X. Appeals

A. Decisions made by the College's Review Committee may be appealed to the President of the College. Decisions of the President shall be final and binding.

V. Compliance

All DSCC employees are responsible for adhering to this policy. Failure to observe any restrictions imposed as a result of Committee review or a knowing failure to disclose a conflict of interest may result in disciplinary proceedings under DSCC and TBR policy.

VI. 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 with the person's professional obligations to and the best interests of DSCC.

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

Conflicting Party – A person or entity that has or is seeking to obtain contractual or other business or financial relations with the institution in which the individual is employed or has interests that may be substantially affected by the performance or nonperformance of the employee.

Immediate family – for purposes of this policy means spouse or minor child living with the employee.

VII. Revision History

Policy created March 2007. Policy revised November 2012; approved by Administrative Council on 11/30/2012. Policy revised April 2024 to reflect changes to TBR Policy 1.02.03.10. Reviewed and approved by Administrative Council on 4/25/2024. Reviewed and approved, with changes, by Administrative Council on 4/30/2026.

**Dyersburg State Community
College**

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 Dyersburg State Community 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 from DSCC), 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 Institutional policy.

Investigator:

Printed name

Signature

Statement of Disclosure of Interests

**DSCC Employees (coaches, assistant coaches, exempt athletics department personnel, and others required to disclose)
Return to institution's Human Resources.**

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

Table 1 Name and contact information

1. Name	2. Phone number Work Home
3. Home Address	4. Senior Staff

Table 2 Income information

5. Source 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

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 Source	Recipients		
	Filer	Spouse	Minor Child
	Filer	Spouse	Minor Child
	Filer	Spouse	Minor Child

Table 3 Professional Services information

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 on 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, _____,
(Print Name of Witness)

the undersigned, do hereby witness the above signature, which was 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 employees must submit by January 31st of each year.

**Where Should the Statement
Be Filed?**

- File with the TBR Office of 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 record. Social security numbers, dates of birth, and account numbers are not required and should not be included on your Statement.

Exhibit 5

Pertinent State and Federal Laws

The following lists are intended to indicate sources of information which 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 CONFLICTS 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).

STATE 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 University 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 University 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 University or any other State agency. Tennessee Code Annotated section 12-4-103 prohibits all University employees from bidding on, selling, or offering to sell any merchandise, equipment or material, or similar commodity to the University 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 University terminates.

Violation of this statute carries both civil and criminal penalties:

- Civil. The employee must refund to the University 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 University or any other State agency. Tennessee Code Annotated section 12-4-109 requires that all personal, professional, and consultant services to the University 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 University 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, or
- A business in which the employee has a controlling interest (see 2, above).

This prohibition continues for six months after employment with the University 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.