

Trustee Conflicts of Interest and Recusal

The Oregon Government Ethics law, ORS Chapter 244, defines conflicts of interest for purposes of Oregon law and requires public officials to disclose conflicts and to take appropriate action following such disclosure. It is the Board's intent that this policy, or others adopted in furtherance of its purposes, be viewed and utilized as elaboration and guidance and that the statutory requirements set forth in Oregon law are the ultimate binding authority to which trustees must adhere.

In brief, a trustee is met with a conflict of interest when participating in a Board action which could or would result in a financial benefit or detriment to the trustee, to a relative of the trustee, or to a business with which either is associated.

A trustee is met with an *actual* conflict of interest when the trustee participates in action that *would* affect the financial interest of the trustee, the trustee's relative, or a business with which the trustee or a relative of the trustee is associated. A trustee is met with a *potential* conflict of interest when the trustee participates in action that *could* affect the financial interest of the trustee, a relative of the trustee, or a business with which the trustee or the relative of the trustee is associated.

If a trustee believes there to be an actual or potential conflict of interest, the trustee must disclose the nature of the conflict by publicly announcing the conflict at a meeting of the Board or of a Board committee before taking any action thereon. The disclosure shall occur at each meeting at which the trustee is met with the conflict. The minutes of the meeting shall record the disclosure and the nature of the conflict.

If the conflict is a *potential* conflict, a trustee may, after public disclosure of the conflict, either participate in official action on the issue that gives rise to the conflict or recuse himself or herself from such participation. In making such a determination, trustees are encouraged to consider the importance of avoiding even the appearance of impropriety.

If the conflict is an *actual* conflict, the trustee must recuse himself or herself from participation in official action on the issue that gives rise to the conflict.

In addition, recusal of University-affiliated trustees (the President and student, staff, and faculty trustees) may also be appropriate under other circumstances, such as where the trustee as a University constituent may be affected personally by a Board decision, where disclosure to the trustee may occur of information of a personal or private nature concerning another University constituent, or where the trustee's participation may cause a legal privilege to be in jeopardy.

Document History:

- Adopted by the Board of Trustees March 13, 2014