

NORTHEAST COMMUNITY COLLEGE POLICY MANUAL

SECTION 2 - BOARD OF GOVERNORS SUBSECTION 22 – DUTIES AND RESPONSIBILITIES

POLICY NUMBER: BP – 2221

VIOLATION OF CODE OF ETHICS

1. POLICY REASON/PURPOSE/INTENT

To establish principles for considering a violation of the member code of ethics.

2. DEFINITIONS

N/A

3. POLICY

- 3.1 Charges by any person that a Board member has violated the Code of Ethics shall be directed to the Board Chairperson.
- 3.2 The Board Chairperson or a special committee appointed by the Board Chairperson shall review any charge of any Board member having violated the Code of Ethics as set forth above (“Charge”), which Charge is presented in writing to the Board Chairperson.
 - 3.2.1 The Board Chairperson or the special committee shall then determine whether a violation of the Code of Ethics is contained within the Charge.
 - 3.2.2 The accused Board member shall be informed immediately of the Charge and provided with all information obtained by the Board Chairperson or other Board members.
 - 3.2.3 The accused Board member shall not be entitled to vote in proceedings held under this section.
 - 3.2.4 If the Charge states that the Board Chairperson committed the violation, the Board Vice Chairperson shall assume the role of Board Chairperson for the purpose of this section.
 - 3.2.5 If both the Board’s Chairperson and Vice Chairperson are named in the Charge, a special committee composed of three (3) Board members not subject to the Charge shall examine the Charge. The special committee shall be appointed by those Board members not subject to the Charge and said Board members shall also appoint a chair of the special committee.

- 3.3 If the Board Chairperson or special committee determines a violation of the Code of Ethics is contained in the Charge, the Board Chairperson or chair of the special committee shall request from any party any relevant, available evidence, including documents, statements, recordings and other items that tend to show facts that constitute whether the violation did or did not occur ("Evidence"). The accused Board member shall have the right to present any Evidence relevant to a determination of whether a violation did or did not occur, including the right to face and question any accuser.
- 3.4 Once the Board Chairperson or chair of the special committee has assembled the Evidence, the Charge and the Evidence shall be presented to the Board for action at the next regularly scheduled Board meeting occurring at least thirty (30) days from when the written Charge was received. The Board members not subject to the Charge shall determine whether or not:
 - 3.4.1 The Charge is a violation of the Code of Ethics, and
 - 3.4.2 The Evidence proves that the facts constituting the Charge did occur.
- 3.5 If a majority vote of the Board members not subject to the Charge, determines both above questions in the affirmative, accused Board member shall be deemed to have committed an "Ethical Violation" by the Board. The Board shall then, by majority vote of those Board members not subject to the Charge, determine what further action to take, if any. Possible courses of action include, but are not limited to:
 - 3.5.1 Removal as a Board Officer if the accused Board member was an officer
 - 3.5.2 Removal as a Board committee chair if the accused Board member was a committee chair
 - 3.5.3 Removal as a representative to the Nebraska Community College Association or other organization if the accused Board member was a representative
 - 3.5.4 Denial of travel to state or national meetings as a representative of the Board
 - 3.5.5 Or any other censure or consequence including removal from the Board as allowed by law with the advice of the College's external legal counsel hired to specifically advise the Board in the matter.
- 3.6 If, after the accused Board member is deemed to have committed an Ethical Violation, the Board Chairperson or chair of the special committee determines that the Charge may contain a criminal violation under Nebraska law, the Board members not subject to the Charge shall consult an external legal counsel for a professional opinion whether or not the Ethical Violation does constitute a criminal violation under Nebraska law. After such consultation, the Board may refer the Charge and the Evidence to the Madison or appropriate County Attorney upon a unanimous vote of the Board members not subject to the Charge.

4. APPLICABILITY

N/A

EFFECTIVE DATE: 09/13/2018

ORIGINAL ADOPTION DATE: 04/12/2012 (item #11043)

REVISION DATE (AND BOARD OF GOVERNORS' MINUTES ITEM NUMBER): 12/12/2013
(Item #11363); 09/13/2018 (Item #12355)

PRIOR POLICY/PROCEDURE NUMBER: 8031

SCHEDULE FOR REVIEW: 2023

DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Board/President

SPONSORING DIVISION/DEPARTMENT: Board of Governors

RESCINDED DATE: none

LEGAL REFERENCE: none

CROSS REFERENCE: none

PROCEDURE(S) FOR POLICY: none

RELATED POLICIES/REFERENCES: BP-2220; BP-2225

POLICY KEY WORDS: board, ethics