

RESOLUTION TO AMEND CONFLICT OF INTEREST PROCEDURES RESOLUTION

WHEREAS, on June 17, 1983, the Board passed a Conflict of Interest Procedures Resolution, which established a system for implementation of Indiana Code 35-44-1-3; and

WHEREAS, the Board adopted a technical amendment to the Resolution of 1983 on April 11, 2014; and

WHEREAS, the Board believes it to be in the best interest of Indiana University to amend and update the current Resolution to reflect the University's current practice;

NOW, THEREFORE, BE IT RESOLVED that the current Resolution is hereby amended and adopted to read:

WHEREAS, Indiana Code 35-44.1-1-4 creates the felony of conflict of interest in terms so undefined as to call into question some conduct which is not a betrayal of public trust or blameworthy;

WHEREAS, the General Assembly has recognized that the felony is so broadly defined that persons whose conduct is honest and does not involve a betrayal of trust or self-serving should be able to protect themselves against charges of illegal conduct by making a disclosure of interest or status with respect to purchases and contracts;

WHEREAS, as it pertains to the University (among other public entities), a recent amendment to the statute permits a university employee or board member to make a statement disclosing interests that might conceivably be regarded as falling within the ambiguous scope of the conflict of interests statute and so protect against an unjustified charge of conflict of interest;

WHEREAS, it is probable that there are persons who will wish to take advantage of the process of disclosing to this Board interests and actions that do not adversely influence their discharge of a public trust, but might be considered by them as putting them at risk because of ambiguities of the statute;

WHEREAS, the statute provides that upon receiving from an employee any such disclosure statement the Board is to consider it and note its approval (if the Board shall so approve);

WHEREAS, the statute provides that disclosure statements of employees approved by this Board are thereafter to be transmitted to the State Board of Accounts;

WHEREAS, said statute also provides that any member of this Board may make disclosure statements to this Board and to the State Board of Accounts; and

WHEREAS, it is desirable that a procedure be adopted by which this Board may consider and act upon any such statements so filed by an employee or member of this Board,

NOW, THEREFORE, BE IT RESOLVED:

1. That disclosure statements of the kind described and permitted by Indiana Code 35-44.1-1-4 shall be filed with the Secretary of this Board, who shall note thereon the date received;

2. That the Secretary shall transmit a copy of each such statement received for which the dollar amount of the disclosure made by an Indiana University faculty or staff member exceeds five thousand dollars (\$5,000.00) to each member of the Board as soon as practicable and before the next meeting of this Board;
3. That the Secretary shall transmit a copy of each such statement received from an officer of Indiana University, a dean of a school, a provost or a chancellor to each member of the Board as soon as practicable and before the next meeting of this Board;
4. That a disclosure statement, if made by a member of this Board, shall be reported as received at the Board meeting next following receipt of such statement;
5. That a copy of each disclosure received by the Secretary and, if required by this Resolution, reviewed by the Board shall then be forwarded by the Secretary to the State Board of Accounts;
6. That the Secretary, with such advice and counsel as he/she requests, shall develop, update, and maintain procedures by which annual disclosure statements for the University's fiscal year and other disclosure statements may be received, acted upon, and retained.

Approved by the Indiana University Board of Trustees

August 14, 2015