

20.7 Conflicts of Interest

- **20-7-1 Purpose**
- **20-7-2 Policy**
- **20-7-3 Sanctions**
- **20-7-4 No Financial Interest**
- **20-7-5 Conduct of Business Prohibited**

1. Purpose. The purpose of this document is to set forth the policy regarding conflicts of interests and give notice to the employees of Eastern New Mexico University-Roswell (ENMU-Roswell) of that policy.

2. Policy. New Mexico law prohibits public employees from privately benefiting from any actions taken as a result of their employment. Sections 10-16-1 through 10-16-18, NMSA 1978 Comp., the "Governmental Conduct Act" may be examined for complete details of the law. The following summary is offered for guidance as to what constitutes such conflict of interest:

A. Accepting gifts or loans from persons with whom the employee has had official duties within the last two (2) years.

B. Participating in any official act affecting a business in which the employee has an official interest or acquiring a financial interest in said business.

C. Using confidential information acquired from state employment for personal profit.

D. Certain types of contracts between state agencies and present or former employees or with members of the legislature.

The foregoing purposes and policies are implemented by the following:

PROCEDURES

3. Sanctions. Section 10-16-14, NMSA 1978 Comp. provides that that violation of the provisions of the Governmental Conduct Act is "grounds for discipline, including dismissal, demotion or suspension." There are also criminal and civil penalties for such violation. See Sections 10-16-17 and 10-16-18, NMSA 1978 Comp.

4. No Financial Interest. Section 21-1-17, NMSA 1978 Comp. provides that "No employee or member of a board of regents of any state educational institution shall have any direct or indirect financial interest in any contract for building or improving any of the state educational institution or for the furnishing of supplies or services to that institution . . ."

5. Conduct of Business Prohibited. Section 21-1-35, NMSA 1978 Comp. provides that "No board of regents of a state educational institution, no member of a board and no school official or teacher, either directly or indirectly, shall sell to any state educational institution that he is connected with by reason of being a member of a board of regents of a state educational institution or to any school official or teacher, any school books, school furniture, equipment, apparatus or any other kind of school supplies, sell property insurance or life insurance to any employee of that state educational institution or do any work under contract, nor shall any such board or members thereof or school officers or teachers receive any commission or profit on account thereof, and all such persons are prohibited from being parties directly or indirectly to any such contract or transaction. . . Any person violating the provisions of this section shall be fined not exceeding one thousand (\$1,000) or imprisoned not exceeding one year in the penitentiary of New Mexico or be fined and imprisoned as set forth in this section in the discretion of the court.