

CONFLICTS OF INTEREST OR COMMITMENT

CONFLICTS OF INTEREST OR COMMITMENT. In addition to the requirements set forth below, all employees of the UI are also subject to the Conflict of Interest and Ethical Conduct Policy of the Board of Regents, section IIQ, and to the Idaho ethics statutes applicable to public employees. The Board's policy may be reviewed at <http://www.boardofed.idaho.gov/policies/>. The Idaho ethics statutes are set out in the Idaho Ethics in Government Manual, published by the Idaho Attorney General and available at <http://www2.state.id.us/ag/manuals/index.htm>. To the extent there is a conflict between this policy and the Board's policy or the statutes, the statutes and the Board's policy shall control, in order of authority.

A. Definitions

A-1. Conflicts of Commitment ~~refers~~relate to an individual's distribution of effort between one's university appointment and one's outside activities.

A-2. Conflicts of Interest ~~refers~~relate to an individual's involvement in activities in which financial or other personal considerations may directly and significantly affect, ~~or have the appearance of directly and significantly affecting~~; an employee's professional judgment in exercising any University duty or responsibility.

A-3. Apparent Conflict ~~refers to an individual's involvement in outside~~. ~~Outside~~ professional activities, outside employment, ~~or~~ personal direct or indirect financial or other interests, or acceptance of benefits from third parties ~~that creates a can create actual or~~ perceived conflicts between the University's mission and an individual's private interests, whether or not there is an actual conflict of commitment or interest. An appearance of conflict exists when a reasonable person would conclude from the circumstances that the employee's ability to act in the University's best interests or perform contractual obligations is compromised by outside interests. For example, an employee may have an outside business interest that appears to influence judgment in University decisions. There may not be an actual conflict, but the situation may have the appearance of compromising a person's professional judgment. ~~interests.~~

B. Policy

Employees are expected to devote their primary professional, time and energy to the University and to the mission of teaching, research and public service. Outside activities and financial interests shall be reported an annual basis in accordance with this policy and must be arranged so as not to interfere with the primacy of these University duties.

B-1. Employees shall avoid ~~situations that may result in a conflict~~conflicts of interest or commitment ~~with that have~~ the potential to directly and significantly affect the University's interests, compromise objectivity in carrying out University responsibilities, or otherwise compromise the performance of University responsibilities. Examples of prohibited conflicts are set out in section ~~C-3. Situations~~B-3. As provided below in section B-2, situations that may be managed to avoid conflict are set out in section B-2; such situations may proceed if approved in writing by the president or the president's designee, and subject to an authorized management plan that prescribes the necessary steps and management to avoid the conflict.

B-2. University employees who have apparent conflicts are expected to disclose them in compliance with this policy. In all matters, employees are expected to take appropriate steps, including consultation if issues are unclear, to avoid both conflicts of interest and commitment and the appearance of such conflicts.

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B-3. In furtherance of this policy, UI requires that, absent circumstances that warrant sole source contracting as set out by the University's Purchasing Department, competitive bidding must be used in the procurement of materials, supplies, equipment, and contractual services over \$5,000 in one time or cumulative value.

C. ~~Conflicts of Interest or Commitment Activities.Reporting Requirements.~~ Activities that may involve conflict of interest or commitment fall into three general categories that differentiate relationships according to potential for adverse impact. These include but are not limited ~~to;~~

C-1. Activities that are routinely allowable and are not required to be disclosed pursuant to this policy include:-

- a. Membership in and service to professional associations and learned societies; membership on professional review or advisory panels, presentations, participation in conferences, reviewing or editing scholarly publications, and service to accreditation bodies as long as they do not conflict or interfere with the timely performance of primary University duties. These activities are permitted even if they are performed for nominal honoraria or reimbursement of expenses, provided that payment or reimbursement is not in conflict with any other applicable University, State, or federal policy, rule or regulation.
- b. Receiving royalties for published scholarly works and other materials or for inventions pursuant to the University's Patent and Copyright Policies.

C-2. Activities that may be allowable following disclosure and development of an authorized management plan, where necessary, the implementation of management plan procedures include but are not limited ~~to;~~

1. Research Activities

- a. Participating in University research involving a technology owned by or contractually obligated (by license, option, etc.) to a business in which the individual or a family member has a consulting relationship that meets the definition of significant financial interest.
- b. Receiving through contract or gift University-sponsored research support (whether in dollars or in kind) for research from a business in which the individual or a family member has a consulting relationship that meets the definition of significant financial interest.
- c. Participating in University research involving a technology owned by or contractually obligated (by license, option, etc.) to a business in which the individual or a family member holds a significant financial interest, excluding a consulting relationship.
- d. Receiving, through contract or grant, research support under University auspices (whether in dollars or in kind) for research from a business in which the individual or a family member has a significant financial interest, excluding a consulting relationship.
- e. Assigning students, postdoctoral fellows, or other trainees to University projects sponsored by a business in which the individual or a family member has a significant financial interest.
- f. Serving on the board of directors or scientific advisory board of a business from which that individual or a family member receives research support under University auspices or with which the University has a substantial contractual relation know to the individual.
- g. Assuming an executive position in a not-for-profit business engaged in commercial or research activities in a field related to the individual's University responsibilities.

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2. Other Activities

- a. Possessing a significant financial interest in a business that competes with the services provided by the University as part of its academic, research, or training mission.
- b. Assuming an executive position having a significant financial interest in a for-profit business engaged in activities in an area related to one's University responsibilities.
- c. Possessing a significant financial interest in a business that is in a field related to one's University responsibilities.
- d. Engaging in any other activity that has the potential for creating a conflict of interest or commitment as defined above.
- e. Ownership of or equity in a corporation used solely for one's consulting activities.
- f. Requiring or recommending one's own or one's related individual's (as defined in [FSH 6241](#)) textbook or other teaching aids, materials, software, equipment, or the like to be used in connection with University instructional programs.

C-3. Activities that are presumptively not allowable include but are not limited ~~to:~~

1. Public Disclosure Activities

- a. Accepting support for University research under terms and conditions that results be held confidential, unpublished, or significantly delayed in publication.
- b. Publishing or formally presenting results of research under University auspices, or providing expert commentary on a subject, without simultaneously disclosing any significant financial interest relating to such results or such subject.
- c. Unauthorized use of privileged information acquired in connection with one's University responsibilities. This is not intended to apply to standard publication activity.

2. Administrative Responsibilities

- a. Taking administrative action in the course and scope of University responsibilities that is beneficial to a business in which the individual or a family member has a significant financial interest.
- b. Influencing the negotiation of contracts between the University and an outside organization with which the individual or a family member has a significant financial interest.

3. Other Activities

- a. Assigning or allowing the participation of students in any consulting relationship of the individual that meets the definition of significant financial interest.
- b. Making referrals of University work to an external business or professional office in which such individual or family member has a significant financial interest.

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- c. Associating one's name or one's work with an external activity in such a way as to profit monetarily by trading on the reputation or good will of, or implying sponsorship or endorsement by, the University. Mere identification of the University as one's employer and of one's position at the University is permitted, provided that such identification is not used in a manner that implies sponsorship or endorsement by the University.
- d. Accepting or soliciting any gift favor, or service that might influence or appear to influence the employee in the discharge of his or her official duties, or that the employee knows or has reasonable cause to believe is being offered with the intent to influence their conduct. Notwithstanding this prohibition, employees may accept trivial benefits that are not in excess of \$50.00 provided that such benefit is incident to personal, professional or business contacts and involves no substantial risk of undermining their impartiality.

D.C-4. Conflicts of Interest or Commitment Reporting and Approval Requirements.

D-1. Disclosure of Potential Conflicts:- All employees are required to complete and submit a Disclosure of Potential Conflicts of Interest and Commitment Form (Form 6240A) on an annual basis whether or not the employee has any situation that presents an actual or potential conflict to disclose. Updated forms must be submitted throughout the year within 30 days of any change that arisesif changes arise that may either creategive rise to a potential conflict, or eliminate a potential conflict previously disclosed.

1. Employees without potential conflicts: All employees shall complete the disclosure form (Form 6240A) on an annual basis. If an employee does not have any actual or apparent conflicts to report, then the employee shall complete the form and submit the signed form to Human Resources with a copy to their supervisor or department head/chair.
2. Employees with potential conflicts: Any employee who has an actual or apparent conflict of interest or commitment to disclose must include a proposed management plan with the submission of their completed disclosure form to their supervisor or department head/chair. The proposed management plan must be reviewed and signed off on by the supervisor and the dean or unit head, and submitted to the Committee on Ethical Guidance and Oversight. The committee shall review the proposed plan and make a recommendation to the president or the president's designee as to whether to approve the proposed plan and allow the situation to proceed under the management plan. The president or president's designee shall make the final decision of whether to approve a proposed plan. The committee during its review shall work with the employee and the employee's supervisor and/or unit head or dean to amend the proposed plan as needed. The management plan must be approved by the president or president's designee prior to any party thereto implementing any part of a proposed plan.

D-2. Disclosure of Outside Employment and Consulting: All employees who work more than 20 hours per week for the university and who have outside employment of more than 20 hours per week or who perform consulting for compensation, pursuant to FSH 3260, must complete the Disclosure of Outside Employment or Consulting for Compensation form (Form 3260B/6240B) on an annual basis. An updated Form 3260B/6240B must be submitted throughout the year if a person accepts outside employment or consulting.

D-3. Both disclosure forms are~~Potential Conflicts of Interest and Commitment Form~~ **is available at the following website(s) (insert).**

D-4. The membership and staff of the Committee on Ethical Guidance and Oversight shall be appointed by the president. Membership of the Committee shall be made up of a minimum of four faculty members and two staff members. Committee members shall serve a term of three years, and may be appointed to consecutive terms. Staff to the committee shall serve as directed by the president.