Disclosure of Non-Research Related Conflicts of Interest and Conflicts of Commitment

POLICY STATEMENT

The University of North Dakota (UND) expects its employees (faculty, staff, and administrators) to conduct the affairs of the university in accordance with the highest legal, ethical and moral standards. Any conflicts of interest or conflicts of commitment should be avoided where possible, or otherwise disclosed and managed. It is the policy of the University that employees shall not use their university position to secure personal financial benefits for themselves, any member of their immediate family, or close personal associates.

A conflict of interest or a conflict of commitment arises whenever the employee has the opportunity to influence university operations or business decisions in ways that could result in a personal financial benefit to the employee or a member of an employee’s immediate family. Supervisors and employees are expected to use good judgment to identify and disclose possible conflicts of interest and to manage such so as not to adversely influence University operations.

Nothing in this policy shall be construed to permit, even with disclosure, any activity that is prohibited by law.

REASON FOR POLICY

Faculty members and staff members with 50 percent or more appointments owe their primary professional commitment to the University of North Dakota. Other part-time faculty members and staff members owe their time and effort commitments to the University commensurate with their appointments.

SBHE policy 611.5 specifies that “University system employees may be employed or engage in consulting activities or other services outside of their University system employment if the consulting activity or service or other outside employment does not interfere with university system or job duties and does not constitute a conflict of interest.” This policy uses disclosure as the key mechanism to identify potential conflicts of interest and conflict of commitment, to evaluate them, and to manage or eliminate them. Conflicts of interest or commitment span a wide spectrum, from those that can be easily managed to those that have such serious impact that they cannot be permitted. A conflict of interest or commitment, real or in appearance, will not necessarily preclude a particular activity.

This policy is consistent with and is in addition to relevant federal and state law and University policies, as well as with individual unit or department policies. Academic or administrative units may require further disclosure and conflict management than mandated by this policy as may be deemed appropriate by the unit and its supervising administrator.

SCOPE OF POLICY

- President
- Vice Presidents
- Deans, Directors & Department Heads
- Area Managers & Supervisors
- Faculty
- Staff

RELATED INFORMATION

N.D.C.C. 44-04-09 - Nepotism
https://www.legis.nd.gov/cencode/t44c04.pdf

N.D.C.C. 54-06-26 - Use of state telephones by state officials and employees
https://www.legis.nd.gov/cencode/t54c06.pdf

NDUS Human Resources Manual - Section 13 Employment of Relatives
https://ndusbpos.sharepoint.com/:w:/s/NDUSPoliciesandProcedures/EUVB55OljgJ9NHr7fF7979g88p86XF5QKgcCFCwIE7Y59A?e=NMu15B

SBHE Policy 308.4 - Conflict of Interest
https://ndusbpos.sharepoint.com/:w:/s/NDUSPoliciesandProcedures/Eiz2NWAnc0lVPrimPaQElkoB8lPBsuIU--JZVok6z7W8q

SBHE Policy 603.3 - Nepotism
https://ndusbpos.sharepoint.com/:w:/s/NDUSPoliciesandProcedures/ESCA8lVusnZO-46d8bQeOtkxBI0QG3EUscuFt0sw3XmVbMw?rtime=zRyYDcGS10g

SBHE Policy 611.5 - Employee Responsibility and Activities: Outside
https://ndusbpos.sharepoint.com/:w:/s/NDUSPoliciesandProcedures/Eak1MYq6CvCug0_9RnSuagBec7QQjdxO5W-8G_BUzbcA?rttime=mfQ6WDOY10g

DEFINITIONS

Conflicts of Commitment  A conflict of commitment exists when an employee’s external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with the University’s educational, research, or service missions, or with that individual’s ability or willingness to perform the full range of responsibilities associated with their position.

Conflicts of Interest  A conflict of interest exists whenever personal, professional, commercial, or financial interests or activities outside of the University have the possibility (either in actuality or in appearance) of (1) compromising a faculty or staff member’s judgment; (2) biasing the nature or direction of scholarly research; (3) influencing a faculty or staff member’s decision or behavior with respect to teaching and student affairs, appointments and promotions, uses of University resources, interactions with human subjects, or other matters of interest to the University; or (4) resulting in a personal, family member’s, or close personal associate’s gain or advancement at the expense of the University. For purposes of subsection (4), family members include parents, siblings, spouse or partner, children, or dependent relatives.

Conflicts of Interest/Commitment Management Committee  Representatives from the Department of Public Safety, Human Resources & Payroll Services, Division of Academic Affairs and Division of Research & Economic Development. A representative of the effective area will also serve on the committee when reviewing conflict management memorandum.

PRINCIPLES

OVERVIEW

The University is committed to basic values of transparency, integrity of scholarship, and independence as it pursues its mission to provide transformative learning, discovery and community engagement opportunities for developing tomorrow’s leaders.

UND allows and encourages all employees (faculty, staff, and administrators) to engage in outside activities and relationships that enhance the mission of the University.

Given that UND allows and encourages outside activities (faculty, staff, and administrators) to engage in outside activities and relationships that enhance the mission of the University, potential conflicts of interest and commitment are inevitable. Outside activities should not, however, interfere with an individual’s obligations to the University. Employees must not use their official University positions or influence to benefit themselves, their parents, siblings, spouse or partner, children, dependent relatives, or other personal associates, at the expense of the University.
PROCEDURES

All employees in the schools, colleges, academic departments/programs, other administrative units, and central administration share the obligation to implement University policies and practices related to the disclosure of conflicts of interest and conflicts of commitment. In meeting this obligation, each of these groups has specific roles and responsibilities, as described below.

Rights and Responsibilities of UND Employees

1. **Right to Outside Interests:** Employees have the right to acquire and retain outside interests of a professional, personal, or economic nature that do not conflict with University interests or with the individual employee’s commitment to the University.

2. **Professional Commitments to UND:** Employees must meet the specific responsibilities and professional activities of their position and use a commensurate commitment of time and intellectual energy to their respective schools, colleges, academic departments/programs, and other administrative units.

3. **Requirement to Disclose:** All employees must disclose all known actual or potential conflicts of interest or conflicts of commitment to their appropriate vice president, dean, director, or supervisor (or designee). An employee must also provide additional information as may be requested by the employee’s supervising authority for the purpose of evaluating actual or potential conflicts of commitment or interest. All disclosures must be made as promptly as possible.

4. **Plans to Resolve Conflicts:** When an employee has disclosed an actual or potential conflict of interest or conflict of commitment, and the appropriate supervisor (e.g., dean, director, or supervisor) has determined that a conflict exists, the supervisor will develop a conflict management memorandum of understanding with the employee to manage or eliminate the conflict. The memorandum will be sent to the appropriate vice president or designee (or if the supervisor is the vice president, the memorandum is sent to the president). If the appropriate vice president does not agree the memorandum is sufficient to manage or eliminate the conflict, the vice president will outline their disagreement in writing and forward all of the documentation to the conflict of interest management committee. The conflict of interest management committee will work with the supervisor and employee to either: 1) adjust the memorandum as appropriate or, 2) determine the conflict cannot be appropriately managed and the employee will be required to terminate the conflicting relationship or commitment as a condition of continuing employment at the University. If the memorandum of understanding is adjusted by the conflict of interest committee and the vice president (or president when required) agrees that the conflict of interest is appropriately managed or eliminated, the employee will be required to comply with the conflict of interest memorandum as a condition of continued employment with the University.

5. **Use of University Resources:** Except as authorized by the appropriate University official, employees may make only incidental use of University resources for purposes unrelated to the education, research, scholarship, and public service missions of the University. Such resources include but are not limited to facilities, personnel, students, equipment, and confidential information.

6. **Knowledge of Policies and Procedures:** Employees are expected to be aware of and abide by applicable University policies and procedures.

Violations

Violations of this policy may result in discipline, up to and including termination. Violations include but are not limited to situations in which:

1. An employee knows of a possible (either in actuality or in appearance) conflict of interest or conflict of commitment involving themselves, but fails to disclose it, either in whole or in part, according to University policies and procedures; and

2. An employee discloses a possible (either in actuality or in appearance) conflict of interest or conflict of commitment involving themselves, but fails to comply with the memorandum of understanding for avoiding or managing the conflict.

Disputes and Appeals

When an employee disputes any action or decision related to a possible (either in actuality or in appearance) conflict of interest or conflict of commitment, existing University policies for grievances will be utilized. Disputes with decisions or actions taken by an established conflict of interest committee for those projects for which the committee is responsible must be through the processes established by the applicable committee.

RESPONSIBILITIES

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<thead>
<tr>
<th>Conflict of Interest/Commitment Management Committee</th>
<th>• Resolve disputes and/or appeals</th>
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<tbody>
<tr>
<td>Employee</td>
<td>• Fill out disclosure of conflicts of interest and conflicts of commitment form annually or as needed</td>
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<td>Supervisor</td>
<td>• Review disclosure of conflicts of interest and conflicts of commitment form annually or as needed</td>
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<td>• Develop a conflict management memorandum of understanding with employee if a conflict of interest or conflict of commitment exists</td>
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<tr>
<td>President and Vice Presidents</td>
<td>• Review disclosure of conflicts of interest and conflicts of commitment forms annually or as needed</td>
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<td>• Approve or deny conflict management memorandum of understanding</td>
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Attachments

1 - Disclosure of Conflict of Commitment & Conflict of Interest Questions

Approval Signatures

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<tr>
<th>Approver</th>
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<tr>
<td>Jen Rogers: Policy Office</td>
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<td>Jen Rogers: Policy Office</td>
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<td>Jen Rogers: Policy Office</td>
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<td>Eric Plummer: Associate VP for Public Safety</td>
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