



## UCCS CAMPUS POLICY

**Policy Title:** Disclosure and Management of Conflicts of Interest or Commitment

**Policy Number:** 300-006

**Policy Functional Area:** Human Resources

**Effective:** June 6, 2019

**Approved by:** Venkat Reddy, Chancellor

**Responsible Vice Chancellor:** Vice Chancellor of Administration and Finance

**Office of Primary Responsibility:** Human Resources

**Policy Primary Contact:** Chief Human Resource Officer, 719-255-3372

**Supersedes:** April 1, 1996; January 18, 2005; April 19, 2013; January 9, 2014

**Last Reviewed/Updated:** April 16, 2019

**Applies to:** All staff, faculty and student employees. In addition, consultants, *subrecipients* and *subcontractors* involved in the design, conduct or reporting of research.

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**Reason for Policy:** This policy provides guidelines for the disclosure, review and management of *conflicts of interest* or *commitment*.

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### I. INTRODUCTION

Maintenance of the public trust is critical to the mission and reputation of the University. The University is committed to upholding the principles of transparency, integrity, and accountability. The University encourages its employees to interact with business and industry, public and private organization, and government agencies in ways that support the institution's missions. However, university activities shall not be compromised, or perceived as compromised, by financial and/or personal benefit.

*Conflicts of interest* refers to situations in which financial, professional or other personal considerations may directly or indirectly affect, or have the appearance of affecting, an employee's professional judgment in exercising any university duty or responsibility in administration, management, instruction, research or other professional activities. A *conflict of commitment* refers to a situation in which outside relationships or activities interfere with, or have the appearance of interfering with, an employee's commitment to the employee's university duties or responsibilities.

UCCS employees must submit a Conflict of Interest Disclosure. These disclosures are reviewed for possible *conflicts of interest* or *commitment*. Additionally, all persons involved in the design, conduct,

or reporting of research and teaching must comply with additional requirements contained in this policy.

## II. POLICY STATEMENT

### A. Disclosure

#### 1. General

- a. All employees must submit a Conflict of Interest Disclosure within 60 days of hire and thereafter annually,<sup>1</sup> and within thirty (30) days when there is a change impacting the actual or perceived *conflicts of interest* or *commitments*. Disclosures shall include nepotism, outside employment, outside financial interests and other activities implicating other University interests to be reviewed for possible *conflicts of interest* or *commitment*.
- b. Consultants, *subrecipients* and *subcontractors* involved in the design, conduct or reporting of research must submit a Conflict of Interest Disclosure of financial interests and other activities annually or at any time that there is a change impacting actual or perceived *conflicts of interest*.
- c. The Human Resources Department (“HR”) will review all disclosures and all submitted documents to determine whether there is an actual or potential conflict and, if so, if the conflict has previously been managed. If there is an actual or potential conflict that has not been previously managed, HR will determine if additional information is required. If additional information is required, the employee must provide the appropriate document(s) to HR within the timeframe requested.
- d. In the event an actual or potential perceived conflict of interest or commitment is identified a HR representative will advise the Conflict of Interest Committee (“COIC”). The COIC will then determine if a subject-matter expert(s) should be involved in the assessment and determine if a management plan is required. If a management plan is required then the HR representative will refer back to the employee and the appropriate personnel appointing authority to draft the management plan for review and approval pursuant to this policy.

#### 2. Disclosure of Service of Immediate Family Members

- a. All employees shall report any relationship with an *immediate family member* to HR through the annual disclosure when *immediate family members*:
  - i. are working in the same department; or
  - ii. are paid from the same account; or
  - iii. hold supervisory positions where actual or perceived *conflicts of interest* may exist.
- b. Employees shall not participate in institutional decisions involving personnel actions - including appointments/hiring, terminations/layoffs,

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<sup>1</sup> Student-employees are not required to complete the annual disclosure. Instead, student-employees shall certify in the annual performance review process that circumstances contained within their initial disclosure have not changed.

- promotions/demotions, tenure decisions, salary setting, performance appraisals, grievance and disciplinary procedures, retentions, leaves of absence or other awards for *immediate family members*.
- c. The *immediate family member* in the supervisory position shall recuse themselves from all personnel actions involving the other *immediate family member*.
  - d. All University employees who conduct student instruction must provide a management plan if an *immediate family member* is in the course.
3. Disclosure of Outside Employment. All employees shall disclose, through the annual disclosure, outside employment.
  4. Disclosure of Outside Financial Interests. All employees shall disclose, through the annual disclosure, outside financial interests (but excluding the value of managed investment accounts).
  5. Disclosure of Professional Association, Nonprofit, or Business Board Service. All employees shall disclose, through the annual disclosure, all: outside professional association, nonprofit or business board service; and board membership or serving as an officer of an organization that conducts business with the University.
  6. Disclosure of Other Interests Related to the University. All employees shall disclose, through the annual disclosure, in good faith, any other outside interest or activity that may give rise to a perceived *conflict of interest* or *commitment*, regardless of dollar amount.
  7. Disclosure of Conflicts Related to Employment and Access to Student Records. All University employees who are taking classes at UCCS and who have access to departmental student records must provide a management plan that addresses the potential conflict due to access to records.
  8. Disclosure of Conflicts of Interest and Commitment in Research and Teaching
    - a. All employees, consultants, *subrecipients*, and *subcontractors* involved in the design, conduct or reporting of research shall disclose all potential *conflicts of interest* and *commitment* annually, in addition to any sponsor specific requirements.
    - b. All persons and organizations engaged in the delivery, development or assessment of *educational materials* shall disclose all potential *conflicts of interest* and *commitment* annually.

## B. Management Plans

### 1. Conflict of Interest Committee

a. The Conflict of Interest Committee (“COIC”) shall be comprised of:

1. Associate Vice Chancellor of Research;
2. Executive Director, Campus Controller;
3. Director, Student Employment;
4. Executive Director, Human Resources, designated campus coordinator;
5. Executive Director, Office of Sponsored Programs and Research Integrity;
6. Director, Campus Compliance;
7. Two faculty members; and
8. University Counsel.

2. The COIC shall review all management plans received by HR to determine whether the management plan sufficiently addresses a conflict and communicate the plan to all units and/or individuals with a role in the oversight.
  3. The COIC shall have the final approval authority over all management plans it receives.
  4. Should there not be a consensus between the appointing authority and the COIC regarding whether or not there is a conflict, the matter shall be referred to the appropriate Vice Chancellor and the Chancellor, or designee, for final determination.
- C. Gifts. All employees shall receive any and all gifts pursuant to University policy and requirements.
- D. Record Retention. All disclosures and management plans are kept in accordance with the Record Retention Schedule.
- E. Sanctions
1. Failure to complete the annual disclosure may result in disciplinary action, including but not limited to impact on merit increases or inability to submit proposals for sponsored program funding.
  2. Failure to comply with management plans may result in disciplinary action, up to and including termination of employment.
  3. Any sanction shall be imposed pursuant to applicable policy or procedure.
- F. Appeals
1. An employee may appeal the decision that a perceived or actual *conflict of interest* exists and/or the implementation of an approved management plan to their appropriate Vice Chancellor and the Vice Chancellor for Administration and Finance in writing and within seven (7) business days.
  2. An employee may appeal an imposed sanction by following applicable law or University policy. Nothing in this section shall be read to create a right of appeal of sanctions for employees that is not otherwise provided for by law or University policy.
- G. Training and Resources. HR shall act as the main contact for training and resources related to this policy.

### III. KEY WORDS

- A. Conflict of Commitment
- B. Conflict of Interest
- C. Immediate Family Members
- D. Subrecipient
- E. Subcontractor
- F. Educational Materials

### IV. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

- A. Administrative Policy Statements (APS) and Other Policies
1. Regent Policy 3B, Conflict of Interest University Staff
  2. Regent Policy 10J, Nepotism and University Employment
  3. APS 2006, Retention of University Records

4. APS 2027, Code of Conduct
5. APS 4013, Disclosure of Interest
6. APS 4016, Fiscal Code of Ethics
7. APS 5003, Nepotism in Employment
8. APS 5012, Conflicts of Interest and Commitment in Research and Teaching
9. APS 5015, Conflict of Interest in Cases of Amorous Relationships
10. Office of Sponsored Programs and Research Integrity – Conflict of Interest Webpage
11. Generally Accepted Accounting Principles
12. State Board Rule 1-13 and 1-14
13. Constitution of the State of Colorado Article XXIX Ethics in government (Amendment 41)

B. Procedures

1. UCCS COI Website
2. UCCS Annual Disclosure Survey
3. COI Process Flowchart
4. COIC Procedures

C. Forms

1. Alternate Work Schedule
2. Employee as Student
3. Family Member as Student
4. Management Plan
5. Outside Employment for Faculty (One-Sixth Rule)
6. Outside Employment for Staff
7. Textbook Management Plan

## V. HISTORY

Initial policy approval	April 1, 1996
Revised	January 18, 2005
	April 19, 2013
	April 16, 2019 (previously Conflicts of Interest and Nepotism)