



UCCS CAMPUS POLICY

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

Policy Number: 300-006

Policy Functional Area: Human Resources

Effective: Oct 7, 2021

Approved by: Venkat Reddy, Chancellor

Responsible Vice Chancellor: Chancellor

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

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

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

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 acknowledges employees pursue outside interests and encourages its employees to interact with business and industry, public and private organizations, and government agencies in ways that are consistent with the institution's missions. While engaging in these relationships, members of the university community are expected to avoid actual or perceived conflicts of interest or commitments that have the potential to directly and significantly affect the university's interests, compromise objectivity in carrying out university responsibilities, or otherwise compromise performance of university responsibilities unless such conflicts are disclosed, reviewed, and managed in accordance with this policy. Because an individual cannot self-determine if there is actual or perceived conflict, this policy provides guidelines for disclosure and review. The requirement that an individual's potential conflicts of interest be disclosed and evaluated by others is not a reflection or assessment of the integrity of the individual.

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 have the appearance of interfering with an employee's commitment to the employee's university duties or responsibilities.

All UCCS employees (including University staff, faculty, and student employees) must submit a Conflict of Interest Disclosure within sixty (60) days of hire and thereafter annually, and within thirty (30) days when there is a change impacting the actual or perceived conflicts of interest or commitments. 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, 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 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*. The university policy shall be followed as appropriate.
- 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 or reviewed within the past three years, HR will determine if additional information is required. If additional information is required, the individual must provide the appropriate document(s) to HR within the timeframe requested.
- d. For Sponsored Programs, additional information is available at the [Office of Sponsored Programs and Research Integrity](#) website.
- e. In the event an actual or potential conflict of interest or commitment is identified, an 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 individual and the appropriate university personnel for drafting, reviewing, and approval of the plan. If the individual is an employee, then the HR representative will refer back to the employee and the *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 when *immediate family members*:
 - i. are working in and/or paid from the same department; or
 - ii. 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, promotions/demotions, tenure decisions, salary setting, performance appraisals, grievance and disciplinary procedures, retentions, leaves of absence or other awards for *immediate family members*.

- c. All university employees who have a relationship with an *immediate family member* and who have access to university records of the *immediate family member* must provide a management plan that addresses the potential conflict due to access to records.
 - d. All employees who are designated as the instructor of record or anyone involved in student grading for a course, must provide a management plan if an *immediate family member* is in the course.
3. Disclosure of Immediate Family Members as Students. All employees shall disclose *immediate family members* who are students at the university using the applicable form located on the HR COI website.
 4. Disclosure of Outside Employment and Outside Professional Activities/Commitments.
 - a. Outside Professional Activities/Commitments are professional activities undertaken by a Covered Individual that are:
 - i. Outside or could be perceived outside of the individual's institutional expectations.
 - ii. For the benefit of an external entity or individual and/or not covered by a fully executed written agreement between the university and the external entity.
 - b. All employees shall disclose, through the annual disclosure, any and all outside employment and professional activities. In addition to the annual disclosure, employees shall complete the applicable request form located on the HR COI website.
 5. Disclosure of Outside Financial Interests. All employees shall disclose, through the annual disclosure, outside or perceived outside financial interests (excluding the value of managed investment accounts).
 6. Disclosure of Professional Association, or Board Service. All employees shall disclose, through the annual disclosure, all: nonprofit or for-profit board service or serving as an officer of a professional association where the organization conducts business with the university.
 7. Disclosure of Other Interests Related to the University. All employees shall disclose, through the annual disclosure, any other outside interest or activity that may give rise to a perceived *conflict of interest* or *commitment*, regardless of dollar amount.
 8. Disclosure of Conflicts Related to Employment and Access to Student Records. All university employees who are taking classes within the CU system and who have access to student records in the course of their employment with the university must provide a management plan that addresses the potential conflict due to access to records.
 9. 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 these individuals must follow any sponsor specific conflict of interest 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. Assignment of employee developed educational materials for which students are charged must be disclosed regardless of the dollar amount.

B. Management Plans

1. Management plans are created to mitigate risk and proactively address questions that may arise regarding an individual's objectivity, integrity, or professional commitment as a result of a disclosed activity, relationship or financial interest. Once the plan is completed, the plan is signed by the Dean or Director prior to submission for review by the COIC. An approved management plan which is approved by the COIC demonstrates that the individual and the university considered the situation carefully, recognized the issues involved, and took steps to mitigate potential conflicts.

2. Conflict of Interest Committee

a. The COIC shall be comprised of:

1. Assistant Vice Chancellor, Human Resources or designee;
2. Executive Director, Campus Controller;
3. Director, Student Employment;
4. Associate Vice Chancellor of Research, or designee;
5. Executive Director, Office of Sponsored Programs and Research Integrity;
6. Director, Campus Compliance;
7. At least one university staff member at-large;
8. Two faculty members;
9. University Counsel; and
10. Ad hoc university staff member(s) as needed (e.g. Director of International Affairs).

3. The COIC shall review all management plans received by HR to determine whether the management plan sufficiently addresses a conflict.

4. The COIC shall have the final approval authority over all management plans it receives.

5. Should there not be a consensus between the appointing authority and the COIC regarding the management plan, 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. Confidentiality. The conflict of interest disclosure surveys, forms, review information, and any related management plans containing information that may have a direct bearing on an individual's employment are considered to be confidential personnel information and maintained in a secure and confidential file. Access to information disclosed in the conflict of interest review process, including management plans, will be limited to those with a need to know. The information is available only to individuals duly charged with the responsibility for review, and may only be released in accordance with, and as required by, applicable law or lawful court order.

F. Violations and Sanctions.

1. Violations may include but are not limited to: failure to comply with the process (by failure to disclose timely personal or financial interests as required; by failure or refusal to respond to requests for additional information, by providing incomplete or inaccurate information, or otherwise); failure to remedy conflicts; or failure to comply with a prescribed management plan.
2. Sanctions can include: administrative intervention, impact on merit increases, inability to submit proposals for sponsored program funding, termination of employment, and any other administrative procedure.

G. 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.
2. Appeals must be made in writing to their appropriate Vice Chancellor (Provost if faculty) and the Vice Chancellor for Administration and Finance (or designee).
3. Appeals must be made within seven (7) business days of written notification being delivered to the employee by HR of the decision.
4. 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.

H. Training and Resources. HR shall act as the main contact for training and resources related to this policy.

III. KEY WORDS

- a. *Appointing Authority* - An appointing authority is the individual with the authority or delegated authority to make ultimate employment decisions concerning a particular employee.
- b. *Conflict of Commitment* - 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 their university duties or responsibilities.
- c. *Conflict of Interest*- Situations in which financial or other personal considerations may compromise, or have the appearance of compromising, an employee's professional judgment in administration, management, instruction, research and other professional activities. The bias such conflicts could conceivably impart may inappropriately affect the goals of research, instructional, or administrative programs. Consult the Administrative Policy Statement *Conflict of Interest Policy* if clarification is required.
- d. *Covered Individual* - refers to Full-time University Employees (as each of those terms is defined below), including faculty members, administrators, and academic and service professionals who are appointed to serve in the area of teaching, research, and administrative services pursuant to notices of appointment issued by the University's Human Resources Department.
- e. *Immediate Family Members* – For the purpose of this policy, an immediate family member is a spouse, domestic partners, civil union partner, independent or dependent child.
- f. *Subrecipient* - A subrecipient relationship exists when another entity performs substantive programmatic work or undertakes an important or significant portion of the research program or project. The other entity participates in a creative way in designing and/or conducting the research, retains some element of programmatic control and discretion over how the work is conducted. Ref: APS 5012
- g. *Subcontractor* - A subcontractor relationship exists when another entity provides specific services in support of the research program but does not significantly participate in the design of the research and has little independent decision making in the how the research program or project is to be completed. The subcontractor relationship is characteristic of a vendor relationship. Ref: APS 5012
- h. *Educational Materials* - Includes, but is not limited to, textbooks, electronic media, syllabi, tests, assignments, monographs, papers, models, musical compositions, works of art, unpublished manuscripts, and the like. Ref: APS 1014. Educational materials created for classroom learning programs, including electronic media, such as syllabi, assignments, and tests, shall remain the property of the author, creator, researcher, and innovator. Ref: Regent Policy 5K.

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

- A. Administrative Policy Statements (APS) and Other Policies
 1. Article 8: Conduct of Members of the University Community
 2. APS 2006, Retention of University Records
 3. APS 2027, Code of Conduct
 4. APS 4013, Disclosure of Interest
 5. APS 4016, Fiscal Code of Ethics
 6. APS 5003, Nepotism in Employment

7. APS 5012, Conflicts of Interest and Commitment in Research and Teaching
8. APS 5015, Conflict of Interest in Cases of Amorous Relationships
9. Office of Sponsored Programs and Research Integrity – Conflict of Interest Webpage
10. Generally Accepted Accounting Principles
11. State Board Rule 1-13 and 1-14
12. Constitution of the State of Colorado Article XXIX Ethics in government (Amendment 41)
13. (D) of Regent Policy 5.C.4 - Other Terms and Conditions of Faculty Appointments.
14. Enhanced Whistleblower Protection
15. Records Retention Schedule

B. Procedures

1. UCCS COI Website
2. UCCS Annual Disclosure Survey

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)

VI. APPENDICES