

Tuskegee University

Faculty and Staff Conflict of Interest Policy

To be Included as Appendices to the Faculty and Staff Handbooks

Approved May 1, 2023

Scope

This policy applies to all Faculty, Staff, and Temporary employees of Tuskegee University, whether part-time or full-time.

Policy Statement

1. It is the policy of Tuskegee University that its employees conduct the affairs of the university in accordance with the highest legal, ethical, and moral standards.
2. It is the policy of Tuskegee University that conflicts of interest should be avoided.
3. It is the policy of Tuskegee University that employees shall not use their university position to secure personal financial benefits for themselves or any of their relatives. A conflict of interest 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 an employee's relative. Although certain specific examples of conflicts of interest are provided in this policy, they are meant only as illustrations, and supervisors and employees are expected to use good judgment to identify possible conflicts of interest and to recuse any employee from any direct or indirect involvement in any decision which involves a conflict of interest.
4. Nothing in this policy shall be construed to permit, even with disclosure, any activity that is prohibited by law.

Reason for Policy

1. The participation of employees in external activities that enhance their professional skills or constitute public service can be beneficial to Tuskegee University as well as the individual employee. External activities provide an opportunity to discover and pass on new knowledge, with the formation of alliances that enhance the university's academic and research missions.
2. External activities can lead to conflicts of interest with regard to an employee's university responsibilities. As such, this policy is intended to provide a framework for recognizing and managing employee conflicts of interest, and whenever possible, to prevent even the appearance of conflicts of interest. While the primary goal of this policy is to prevent an employee's external activities from adversely influencing Tuskegee University operations, this policy is also intended to protect employees from undue suspicion that their external activities may influence university operations.

Procedures

1. This policy references a Tuskegee University policy on conflicts of interests related to research programs, which requires the disclosure of certain financial interests for employees who are engaged in the design, conduct or reporting of research, and the TU Purchasing Department policy for employees with purchasing authority.
2. An employee shall disclose to his or her unit head any situation in which the employee has a real or potential conflict of interest. The employee and the unit head shall assure that the employee is recused from participating in any decision in which the employee has a conflict of interest.
3. An employee shall disclose conflicts of interest in writing on the university's Conflicts of Interest Disclosure Form, including a brief statement of the nature and extent of the conflict, which shall be submitted for review by the associated unit head. This disclosure should be completed at least annually, on a form designated by the university for such purposes. A new disclosure form should also be completed whenever there is a significant change.
 - a. If a unit head becomes aware of a conflict of interest that an employee has not disclosed, the unit head shall discuss the situation with the employee, require that a written disclosure be made as provided in this policy, and manage the conflict. The unit head may also take appropriate action under the Sanctions Section of this policy.
 - b. Unit heads shall carefully evaluate all circumstances relating to a potential conflict of interest before acting to approve or disapprove the associated activities.
4. The following are examples of conflicts of interest requiring employee disclosure. These examples are illustrations only and are not meant to be exclusive.
 - a. Employee or employee's relative owns, in whole or in part, a business entity with which the university does or proposes to do business, and the employee is in a decision-making role or otherwise is in a position to influence the university's business decisions regarding the business entity. Business entity examples for which an employee disclosure is required:
 - i. Finance or accounting services
 - ii. Athletic equipment services
 - iii. Consulting
 - iv. Counseling
 - v. Catering
 - vi. PC or other hardware services
 - vii. Programming
 - viii. Architectural services
 - ix. Legal services
 - x. Grant preparation
 - xi. Temporary personnel services
 - xii. Office or lab supplies
 - xiii. Painting services
 - xiv. Lawn and grounds services
 - xv. Real estate services for the University or University students

- b. Employee holds or assumes an executive, officer, or director position in a for-profit or not-for-profit business or entity engaged in commercial, educational, or research activities similar to those in which the university engages.
 - c. Employee participants in consultation activities for a for-profit or not-for-profit business or entity engaged in commercial, educational or research activities similar to those of the University.
5. The activities listed below are prohibited. (This section does not apply to activities determined by the employee's unit head to be within the employee's university responsibilities.)
- a. Using university property, facilities, equipment, or other resources in any manner that results in personal financial benefit to an employee or a relative of the employee.
 - b. Using university property, facilities, equipment, or other resources in any manner to support a not-for-profit entity unless special permission is provided by the associated unit head.
 - c. Using university stationery or letterhead in connection with outside activities, other than activities having a legitimate relationship to the performance of university business.
 - d. Using university facilities or the employee's position at the university for the purpose of advocating, endorsing, or marketing the sale of any goods or services, other than as part of the employee's university responsibilities, without the prior approval of the associated unit head.
 - e. Using the university's name, trademark or trade name for personal business or economic gain to the employee or a relative of the employee.
 - f. Using any university data or information for personal financial benefit to the employee or a relative of the employee.
 - g. Using any university employee for any outside activity during normal work time for which he or she is receiving compensation from the university (not applicable when employees are on a paid or unpaid leave).
 - h. Participating in the selection or awarding of a contract between the university and any entity with which an employee or the relative of an employee is seeking employment or has been offered employment.
 - i. Other activities may be prohibited if a unit head concludes that there is no reasonable way to manage an associated conflict of interest.
- f. Employee responsibilities
- a. Employees shall not engage in the prohibited activities listed above or in any other activity that the employee's unit head has prohibited following review of an employee's conflict of interest disclosure.
 - b. Employees shall disclose a conflict of interest as described above:
 - i. As soon as the employee knows of the conflict, and then annually thereafter for as long as the conflict continues to exist
 - ii. In writing on the university's Conflict of Interest Disclosure Form
 - iii. To the associated unit head
 - c. Employees shall avoid any direct or indirect involvement with all related university activities and decisions with respect to which the employee has a conflict of interest.

- d. If there is any question whatsoever about an external activity representing a conflict of interest, then the employee should consult with his or her supervisor for directions. If the employee's supervisor is not available within a reasonable period of time, then the employee should contact the associated unit head for directions.
- g. Unit head responsibilities
 - a. Unit heads shall ensure that all new employees are informed of this policy.
 - b. Unit heads shall ensure that all current employees are reminded of this policy on a periodic basis, but no less frequently than annually.
 - c. Unit heads shall evaluate and manage reported conflicts of interest.
 - d. In the event that a reported conflict of interest is approved, the unit head shall ensure there is an appropriate management strategy in place to assure that no employee is directly or indirectly involved in making a decision where that employee has a conflict of interest.
 - e. Unit heads shall ensure that Conflicts of Interest Disclosure forms are retained for future reference. Upon an employee's transfer from the unit or termination from the university, associated Conflict of Interest forms shall be forwarded to the campus HR office, for inclusion in the employee's official personnel file. All information disclosed regarding conflicts of interest shall be considered part of the employee's personnel file and shall be deemed confidential. Any information disclosed by an employee as required by this policy shall be used solely for the purpose of administering this policy and shall not be used for any other purpose unless required by law.
 - f. Unit heads shall establish and maintain a work environment that encourages employees to ask questions about real or potential conflicts of interest.
 - g. If the unit head has any question whatsoever about an external activity representing a conflict of interest, then he or she should consult with the next higher level of university management.

Definitions

1. *Conflicts of interest* occur when an employee or an employee's relative receives personal financial benefit from the employee's university position.
2. *External activity* means involvement with any person, trust, organization, enterprise, government agency, or other entity that is not an entity associated with or under the control of Tuskegee University.
3. *Relative* includes a current or former spouse; domestic partner; or (whether by blood adoption, "step-" half-, or foster relationship, marriage, legal action or domestic partnership, (including in-laws), the child, parent, grandparent, sibling, grandchild, cousin, aunt or uncle, niece or nephew, or any person in a romantic or consensual sexual relationship or residing (or previously residing) in the immediate household (or the household of the spouse or domestic partner of any of these relatives) of the University employee or his or her spouse or domestic partner, or person in a romantic relationship.
4. *Manage and managing* means an affirmative action by supervisors and managers to monitor and direct an employee with regards to specific expectations.

5. *Personal financial benefit* is defined as anything of monetary value, including salary, commissions, fees, honoraria, equity interests, interests in real or personal property, dividends, royalty, rent, capital gains, intellectual property rights, and forgiveness of debt. “Personal financial benefit” does not include:
 - a. compensation received from Tuskegee University
 - b. payments from not-for-profit entities for participation in seminars, lectures, or other educational activities
 - c. payments from government or not-for-profit entities for participation on advisory committees or review panels.
 - d. any financial interest arising solely by means of investment in a mutual, pension, or other institutional investment fund over the management and investments of which the employee or an associated immediate family member does not exercise control.
6. *Unit head* means the applicable dean, provost, associate or assistant vice president, vice president, or president, who has executive management responsibilities for supervising the employee.
7. *University* means Tuskegee University.
8. *University responsibilities* are defined as the responsibilities of a university employee to perform university activities as defined by university management or contract.

Sanctions

1. Violations of university policies, including the failure to avoid a prohibited activity or disclose a conflict of interest in a timely manner, will be dealt with in accordance with applicable university policies and procedures for Faculty, Staff and Temporary employees, which may include disciplinary actions up to and including termination from the university.
2. Unit head decisions regarding a reported conflict of interest may be appealed to the next higher unit head, in accordance with the university’s normal problem-grievance resolution procedures.