

POLICIES OF COLORADO STATE UNIVERSITY PUEBLO

UNIVERSITY POLICY

Policy Title: CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT	Policy ID #: Category: Human Resources Contact(s):
<input checked="" type="checkbox"/> Draft	<input type="checkbox"/> Final
<input checked="" type="checkbox"/> New Policy <input type="checkbox"/> Revision of Existing Policy	Effective Date:

A. POLICY PURPOSE:

The Board of Governors of the Colorado State University System has declared that public employment is a public trust, and any effort to realize personal gain through official conduct, other than as compensation set through established processes, is a violation of that trust. Colorado State University Pueblo is committed to operating in an ethical manner and in compliance with applicable legal requirements. Conflicts of Interest and Conflicts of Commitment, or even the appearance of a conflict, can erode the public trust, undermine the reputation of the institution, and potentially violate the law. The purpose of this policy is to define a conflict of interest and a conflict of commitment, help prevent conflicts from arising, and provide a means for CSU Pueblo to act if a conflict does arise.

B. POLICY APPLIES TO:

This policy applies to all employees of CSU Pueblo, including faculty, administrative professionals, state classified employees, and all other employee types.

C. DEFINITIONS:

1. Conflict of Commitment: A Conflict of Commitment exists when an employee undertakes an external commitment, such as outside employment or consulting work, which substantially burdens or interferes with the employee's primary obligations and time commitments to the University.
2. Conflict of Interest: A Conflict of Interest exists when an employee's financial, familial, business, or other personal interests and affiliations may compromise, or

reasonably appear to compromise, the employee's independence of judgment in fulfilling the duties of their employment for CSU Pueblo. Conflict of Interest includes potential conflicts, when the employee contemplates an activity that could create a conflict; and apparent conflicts, when it reasonably may appear to CSU Pueblo's administration or to the public that the employee's private interest, relationship or affiliation could improperly influence the performance of their duties.

3. Conflict of Interest Disclosure Form: A form prescribed by the University to be completed annually and at any time an actual, potential, or apparent Conflict of Interest or a Conflict of Commitment arises.

D. POLICY STATEMENT:

1. It is critical that the University administration be made aware, in advance, of an employee's interests that could be of concern to the people of the state of Colorado so that steps can be taken to address them, as appropriate. Thus, the University requires that every employee annually review this policy and complete the Conflict of Interest Disclosure Form.
2. Conflicts may arise with an employee's outside interests or affiliations with other organizations and the potential, or the appearance of the potential, that the employee could use their university position to make self-serving decisions.
3. All university employees shall abide by applicable Colorado laws regarding conflicts of interest. These include:
 - a. Colorado Revised Statutes (C.R.S.) § 24-50-117, which provides that "no employee shall engage in any employment or activity which creates a conflict of interest with his duties as a state employee."
 - b. C.R.S. § 24-18-103 which provides: "The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers, members of the general assembly, local government officials, and employees. A[n]... employee shall carry out his duties for the benefit of the people of the state." As used herein, "employee" includes every employee of the University.
 - c. C.R.S. § 24-18-104(1), which provides that an employee shall not:
 - (a) Disclose or use confidential information acquired in the course of his official duties in order to further substantially his personal financial interests; or
 - (b) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:

- (I) Which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or
 - (II) Which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken.
- d. C.R.S. § 24-18-201, which prohibits an employee from being “interested in any contract made by them in their official capacity or by any body, agency, or board of which they are members or employees.” Being interested in a contract means having a pecuniary interest in a University contract, unless the contract was awarded to the lowest competitive bidder. University employees shall not enter into contracts with University without the prior written approval of the General Counsel.
 - e. Colorado constitution, Art. XXIX, § 3, further provides that: “No ... government employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from ... employee who accepted or received the money, forbearance or forgiveness of indebtedness.”
 - i. Exceptions are made for gifts of trivial value, gifts from friends and relatives on special occasions, and amounts received as compensation in the normal course of employment.
 - ii. The value of a gift considered “trivial” is established by the Colorado Independent Ethics Commission and is, at the time of adoption of this policy, \$65.00. This amount may change from time to time, and the revised amount shall apply under this policy.
- 4. If a university employee believes they have an actual, potential or apparent Conflict of Interest, the employee shall disclose the conflict to Human Resources in writing using the prescribed disclosure form and shall refrain from participating in the matter to which the conflict relates until the disclosure has been reviewed and the decision made to allow the activity or take appropriate action to eliminate the conflict.
 - 5. Any person may report a suspected Conflict of Interest to Human Resources. Human Resources will follow up every report of a Conflict of Interest by interviewing those involved and making a recommendation to the responsible Department Chair or Head as to whether there is an actual, potential or apparent Conflict of Interest.

6. If it is determined that there is a conflict, the employee will be recused from the activity as to which the conflict exists, or, if recusal is not possible without impairing the work of the employee's unit, the employee shall be required to eliminate the conflict. A conflict management plan will be developed through the Conflict of Interest form, and the department of Internal Audit may be called upon to assist in resolving the conflict.
7. In regard to faculty, the University recognizes that consulting and conducting other outside activities such as seminars and presentations are proper and common features of academic employment and that the outside contacts provided through consultation by contracted faculty members are aids in their professional advancement. The amount of outside consulting work for remuneration in which a full-time faculty member may engage is limited to an average of one day per week in each semester of the academic year. Exceptions to this limitation are subject to review and approval by the Department Chair, Dean, and Provost on a case-by-case basis to determine that participation in outside consulting activities will not conflict or impinge on the University duties and obligations of the faculty member as set forth in the Faculty Handbook.
8. Non-faculty employees should not engage in any outside employment or other activity that is directly incompatible with the duties and responsibilities of their position, including business transactions, private business relationships or ownership. An employee may engage in outside employment with advance written approval of the President, or the Vice President for their department if not a direct report to the President.
9. An employee who fails or refuses to eliminate a conflict may face disciplinary action up to and including termination of employment.

E. RELATED LAWS, POLICIES & PROCEDURES:

- [CSUS Board Policy 108](#)
- C.R.S. § 24-18-201
- C.R.S. § 24-18-104(1),
- C.R.S. § 24-18-103
- C.R.S. § 24-50-117
- Colorado constitution, Art. XXIX, § 3

F. FORMS:

- Conflict of Interest Disclosure Form

G. HISTORY OF REVISIONS

Adopted:

Revised:

APPROVALS

Reviewer	Date Reviewed	Approval	Reviewer's Signature
Proponent--Responsible Dept./ Official Requesting Approval Name: Title: Dept:		<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved <input type="checkbox"/> More information needed	
Vice President or Dean of area(s) responsible for administering the policy: Name: Title: Dept:		<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved <input type="checkbox"/> More information needed	
Office of General Counsel: Name: Johnna Doyle Title: Deputy General Counsel		<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved <input type="checkbox"/> More information needed	

APPROVED:

COLORADO STATE UNIVERSITY-PUEBLO

By: _____
 Timothy Mottet, President

Date: _____