Missouri Western State University

Policy Name: Conflict of Interest and Commitment	**Responsible Office**: Office of the President
Policy Category: Compliance and Governance	**Approving Authority**: Board of Governors
Date Effective: August 13, 2026	**Date Last Reviewed/Revised:**

I. Purpose

The purpose of this policy is to provide information and guidance on activities that may give rise to the potential for a conflict of interest or commitment. Various laws, regulations, and contracts require the University to implement a conflict of interest and commitment policy applicable to Missouri Western State University employees and members of the Board of Governors.

II. Applicability

This policy applies to all persons performing duties, whether paid or unpaid, on behalf of the University. This definition includes full-time and part-time staff, full-time and part-time faculty, graduate assistants, and student employees.

III. Definitions

Conflict of Interest. Any situation in which an individual's judgment or conduct in the performance of their official duties for the University could be influenced, or would give the appearance of being influenced, by the individual's familial, personal or business relationship with a third party, or any situation that would be deemed a conflict of interest under the laws of the United States or the laws of the State of Missouri, including Revised Statutes of Missouri (RSMo) §§ 174.220, 105.450 et. seq., and Mo. Const. Art. VII, Section 6. A familial relationship that is not within the fourth degree of consanguinity or affinity will not be considered the basis of a conflict of interest.

Conflict of Commitment. A situation in which an employee engages in an outside professional activity, paid or unpaid, that involves a commitment of time that may interfere, or appear to interfere, with fulfillment of the employee's obligations and responsibilities to the University, even if the outside activity is valuable to the University or contributes to the employee's professional development and competence.

Consultation. The application of professional and scholarly expertise in the external community, regardless of whether the activity is income producing or not. Consultation is considered a business activity subject to the requirements of this policy when the entity for which the employee consults transacts business with the University or is in competition with the University or where the consultation itself competes with the work of the University.

Dependent child, or dependent child in their custody. All children, stepchildren, foster children, and wards, under the age of eighteen (18) residing in an employee's household who receive in excess of fifty percent (50%) of their support from said employee.

Executive or Administrative Employee. Employees in positions including responsibilities for material decision-making in any segment of University operations, management, or oversight of business, including board membership.

Gift. Any payment, gratuity, favor, service, discount, loan, hospitality, entertainment, meal, travel, lodging, honorarium, ticket, admission, or other item of monetary value provided without equivalent consideration.

Management Plan. A formal plan developed, where feasible, in coordination with the individual, individual's supervisor, and appropriate Senior Administrator(s), in order to ensure the reduction, management, or elimination of the conflict.

Senior Administrator. Employees holding the position of president, provost, vice president, or vice provost.

IV. Policy

Missouri Western employees and members of the Board of Governors are responsible for performing their respective duties in good faith and in the best interests of the University. These individuals must avoid ethical, legal, and financial conflicts of interest and conflicts of commitment that may compromise effective performance in carrying out their University responsibilities and duties. University employees or officials shall not improperly use University property, funds, confidential or proprietary information, students, position or power for personal or political gain.

University employees and the Board of Governors are governed by Chapter 105, *Public Officers and Employees*, of the Revised Statutes of Missouri (RSMo). Consistent with state and federal law, and this policy and any implementation procedures developed pursuant to this policy, members of the Board of Governors and University employees are to disclose any material financial or personal interests they may have which could reasonably be seen as presenting a conflict between the interests of the University and their own financial or personal interests.

V. Procedures and Implementation

A. Prohibited Activities For All Employees

An employee shall not:

- Act or refrain from acting in the employee's duty as an employee of the University by reason of ***any*** payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value to the employee or any third person, including gifts or campaign contributions, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the University. See § 105.452, RSMo.

- Use or disclose confidential information obtained in the course of or because of employment or official capacity in any manner with intent to result in financial gain for the employee or any business with which the employee is associated. See § 105.452, RSMo.

- Disclose confidential information obtained in the course of or by reason of the individual's employment or official capacity in any manner with intent to result in financial gain for the employee or any other person. See § 105.452, RSMo.

- Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to the employee including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. See § 105.452, RSMo. For the purposes of this point, "special monetary benefit" means being materially affected in a substantially different manner or degree than that in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than that in which such class will be affected. In all such matters such employees must recuse themselves from acting as required by law. See § 105.452, RSMo.

- Use the employee's decision-making authority, for the purpose of obtaining a financial gain which materially enriches the employee, by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value. See RSMo. § 105.452.

- Offer, promote, or advocate for a political appointment in exchange for anything of value to any political subdivision. See § 105.452, RSMo.

- Keep for sale or be interested, directly or indirectly, in the sales of any school furniture or apparatus, books, maps, charts or stationery used in the University; nor be interested, directly or indirectly in any contract or purchase for building or repairing any structure, or for fencing or ornamenting the grounds, or furnishing any supplies or material for the use of the university. See § 174.220, RSMo.

  Textbooks, tapes, software and other materials authored by a course instructor may be assigned to be purchased by students for a course taught by the author if the royalties arising from the purchase of the assigned materials are returned to the University, another educational institution, a charitable organization, or a not-for-profit foundation; proceeds from other University uses of such materials, such as purchase by the library, shall be the property of the author. Any employee responsible for selecting or ordering course materials cannot accept consideration from any person or entity for doing so other than compensation to be paid by the University.

- Teach an immediate family member and should not do so unless such assignments are unavoidable due to programmatic need. Moreover, faculty members should not grade, including conferring or cooperating to assign a grade to, immediate family members. Prior disclosure is required to the chairperson and dean.

- Use University resources for private gain unless in exchange for a benefit to the University reasonably equivalent to or exceeding the value of the resources used. University services, personnel or facilities may be used in a non-University activity only after permission has been received from the appropriate senior administrator or designee and arrangements are made to ensure benefits to the University.

- Use the name or logo of the University in any letterhead, advertising or other promotion of an outside activity in such a manner as to imply University sponsorship. Official University stationery may not be used in outside business, personal and other private or political activities of employees. Employ the name of the University or any of its graphic identification symbols in printed materials intended to endorse or promote individual enterprises or to otherwise enhance private gain without the written permission of the University President.

- Retaliate against a person regarding the terms or conditions of employment because that person has reported a violation of this policy or participates in an investigation thereof. This does not apply to a person who knowingly or recklessly makes a false report. See § 105.452, RSMo.

B. Prohibitions for Employees in Executive or Administrative Capacities

In addition to the prohibitions set forth in section A, pursuant to section 105.452, RSMo, Executive or Administrative Employees shall not:

- Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or five thousand dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;

- Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or five thousand dollars per year, unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

- Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

- Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his or her official duties, by which service he or she attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;

- Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government.

- Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

D. Conflict of Commitment for Employees

Full-time University employees, excluding members of the Board of Governors, are expected to devote their primary professional loyalty, time, and energy to their University responsibilities. Accordingly, outside professional activities of such employees must be arranged so as not to interfere with the primacy of University responsibilities. University employees are encouraged to engage in external activities that promote the University's mission, contribute to their professional fields, enhance their professional skills, and/or enhance the public good. However, all University employees must also fulfill their University obligations first and foremost commensurate with their appointment requirements as actual and apparent conflicts, when not effectively managed, can harm the University's reputation. Full-time and part-time employees should refer to the Outside Employment - Staff and Outside Employment - Faculty policies for additional information about their obligations to disclose external employment situations, financial interests, and professional commitments to prevent conflicts of interest or commitment. These policies help to provide assurances to employees, the University community, federal and state agencies, and the public that potential Conflicts of Commitment are examined and conducted in a manner consistent with institutional and public values.

E. Board of Governors

Members of the University Board of Governors have a heightened responsibility to foster an environment that is free from undue external influence. Members of the Board serve the public trust and are expected to exercise their duties and responsibilities solely in the interest of the public, the University and the Board and not in the member's own personal or financial interest, the interest of the member's spouse, parents, siblings or children or in the interest of any business with which any of the foregoing are associated.

The Constitution of Missouri, Article VII, Section 6, and sections 105.452 and 105.454, RSMo apply to the governing boards of higher education institutions.

Each year annually, each member of the Board of Governors must:

- Review this policy;
- Review referenced statutes and constitutional references; and
- Disclose any possible personal, familial or business relationships that reasonably could give rise to a conflict, or appearance of a conflict, involving the University.

The Board of Governors is responsible for establishing an appropriate conflict of interest reporting procedures and for ensuring that individual Board members complete and file financial interest statements, as required by law, with the Missouri Ethics Commission on an annual basis.

F. Research and Other Activities Supported by Grants from External Sources

Research personnel involved in the design, conduct, or reporting of research have an institutional responsibility and must disclose any financial interests or relationships that could result in a conflict of interest. The University requires investigators on proposals to all external agencies, public or private, to disclose to the University, prior to submittal of the proposal, all significant financial interests of the investigator (including those of the investigator's spouse and dependent children): (i) that would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the external funding source; or (ii) in entities whose financial interests would reasonably appear to be affected by such activities. Furthermore, it is the policy of the University to comply with the financial disclosure requirements for funding of sponsored projects by federal agencies and to apply the same or similar rules to all research or educational activities funded, or proposed for funding, by an external sponsor. Federal guidelines require that an actual, perceived, or potential conflict of interest in research be eliminated or mitigated.

Disclosures should be made as early as possible to enable those reviewing them to consider what action, if any, needs to be taken regarding any potential conflicts of interest. At the latest, a disclosure statement must accompany the submission of a contract or grant proposal when it is submitted to a department head for his or her approval. Disclosure forms will be reviewed by relevant reviewers, including the employee's first and second level supervisors and relevant Senior Administrators. If it is determined that a conflict of interest exists, the University will determine what conditions or restrictions, if any, should be imposed to manage, reduce, or eliminate such conflict of interest.

The National Science Foundation (NSF) and Public Health Service (PHS) have different definitions and requirements. In addition, other agencies and grant funders have adopted the NSF or PHS regulations or have other conflict of interest disclosure requirements. Individuals who are unsure about what regulations or requirements may apply, should contact the Vice Provost for Graduate and Sponsored Programming.

G. Receipt of Gifts

University employees and officers shall not realize any personal gain, in any form, from any purchase of goods or services by the University from actions taken by a representative or employee of the institution. University employees and officers shall not accept any gift, gratuity or reward with monetary value in excess of $75, from any person or other entity with interests in the University, financial or otherwise, that may be substantially affected by the recommendations, decisions, performance or non-performance of the official duties of the University employee or officer. This includes individuals and entities which transact business with the University, or which seek to transact such business. Employees may accept unsolicited gifts of nominal value provided that the fair market value of the individual gift or the aggregate value of gifts received from the same individual or entity do not exceed $75. Acceptance of any gift shall not create an actual or apparent conflict of interest or otherwise violate Missouri law. Acceptance of a gift or other thing of value from a vendor working (or seeking to work) on a grant or contract funded by the Federal government is also prohibited by Federal law.

This section is not intended to prohibit faculty from receiving examination textbooks or materials relating to possible adoption for class, provided that such textbooks are not to be sold or otherwise transferred for personal profit. Additional exceptions to the prohibition on gifts rule include gifts from relatives or personal friends given based on a personal relationship totally unrelated to their University duties; intra-office gift exchanges, gifts for boss's day, administrative professional day, etc.; soft drinks, coffee, or snack foods not offered as part of a meal; prizes given in truly random drawings; rebates, discounts or promotional items available to any citizen or to all state employees.

If an impermissible gift is received, the employee or officer shall, whenever possible:

- Decline the gift or return the gift to the donor;
- Reimburse the donor for the fair market value; or
- Transfer the item to the University for institutional use if approved by the appropriate Senior Administrator.

H. Nepotism

The Missouri Constitution prohibits any public officer or employee from naming or appointing to public office or employment of any relative within the 4th degree by consanguinity (blood) or affinity (marriage/adoption), by virtue of their office or employment. (Mo. Const. Art. VII, § 6). Employees and officers are responsible for following the University's Nepotism policy.

J. Compliance

Violations of this policy include but are not limited to willful failure to disclose a Conflict of Interest or Commitment or willful failure or refusal to cooperate with an approved Management Plan. Violations of this policy are deemed a serious violation of policies governing employment and may subject the employee to disciplinary action. Disciplinary action must consider the severity and frequency of the violation, its impact on the institution, and the extent to which the conduct in question deviates from standards of conduct, policies and procedures, or expectations. The University reserves the right to take appropriate actions commensurate with the nature of the violation and consistent with other University policies and applicable laws.

Policy History

Date of Review/Revision	Summary of Change