

## **Conflict of Interest**

### **Employment Policies**

Approved: 06/24/2009

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University employees should avoid actions which involve conflict of interest, or which give the appearance they may influence the employee's judgment or conduct in the performance of the University duties. Employees of public institutions of higher education are subject to the laws of the State of Missouri, and the Conflict of Interest Policy as set forth by the Coordinating Board of Higher Education. Complaints concerning conflict of interest shall be presented in writing to the Affirmative Action Officer of the University, who shall investigate the complaint and attempt to bring about an informal resolution of the matter. If the matter cannot be satisfactorily resolved informally, the matter shall then be handled under appropriate disciplinary procedures.

#### **Model of Conflict of Interest Policy Developed Pursuant to the Requirements of Senate Bill 262 (1991)**

##### **Statement of Policy**

The avoidance of any real or apparent conflicts of interest which could compromise the impartial, objective, and effective performance of the duties of employees of *the institution* is essential to the maintenance of the public trust in and to the responsible operation of *the institution*. Institutional personnel are expected not only to adhere to all laws regarding conflict of interest, but also to be alert to and avoid situations which have the appearance of a conflict of interest. In accordance with this expectation, all institutional personnel must avoid improper outside influences in their institutionally related decisions and activities.

##### **Statutory Requirements**

All employees shall comply with the applicable requirements of Chapter 105 RSMo, dealing with conflicts of interest, as well as any other state law governing official conduct. Failure to comply with those requirements shall be considered a violation of this policy. Terms used in this policy have a meaning consistent with their use in Chapter 105 RSMo, a copy of which must be attached to this policy.

Institutional personnel shall not act or refrain from acting in any lawfully empowered capacity within *the institution* in return for, or in return for the offer of, anything of monetary value to the employee or any third person made or received in relationship to or as a condition of the performance of an official act, other than institutionally paid compensation for performance of official duties.

Institutional personnel shall not disclose or otherwise use confidential information obtained in the course of their official capacity at *the institution* in any manner with the intent of securing or actually resulting in financial gain for the employee, any other person, or any business.

Institutional employees shall not transact business or approve or participate in the approval of the transaction of business on behalf of the institution with any person or business entity with which *the institutional* employee has a substantial interest of family interest or relationship within the third degree of consanguinity or affinity, except for 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.

Consultation is 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 provisions of this policy when the entity for which the employee consults transacts business with *the institution* or is in competition with *the institution* or where the consultation itself competes with the work of *the institution*.

### **Conflict of Interest**

Institutional employees shall not transact business, including performing services for and the sale, lease or rental of property, with *the institution* for receipt or payment of any compensation, other than the compensation provided by *the institution* for the performance of official duties, except for 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.

Institutional personnel shall not act on any matter in their capacity as employees of *the institution* with the intent to provide a special monetary benefit to themselves or their family or with the intent of influencing, either positively or negatively, the employee's non-institutional employment or business activity or interest.

### **Personal Gain**

Institutional personnel shall not realize any personal gain, in any form, from any purchase of goods or services by *the institution* from actions taken by a representative or employee of the institution, nor shall institutional personnel accept any gift, gratuity or reward with monetary value in excess of \$25, from any person or other entity which transacts business with *the institution* or which seeks to transact such business. This requirement shall not infringe on property rights relating to the development of educational or other materials which have been granted to employees by *the institution*.

Institutional employees may not receive any direct financial benefit from the sale of textbooks or other class materials to students at *the institution*. Royalties and other such compensation resulting from the authorship of or contribution to the development of educational material are not considered direct financial benefit under this policy.

Institution employees shall not use their position with or the property of *the institution* for personal or political gain.

### **Disclosure Requirements**

When it is proposed that *the institution* engage in a business transaction, including any type of grant or contract, with a private firm or corporation in which an institutional employee has a substantial interest, that employee shall make a full disclosure of that interest, in writing, to the official having the approval authority for that transaction and to the person responsible for the institutional conflict of interest reporting process. If there is a change in the financial interest of an employee during the term of the transaction which brings any such interest within the definition of a substantial interest, the change shall be reported immediately, in writing, to both the responsible approval and conflict of interest authorities.

Institutional employees participating in the selection of a prospective employee, a consultant, or a contractor to provide goods or services to *the institution* shall disclose to the official having the approval authority and the conflict of interest authority, in writing, any close personal friendship,

business association, or family relationship that the employee may have with the prospective employee consultant, contractor, or their business.

These reporting requirements are in addition to and do not relieve an employee from the responsibility for making disclosures required by chapter 105 of the Missouri statutes pertaining to conflict of interest.

### **Sanctions**

*The institution* shall establish and inform all employees of the existence and operation of an internal process for receiving employee reports required by this policy and to receive complaints or requests for investigation of violations or suspected violations of this policy or the provisions of the state's conflict of interest law.

Employees in violation of this policy are subject to disciplinary action up to and including termination of employment. In addition, any employee knowingly violating the conflict of interest law also shall be subject to punishment as prescribed by section 105.478, RSMo.

Pursuant to section 105.467 RSMo, *the institution* is prohibited from discharging, threatening, or otherwise discriminating against a person, or an employee acting on behalf of a person, because that person or employee reports or is about to report a violation or suspected violation of this policy or of law or is requested by Missouri Ethics Commission to participated in an investigation, hearing or inquiry held by the commission or any related court action. These protections shall not apply to anyone who knowingly or recklessly makes a false report.

### **Appeals**

An employee who is subject to disciplinary action based on an allegation of violation of this policy shall be entitled to full due process rights provided under the appropriate grievance process for that employee classification.

Complaints alleging violations of the state's conflict of interest law (Chapter 105) or this policy may be received and investigated by the Missouri Ethics Commission.

Adopted by the Coordinating Board December 13, 1991 (July 1992)