



4.4.010

Conflict of Interest, External Employment, and Consultation Policy

Date of last board of trustees review: August 14, 2024

The originator of this policy is People and Workplace Culture. Questions regarding this policy may be directed to the originator by calling 801-957-4210.

1. Policy

Employees must avoid actual, potential, and apparent conflicts of interest to ensure confidence and trustworthiness in the College's administration and stewardship of public resources. This policy creates standards and procedures employees must comply with to avoid conflicts of interest.

2. References

- A. Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. §§67-16-1-15 (2014)
- B. Utah Protection of Public Employees Act, Utah Code Ann. §§67-21-3 (2018)
- C. Utah Procurement Code, Utah Code Ann. §§63G-6a-24 (2014)

4.4.010

Conflict of Interest, External Employment, and Consultation Procedure

Date of last executive cabinet review: April 16, 2024

The originator of this procedure is People and Workplace Culture. Questions regarding this procedure may be directed to the originator by calling 801-957-4210.

3. Definitions

- A. **Conflict of Commitment:** a situation in which an employee's non-college activities, paid or unpaid, interfere with the performance of their college duties. Employees are expected to perform their obligations to the college with adequate competence, diligence, and reliability.
- B. **Controlled Information:** contains medical, psychiatric, or psychological data about an individual.
- C. **Principal Investigator ("PI"):** internally approved and qualified college employee responsible to develop and oversee a sponsored project.
- D. **Private Information:** generally relates to an individual's private interests, and disclosing such to the public would constitute a clearly unwarranted invasion of privacy.
- E. **Protected Information:** covers various information, including trade secrets and knowledge that would impair governmental procurement proceedings. See [Utah Code Ann. § 63G-2-3](#) for a detailed list.
- F. **Sponsored Project:** project supported by a governmental entity or an organization using public resources in support of research, instruction, capacity development, training, or other strategic, developmental, or scholarly activity.
- G. **Substantial interest:** the ownership, either legally or equitably, by an individual, their spouse, or their minor children, of at least 5% of the outstanding capital stock of a corporation or a 5% interest in any other business entity.

See [Personnel Definitions](#)

4. Procedures

A. General

1. Employment Conditions

Each college employee is expected to:

- a. perform their obligations to the college with adequate competence, diligence, and reliability; and
- b. avoid any activity or work pattern that lowers productivity and effectiveness.

2. Conflict of Interest Prohibition and Disclosure

- a. All employees are prohibited from any conduct that creates actual, potential, or apparent conflicts of interest between the College and the employee.
 - b. Employees must disclose in writing all actual, potential, and apparent conflicts of interest or commitment or manage to eliminate such conflicts as provided in this policy.
 - c. After disclosure of an actual, potential, or apparent conflict of interest to the supervisor and appropriate vice president, an employee may only participate in the college transaction or business if there is written authorization from the appropriate vice president.
3. When a supervisor makes a determination regarding a conflict of interest or commitment concern with an employee, the supervisor must notify People and Workplace Culture (Employee Relations) of the situation and any decisions.

B. Types of Conflicts of Interest

1. Business Dealing with the College

- a. An employee who owns a substantial interest in a commercial or private business or organization must not represent or influence the college in its dealings with that organization.
- b. In such cases, the employee must disclose in writing to their supervisor and appropriate vice president the nature of the conflict of interest; and
- c. The supervisor shall take appropriate precautions to ensure that such relations do not influence the college's business dealings.

2. Purchase of Surplus Property

If an employee participated in the college's decision to sell surplus property:

- a. the employee must not purchase that surplus property; and

- b. no other person or organization through whom the employee may benefit personally shall purchase the surplus property.

3. Inside Information

- a. Employees must not use or disclose private, controlled, or protected college information (“confidential”) acquired in connection with the employment for personal gain or other unauthorized use.
- b. Confidential information includes, but is not limited to, information obtained in advance of public announcement, such as:
 - (1) personnel records;
 - (2) knowledge of forthcoming programs;
 - (3) site selections; or
 - (4) selection of contractors.

4. Gifts and Personal Privileges

a. Gifts

- (1) As a condition of granting any application, request for a contract, approval, or other authorization, an employee may not
 - (a) Demand from any person or organization that property, money, or services be donated to the college, employee, or agency;
 - (b) Donate or offer to donate property, money, or services to the college, employee, or agency; or
 - (c) Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for themselves or family members if:
 - (i) it would tend to improperly influence a reasonable person in the discharge of college responsibilities or duties; and
 - (ii) the employee has been, currently is, or in the near future may be involved in any college action or decision directly affecting the donor or lender.
- (2) An employee may accept an occasional nonmonetary gift provided the value is at most \$50.

b. Personal Privileges

Employees must not use, or attempt to use, their college authority or position to:

- (1) coerce students and subordinate employees to substantially further their economic interests;
- (2) secure privileges not available to all college employees from outside organizations or persons; or
- (3) receive personal discounts for on-site college services not equitably available to other college employees.

5. Research Projects Serving External Interests

- a. An employee must disclose in writing to their supervisor if they:
 - (1) are engaged in research or other projects within both the college and other organizations; or
 - (2) have a private business interest relevant to the research project and act as the principal investigator in a sponsored project or research grant contract administered by the college.
- b. Upon receiving the written disclosure, the supervisor must evaluate the research projects':
 - (1) use of college facilities, employees, equipment, supplies, and funds; and
 - (2) efforts to maintain the separation of the college and the organization's interests.
- c. If the research project involves college data or the supervisor identifies potential, actual, or apparent conflicts in their evaluation, the research project will require approval from the appropriate vice president or provost.
- d. Before deciding if the research project will be approved, the vice president or provost may consult with the executive director for Sponsored Projects, General Counsel, and the Controller.

6. College Opportunities and Affiliations

a. Disclosure of Opportunities with Potential for Employee Personal Gain

If an employee, during their course of employment, learns of a financial, research, or other opportunity that the college might reasonably be expected to have an interest in, the employee:

- (1) must disclose the opportunity to their supervisor and appropriate vice president; and
- (2) refrain from usurping the opportunity for their personal gain or interest.

b. College Affiliation for Private Projects

An employee may not use their college affiliation to provide creditability or obtain material support for a private project without the prior approval of the vice president for Institutional Advancement.

7. Actions or Circumstances Compromising an Employee's Commitment to the College

- a. Any employee action or involvement in circumstances which creates a reasonable basis that they have compromised their commitment to the college; and**
- b. this conflict of interest cannot be satisfactorily managed with appropriate supervisory oversight.**

C. External Employment, Consultation, and Other External Activity

1. General

When evaluating all external activities, employees and supervisors shall consider the following factors in their evaluation of the activities' desirability and risk:

- a. actual or potential conflict of commitment;**
- b. actual or potential conflict of interest which may adversely impact the employee's allegiance to the college;**
- c. appearance of a conflict of interest or inappropriate appearances; and**
- d. activity that is inconsistent with the college's mission, vision, values, and goal.**

2. External Employment and Commitments

- a. All full-time faculty and staff must fulfill their obligations to the college with competence, diligence, and reliability during scheduled work periods.**
- b. External employment requests for non-college positions that could create a conflict.**
 - (1) Employment in a non-college position is not permitted if it:**
 - (a) interferes with the employee's college duties and schedule; or**
 - (b) results in an actual, potential, or apparent conflict of interest.**
 - (2) Before accepting or performing external employment that could create a conflict as outlined in sections 4.C.2.a and 4.C.2.b.(1) of this policy, an employee must disclose the external employment to their immediate supervisor and receive written approval from their immediate supervisor.**

- c. Evaluation of external employment requests.
 - (1) When evaluating external employment requests, the immediate supervisor must evaluate:
 - (a) the criteria outlined in section 4.C.1 in this policy; and
 - (b) if necessary, consult with the associate vice president for People and Workplace Culture or designee.
 - (2) If the immediate supervisor denies the external employment request, the denial may be appealed to the employee's second-level supervisor.
- d. Section 4.C.2 prohibiting external commitment does not apply to college employees who work:
 - (1) in the college's Development Office and provide, in the normal course of their duties, assistance to the Salt Lake Community College Foundation, Inc.; or
 - (2) in the Arts and Communication department and provide, in the normal course of their duties, assistance to the Grand Theatre Foundation, Inc. or Grand Theatre Community Institute.

3. Internal Consultations

- a. Consultation may take place in the employee's place of work with approval from their immediate supervisor if it does not interfere with the normal operations of the department.
- b. The employee must arrange in advance, with the approval of the responsible supervisor, any schedule changes or coverage of missed work duties as the result of consultation activities.

4. External Consultations

- a. Employees may provide consultation services to external persons and organizations provided such services do not interfere with the employee's college duties and schedule or create a conflict of commitment. Such consultation is considered acting in an advisory capacity, generally for a short time.
- b. Employees can consult up to five consecutive business days at any one time but cannot exceed 24 days in one fiscal year.
- c. Consultation Process and Requirements
 - (1) Employees must submit a Consulting Request form and receive approval

from their immediate supervisor and appropriate vice president before accepting or performing external consulting employment that occurs:

- (a) during regular working hours for staff; or
 - (b) on contract days for faculty.
- (2) Employees must advise the person, firm, or agency for whom such consultation services are to be performed that:
- (a) the employee is an independent contractor and not an agent or employee under the college's control while performing consulting activities; and
 - (b) the college has no express or implied responsibility for the actions or omissions of the employee in their role as a consultant.
 - (c) Such advisement by the employee will be indicated on the Consulting Request form.
- (3) Employees must indicate the nature of the consulting, the consultation times and dates, and verify on the Consulting Request form that:
- (a) these arrangements will not involve a conflict of commitment or a conflict of interest; and
 - (b) the employee agrees to comply with this policy and procedures.
- (4) Consultation for an external person or organization is not permitted if it:
- (a) interferes with the employee's college duties and schedule;
 - (b) the employee has not made advance plans for an acceptable, qualified replacement; or
 - (c) results in an actual, potential, or apparent conflict of interest.
- (5) Employees must take vacation or other applicable leave for approved consultations that occur:
- (a) during regular working hours for staff; or
 - (b) on contract days for faculty.

5. Faculty Authored Commercialized Course Materials

Faculty who want to require students in a course they are teaching to purchase a commercialized work from which the faculty will receive royalties must obtain prior approval from the provost or their designee.