

Attachment 4
Proposed Change to University Handbook Appendix S
Conflict of Interest/Conflict of Time/Outside Activity
Prepared by a Conflict-of-Interest Provost appointed Taskforce
Approved by FS Faculty Affairs Committee on November 8, 2023

Rationale: The Conflict of Interest and Conflict of Time policies were reviewed and revised for clarity. The main adjustments are as follows:

- 1) Link to KBOR policy, on which our policy is based and subject to;
- 2) Addition of a definitions section;
- 3) Clarifying language throughout the explanation of steps, process, and responsibilities.

University Handbook, Appendix S:
Kansas State University Policy on Conflict of Interest, Conflict of Time
Commitment, and Outside Activity~~Consulting and other Employment~~

Preamble

~~Conflicts of interest and time commitment are endemic to the modern university. These conflicts are a consequence result of the many and varied roles that university members play in such areas as technology transfer and applied research, the creation of new multimedia teaching tools, and activities as expert consultants to local, state, and national governments as well as to the business community. The goal of this policy is to manage real or apparent conflicts of interest and time commitment. A system of self-disclosure will be the most effective for Kansas State University, since conflicts of interest and time commitment must be dealt with on a case-by-case basis. Discussion, disclosure, and negotiation generally can resolve disputes related to conflict of interest and time commitment.~~

~~This statement of policy concerning conflicts of interest and time commitment was developed by a university task force in order to ensure compliance with the laws of the State of Kansas and mandates from the Board of Regents (BOR) and federal funding agencies, the latter as a prerequisite for their future support.~~

~~A. General Principles~~

~~This policy is based on, and subject to, the Kansas Board of Regents' (Board) policy entitled Commitment of Time, Conflict of Interest, Consulting and Other Employment, incorporated herein, as well as applicable federal, state, and Board laws, regulations, rules, and policies governing real or apparent conflict of interest, conflict of time commitment, and outside activity. Kansas State (University) faculty members and unclassified professionals and to any other personsEmployees~~

Definitions

As used in this policy, the following terms shall have the described meanings:

- a. "Associate eEntities" means corporations, companies, partnerships, trusts, joint venture, or other organizations or business interests in which an individual has a significant interest.
- b. "Conflict of iInterest" has the meaning fully described in the Board's Policy Manual. In general, a conflict of interest occurs when there is a divergence between an Employee's private, personal relationships, or

interests and their professional obligations to the University such that an independent observer might reasonably question whether the Employee's professional actions or decisions are determined or substantially influenced by considerations of personal benefit, gain, or advantage.

- c. **"Conflict of Time Commitment"** has the meaning fully described in the Board's Policy Manual. In general, whenever an Employee's Outside Activity exceeds reasonable time limits, or whenever a full-time Employee's primary professional responsibility is not to the University, a Conflict of Time Commitment exists.
- d. **"Employee"** means a person subject to this policy, including all University faculty members and unclassified professionals and any other persons to the extent compliance is required by applicable law, Board, or University policy or directive.
- e. **"Initial Disclosure"** is the first report of an Employee's activity or interest, either at the point of hire, or regularly throughout as the activity or interest arises during their continued employment.
- f. **"Immediate Family"** means an individual's spouse and/or dependent children.
- g. **"Management Plan"** means a written agreement between an Employee and the University that documents how a real or apparent conflict of interest or time commitment will be handled.
- h. **"Responsible Dean or Administrator"** means a Responsible Supervisor's supervising Dean or other comparable administrator who is responsible for a second review of the disclosures made pursuant to this policy.
- i. **"Responsible Supervisor"** means an Employee's department head, unit head, or other supervisor who is responsible for a first review of the disclosures made in accordance with this policy.
- j. **"Outside Activity"** means consulting, public service, *pro bono* work, or employment performed by an Employee for an entity, organization, or individual other than the University. Consistent with Board policy, participation in academic conferences, workshops, and seminars does not usually constitute Outside Activity.
- k. **"Significant Financial or Managerial Interest"** means all holdings greater than \$5,000 or more than 5% ownership in a company.
- l. **"Subsequent Supplemental Disclosure"** describes any adjustment to an Initial Disclosure such as a changes in the context, extent, and/or nature of the activity or interest or the associated time of said activity.

1. Conflict of Time Commitment

—(a) Attempts to balance university responsibilities with external activities (such as, but not limited to, consulting, public service, or *pro bono* work) can result in real or apparent conflicts regarding commitment of time and effort. Whenever a faculty or staff member's external activities exceed reasonable time limits, or whenever a full-time faculty or full-time unclassified staff member's primary professional responsibility is not to the university, a conflict of time commitment exists.

—(b) Conflicts of commitment usually involve issues of time allocation. Full-time faculty members and full-time unclassified staff of state universities owe their primary professional responsibility to their employing university, and their primary commitment of time and intellectual effort must be to the education, service, research, and scholarship missions of the university. Faculty and unclassified staff should maintain a presence on campus commensurate with their appointments. The specific responsibilities, position requirements, employment obligations, and professional activities that constitute an appropriate and primary commitment of time will differ across schools and departments, but said responsibilities, requirements, obligations, and activities should be initially premised on a general understanding of full-time commitment for full-time faculty and full-time unclassified staff of the university. Exceptions must be justified and shown to enhance the university's mission and must be approved in advance by the faculty or staff member's supervisor.

2. Conflict of Interest

~~—(a) A conflict of interest occurs when there is a divergence between an individual's private, personal relationships or interests and his or her professional obligations to the university such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined or substantially influenced by considerations of personal benefit, gain or advantage.~~

~~—(b) Whether a conflict of interest or the appearance of one exists depends on the situation, not on the character or actions of the individual, and must be determined objectively on a case-by-case basis. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict and thus, for purposes of this policy, apparent conflicts are treated the same as actual conflicts.~~

~~—(c) Situations involving potential conflicts of interest are common in a modern university and must be addressed. State universities have as part of their mission the promotion of the public good by fostering the transfer of knowledge gained through university research and scholarship to the private sector. Two important means of accomplishing this institutional mission include consulting and the commercialization of technologies derived from research. It is appropriate that university personnel be rewarded for participating in these activities through consulting fees and sharing in royalties resulting from the commercialization of their work. It is not appropriate, however, for an individual's actions or decisions made in the course of his or her university activities to be determined or substantially influenced by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual, and it also reflects negatively on the employing university. State universities are institutions of public trust; university faculty and staff must respect that status and conduct their affairs in ways that will not compromise the integrity of the university.~~

~~—(d) Except in purely incidental and minor ways, university resources, including but not limited to facilities, materials, personnel, or equipment shall not be used in external activities unless prior written approval has been received from the university's chief executive officer or his or her designee. Such permission shall be granted only when the use of university resources is determined to further the mission of the university. When such permission is granted, the faculty or staff member shall make arrangements to reimburse the university for institutional materials, facilities or services used in the external activity. Such use shall not be authorized if it violates the Board of Regents policy on Sales of Products and Services.~~

~~—(e) Proprietary or other information confidential to the university shall not be used in external activities unless prior written approval has been received from the university's chief executive officer or designee.~~

~~—(f) University personnel shall not involve university students, university staff, or university faculty in their external activities if such involvement is in any way coerced or in any way conflicts with the involved participants' required commitment of time to the university. For example, a student's grades or progress towards a degree shall not be conditioned on participation in a university employee's external activities.~~

~~—(g) At Kansas State University a college or unit may, in consultation with the provost, add clarification to the above definitions of conflict or apparent conflict relating to other actions leading to conflicts of interest or time commitment that are unique to the unit's professional mission.~~

~~—(h) The university's nepotism policy is stated in PPM chapter 4095. (POD 12/09/10)~~

~~3. State Ethics Statutes~~

~~—All employees shall adhere to all applicable state ethics statutes.~~

~~B. Consulting and Other Employment (See Section D40)~~

~~1. Consulting for Other State of Kansas Agencies~~

Consulting by faculty members and other employees of institutions under the jurisdiction of the Board for another institution under the jurisdiction of the Board, as well as consultation for other state agencies, shall be approved in advance by both (a) the institution or agency seeking these services, and (b) the employee's home institution. The home institution shall effect payment through the regular process and shall receive reimbursement through the interfund transfer process.

2. Other Consulting Outside the University

For faculty and unclassified professionals, the university permits, and indeed encourages, a limited amount of consulting activity outside the faculty member's or unclassified professional's reasonably construed total professional responsibilities of employment by and for the university, on subjects that are within the faculty or unclassified professional member's area of professional expertise, provided such activity: (a) further develops the faculty member or unclassified professional in a professional sense or serves the community, state, or nation in an area related to the faculty or unclassified professional member's professional expertise; (b) does not interfere with the faculty or unclassified professional member's teaching, research and service to the university; and (c) is consistent with the objectives of the university. Regular instructional service to other educational institutions is normally regarded as inappropriate and is thus generally prohibited. Without prior written approval, faculty or unclassified professional members on fulltime appointments shall not have significant outside managerial responsibilities, nor act as principal investigators, on sponsored projects that could be conducted at their employing university but instead are submitted and managed through another organization. The university's consulting policy is at Section D40.

3. Other Employment

All faculty and staff employed by the university must give their full professional effort to their university duties and assignments. It is, therefore, considered inappropriate to engage in gainful employment outside the university that is incompatible with university commitments. It is inappropriate to transact business for personal gain unrelated to the university from one's university office, or at times when it might interfere with commitments to the university. Participation in academic conferences, workshops and seminars does not usually constitute consulting or outside employment. However, organizing, operating, or participating in such meetings for profit may be construed as consulting or outside employment as defined in this policy.

A. C. Reporting Disclosure, Prior Approval, and Annual Certification Requirements

All Employees have an affirmative and ongoing duty to initially disclose, receive prior approval for, and annually certify to the University any current or prospective situation that may raise questions of a real or apparent Conflict of Interest or Conflict of Time Commitment, as well as any Outside Activity. When applicable, this duty requires Employees to supplement and receive supplemental approval for previously approved disclosures and enter into Management Plans to document how real or apparent conflicts will be managed. Disclosures and certifications must be made in a timely manner and as described in this policy and related administrator and supervisor communications.

The requirements for disclosure and prior approval of current or prospective situations that may raise questions of a real or apparent conflict of interest or conflict of time commitment, as well as any Outside Activity, apply regardless of the duration of the activity or amount of compensation. In the event the Employee is not compensated for an Outside Activity, the requirements for disclosure and prior approval still apply if the activity may raise a question of a real or apparent Conflict of Interest or Conflict of Time Commitment.

Employees have an ongoing duty to communicate with their supervisors regarding their schedule for engaging in approved Outside Activity. For Outside Activity that occurs during an Employee's scheduled time on-duty, or

during the University's regular business hours, the Employee shall comply with applicable policies, procedures, and requirements relating to scheduling Outside Activity and, if applicable, use and reporting of time or leave.

In addition to these University disclosure requirements, some Employees are required to submit separate disclosures to other government agencies for their separate review, including federal disclosures as described in Section A.3 and Kansas Secretary of State disclosures as described in Section A.4.:

- ~~— **Federal Disclosures.** Certain Employees may be notified of a requirement to submit disclosures, reports, or other information to the University or its designee in compliance with federal law, contracts, grants, or other authority. Employees notified of such requirements have an affirmative duty to comply, as further described in Section A.4., below.~~
- ~~— **Kansas Secretary of State Disclosures.** Certain Employees are required by the Kansas Governmental Ethics Commission to file a Statement of Substantial Interests with the Kansas Secretary of State annually in April. Employees subject to this requirement have an affirmative duty to comply, as further described in Section A.5., below.~~

Failure to make required disclosures or certifications in a timely manner, proceeding with real or apparent conflicts of interest or time commitment or Outside Activity without prior approval, comply with an approved Management Plan, or otherwise comply with this policy may result in sanctions as described in Section D., below.

Forms, tutorials, and additional information about these procedures are available at the following link:
<https://www.k-state.edu/conflict/>

12. Ongoing Duty to Report Consulting Activities, Significant Financial or Managerial Interests, and Outside Employment as they Occur **Procedures for Submitting Disclosures for Prior Approval**

a. Initial Disclosure

An Initial Disclosure must be submitted and approved (i) for any ~~(+)~~ current or prospective situation that may raise questions of a real or apparent Conflict of Interest or Conflict of Time Commitment and (ii) in advance of undertaking any Outside Activity. This written disclosure shall fully describe the context, extent, and nature of the situation or activity and, if applicable, the amount of time to be spent, ~~(including travel time,) on any Outside Activity.~~ An Initial Disclosure must also be submitted and approved upon obtaining a Significant Financial or Managerial Interest, or in the case of a new Employee, promptly upon signing their initial appointment. Initial Disclosures must be made as they occur and may not be summarily made in the Annual Certification process described in Section A.23.

b. Supplemental Disclosure

A Supplemental Disclosure must be submitted and approved in advance of any material change to a previously-approved Initial Disclosure of any (i) current or prospective situation that may raise questions of a real or apparent conflict and (ii) Outside Activity. This ~~written~~ Supplemental Disclosure shall fully describe the material change(s) to the ~~previously approved~~ approved Initial Disclosure, such as changes in the context, extent, and nature of the situation or activity and, if applicable, the amount of time to be spent, including travel time. Supplemental Disclosures must be made in real time and may not be summarily made as part of the Annual Certification process described in Section A.23.

Supplemental Disclosures should be made using the Supplemental Disclosure Form located at the following link:
[LINK](#)

c. Management Plan

After submitting an Initial Disclosure or Supplemental Disclosure, the submitting Employee, or their Responsible Supervisor, Responsible Dean or Administrator, or the Provost or their designee may determine a Management Plan is required. Management Plans ~~are intended to~~ will address how any real or apparent Conflict of Interest or Conflict of Time Commitment relating to the situation or activity will be handled.

~~Management Plans may be initiated using the Management Plan Form located at the following link:~~

~~321. Procedures for Submitting an Annual Certification Reporting of Consulting, Significant Financial or Managerial Interests, and Outside Employment~~

~~As part of the annual appointment process~~ Between June 1 and July 1 of each year, all faculty and unclassified staff Employees shall complete an Annual Certification regarding their real or apparent Conflicts of Interest, and Conflicts of Time Commitment, Outside Activity, and Significant Financial or Managerial Interests. This Annual Certification shall include a representation by the Employee that there have been no material changes to all previously-approved disclosures and Management Plans. Further, the Annual Certification requires each Employee to disclose whether they disclose to the university whether they or members of their immediate family (spouse and dependent children), personal household, or Associate eEntities (e.g., corporations, partnerships or trusts in which they have a significant interest) have, hold, or engage in consulting arrangements, sSignificant fFinancial or mManagerial iInterests or Outside Activity, or employment in an outside entity. Failure to disclose conflicts of interest may be considered research misconduct per the University Handbook, Appendix O.

~~Annual Certification should be made using the Annual Certification Form located at the following link:~~ [\[LINK\]](#)

~~For purposes of the policy, significant financial or managerial interests (or significant financial or other interests) means all holdings greater than \$5,000 or more than 5% ownership in a company.~~

~~Failure to timely submit the required reporting form to the university shall result in denial of the opportunity to submit research proposals to external funding agencies and may result in discipline in accordance with university procedures. When the university determines that the information submitted indicates that an actual or apparent conflict of time commitment or conflict of interest does or may exist, the university may require that the faculty or unclassified staff member to submit additional information and explanation regarding that conflict.~~

~~433. Federal Reporting-Disclosure Requirements~~

~~Extending from federal guidance and regulations, including the National Security Presidential Memorandum-33 and the recommendations provided by the Joint Committee on the Research Environment, it is imperative that the uUniversity address concerns regarding undue foreign influence. Concerns are focused around three primary areas: (a) intellectual property theft/academic espionage; (b) sharing of confidential information by peer reviewers with foreign entities or attempting to influence funding decisions; and (c) ensuring adequate disclosure of resource contributions from or affiliations with other organizations, including foreign governments.~~

~~Employee's compliance with this policy is essential in part because in accordance with federal funding agency policy and regulations, Kansas Statethe University must may be required to certify that for each award, any identified conflicts of interest will be managed, reduced, or eliminated, among other obligations for the uUniversity including but not limited to those imposed with regard to and its PHSPublic Health Service-funded researchers, (as further set forth in PPM Chapter 4090). Conflicts which cannot be satisfactorily managed, reduced, or eliminated must be disclosed to the University. If in the course of certifying compliance with federal~~

disclosure requirements any previously undisclosed conflict is identified, the Employee shall immediately disclose the matter for review in accordance with this policy.

All Employees have an affirmative and ongoing duty to initially disclose, receive prior approval for, and annually certify to the University any current or prospective situation that may raise questions of a real or apparent Conflict of Interest or Conflict of Time Commitment, as well as any Outside Activity

The University and its Employees are required to implement and adhere to ~~and implement~~ any additional policies and procedures and disclosure requirements that are imposed by applicable federal law, including conflict of interest laws. ~~The University's policy applicable to Public Health Service-supported investigators and their staff is located at PPM 4090.~~ Employees are required to adhere to such requirements as adopted or revised in response to evolving federal law.

54. Kansas Secretary of State Disclosure Requirements

Certain Employees are required by the Kansas Governmental Ethics Commission, pursuant to K.S.A. 46-247 and 46-248, to file a Statement of Substantial Interests (SSI) with the Kansas Secretary of State annually in April. The University will provide those subject to this requirement with instructions for submission around April 1 each year. Submission of an SSI to the Secretary of State does not satisfy an Employee's duties to make any of the other required disclosures or Annual Certification described in this policy, nor does any disclosure to, or prior approval by, the University satisfy an Employee's duty to submit an SSI to the Kansas Secretary of State.

4. Prior Approval for Consulting and Other Employment Outside the University

~~Faculty and staff shall inform the provost, through the department chair or head and the dean, of all consulting activities and employment outside the university for which the employee is compensated. The faculty or staff member shall report in writing the proposed arrangements, and secure approval prior to engaging in consulting activities or other employment. The report shall indicate the extent and nature of the consulting activities or employment, the amount of time to be spent, including travel time, and the amount of time expected to be spent on all such outside consulting activities or employment during the coming academic year.~~

~~Unclassified professionals must inform the appropriate vice president or the provost, through the unit head and any appropriate administrator, of all external personal professional activities. Unclassified professionals must obtain approval prior to engagement in all external personal professional activity regardless of the length of engagement~~

5. Disposition of Reports

~~All required reports shall be submitted in accordance with university requirements and shall be used for the determination of whether an individual is in compliance with this policy. Such reports will also be available to institutional research officers to permit certification and/or verification of compliance with federal regulations. The university maintains these reports for a minimum of three years.~~ **BE. Kansas State University Disclosure and Certification Review and Approval Process**

~~Reporting procedures developed at Kansas State University reflect the requirements in the policy adopted by the Board of Regents. Two forms have been developed to implement this policy, the Initial Disclosures, Supplemental Disclosures, and Annual Certifications Declaration and Disclosure will be reviewed as provided in this Section and the Consulting Request. For access instructions and tutorials, please go to http://www.k-state.edu/conflict/forms/. The Annual Declaration and Disclosure is to be completed every year at the same time as the annual contract is signed, and updated as provided in C2. The Consulting Request form (http://www.k-state.edu/conflict/forms/) must be submitted and approved by the unit head, dean, and provost in advance of~~

undertaking any consulting activity. All required disclosures shall be submitted in accordance with University requirements and shall be used for the determination of whether an individual is in compliance with this policy. Such disclosures will also be available to institutional research officers to permit certification and/or verification of compliance with applicable federal or state regulations. The University maintains these disclosures for a minimum of three years.

1. Responsibilities of the Unit Heads/Immediate Responsible Supervisors

The submitting Employee's Responsible Supervisor unit head/immediate supervisor will first review the submitted Initial Disclosure, Supplemental Disclosure, or Annual Certification Declaration and Disclosure or the Consulting Request. The unit head/immediate Responsible sSupervisor will indicate by an effect their formal approval signature when a report or request disclosure (a) does not appear to indicate a possible real or apparent eConflict of iInterest or Conflict of Time Commitment, or (b) where a satisfactory written mManagement pPlan has been developed with the Employee at their department or unit level using the appropriate Management Plan Form. Upon effecting their formal approval, tThe reports or requestshe Responsible Supervisor will forward the Employee's submission and, if applicable, the proposed any mManagement Plans to the Responsible Dean or Administrator that have been developed shall be forwarded to the dean or appropriate administrator for next-level review.

The Responsible Supervisor may request additional information from the Employee when considering their submission, and upon receiving additional or clarifying information may request the Employee resubmit an amended disclosure, certification, or Management Plan. In the event cases where the unit head the Responsible Supervisor determines that there may does appear to be identifies a possible real or apparent eConflict of iInterest or Conflict of Ttime eCommitment, but a satisfactory written Management Plan has not been developed or the management of which is of the real or apparent conflict is otherwise unresolved at the unit head level, the following procedures will be followed: (i) the Responsible Supervisor unit head will prepare a written summary of the case matter. provide Tthe affected Employee faculty or unclassified professional member affected must have thean opportunity to review and discuss the summary with the Responsible Supervisor unit head and will have the opportunity, and provide the affected Employee an opportunity to submit to the unit head at their written response recording his or her position on the case their perspectives regarding the matter; (ii) the Responsible Supervisor will request, and before forwarding obtain from the affected Employee, before the unit head submits the summary to the next administrative level, the faculty or unclassified professional member must a signed a statement acknowledging of documenting the Employee's the opportunity to review and discuss the Responsible Supervisor's summary and opportunity to submit their written response and to discuss the summary and indicating whether he or she submitted a written response; and (iii) the Responsible Supervisor will unit head who prepared the summary must compile and submit to the Responsible Dean or Administrator the Employee's submitted disclosure or certification forms, draft Management Plans (if any), the Responsible Supervisor's summary of the matter, the Employee's response (if any), the Employee's signed acknowledgment, and any other relevant supporting materials submit to the dean or appropriate administrator all forms, the summary of the case, including the facts indicating a possible conflict of interest or time commitment, and any written responses prepared by the faculty or unclassified professional member.

2. Responsibilities of the Responsible Dean s/Comparable Administrators

The Responsible Dean / or comparable aAdministrator will review all of the materials submitted by the Responsible Supervisor to ensure that the correct procedures have been followed. The Responsible dDean / or comparable aAdministrator will then determine whether the case matter involves a real or apparent eConflict of iInterest or Conflict of Ttime eCommitment or the appearance of one, and, if applicable, whether any the proposed conflict mManagement pPlan which has been developed is acceptable. In cases instances where there is no such real or apparent conflict or where the proposed conflict mManagement pPlan is acceptable, the Responsible dDean / or

~~comparable a~~Administrator will show effect their formal approval and forward the Employee's submission and, if applicable, the proposed Management Plan to the Provost or the Provost's designee for final ~~level~~ review by signing the Annual Declaration and Disclosure or Consulting Request.

The Responsible Dean or Administrator may request additional information from the Employee and Responsible Supervisor when considering the submission, and upon receiving additional or clarifying information may request the Employee resubmit and Responsible Supervisor first review an amended disclosure, certification, or Management Plan. The ~~Responsible d~~Dean/ ~~or comparable a~~Administrator will make recommendations for managing any real or apparent conflict that has not been resolved at the ~~department or~~ unit level. These ~~recommendations~~ will be presented to the ~~unit head and the faculty or unclassified professional member~~Responsible Supervisor and submitting Employee. Those individuals must indicate in writing (a) their acceptance of the ~~Responsible d~~Dean/ ~~or comparable a~~Administrator's recommendation by preparing and resubmitting a revised Management Plan incorporating those recommendations or (b) their rejection of the recommendation in the form of a memorandum to the Responsible Dean or Administrator that ~~A written rejection must include~~describes the reasons why the individual finds the recommendation unacceptable. Then, the ~~Responsible d~~Dean/ ~~or comparable a~~Administrator must forward to the ~~P~~provost, or their designee, the ~~all-relevant and applicable disclosures, summaries, responses, proposed Management Plans, and other form(s) and associated and supporting documentation and recommendations (plans of management, recommended plans of management, and written statements of agreement or unresolved differences).~~all-relevant and applicable disclosures, summaries, responses, proposed Management Plans, and other form(s) and associated and supporting documentation and recommendations.

3. Responsibilities of the Provost

The ~~p~~Provost, or their ~~provost's~~ designee (hereinafter "Provost"), will review all the ~~reports or requests and supporting materials submitted by the Responsible Dean or Administrator, and recommendations. The provost the provost's~~their will assess ~~determine~~ whether any ~~conflicts~~real or apparent ~~Conflicts of Interest or Conflict of Time~~ ~~Commitment exists, and determine, if applicable, whether the proposed M~~management ~~p~~Plans which have been developed adequately manages ~~any the real or apparent conflicts of interest and time commitment, and whether there are any inequities in the recommendations for management of the conflicts.~~any the real or apparent conflicts of interest and time commitment, and whether there are any inequities in the recommendations for management of the conflicts.

If, after review, the ~~p~~Provost ~~the provost's their~~ does not agree with the sufficiency of the disclosures, content of a proposed Management Plan, or written recommendations of the Responsible Dean or Administrator, the Provost may request additional information from the Employee, Responsible Supervisor, and Responsible Dean or Administrator. Upon receiving additional or clarifying information the Provost may request the Employee, Responsible Supervisor, and Responsible Dean or Administrator first submit and review, as appropriate, any amended disclosure, certification, Management Plan, written recommendation, or other relevant documents. If after receiving all requested additional information and revised documents the Provost still does not agree with the sufficiency of the disclosures, content of a proposed Management Plan, or written recommendations of the Responsible Dean or Administrator, or if no additional information is available or helpful, the Provost ~~recommendations for conflict management made by subordinate administrators, an attempt must be made~~will convene the parties to attempt to reach consensus through consultation. If ~~this the parties fails to reach consensus,~~ the ~~p~~Provost's recommendation will decide the matter based on all available information ~~be used.~~ The individual(s) affected by the disagreement must be notified by the ~~p~~Provost, ~~the provost's their~~ in writing, of the ~~p~~Provost's decision and its rationale.

~~In accordance with federal funding agency policy and regulations, issued by the National Science Foundation and the Department of Health and Human Services (Federal Register 25 August 2011), prior to the expenditure of any Public Health Service (PHS) funds awarded by NSF or NIH, Kansas State University must certify that for each award, any identified conflicts of interest will be managed, reduced, or eliminated, among other obligations for the~~

~~university and its PHS-funded researchers, as further set forth in PPM Chapter 4090. Conflicts which cannot be satisfactorily managed, reduced, or eliminated must be disclosed to the University, or the NSF or HHS.~~

4. Appeals

In the event that agreement is not reached by all parties concerned with the management of a case of ~~conflict or real or~~ apparent conflict, the aggrieved parties may pursue an administrative appeal grievance following the procedures in Appendix G of the University Handbook.

CD. Use of University Resources and Name

Except in purely incidental and minor ways, University resources, including but not limited to facilities, materials, personnel, or equipment shall not be used in Outside Activity unless prior written approval has been received from the University President or their designee. Such permission shall be granted only when the use of University resources is determined to further the mission of the University. When such permission is granted, the Employee shall make arrangements to reimburse the University for institutional materials, facilities, or services used. Such use shall not be authorized if it violates Board policy on Sales of Products and Services.

The names of the Board, ~~University a state university or the Regents System, or University's controlled corporations~~ may never be used as an endorsement of an faculty or staff member's Employee's external Outside activities Activity or by any outside entity or person for any purpose without expressed and advance written approval of the Board President, University President chief executive officer, or the Board's President controlled corporation's and Chief Executive Officer, as appropriate. Faculty and staff members Employees may list their institutional affiliation in professional books, articles, and monographs they author or edit and in connection with professional workshops they conduct or presentations they make without securing approval.

F. Distribution and Dissemination

~~This policy statement will be distributed upon initial appointment to all faculty and staff by each state university.~~

D5. Sanctions

In the event that an Employee faculty or unclassified professional member fails to comply with this policy, ~~he or she they~~ will be subject to sanctions under applicable University policies, which range from and may include but are not limited to ranging from, written reprimand, the loss of the privilege of submitting to submit grant proposals and receiving extramural support, and to, in extreme cases, dismissal for cause (in accordance with University Handbook Section C161.1). Applicable University policies include but are not limited to Appendix O, pursuant to which a researcher or scholar's failure to disclose conflict of interest may constitute research misconduct.