



Conflict of Interest

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Goals and Objectives

- Provide an overview of K-State's policy on COI/COT, consulting and other employment.
- Learn about reporting requirements for COI/COT, consulting and other employment.
- Provide insights from reviews performed by Internal Audit.
- Case Studies.
- K-State COI/COT Resources.

K-State COI/COT Policy – General Principle

- K-State policy mirrors Kansas Board of Regents (KBOR) policy.
- Kansas Board of Regents (KBOR) Commitment of Time, Conflict of Interest, Consulting and Other Employment.
- Policy goals are the elimination, reduction, and/or management of real or apparent conflicts of interest and time commitment.
- Process oversight is within the Office of the Provost.

Conflict of Time Commitment

A situation where an employee engages in outside activities, either paid or unpaid, that substantially interfere with the employee's duties to the University.

Conflict of Interest

A conflict of interest occurs when an individual's personal interests – family, friendships, financial, or social factors – could compromise his or her judgment, decisions, or actions in the workplace.

K-State COI/COT Policy and Definitions

State Ethics Statutes

- All employees shall adhere to all applicable state ethics statutes.
- Kansas Government Ethics (46-237 and 46-237a):
 - What You Can Do
 - What to Know to Avoid Violations

Consulting and Other Employment

- Consulting for Other State of Kansas Agencies.
- Other Consulting Outside the University.
 - The university's consulting policy is at Section D40.
- Other Employment.

General Information about COI/COT

- Conflict of Interest policies are intended to protect the employee and the university.
- Having a conflict of interest is not necessarily a problem or a “bad thing”.
- Having a conflict of interest and doing nothing about it is a problem!
- The appearance of a COI can be as damaging as an actual conflict. Disclosure of potential conflicts allows one to clarify and possibly manage the situation to mitigate any appearance of a conflict.
- While it is not possible to eliminate all COIs, it is possible to manage the conflict so that it will reduce or eliminate any impact on the employee’s actions or decisions.

COI/COT Reporting Requirements

Federal Reporting Requirements

- All investigators applying for federal funding from Public Health Service (PHS) agencies are required to file Financial Conflict of Interest forms at least annually. Sponsored and reimbursed travel forms are due NLT within 30 days of returning from travel.
- PHS Financial Conflict of Interest Information
- PPM 4090

COI/COT Reporting Requirements

State of Kansas Reporting Requirements

- A Statement of Substantial Interest form must be completed upon appointment and annually between April 15th and April 30th, for individuals who meet the requirements under the 'Who Files' section of the Governmental Ethics Commission SSI Instruction & Guide.
- K-State HCS Statement of Substantial Interest
- Governmental Ethics Commission SSI Instruction & Guide

COI/COT Reporting Requirements

State of Kansas Reporting Requirements (cont.)

- Who Files:
 - General counsels for state agencies.
 - State officers, employees and members of boards, councils and commissions who:
 - Holds a major policy making position
 - Responsible for contracting, purchasing or procurement
 - Responsible for inspecting or regulating any person or entity
 - Faculty members who receive an annual salary of \$150,000 or more, other than adjunct faculty members.

COI/COT Reporting Requirements

University Reporting Requirements

- Annual completion of K-State conflict of interest, conflict of time commitment, and consulting request forms **is required when employees accept their appointment/contract.**
- COI/COT forms are found on the HRIS portal.
- Form A identifies areas where significant conflict of interest could exist.
- Form B is completed **if any of FORM A** questions (minus foreign funding) are indicated as positive:
 - Form B asks for more detail to determine the potential for a conflict of interest - form B must be filled out - any blank forms will be returned.
- Management Plan - If a conflict is identified, a management plan may need to be developed to mitigate or lessen the impact of the conflict of interest or outline the plan to eliminate a COI if it cannot be managed.

Consulting Requests

University Reporting Requirements (cont.)

- For faculty and unclassified professionals, the university permits, and encourages, limited consulting activity outside of one's responsibilities with the university.
- For the purposes of reporting, all external professional activities should be considered consulting, whether it is for paid or unpaid activities.
- Employees must report proposed activities and secure approval **prior to engaging** in the consulting activity.
- Employees are not allowed to use K-State resources without permission when engaging in consulting activities. Such resources include facilities, materials, equipment, or personnel, which includes K-State students.
- Employees have an ongoing responsibility to file consulting requests as they emerge during the fiscal year.
- Consulting Requests forms are found on the HRIS portal.

Disposition of COI/COT Reports

University Reporting Requirements (cont.)

- According to the K-State COI/COT policy:
 - 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.

COI/COT Insights

- **COI/COT Insights**
 - The K-State filing applies to a conflict of time commitment.
 - The K-State filing applies to my spouse and family.
 - The K-State filing can be completed more than once a year.
 - The K-State filing this year should consider prior issues if they still exist.
 - The K-State filing should consider your business.
 - The K-State filing should consider the dealings with foreign entities.
 - The K-State filing helps you and your supervisor document potential conflicts.

Case Studies/Scenario 1

I earn less than \$4,000 a year working for a lawn mowing LLC. My work is unrelated to my duties at the university. There are a couple of times during the year that I leave work early to perform my lawn mowing duties.

- 1.No reporting. No conflict.
- 2.Complete consultation request.
- 3.Report work time away from campus (university leave).
- 4.Document outreach.

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Case Studies/Scenario 2

I serve on an advisory board for an organization. I am compensated \$6,000 annually. I spend 4 hours each quarter in meetings attended via Zoom.

1. No conflict. No reporting.
2. Document outreach activity.
3. Disclose during annual Conflict of Interest reporting.
4. Submit Consulting Request via HRIS for quarterly meetings and activity during working hours.
5. Complete conflict management plan.

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Case Studies/Scenario 3

I own a farm which earns more than \$5,000 per year. I hire a worker to handle most of the farm work, but I occasionally need to work in emergency situations. These are generally in the evenings or on weekends, but there are times when the emergencies occur during the work week.

1. No reporting. No conflict.
2. Disclose during annual Conflict of Interest reporting.
3. Approved Management Plan required.
4. Unmanageable conflict.

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Case Studies/Scenario 4

My scenario is not described here and appears to be unique. What should I do?

1. Do not report. Beg for Forgiveness.
2. Assume the conflict is unmanageable.
3. Seek advice from another faculty member.
4. Discuss with your department head or supervisor.

Case Studies/Scenario 4

My scenario is not described here and appears to be unique. What should I do?

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COI/COT Insights

- COI/COT Insights
 - Take COI/COT training.
 - Review COI/COT policies.

K-State COI/COT Resources

- K-State Conflict of Interest
 - Trainings and Tutorials Section
 - Annual Training for Employees and Managers
 - Tutorial for Approval Process for Managers and Supervisors
- Research Faculty and Staff Training (FCOI)
- K-State Internal Audit
 - Training Presentations Section

K-State COI/COT Resources

- University Handbook, Appendix S: Kansas State University Policy on Conflict of Interest, Conflict of Time Commitment, Consulting and other Employment
- K-State Consulting Policy - University Handbook, Section D40
- Statement of Substantial Interest
- Kansas Board of Regents (KBOR) Commitment of Time, Conflict of Interest, Consulting and Other Employment
- PPM 4090 Conflict of Interest Policy – Applicable Only to Public Health Service Supported Investigators
- PPM 4095 Nepotism and Employee Relationships
- Kansas Government Ethics

Conflict of Interest Policy Committee

Provost Taber has charged a Conflict of Interest Policy Committee to review Chapter II, Section C.12 of the KBOR Policy Manual and Appendix S of the University Handbook to:

- Determine if there are any required updates to Appendix S.
- Identify compliance gaps and risks.
- Review the routing process for non-academic units for the annual declarations in HRIS.
- Offer recommendations on Form A and Form B instructions.
- Offer recommendations on Consulting Request Form process and instructions.
- Update and/or provide adequate conflicts-of-interest trainings.
- Develop a communications strategy for rolling out any changes and/or new requirements.
- Review alternate platform/tool for annual COI declaration submissions.
- Accountability/consequences for noncompliance.



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