

THE UNIVERSITY OF NEW MEXICO®

UAP 3720 CONFLICTS OF INTEREST, CONFLICTS OF COMMITMENT AND OUTSIDE ACTIVITY

PREPARED BY

THE OFFICE OF COMPLIANCE, ETHICS, AND EQUAL OPPORTUNITY

Why does UNM need this policy?

- To comply with the state laws and federal & state regulations.

  NM Governmental Conduct Act (GCA) § 10-16-4.2 requires public employees to disclose *any* outside employment

- Need for employees to understand the types of outside activities that are permissible for public employees

- Clarify who needs to disclose what

NOTE: It does <u>not</u> replace the COI in Research Policy

REVISION PROCESS - BACKGROUND

2020 and 2022: President's Ethics Taskforce

- Identified the need for COI/COC annual disclosures for all UNM employees & a need to update UAP 3720.
- Working groups performed best practice and policy reviews and drafted policy frameworks.

2023: Main campus compliance office resumed work on policy

- Growing number of ethics complaints about COI/COC
- Working group revising UAP 3720 included representatives and leaders from faculty and staff, university-wide.

NEW POLICY HIGHLIGHTS

- Aligns with NM Governmental Conduct Act and related state laws.
- Expands the policy into a broader conflict of interest policy
  - Current policy is procurement-focused.
- Includes and clarifies outside activities and situations that require disclosure
  - Outside employment, Outside Activities, Gifts.
- Clarifies that conflicts of commitment are a type of COI.
- Enhances the review and management of all COI,
  - creates COI committee
  - creates management plan templates
- Creates a disclosure management system for automation and tracking.

Outside Employment

Disclosure is mandatory under state law (GCA) for all public employees. Disclosure is crucial to ensure that any outside employment does not:

1) interfere with the employee's ability to serve the public impartially,
2) violate the terms of the employee's employment contract with the University (where applicable), or
3) create a Conflict of Interest.

Conflict of Commitment (COC)

Policy reiterates that a UNM employee's primary obligation is to the University.

- Certain outside activities can create a COC that must be disclosed and managed
  - Outside Employment
  - Outside Professional Activities while on UNM Time
  - Outside Board or Commission
- Compensation is irrelevant for COC analysis

Outside Activities

Typically includes the following personal and professional activities:

- any paid or unpaid activity undertaken by an employee, which is not part of the employee's assigned duties and for which the University provides no compensation.
- The policy will outline activities that constitute outside activities.

In general, Outside Activities that are **exempt from disclosure** include participation in:

- political, religious, social, fraternal, recreational or personal educational activities that take place *outside of* UNM Time.

Outside Professional Activity

- Relies on or uses the same expertise as the employee's teaching, research, or clinical practice, or is similar to the employee's area of scholarship or public employment duties.
- While encouraged or required for certain employees, such activity must still be disclosed.
- The Policy will address this area with more depth.
- Align with Faculty Handbook C130.

Managing COIs

- More robust analysis of potential, actual and perceived COI by supervisors and employees, including Deans and Chairs.
- Deans and Chairs will be responsible for entering into management plans with employees and revisiting them annually.
- When necessary, Deans and Chairs may refer a matter to the COI Committee to determine whether a COI exists and, if so, how it could or should be managed.

Gifts, Prizes, Awards, and Honoraria

Employees are restricted from receiving gifts from Restricted Donors.

- The policy clarifies permissible gifts, prizes, awards, and honoraria and provides information on what distinguishes each type.

COI in a Nutshell

Much has stayed the same

Seeking compliance with state and federal laws

Greater clarity as to

- what activities must be disclosed
- what constitutes a COI
- supervisor/manager responsibilities
- what type of COIs are manageable
- what level of record-keeping is required for audit purposes

Open Comment Period

The open comment period will provide the campus community with an opportunity to provide feedback on the policy.

- Please review the policy during the comment period. Feedback will shape the final iteration of the policy.
- Encourage your colleagues to provide feedback during the open comment period.

Please use the QR code to provide feedback or pose questions regarding today's presentation.

