

## **D. Employee Relations**

### **7. Conflict of Interest**

7.1 Faculty and staff are encouraged to participate in professional activities as a means of improving not only their own competence and prestige, but the prestige of the University System of New Hampshire as well. While engaging in these activities, faculty and staff have an obligation to avoid ethical, legal, financial and other conflicts of interest to insure that their outside activities and interests do not conflict with their primary employment responsibilities at the institution. In addition to the general reference to Conflict of Interest in this policy, it is any misuse of USNH facilities, equipment or services as well as any employment or community service that interferes significantly with scheduled work.

7.2 Faculty and staff members must be sensitive to the potential for conflict of interest in professional activities. The fact that the USNH is a public institution must always be kept in mind.

7.3 Professional consulting activities of faculty. This policy is intended to establish guidelines for faculty who receive compensation during the appointment period other than that paid by USNH for either teaching or a professional expertise in the areas of consulting, research or service.

7.3.1 It is understood that faculty regularly engage in normally unpaid activities such as holding office in a scholarly or professional organization or editorial office, or duties for a learned journal, writing books or articles, attending professional meetings, colloquia, symposia, site visits and similar gatherings, and the ad hoc refereeing of manuscripts. These scholarly activities further the mission of the University System by facilitating the development and dissemination of knowledge. Within reasonable limits, faculty are encouraged to undertake such duties, which are not specifically governed by this policy.

7.3.2 To the extent that compensated consulting activities involve faculty members' professional expertise, further the status of their profession, and contribute to their own professional competence, these activities are also encouraged. All such activities (including uncompensated ones), however, should meet the criteria of balance, appropriateness, and the avoidance of conflict of interest.

7.4 Compensated professional activities for faculty. Any full-time faculty member may engage in such compensated professional activities, and is encouraged to do so, subject to the following conditions:

7.4.1 The activities should sustain or improve his/her own professional prestige.

7.4.2 The activities should be within the professional competence of the faculty member.

7.4.3 On average, the total commitment to the activities should not exceed a time equivalent of one day during each five-day academic week during the appointment

period.

7.4.4 The academic administrator of the college, through the chairperson of the faculty member's department, should be informed of the activities. Agreement should be reached between the chairperson and faculty member that the activities satisfy (7.4.1 and 7.4.3 above). When required, the confidentiality of a client will be honored.

7.4.5 The faculty member is primarily responsible for avoiding conflict with either his/her campus obligations and USNH policies.

7.5 If such activities are expected to require more time in a given situation, arrangements shall be made with the department chairperson and/or dean.

7.6 Professional activities of part-time faculty and lecturers. Either the chairperson or the equivalent unit administrator must be informed of any change in the status of the following activities. At the time of and during employment in USNH, part-time faculty must not: engage in activities that interfere with their USNH responsibilities, have conflict of interest with either USNH or campus policies, abuse the association with USNH for personal financial gain, or bring discredit on USNH.

**7.7 Cooperative Extension. These guidelines were developed to assist Cooperative Extension in handling potential conflict-of-interest situations. This document focuses on six areas of possible concern: outside consulting, private sector support; ownership of a business; commodity transportation; holding an elected office; and, providing expert witness testimony in court. The Director is responsible for administering policy in this area. The nature of Extension work requires considerable direct public contact and Extension employees are generally viewed as the primary educational outreach component of the institution. Based on this role, it is critical that Extension employees be particularly sensitive to potential conflicts-of-interest.**

**7.7.1 Consulting. Consulting by University employees provides organizations, institutions, corporations, and industries University expertise and resources that might not otherwise be available to them. As a guiding principle, Extension employees should not engage in contract services or consulting activities where personal gain is substituted for normal Extension obligations consistent with his/her job description. In addition to University consulting policies, Extension employees must abide by the following guidelines:**

**Extension employees are to obtain advance approval of the state Director or his/her designees for consulting activities.**

**Consulting in the areas of an employee's job responsibility is not permitted within the state.**

**Consulting should be allowed to occur within the state if it is not part of the employee's normal responsibility to the University and is not normally provided through the University's Extension component or other component of the University.**

**An Extension employee must insure that consulting is done by him/herself as a private citizen and not as an Extension employee. This includes avoidance of the use of official position in media solicitations for commercial or group activities, such as overseas tours, etc.**

**The Institution's name, facilities, materials, supplies, etc. cannot be used without prearranged approval.**

**An Extension employee must insure that the consulting is done on his/her own time and accomplished without interference with assigned duties.**

**Faculty who have a "split appointment" with Extension may be able to consult (for a fee) within the state as long as the consulting activity is not in conflict with the faculty member's Extension responsibility or POW.**

**7.7.2 Review (Appeal) Process. In the event an Extension employee disagrees with Extension Administration decision, the employee may request the decision be reviewed by a board of peers which should include Extension employees who are similarly affected by these guidelines.**

7.8 Professional activities of Principal Administrators, Academic Administrators and PAT Staff. This policy is intended to establish guidelines for professional activity by full-time Principal Administrators, Academic Administrators and PAT Staff members.

7.8.1 Professional activities include work for a non-University System entity for which staff members receive remuneration other than their University System salary.

7.8.2 Normally, unpaid activities, such as holding office in a scholarly or professional organization, editorial office or duties for a learned journal, writing books or articles, attendance at professional meetings, colloquia, symposia, site visits and similar gatherings, or the ad hoc refereeing of manuscripts are covered by this policy.

7.8.3 When the above activities involve a staff member's professional expertise, further and contribute to the development of his/her own profession, and contribute to the development of his/her own professional competence, these activities are permitted.

7.8.4 The staff member's immediate supervisor should be made aware of such activities, and the activities must not interfere with the staff member's other University System obligations and must not involve duplication of payment by USNH for duties of the staff member.

7.8.5 If Staff members wish to engage in outside activity to such an extent that they cannot fulfill their University System obligations to the satisfaction of their supervisor, they shall request a reduction in their percentage of appointment. Such requests will be considered in relation to the demands of the staff member's position. Other alternatives such as professional development leaves, etc., may also be appropriate.

7.9 Professional Activities of Operating Staff. This policy is intended to establish guidelines for professional activity by Operating Staff members. Such activity includes:

7.9.1 Work for a non-University System entity for which staff members receive remuneration other than their University System salary.

7.9.2 Normally unpaid activities, such as holding office in a professional organization, attending professional meetings and conferences, or serving as a representative of the institution.

7.9.3 Operating Staff members may carry out such activities to the extent that the activities do not interfere with their primary University System responsibilities, and do not involve conflict of interest.

## **7.10 Other Conflict-Of-Interest Policy -- Cooperative Extension**

**7.10.1 Private sector support for Extension Activities. Extreme caution and professional judgment, deliberated with diligent care, must be exercised by each employee when using any brand name in any service, work product, or program resulting from performing the responsibilities of the position of appointment. As a general rule, promoting or endorsing brands of commercial products is prohibited. Extension employees are required to always be objective in dealing with topics that are controversial or an issue of public debate and employees have a responsibility to provide facts of the issue equally to all interested members of the public regardless of their views concerning such issue. Employees primarily involved with one client group are governed by the same requirements of objectivity as those with varied clientele. Outside monies from private sector should support the major programs and objectives of Extension. An organization's contributions may be recognized, but acknowledgment of acceptance of support is not an endorsement of contributor's products/services by the University. Use of educational foundations may be used as a method of receiving private funds rather than by direct transfer. Clarification of potential conflicts should be sought from the Director or his/her designee.**

**7.10.2 Ownership or operation of a personal/private business. Occasionally employees may own or operate a business when entering Extension employment or they may acquire it after being employed. This may or may not be a potential conflict-of-interest with the employee's Extension job. Determination should be made of employee time commitments to manage, operate, or be involved in such business. If appreciable employee time is required away from Extension job, suitable arrangements need to be made (i.e., time arrangements, business divestiture, or employee termination). Approval of the Director or his/her designee is required for all outside employment/business ventures. Insure that time spent on such business is done on the employee's own personal time (i.e., vacation or other approved leave). Insure that the employee's business does not unfairly compete with similar private businesses. Approval cannot be granted if the employee has an unfair advantage over private business because of special Extension job related knowledge he/she may have about the private business operations.**

**7.10.3 Buying, selling, and/or trading in commodities and related contracts. As a side interest, employees may become involved in trading commodities or related contracts that are closely interrelated to their Extension job. Personal investments (stocks and bond, etc.) would not normally fall into this category, unless it required too great a time commitment away from work. Determination should be made if the employee's job assignment closely involves the commodity in question. If so, he/she needs to identify involvement in trading activities. A determination must be made regarding whether the employee's involvement presents unfair competition to others trading such commodities. If his/her activity appears to conflict with the employee's job time or job assignment the approval of the Director or his/her designee is required before further activity is undertaken.**

7.11 Use of University System facilities, supplies, equipment, services, letterhead or name. Faculty and staff members shall not use University System facilities, supplies, materials, equipment or services for professional activities, without first obtaining approval of the appropriate department chairperson, dean, or director and arranging for the payment of the total cost for such use. Such prior approval is not necessary, however, when the facilities, supplies, materials, equipment and services are generally available to University System faculty and staff members upon the payment of an established fee.

7.11.1 The name of the University System or the institutions may be used in connection with professional activities where necessary to identify the faculty/staff member but may not be used to imply that the University System officially supports, endorses, insures or guarantees the results of the professional activity. When the potential for confusion about official endorsement exists, an appropriate disclaimer should be used, such as "This report was written by \_\_\_\_\_ in his/her private capacity. No official support or endorsement by the University System of New Hampshire or (name of institution) is intended or should be inferred."

7.12 Faculty or staff members who would benefit financially from the supplying of goods or services to the University System by any prospective supplier may not participate in the decision process leading to the choice of supplier.

7.12.1 Faculty or staff members who have or who reasonably anticipate having either an ownership interest, a significant executive position in, or a consulting or other remunerative relationship with a prospective supplier may not participate in the recommendation of, drafting of specifications for, or the decision to purchase the goods or services involved.

7.12.2 Faculty or staff members who know that a member of their family (or any person with whom they have a personal or financial relationship) has an ownership interest or a significant executive position in a prospective supplier are also disqualified from participating in the process of the purchasing of goods and services.

7.12.3 Faculty or staff members whose sole ownership interest in a potential supplier is held by a fiduciary that has the power to acquire or dispose of the interest without

consultation with the faculty or staff member are not disqualified from participation in the purchase decision.

7.12.4 When a faculty or staff member is disqualified from participating in a procurement decision, the fact of the disqualification and the reason for it must be reported to others involved in the decision. If necessary, a substitute may take the staff member's place under procedures established by the appropriate administrative official.

7.13 Appropriation of Institutional Services or Business Opportunities. As part of its mission of public education, USNH becomes involved in activities that may be competitive in nature. In areas where USNH is providing goods or services that are also available outside USNH, faculty, staff members, and administrators are prohibited from appropriating business opportunities from USNH.

7.13.1 Appropriation in this context means: to take or make use of without authority or right and is intended to prohibit the taking, through use of the USNH name, equipment, facilities or supplies, or by action of a faculty or staff member or administrator, of those service or business opportunities that ordinarily would have been contracted or supplied by USNH, except in areas of business or service where no specific advantage is gained by virtue of one's employment duties or responsibilities.

## **8 Political Activity - Regulations - Faculty/PA/PAT/OS/AA**

8.1 This policy is intended to express the System's desire to facilitate free discussion of all points of view to the extent permitted by the Constitution of the United States and of the State of New Hampshire.

8.2 The rights of assembly and freedom of speech within the University System of New Hampshire shall be limited only to the extent applied to other citizens for the purpose of preventing assembly for illegal purposes or the advocacy of overthrow of government by force. Such rights shall be respected according to their meaning and application under law and within the function and program of the System.

8.3 Reasonable use may be made of institutional facilities for political meetings and discussions.

8.4 Outside speakers may be invited to address groups on the same basis as speakers invited to address student organizations.

8.5 The University System does not accept responsibility for views expressed or entertained by either speakers or groups, except as stated above in 8.1.

8.6 Participation of Faculty members in political action is governed by paragraph 1 (B) of the 1940 Statement of Principles of the American Association of University Professors that reads:

8.6.1 "The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks, or writes, as a citizen, he should be free from institution censorship or discipline; but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman." 8.7 The philosophy of the statement above in 8.6.1 applies to all professional staff members.

8.8 Holding Political Office. The Board of Trustees will not object to any member of the faculty or staff running as a candidate for political office. However, should the amount of time required by the office or the candidacy for the office be such as to materially affect the time the faculty or staff member is expected to spend on his/her University System position, he/she may be required to take a leave of absence or the terms and conditions of his/her appointment may be amended.

## **9 Political Activity - Cooperative Extension**

### **9.1 Holding elected or appointed public office.**

#### **9.1.1 Partisan Politics**

**Strongly discourage Extension employees from engaging in "partisan politics", (i.e., candidate for public office in a partisan election), and also minimize the risk or perception that Extension is associated with or endorses the "platform" of a particular political party.**

#### **9.1.2 Non-Partisan Politics**

**Require the advance approval of the Director or his/her designee.  
Insure that the time required to carry out the public office assignment is done on the employee's personal time (approved absence or leave without pay).  
Insure that all time, facilities, and materials required to conduct an election campaign are separate and apart from the employee's job.**

**9.2 Providing expert witness testimony in courts, etc. Due to expertise and position of Extension employees, they are frequently sought after in courts of law to provide expert opinions which may assist in resolving various claims, cases, suits, etc. Expert witness testimony usually benefits one party and is detrimental to the other. It is important that UNH Cooperative Extension not violate its public trust in that it maintains impartiality during any dispute, especially when the dispute involves litigation.**

**9.2.1 Expert Testimony. Expert testimony usually involves supporting one or the other of the litigants with a professional opinion. While partiality may not be intended, it easily can be construed. For this reason, Extension staff, acting in their official capacities must refuse any request to provide expert testimony. This would**

include requests to estimate damages for insurance claims. However, employees should suggest other institutions or individuals which could provide the same information whenever possible. Extension staff, acting in their personal capacity and on their own time, may provide expert witness services. In such cases, Extension staff must make clear they are not representing, or acting on behalf of, Cooperative Extension.

**9.2.2 Witness to the Fact.** A witness to the fact will testify to factual matters within personal knowledge and observation. A factual witness may be compelled to testify by subpoena. If an Extension employee is subpoenaed, the employee should indicate that due to his/her position in Extension, it is important to maintain public trust and to remain impartial. If an employee is subpoenaed to be a witness in his or her official capacity, he/she should notify the Director of Cooperative Extension who will consult with the General Counsel for the University System of New Hampshire and render advice on how to proceed. When testifying in an official capacity, an employee is eligible for full pay for the time he/she is required to be in court; thus, the employee is not penalized for good citizenship. In such cases, witness fees and expense reimbursement received by the employee are the property of, and must be paid to, Cooperative Extension.

**9.3 Review (Appeal) Process.** In the event an Extension employee disagrees with Extension Administration decision, the employee may request the decision be reviewed by a board of peers which should include Extension employees who are similarly affected by these guidelines.