


Revised Policy

This policy has been revised to ensure alignment with the requirements of the University of North Carolina (UNC) Policy Manual, as recently amended by the UNC Board of Governors. In particular, this version incorporates the updated provisions of UNC Policy Manual § 300.2.2, together with its associated regulations, and reflects the University's obligation to maintain consistency with the policy framework established at the system level.

	<p style="text-align: center;">NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY</p> <p style="text-align: center;">CHAPTER 100 – PERSONNEL</p> <p style="text-align: center;">UNIVERSITY POLICY 101, CONFLICTS OF INTEREST AND COMMITMENT</p>
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SECTION 101.1 POLICY STATEMENT

North Carolina Agricultural and Technical State University (“NC A&T” or “University”) is committed to upholding the highest standards of integrity, transparency, and ethical conduct in all aspects of its operations. Central to this commitment is the recognition and management of potential conflicts of interest and commitment that may arise in the course of the University’s work.

SECTION 101.2 PURPOSE

This Policy underscores the University’s commitment to upholding ethical principles, maintaining academic and research integrity, complying with legal standards, and fostering a culture of transparency and accountability within the University community. By adhering to this policy, the University ensures that it operates with the highest standards of integrity and serves the best interests of the University’s stakeholders and the public good.

SECTION 101.3 SCOPE

This Policy applies to all Faculty, EHRA Non-Faculty Staff, SHRA Staff, Senior Academic and Administrative Officers (SAAO), or Exempt Professional Staff (EPS) Employees of North Carolina Agricultural and Technical State University. This definition also applies to all individuals, regardless of status, involved in federally funded research including the design, conduct, or reporting of such research. This Policy shall be interpreted consistent with UNC Policy Manual §300.2.2 and its implementing regulations, which are hereby incorporated by reference.

SECTION 101.4 DEFINITIONS

(a) *Conflict of Commitment (COC)*: Relates to an individual's distribution of time and effort between obligations to University employment and participation in other activities outside

of University employment. The latter may include such generally encouraged extensions of professional expertise as professional consulting (i.e., External Professional Activities for Pay) or secondary employment activities. Such activities promote professional development and enrich the individual's contributions to the University, to the profession, and to society. However, a Conflict of Commitment occurs when an employee engages in activities external to the University, or assumes commitments external to the University that compromise, may appear to compromise, or have the potential to compromise their ability to fulfill their University Duties.

(b) *Conflict of Interest (COI)*: Relates to situations in which a Covered Employee's financial or other personal interests or relationships may compromise, may involve the potential for compromising, or may have the appearance of compromising, a Covered Employee's objectivity in fulfilling their University Employment Responsibilities or University Duties, including research, service and teaching activities, and administrative duties. A Covered Employee may have a Conflict of Interest when they, or any member of their immediate family, has a financial or personal Interest in an activity that may affect decision making with respect to their University Employment Responsibilities. For the purposes of this Policy, a Covered Employee's immediate family includes that person's spouse and dependent children.

(c) *Covered Employee* is defined as all Faculty, EHRA Non-Faculty Staff, SHRA Staff, Senior Academic and Administrative Officers (SAAO), or Exempt Professional Staff (EPS) Employees of North Carolina Agricultural and Technical State University, including such positions as visiting scientists/scholars, adjunct faculty, or volunteers if these individuals are using University resources for research or other activities under University auspices. This definition also applies to all individuals, regardless of status, involved in federally funded research including the design, conduct, or reporting of such research.

(d) *Department* means an academic department, a professional school without formally established departments, or any other administrative unit designated by the Chancellor, for the purposes of implementing this policy. "Supervisor" refers to the person with supervisory responsibility for the Covered Employee, whether in an academic or non-academic department.

(e) *University Employment Responsibilities* includes the Covered Employee's "primary duties" and "secondary duties." Primary duties consist of assigned teaching, scholarship, research, institutional service requirements, and other assigned employment duties. Secondary duties consist of professional affiliations and activities traditionally undertaken by Covered Employees outside of the immediate University employment context that contribute to the benefit of the profession and to higher education in general. Such endeavors, which may or may not entail the receipt of honoraria or the reimbursement of expenses, include membership in and service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and books; and service to accreditation bodies. Such integral manifestations of one's membership in a profession are encouraged, as extensions of University employment, so long as they do not conflict or interfere with the timely and effective performance of the individual's primary duties.

(f) *External Professional Activities for Pay:* Any activity that (i) is not included within one's University Employment Responsibilities; (ii) is performed for any entity, public or private, other than the University; (iii) is undertaken for compensation; and (iv) is based upon the professional knowledge, experience, and abilities for which the University employees the Covered Employee. Activities for pay not involving such professional knowledge, experience and abilities are not subject to the advance disclosure and approval requirements of this Policy, although they are subject to the basic requirement that outside activities of any type must not (i) result in the neglect of the Employee's primary duties; (ii) create unmanageable Conflicts of Interest or unmanageable Conflicts of Commitment; (iii) involve inappropriate uses of the University name or resources; or (iv) include claims of University responsibility for the activity. External Professional Activities for Pay of Employees subject to the State Human Resources Act (SHRA) are addressed separately in the University's Policies.

(g) *Financial Interest:* (i) Payment for services to the Covered Employee or members of their immediate family not otherwise defined as institutional salary (e.g., consulting fees, honoraria, paid authorship); (ii) Equity or other ownership interest in a publicly or non-publicly traded entities (e.g. stock, stock options, or other ownership interest) held by the Covered Employee or members of their immediate family; or (iii) Intellectual property rights and interests upon receipt of income related to such rights and interest, held by the Covered Employee or members of his/her immediate family, including intellectual property rights assigned to the University and subject to as share in the royalties related to such rights. Income from investment vehicles, such as mutual funds or retirement accounts, in which the Covered Employee or member of his/her immediate family do not directly control or advise the investment decisions, and intellectual property rights assigned to the Institution and agreements to share in royalties related to such rights are excluded from the definition of Financial Interest.

(h) *Foreign Government Talent Recruitment Program* is an effort organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of full-/part-time status, citizenship, or national origin), or as may be defined by applicable government or funding agency.

(i) *Immediate Family:* A Covered Employee's spouse, children, parents, and siblings. "Spouse" includes a person to whom one is married or with whom one lives together in the same residence, shares responsibility for each other's welfare, and shares financial obligations.

(j) *Inappropriate use or exploitation of University Resources:* Use of any services, facilities, equipment, supplies, or personnel that members of the public may not freely use for other than the conduct of Institutional Responsibilities. A person engaged in external professional activities for pay may not use University resources in the course and conduct of externally compensated activities, except as allowed by the University's implementing policies and other applicable University policies. Under no circumstances may any Covered Employee use the services of another Employee during University employment time to advance the externally compensated Covered Employee's professional activities for pay or secondary employment.

SECTION 101.5 CONFLICT OF INTEREST

Section 101.5.1.1 Categories of Potential Conflicts of Interests

(a) Activities that may create a financial Conflict of Interest may be categorized under four general headings:

- (1) those that are allowable and are disclosed;
- (2) those that are allowable with administrative approval and are disclosed;
- (3) those that generally are not allowable and require an approved Conflict of Interest management plan; and
- (4) those that are not allowable under any circumstances.

The following examples are merely illustrative and do not purport to include all possible situations within the four (4) categories:

Section 101.5.1.2 Activities That Are Disclosed And Allowable

(a) The non-exhaustive examples cited below involve activities external to University employment, and thus may present the appearance of a financial conflict of interest, but have little or no potential for affecting the objectivity of the Covered Employee's performance of Employment Responsibilities; at most, some such situations could prompt questions about conflicts of commitment.

- (1) Receiving of royalties from the publication of books or for the licensure of Patent and Copyright Policies of the University.
- (2) Receiving compensation in the form of honoraria or expense reimbursement, in connection with service to professional associations, service on review panels, presentation of scholarly works, and participation in accreditation reviews.

Section 101.5.1.3 Activities Requiring Disclosure For Review And Analysis

(a) The non-exhaustive examples cited below suggest a possibility of conflicting interests that can impair objectivity, but disclosure and resulting analysis of relationships may render the activity permissible and may result in the establishment of an approved management plan.

- (1) Requiring students to purchase the textbook or related instructional materials of the Covered Employee or members of his or her immediate family, which produces compensation for the Covered Employee or family member.
- (2) Receiving compensation or gratuities from any individual or entity doing business with the University.
- (3) Serving on the board of directors or scientific advisory board of an enterprise that provides financial support for University research, when the Covered

Employee or a member of the Covered Employee's immediate family receives all or a portion of such financial support.

(4) Having an equity or ownership interest in a publicly or non-publicly-traded entity or enterprise which either competes with services provided by the University, conducts research or other activities in an area related to the Covered Employee's University duties, or does business with the University.

(5) Participating in a Foreign Government Talent Recruitment Program as defined in UNC Policy Manual, Section 300.2.2.

(6) External Professional Activities governed by and approved pursuant to UNC Policy Manual, Section 300.2.2[R].

Section 101.5.1.4 Activities Generally not Allowable / Approval & Conflict Management Plan Required

(a) The non-exhaustive examples cited below are not generally permissible, because they involve potential financial conflicts of interest or they present obvious opportunities or inducements to favor personal interests over institutional interests. Before proceeding with such an endeavor, the Covered Employee would have to demonstrate that in fact his or her objectivity would not be affected and University interests otherwise would not be damaged and an approved Conflict of Interest Management Plan is in place.

- (1) Participating in University research involving a technology owned by or contractually obligated to (by license or an option to license, or otherwise) an enterprise or entity in which the Covered Employee or a member of the Covered Employee's immediate family has a consulting relationship, has an equity or ownership interest, or holds an executive position.
- (2) Participating in University research that is funded by a grant or contract from an enterprise or entity in which the Covered Employee or a member of the Covered Employee's immediate family has an equity or ownership interest.
- (3) Assigning students, post-doctoral fellows or other trainees to University research projects sponsored by an enterprise or entity in which the Covered Employee or a member of the Covered Employee's immediate family has an equity or ownership interest.
- (4) Consulting for or serving as an officer of a company that has a research agreement with the University.

Section 101.5.1.5 Activities Not Allowable Under Any Circumstances

(a) The non-exhaustive examples cited below are activities that are not allowable under any circumstances.

- (1) A Covered Employee making referrals of University business to an external enterprise in which the Covered Employee or a member of the Covered Employee's immediate family has a financial interest.
- (2) A Covered Employee making or administering contracts on behalf of the University where the Covered Employee derives a direct benefit from the contract; and, even if not making or administering a contract on behalf of the University, if the Covered Employee will derive a direct benefit from the contract. The Covered Employee may not attempt to influence any other person who is involved in making or administering the contract.
- (3) A Covered Employee soliciting or receiving any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the University.
- (4) A Covered Employee associating their own name with the University in such a way as to profit financially by trading on the reputation or goodwill of the University.
- (5) A Covered Employee making unauthorized use of privileged information acquired in connection with one's University Employment Responsibilities.
- (6) A Covered Employee signing agreements that assign University patent and other intellectual property rights to third parties without prior written University approval.
- (7) A Covered Employee claiming University responsibility for delivering results of work under External Activities for Pay.
- (8) A Covered Employee using University resources, students, and/or staff to carry out work under External Activities for Pay.
- (9) Any activity otherwise prohibited by law, UNC System Policy or University policy

Section 101.5.1.6

Conflict of Interest Notice, Review and Approval

- (a) Upon hire, and on an annual basis, Covered Employees are required to submit the Annual Conflict of Interest Certification form ("COI Certification"). All such COI Certifications forms must be timely submitted to the Covered Employee's Department Chair (faculty/staff) or Department/Unit Head (staff). Furthermore, every submission of a sponsored research proposal requires a COI certification.

- (1) If a supervisor determines that there is not an actual or potential conflict of interest, the form shall be submitted through University channels for proper signatures and approval.
- (2) If an Actual or Potential Conflict of Interest is identified, the Department Chair or Department/Unit Head will evaluate forms containing information identifying a potential conflict of interest for evaluation and development of a conflict of interest management plan, as needed. Management plans must be

developed in consultation with the affected Covered Employee and approved by the Dean and Provost (faculty/staff) or the appropriate Vice Chancellor/Chancellor (staff) and such plan shall include safeguards or remedial actions that must be taken to manage any identified conflict of interest. Approved management plans must be submitted to the Office of Human Resources for inclusion in the Covered Employee's personnel file. The approved management plan must be monitored and supervised by the Covered Employee's supervisor and department head.

- (b) The Vice Chancellor or Chancellor, at their discretion, may refer a potential conflict to the Conflict of Interest and Commitment Committee appointed by the Provost and Executive Vice Chancellor for Academic Affairs for its recommendation prior to making a decision on whether the activity constitutes a conflict of interest, requires a Conflict management plan (including recommended terms)

- (1) Members of the Conflict of Interest and/or Commitment Committee are appointed by the Provost and consists of:

- i. one member from the Division of Research and Economic Development staff;
- ii. three tenured faculty with active research programs or expertise in the field of research ethics;
- iii. one non-Faculty EHRA employee; and
- iv. one additional member to be added on an ad hoc basis who shall be from the unit of the employee whose conflict is under review.

- (2) The Committee will serve in an advisory capacity to the Provost, and will make recommendations for management, mitigation, or elimination of the conflict of interest. This committee will also advise the Provost on matters relating to enforcement and sanctions to employees who violate this policy.

- (c) Updated Conflict of Interest forms must be submitted within 30 days if changes arise that the Covered Employee believes may either:

- (1) give rise to a potential conflict of interest activity;
- (2) eliminate a potential conflict previously disclosed; or
- (3) results in an affirmative answer to any question previously answered in the negative on the form.

SECTION 101.6 CONFLICTS OF COMMITMENT

- (a) A *Conflict of Commitment* occurs when the pursuit of external activities involves an inordinate investment of time or is conducted in such a manner as to interfere with the Employee's fulfillment of university responsibilities. An Employee's engagement in external activities must not interfere with his/her obligation to carry out all university responsibilities in a timely and effective manner. An Employee must avoid overcommitting his/her participation in external activities to the extent they interfere with University responsibilities.

- (b) Under no circumstances must outside activities of any type: (1) result in neglect of the Covered Individuals University's Employment Responsibilities; (2) create conflicts of interest; (3) involve inappropriate uses of the University's name, intellectual property, goodwill or resources; or (4) include claims of University responsibility for the activity.

Section 101.6.1.1 Special Rules for SAAOs Receiving Honoraria and Compensation for External Professional Activities

- (a) Pursuit of Private Interests Activities for Compensation: Senior Academic and Administrative Officers (SAAOs) who pursue activities for pay that are not a part of their University employment must avoid overlapping compensation. If an SAAO engages in an activity from which external income is earned, that is not a part of their University employment, annual leave must be used if such activities take place between the hours of 8:00 am and 5:00 pm Monday through Friday. SAAOs must also file disclosures of financial interests and "Notices of Intent," in accordance with the State Government Ethics Act, UNC Policy Manual, § 300.2.2.1, and this Policy.
- (b) Activities for which an Honorarium is earned: SAAOs may engage in employment-related activities for which an honorarium is received. In those instances when State-reimbursed travel, work time, or resources are used or when the activity can be construed as related to the Covered Individual's University Employment Responsibilities or official duties on behalf of the University, the employee shall not receive an honorarium. In those instances when an honorarium is offered, the employee may decline the honorarium, or request that it be paid to the University. The honorarium may be retained by the employee only for activities performed during non-working hours or while the employee is on annual leave, if all expenses related to the activity are the employee's or a third party's responsibility, and the third party is not a State entity and the activity has no relation to the employee's State duties.

Section 101.6.1.2 Special Rules for External Activities for Pay Performed for Another UNC System Institution

- (a) Any External Professional Activities performed by NC A&T Faculty or EHRA non-faculty employees for another UNC System institution must be established via a written agreement with appropriate supervisory approvals before commencing the activity. The agreement must state that the NC A&T, if the home institution, will pay the covered individual through its payroll and financial systems, and invoice the secondary UNC System institution for the expense.

Section 101.6.1.3 Special Rules for External Activities for Pay Wholly Performed Outside of the Academic Year

- (a) Faculty or EHRA non-faculty employee are not required to disclose activities which are wholly performed and completed outside of the academic year, not conducted concurrently with a contract service period for teaching provided the employee does not engage in sponsored research, and the activity does not otherwise create a conflict of interest or conflict of commitment with the University. Notwithstanding this provision, covered individuals must disclose financial interests, as applicable.

SECTION 101.7 DISCLOSURE REQUIREMENTS

- (a) A Covered Employee shall disclose conflicts of interest and/or commitments:
 - (1) upon hire;
 - (2) within 30 days of assuming new university employment responsibilities;
 - (3) annually; and
 - (4) within 30 days of a change in circumstances.
 - A change of circumstances occurs when a change either:
 - (i) gives rise to a potential conflict of interest activity;
 - (ii) eliminates a potential conflict previously disclosed; or
 - (iii) results in an affirmative answer to any question previously answered in the negative on any disclosure form described with this policy that was previously submitted.
- (b) A Covered Employee shall disclose external professional activities for pay:
 - (1) at least 10 days prior to beginning any new external professional activities for pay;
 - (2) annually every year thereafter that the covered individual remains engaged in the previously disclosed external professional activities for pay; and
 - (3) within 10 days after a change in external professional activities for pay.
- (c) A Covered Employee shall disclose external activities for pay:
 - (1) at least 10 days prior to beginning any new external activities for pay;
 - (2) annually every year thereafter that the covered individual remains engaged in the previously disclosed external activities for pay; and
 - (3) within 10 days after a change in external activities for pay.
- (d) A Covered Employee shall disclose secondary employment:
 - (1) at least 10 days prior to beginning any new secondary employment;
 - (2) annually every year thereafter that the covered individual remains engaged in the previously disclosed secondary employment; and
 - (3) within 10 days after a change in secondary employment.
- (e) Any Covered Employee who suspects or has knowledge that this policy has been violated has a duty to disclose such violation or potential violation to their immediate supervisor.

SECTION 101.8 SPONSORED RESEARCH PROPOSAL PROCEDURES

- (a) The Office of Sponsored Program in the Division of Research (DORED) is the only Division with authority to submit research and research-related proposals on behalf of the University. All research and research-related proposals to foundations, government agencies, public and private entities must be submitted through the Office of Sponsored Programs. Any proposal submitted to any entity directly without the Approval of DORED will not be considered an official proposal on behalf of the University and as such imposes no responsibilities or encumbrances on the University. All research and research-related proposals should be submitted to DORED at least three days prior to the closing date of the solicitation. The process for submitting a sponsored research proposal is outlined in the Office of Sponsored Research Programs Policy and Procedures Manual located on the Aggie Hub policy website.

SECTION 101.9 SPECIAL RULES FOR FOREIGN GOVERNMENT TALENT RECRUITMENT PROGRAMS

- (a) Participation in foreign talent recruitment programs (FTRPs) can involve risks that warrant careful consideration, mitigation, and—in some cases—complete avoidance. Congress, the Federal Bureau of Investigation, and other government organizations view aspects of certain FTRPs as threats to the integrity and security of the national research enterprise. The CHIPS and Science Act (the C&S Act) directs federal research sponsors to maintain policies that require Covered Individuals to disclose all participation in FTRPs, and prohibit recipients of federal support from participating in any malign FTRPs (MFTRPs).
- (b) The White House Office of Science and Technology defines FTRP as any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.
- (c) These programs can give rise to conflicts of interest or commitment and are of continuing concern to federal science and law enforcement officials. Any plans to accept talent program opportunities must be reported immediately to your Supervisor. The Supervisor must immediately consult with DORED to get approval.

SECTION 101.10 SPECIAL REQUIREMENTS FOR FEDERAL LAWS AND REGULATIONS

- (a) Although this Policy applies to conflicts that may arise with respect to any research or non-research activity conducted under University auspices, regulations issued by the National Science Foundation, and Public Health Service, and other federal agencies set specific requirements for University research funded by those agencies. This Policy is intended to comply with those federal regulations.
- (b) Federal funding agencies require that the University manage, reduce, or eliminate any actual or potential conflicts of interest that may exist in relation to instruction, research, and service activities funded by the federal government. The primary purpose of the federal regulations is to prevent bias in the design, conduct, and reporting of federally funded research. This regulation is designed to address those concerns and to comply with the National Science Foundation's and the U.S. Department of Health and Human Services' Objectivity in Research policies.
- (c) Any principal investigator, co-principal investigator, or any other individual responsible for the design, conduct, or reporting of the proposed or funded research activities submitting a grant or contract proposal for external funding through the University, or conducting research or other activities pursuant to such a federal grant or contract, must report any "Significant Financial Interest" that would reasonably appear to affect the proposed or funded research activities. Under the federal regulations, if a Significant Financial Interest may directly and significantly affect the design, conduct, or reporting of the research, a conflict will be deemed to exist.
- (d) A significant financial interest is deemed to exist in the following circumstances:
 - (1) In the case of salary, royalties (including those distributed to the individual through the University), or other payments, including consulting fees or honoraria, when aggregated from a single entity for the employee and his or her family, are expected to exceed \$10,000 over the next twelve months;
 - (2) In the case of equity interest in publicly-traded entities, when aggregated for the Covered Employee and his or her family, meets either of the following tests: exceeds \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value or represents more than a (5%) ownership interest in any single entity;
 - (3) In the case of entities that are not publicly traded, consists of any equity interest held by the Covered Employee or his or her family.
 - (4) In the case of human subjects research, the disclosure threshold is any amount of payment and any equity holding by the Covered Employee or a member of the Covered Employee's family. Absent "compelling circumstances," A Covered

Employee who has a Significant Financial Interest in a company sponsoring human subjects research may not conduct such research.

- (e) If a Covered Employee has a significant financial interest, then the employee must complete a conflict of interest form and submit it along with the research proposal to DORED for approval. The process for submitting a sponsored research proposal is outlined in the Office of Sponsored Programs Policy and Procedures Manual located on the Aggie Hub policy website.

- (1) DORED shall review all disclosures involving significant financial interests and report to all sponsors within any Federally-mandated timelines.

SECTION 101.11 PROCEDURES FOR EXTERNAL PROFESSIONAL ACTIVITIES FOR PAY

External professional activities for pay require advance reporting and administrative approval pursuant to the University's External Activities for Faculty and Non-Faculty EHRA and SHRA Employees Procedure as set out in Appendix A and B to this Policy. A Covered Employee who wishes to engage in external professional activity for pay must adhere to these policies to provide satisfactory assurances that such activity will not interfere with University employment obligations.

SECTION 101.12 TRAINING

The University may require from time to time that covered employees submit to required training explaining the covered employee's responsibilities under this policy.

SECTION 101.13 COMPLIANCE

Violations of this policy may result in disciplinary action, up to and including termination of employment, disallowance or limiting outside activities, changes in assignment, limitations on research activities, and fines.

SECTION 101.14 ADDITIONAL INFORMATION

A copy of this policy and any substantial modifications to this policy shall be forwarded to the UNC System President after approval by the University.

POLICY HISTORY:

Eff. 09/30/2019

Revised Eff. _____

AUTHORITY: Chancellor

POLICY OWNER: Associate Vice Chancellor for Human Resources

RESPONSIBLE OFFICE: Office of Employee Relations

RESOURCES:

UNC Policy Manual 300.2.2.1[R] Regulation on External Professional Activities for Faculty and EHRA non-faculty

UNC Policy Manual 300.2.2.2[R] Regulation for Senior Academic and Administrative Officer on External Professional Activities for Pay and Honoraria

OSHR Secondary Employment Policy

North Carolina General Stat. § 14-234(a)

North Carolina General Stat. § 14-234.1

Office of Sponsored Research Programs Policy and Procedure Manual

UNC Policy Manual 300.4.1 Policy on Interpersonal Relationships between faculty, staff and students

University Policy 205, Interpersonal Relationships Between Faculty, Staff, and Students

University Policy, Improper Relationships Between Students and Employees



NORTH CAROLINA A&T STATE UNIVERSITY

External Professional Activities for Pay, Notice, Approval and Appeal Procedures for Faculty & EHRA Non-Faculty Employees

Appendix A to University Policy 101, Conflicts of Interest and Commitment

1.0 Contents of Notice to Engage in External Professional Activity

- (a) Any Covered Employee who plans to engage in external professional activities for pay must complete a "Notice of Intent to Engage in External Professional Activity" ("Notice of Intent") at least ten (10) days before engaging in such activities. The Notice of Intent should include the following:
- (1) The date the Notice of Intent was submitted for review ("Filing Date");
 - (2) Name of Covered employee;
 - (3) Name and address of organization;
 - (4) Nature of proposed activity;
 - (5) Beginning date and anticipated length of the activity;
 - (6) A designation of whether the Covered Employee's disclosure is for the fiscal (in the case of 12-month employees and employees that have contracts that include the summer session) or academic year (in the case of employees with a 9-month contract).
 - (7) Average number of hours per week to be devoted to the activity within the fiscal or academic year
 - (8) Total number of hours to be devoted to the activity;
 - (9) A list of university duties that will be missed because of the involvement in the proposed activity, and a detailed description of what arrangements have been made to cover the missed duties;
 - (10) Identification of any university resources required to participate in the activity or a certification that university resources will not be used for the activity;
 - (11) Determination of whether the organization is providing funding which directly supports the Covered Employee's university employment responsibilities; and
 - (12) Determination on whether: (a) the Covered Employee has any additional financial interests in the company beyond that which is being disclosed; (b) the Covered Employee or a member of the Covered Employee's immediate family owns an equity interest in the organization, and (3) the Covered Employee's holds an office in the organization.

- (b) Notice, Review and Approval: Except as outlined herein, the notice of intent must be filed at least ten (10) calendar days before the beginning date of the proposed external professional activity with the Covered Employee's immediate supervisor.
- (c) The supervisor must review the Notice of Intent with the Covered Employee to determine if the proposed activity is allowable.
 - (1) The supervisor must make a determination within ten (10) calendar days of the date that the Notice of Intent was submitted for review. If approved, the approval can be granted for a period not to exceed the remainder of the fiscal year (in the case of 12-month employees and employees that have contracts that include the summer session) or academic year (in the case of employees with a 9-month contract). Upon approval, the Covered Employee may engage in the disclosed external professional activities for pay.
 - (2) If the supervisor approves the Covered Employee's request to engage in external professional activities for pay, then the Covered Employee may engage in the disclosed external professional activities for pay for the remainder of the fiscal or academic year.
 - (3) If the approved activity continues beyond the end of the relevant fiscal or academic year, the Covered Employee must file an additional Notice of Intent at least ten (10) calendar days before engaging in the same or another activity in the succeeding fiscal or academic year.
 - (4) If the Covered Employee is a faculty member and disagrees with the supervisor's decision to disapprove the activity, the Covered Employee may appeal the decision to the dean of the college, or if a staff member, the department head. The appeal must be in writing and made within ten (10) calendar days of receipt of the decision disapproving of the activity. The written appeal must include a brief statement outlining the basis for the appeal.
 - (5) If the Covered Employee disagrees with the dean's or department head's decision, the Covered Employee may appeal to the Cabinet member with administrative jurisdiction over the unit. The appeal must be in writing and must be made within ten (10) calendar days of receipt of the decision disapproving of the activity.
 - (6) The Cabinet member's decision shall be final.
- (d) If the Notice of Intent discloses:

(1) proposed activity for an entity that provides funding that directly supports the Covered Employee's university employment responsibilities or

(2) proposed activity for a private entity in which the Covered Employee or a member of the Covered Employee's immediate family holds an equity ownership interest or holds an office, the review must be modified as follows:

- (i) The decision of the supervisor to approve of the activity shall be reviewed by the dean or the department head within ten (10) days of receipt by the dean or other administrative officer.
- (ii) If the dean or department head disapproves, then an appeal of the decision may be made to the Cabinet member with administrative jurisdiction over the unit. The Cabinet member's decision shall be final.

(e) External professional activities for pay must be monitored by the supervisor. The supervisor must review the Covered Employee's ability to meet assigned university employment responsibilities in addition to the external professional Activities for pay and discuss with the Covered Employee as often as necessary, but no less than annually during the Covered Employee's annual review. The supervisor or department head may revoke approval to engage in external professional activities for pay if a conflict of commitment arises. If the supervisor or department head rescinds approval, the Covered Employee must be given a reasonable opportunity to wind down the activity.

(f) At least annually, the supervisor shall submit the approved Notices of Intent to Human Resources.



NORTH CAROLINA A&T STATE UNIVERSITY

Secondary Employment Notice, Approval and Appeal Procedures for SHRA Employees

Appendix B to University Policy 101, Conflicts of Interest and Commitment

1.0 Application and Definition

It is the policy of the State of North Carolina that any University SHRA employee that holds a full-time position (40 hours or more per week) with the University shall consider the University employment responsibilities as primary. Any employment outside of the primary University position is considered Secondary Employment.

Secondary Employment cannot have an adverse effect on or create a conflict of interest with the primary employment. A University SHRA employee shall obtain approval from their department head, supervisor or designee before engaging in any Secondary Employment.

Secondary Employment is defined as any activity involving the production of goods, the provision of services, the performance of intellectual or creative work for pay in either an employer/employee relationship or in a self-employment capacity such as in independent contractor.

1.1 Procedure

- (a) Before accepting any Secondary Employment, an SHRA Employee must complete a Secondary Employment Form and submit the form to their supervisor for review.
- (b) The nature of the SHRA Employee's proposed secondary employment cannot in and of itself prevent a SHRA Employee from being allowed to pursue the secondary employment. Secondary employment may be denied only if it: (1) creates an actual direct or indirect conflict of interest with the employee's University Employment Responsibilities or University operations; (2) or has an impact on a SHRA Covered Employee's University Employment Responsibilities; or (3) creates a potential conflict of interest with a SHRA Employee's University Employment Responsibilities or with University operations.

(c) Notice, Review and Approval

- (1) It is the responsibility of the SHRA Employee to obtain approval prior to starting any secondary employment. The Request for Approval of Secondary Employment Form must be submitted to the employee's supervisor at least ten (10) calendar days before the beginning date of the proposed secondary employment. The approval of secondary employment may be withdrawn at any time if it is determined that secondary employment has an adverse impact on the primary employment.
 - (2) The supervisor must review the forms to determine whether the secondary employment will create any direct or indirect conflicts of interest or impair the employee's ability to perform all expected duties, to make decisions and carry out in an objective fashion the responsibilities of the employee's position.
 - (3) If no reason for denial exists, the supervisor must approve the request and forward it through the chain of command and appropriate University channels to get all necessary signatures as set forth on the form. A request to engage in secondary employment is not approved until all required signatures are obtained and the SHRA Employee receives a copy of the form.
 - (4) If, at any review level, concern exists that the secondary employment may create a conflict with State operations, the form should be forwarded immediately to the Associate Vice Chancellor for Human Resources to obtain approval from the Director of the Office of State Human Resources in conjunction with the State Board of Ethics.
- (d) The completed request for approval of Secondary Employment form must be forwarded to the Office of Employee Relations for placement in the SHRA Employee's personnel file. This information is considered public information and may be provided to third parties upon request.
- (e) Reversal of Approval: A previous decision to approve a SHRA Employee's secondary employment may be reversed, at any time, if the SHRA Employee's secondary employment is creating a conflict of interest and/or conflict of commitment. If the supervisor believes that the secondary employment has caused or contributed to a decline in the SHRA Employee's performance, the supervisor must first discuss the performance concern with the SHRA Employee and provide an adequate opportunity for the SHRA Employee to demonstrate improved performance.
- (1) If the SHRA Employee's performance does not improve within a reasonable period and the supervisor continues to believe that the secondary employment is the cause

or a contributing case of these performance problems, the supervisor may, after consultation with the Office of State Human Resources, require the SHRA Employee to terminate the secondary employment. The supervisor must allow the SHRA Employee a reasonable period in which to give notice of termination to the secondary employer.

- (f) The University shall notify all new SHRA employees of the provisions of the Secondary Employment policy at the time an offer of employment is extended.
- (g) The University shall communicate a notification to all SHRA Employees annually of the requirements of the Secondary Employment Policy.
- (h) All SHRA Employees shall have the responsibility to update any active Secondary Employment Form annually and to submit a new form when any changes occur to their secondary employment.