

I. FAQ: Outside Employment and Potential Conflict of Interest

A. What constitutes a conflict of interest?

1. Conflicts of interest can be conflicts with an employee's personal activity or personal relationships.ⁱ
 - a. Personal Activities include any private practice, private consulting, teaching or research for another organization, or other similar services to non-MSU Denver entities, whether compensated or uncompensated, that are not part of the employee's assigned duties. MSU Denver is the primary employer for full-time employees, and MSU Denver contractual activities take precedence over personal activities.
 - b. Personal Relationships include any close relationship of a personal nature than can be considered to affect the professional objectivity of the employee, such as a business or professional relationship arising from a personal activity, a family relationship, or an amorous relationship.
2. What is MSU Denver's definition of conflict of interest?
 - a. Any conflict between the personal activities of the employee and the public interests of the University, the Board of Trustees, or the State of Colorado, including conflicts of interest specified under Colorado Statutes.ⁱⁱ
 - b. Any conflict between a personal activity and the full and effective performance of the employee's duties and contractual obligations to the University;
 - c. Any conflict or appearance of conflict between a personal relationship and the exercise of unbiased professional judgment in performance of the employee's duties and contractual obligations to the University.

B. Are conflicts of interest allowed at MSU Denver? NO. Conflicts of interest are prohibited.

1. Employees are responsible for identifying, disclosing and resolving potential conflicts of interest or appearance of a conflict of interest by working with their supervisors who may consult with other University officials.ⁱⁱⁱ If the conflict cannot be resolved, the personal activity or relationship is not allowed.
2. Employees should be aware of their obligations and responsibilities as public employees of the University. An employee is bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Colorado,^{iv} the advisory opinions rendered with respect thereto, and University policies.

C. What should I do if I work outside of MSU Denver or believe I may have a conflict of interest?

1. Employees are responsible for disclosing activities, which s/he could reasonably conclude may create a conflict or perceived conflict of interest.
 - a. Any employee who proposes to engage in any of the following must report to the employee's supervisor, in writing, the details of such proposed activity prior to engaging therein:
 - i. any activity compensated by an entity outside of the institution including outside employment, business ownership, consulting, and teaching for another institution;

- ii. any activity that conflicts with performance of contractual duties, including conflicts of time;
 - iii. any other personal activity which the employee should reasonably conclude may create a conflict of interest;
 - iv. any personal relationship that may affect or be perceived to affect professional objectivity.
 - b. Employees are responsible for submitting the Potential Conflict of Interest Disclosure Form in a timely manner as specified in the Procedural Calendar,^v or during the semester prior to the personal activity or personal relationship beginning. A new report shall be submitted for personal activity or personal relationships previously reported when there is a significant change (nature, extent, funding, etc.) in the activity or relationship.
 - c. Upon receipt of the employee's report, if the supervisor and/or next level supervisor concludes that a conflict of interest exists and cannot be resolved, after consultation with the University's General Counsel, the employee will be directed to cease and desist the personal activity or the personal relationship that is creating the conflict. Appropriate disciplinary action may also be initiated in accordance with University procedures delineated in the *Faculty Employment Handbook*, Chapter X.
 - d. The reporting provisions of this section shall not apply to activities performed wholly during a period in which the employee has no appointment with the University.
- D. May I use university resources for other than MSU Denver business?
- 1. An employee engaging in any personal activity shall not use the facilities, equipment, or services of the University in connection with any outside activity without prior approval of the her/his supervisor.
 - 2. Approval for the use of University facilities, equipment, or services may be conditioned upon reimbursement for the use thereof.
- E. May I indicate my affiliation with MSU Denver in my outside activities?
- 1. Any employee engaging in personal activity shall take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of the University.
 - 2. Employees who are identified by media or other public outlet as aligned with the university should notify their supervisor and the Strategy, Marketing and Communications Department prior to media broadcast or publication.
- F. As a faculty member, may I use compensated activity outside of the university as service for purposes of tenure and promotion?
- 1. Compensated activity outside of the University cannot be used as **service** for purposes of tenure and promotion. Service to the external community, by definition, is uncompensated activity.

-
- i For Federal grants, financial conflict of interest is defined here: <https://www.msudenver.edu/policy/policylibrary/policiesa-z/financialconflictinterest/>
 - ii See referenced Colorado statute here: https://www.colorado.gov/pacific/sites/default/files/IEC_Ethics_Handbook_2016.pdf, p. 9.
 - iii The appropriate University Officials include, in the following order, (1) Vice Provost of Faculty Affairs, (2) Provost/Executive Vice President of Academic Affairs, and (3) General Counsel.
 - iv See referenced Colorado public employee Code of Ethics here: https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=780f5957-db11-4094-8acf-6faf9b3f8a7a&nodeid=AAYAABABCAABAAB&nodepath=%2FROOT%2FAAY%2FAAYAAB%2FAAYAABABC%2FAAY AABABCAAB%2FAAYAABABCAABAAB&level=5&haschildren=&populated=false&title=24-18-101.+Legislative+declaration&indicator=true&config=014FJAAYNGJKY2Y4Zi1mNjgyLTRkN2YtYmE4OS03NTYzNzYz OTg00GEKAFBvZENhdGFsb2d592qv2Kywlf8caKqYROP5&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A61P5-WVF1-DYDC-J11S-00008-00&ecomp=38_9kk&prid=f96832fc-068b-4779-a698-67f85f6f7d83
 - v See <https://msudenver.edu/faculty-affairs/procedural-calendar/>.