

REGENTS' POLICY
PART IV – HUMAN RESOURCES
Chapter 04.10 - Ethics and Conduct

P04.10.010. Scope and Conduct of Outside Activities; Compliance with State Law.

- A. In this section, “outside activities” means work or activities that are not within the scope of the regular employment duties of the university employee.
- B. Outside activities that will increase the effectiveness and broaden the experience of employees in relation to their functions at the university or that will be of service to the community or the state, are encouraged, provided the outside activities do not interfere with the performance of the employee's regular university duties; and provided the outside activities do not involve the appropriation of university property facilities, equipment, or services.
- C. Employees of the university must comply with the applicable provisions of AS 39.52 (Alaska Executive Branch Ethics Act). To the extent that applicable law is more restrictive than regents’ policy or university regulation, the law governs. Among other things, AS 39.52 prohibits official action when personal or financial interests are affected, misuse of official position, abuse of subordinates, misuse of university resources, and misuse of information. It also restricts gifts, outside employment, and interests in university grants, contracts, leases or loans. Employees should contact the university’s designated ethics supervisor for additional information.

(06-06-07)

P04.10.020. Abuse of Office for Political Purposes.

- A. No university employee may assert or imply that the employee is officially representing the university or its policies, unless expressly authorized to do so by the president.
- B. An employee who acquires a state, federal, or local public office that may not legally be simultaneously held by a university employee will resign from university employment. Where there is no legal prohibition on simultaneous office holding, the employee need not resign, but will remain subject to the university regulation that apply to outside activities.
- C. Any employee who wishes to campaign for or hold any political office or to serve as a registered state or federal lobbyist will come under the university regulation that applies to outside activities.
- D. University funds or resources may not be used to support partisan political activity. Letters constituting partisan political activity may not be written on university stationery unless expressly authorized by the president.

(06-20-97)

P04.10.030. Conflict of Interest.

- A. Any action, without actual authority to do so granted specifically by the board or the university president, by an officer or employee of the university that either: (1) has allowed any person, firm, or company to derive an advantage or benefit which has not been made available to all persons, firms, or companies on the same or equal basis; or (2) exposes the university to contractual obligation or public liability, will be considered improper and in conflict with the proper discharge of official duties in behalf of the university.
- B. An officer or employee of the university may not, directly or indirectly, do any of the following:
1. engage in or accept employment from or render services for any public or private interest when such employment or service may reasonably be expected to give rise to conflict with the proper discharge of official duties on behalf of the university;
 2. in behalf of the officer or employee or another, solicit, negotiate for, or agree to accept employment or anything of substantial value from, any person, firm or company with which the officer or employee and the officer or employee's budget request unit is engaged in the transaction of business on behalf of the university, or that may be affected by the officer or employee's official action;
 3. hold any investment or engage in any financial, business, commercial, or private transaction that creates a conflict with the proper discharge of official duties;
 4. use information peculiarly within the officer or employee's knowledge or purview concerning the students, employees, property, government, or affairs of the university to advance the financial or other private interest of the officer or employee or another;
 5. accept any form of gift, loan, consideration, or any gratuity for the performance of the officer or employee's duties other than that afforded by the university, unless the gift, loan, consideration, or gratuity is received for the exclusive benefit of the university;
 6. receive payment or other consideration for activities, or the products of activities, created or performed while acting as a university employee, other than that provided by the university;
 7. be a party to the purchase or sale of, or influence the purchase or sale of, goods or services for the use of the university by any person, firm, company, or business in which the officer or employee has substantial financial interest unless approved in advance by the president of the university; the transaction will be approved only if the president finds it to be in the best interests of the university; the approval will be in written form and be open to inspection by the public at the Office of the President;

8. engage in any business or transaction, or own a financial or other private interest, that is in conflict with the proper discharge of official duties.
- C. A university officer or employee will be considered to have done "indirectly" the things prohibited by subsection B. of this section whenever any part of the prohibited acts are accomplished by or through "an immediate family member," which includes the spouse, cohabitant, child, parent, sibling, grandparent, aunt, and uncle of the university officer or employee, and parent or sibling of the officer or employee's spouse, or by an association, trust, or corporation in which the officer or employee or an "immediate family member" has a substantial interest; or through any device or artifice intended to evade the effect of the regents' policy.
 - D. In cases in which a faculty member produces a published work or an invention as a part of the faculty member's paid research or public service assignment for the university, and such published work or invention is not a "commissioned work" as defined in P10.07.050(a), the fact that the faculty member may receive payment for royalties or similar remuneration will not alone constitute a violation of this policy.
 - E. If an officer or employee is uncertain whether a conflict of interest exists in an actual situation, the officer or employee may:
 1. through appropriate channels, fully and fairly inform the president in writing of the specific facts surrounding the possible conflict of interest; and
 2. request a determination of whether the situation as presented constitutes a conflict of interest.

In such instances, the president may rule on the question of whether the situation as presented constitutes a conflict of interest. If the president decides whether the situation as presented constitutes a conflict of interest, the decision will be conclusive as to the situation as presented. The officer or employee who requests the decision will have a continuing duty to inform the president in writing fully, fairly, and in good faith, in advance of changes in circumstances that might alter the situation so as to cause the president to change the decision. The president may reconsider a decision at any time.
 - F. Additional restrictions and exceptions may be provided by university regulation.

(06-20-97)

P04.10.040. Nepotism.

- A. Candidates will not be prohibited from appointment on the basis of their relationship with current employees of the university. However, no employee of the university may supervise or participate in employment, grievance, retention, promotion, salary, leave or other personnel decisions concerning members of the employee's immediate family.
- B. "Immediate family" includes an employee's spouse, child or stepchild, parent, sibling or immediate in-laws.

- C. It is not a violation of this policy for a faculty member to have an immediate family member as a student enrolled in the faculty member's class, provided that the chancellor has approved an alternative means of evaluating the student's academic performance. The faculty member may not be directly involved in the alternative form of evaluation.

- D. Any exception to this policy requires the prior written approval of the president. The president will advise the board of all granted exceptions.

(08-15-97)

UNIVERSITY REGULATION
PART IV - HUMAN RESOURCES
Chapter 04.10 – Ethics and Conduct

R04.10.010. Scope and Conduct of Outside Activities; Compliance with State Law.

A. Scope

1. Serving on advisory bodies and university governance groups, teaching, research, application of research findings, preparation and publication of articles and books (whether for royalty or not), preparation and delivery of lectures, memberships and activities in professional societies, participation in artistic performances or activities, when said activities are related to staff members' professional fields and no compensation or honorarium (other than royalties from publication) is received, are considered to be within the regular work duties of university employees and are supported by the university.

Examples of activities considered to be outside the regular work or duties are: consulting for or providing other services to individuals or firms, serving on boards of directors, or as officers of business organizations, and engaging in commercial operations and practice except as noted above.

2. Outside activities may be of a one-time nature, intermittent or occasional, or regularly recurring. They may involve little or considerable amounts of compensation.
3. For purposes of this regulation, "employee" is intended to include all personnel of the university, including both staff and faculty enrolled on the university payroll records and receiving compensation from the University of Alaska, no matter what the basic fund source, for the performance of regular staff or academic duties. It includes part-time as well as full-time employees. It does not include persons outside the definition of "public employee" as defined in 9 AAC 52.990(b)(7).

Approvals of outside activities are subject to the following:

- a. Outside activities are to be disclosed preferably electronically, or in writing if electronic reporting is not feasible, and reviewed by the employee's work supervisor and by the ethics designee. The employee must report any significant change in the outside activity when it occurs, and at least once each year on or before July 1.
- b. The employee and the work supervisor must agree that the employee's current and/or proposed outside activities, taken individually or cumulatively, (1) will not take time away from the employee's official duties, (2) will not limit the scope of the employee's official duties, and (3)

are not otherwise incompatible or in conflict with the proper discharge of the employee's official duties.

- c. If the employee's work supervisor feels that an outside activity is not in compliance with (b), the employee must refrain from engaging in the activity or taking official action on related matters pending a final determination as provided in AS 39.52.210.
- d. No UA work time, property, equipment, facilities, supplies, vehicles, assets or other resources are to be used in support of the outside activity. For purposes of this provision, "UA work time" does not include approved leave or Faculty Time Off or designated off-contract time, or any combination, and does not include time outside the employee's regular UA work schedule (nights, weekends, or for employees with a schedule diverging from regular business hours, other times outside that employee's regular UA work schedule as agreed to by the employee and the work supervisor).
- e. The employee cannot take or withhold any official action on behalf of UA on a matter affecting the employee's personal or financial interest in the outside activity.
- f. Each outside activity determination is highly dependent on the specific facts of the situation, including the question of taking time away from the employee's official duties. Opinions issued by the Department of Law in response to questions from executive branch agencies have indicated if the employee only does five to ten hours of work outside of normal working hours, it would appear reasonable to conclude that the outside employment is not interfering with state duties, while 30 hours of outside work, in addition to 37.5 hours as a state employee per week, may be deemed excessive.

B. Conduct of Outside Activities

- 1. Prior to engaging in any outside activity as defined herein, the employee concerned will secure approval of his/her immediate supervisor. Department heads, deans, and directors or equivalent level are designated as representatives of the university to grant such approval for employees under their jurisdiction. If the approval is denied, the individual will have the right to appeal the decision as set forth below.
 - a. In making these determinations, the chief consideration will be whether the employee's current or proposed outside activities, taken individually or cumulatively, would substantially interfere with the performance of his/her regular duties. The fact that the outside activity involved compensation or the amount of such compensation will not be a reason for a refusal.

- b. In some cases the outside activity of an employee may be in the interest of the university or contribute to a significant enhancement of the employee professional standing or competence, even though engaging in the outside activity would substantially interfere with the employee's performance of his/her regular duties. In some cases the university may, upon consideration, determine that a re-allocation of the employee's duties is justified. Heads of departments and offices must process such cases through regular channels for approval.

2. Review

Heads of offices, departments, deans and other supervisors may, from time to time, review a case if, in their judgment, reasonable evidence suggests that:

- a. The outside activity or activities, individually or cumulatively constitutes in fact a substantial interference with the satisfactory accomplishment of the employee's regular university duties; or
- b. The employee may otherwise be violating the provisions of this policy.

3. Community, State and Governmental Service

Community, state and governmental service is encouraged by the university as a function of citizenship, provided it does not constitute detrimental interference with the employee's discharge of his/her regular work duties. If community, state or governmental service duties, whether compensated or not, in fact substantially interferes with the employee's discharge of his/her regular work duties, it then becomes an outside activity.

4. Use of the University Name

- a. In conducting outside activities for compensation, the employee will make it clear to his/her employers or associates that he/she is serving in an individual capacity and that the university accepts no responsibility in connection with the outside activities.
- b. Official stationery of the university will not be used in connection with consultant's reports, bills for services or correspondence relating to the fulfillment of the staff member's performance of the outside activity.
- c. Employees whose names are included in commercial listings or other public documents, the purpose of which is to draw attention to the employee's availability for compensated services, will not list university buildings as an address, or list a university telephone number.

5. Purchases Through the University for Private Purposes

Individuals are not permitted to purchase supplies or equipment for personal use through institutional channels.

6. Use of University Property, Equipment, Facilities, or Services

The use of university property, equipment, facilities, or services by employees for purposes not directly related to university duties is prohibited. Exception will be made for the use of specialized equipment not available to industry or individuals through any private source within the state for which a pre-determined fee or rate has been established. The individual staff member may use such equipment on the same basis as other members of the public.

(06-10-22)

R04.10.020. Abuse of Office for Political Purposes

Any employee seeking an elected public office will campaign completely on his/her own time, without adversely affecting his/her duties at the university; and be subject to any general university procedures governing appearances and activities of political candidates on the campus.

Any employee who acquires a state or federal public office or a full-time local government office which is legally not permitted to be held by a university employee, will resign from university employment. Such resignation will be without prejudice if adequate notice has been given by the employee and mutually satisfactory arrangements have been made concerning possible replacement of the employee.

(07-01-89)

R04.10.030. Conflict of Interest

A. Notice

Regents' Policy and this regulation regarding conflicts of interest will be communicated to all affected persons - regents, employees and other university representatives. Policy and regulation will be enforced in a timely and consistent fashion. Units of the University of Alaska are directed to post, permanently, copies of Regents' Policy 04.10.030 and this regulation on appropriate bulletin boards.

B. Purpose and Scope

Regents' Policy 04.10.030 and this regulation apply to and provide guidance for all persons employed by the university, regardless of position.

Regents' Policy 04.10.030 applies to individual members of the University of Alaska Board of Regents as "officers" and "representatives" of the university when applicable.

C. Rationale

In order to maintain the highest ethical standards in all associations and activities with outsiders that take place on behalf of the university, every employee of the university is expected to accord the university his/her primary professional loyalty and to arrange outside obligations, financial interests and activities so as not to conflict or interfere with this over-riding commitment. All university employees will conduct both university business and their individual activities in a manner which will withstand the sharpest scrutiny and avoid even the appearance of impropriety.

D. Disclosure

All university employees will follow the practice of full prior disclosure, in writing, of the precise nature of any association, relationship, business arrangement or circumstance that might suggest that decisions were made contrary to the best interests of the university and/or for an employee's personal gain or the gain of an employee's family, close friends or business associates. All such prior disclosures will be done through organizational channels to the university president in case of employees, or to the board president in the case of regents.

E. Areas of Potential Conflict

The following activities and situations present conflicts of interest or commitment.

1. Use of University Resources

The unauthorized use of any university resources by a university employee, including equipment or services of university employees, for his/her own personal benefit.

2. Disclosure of Privileged Information

The unauthorized disclosure or release of any data of a confidential nature by a university employee, secured through one's employment, such as educational, medical, personnel, security records of individuals; anticipated material requirements or price actions; possible new sites for university actions; knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements; results, materials, records of information stemming from university activity that are not generally available.

3. Acceptance of Gifts

Direct or indirect acceptance by a university employee of a loan, gift or favor of more than nominal value from any organization or person doing or seeking to do business with the university. Nominal value is generally considered to mean low cost advertisement items, i.e., calendars, cups, pens, etc. This subsection should not be deemed to prohibit normal loans made in the ordinary course of business

from banks or financial institutions that have or expect to have relations with the university.

4. Provision of Gifts

Direct or indirect provision by a university employee of a gift or favor of more than nominal value to any organization or person doing or seeking to do business with the university.

5. Interest in Supplier or Contractor

Direct or indirect interest by a university employee in any organization that has, or is seeking to have, business dealings with the university where there is an opportunity for preferential treatment to be given or received except (a) with the knowledge and written consent of the board or university president, or (b) in any case where such an interest consists of securities in widely-held corporations that are quoted and sold on the open market, or in private corporations where the interest is not substantial, e.g., not more than 5 percent of the voting stock or controlling interest of such organization.

6. Competition with University

Direct or indirect engagement by a university employee in any other enterprise for remuneration when the activity is in direct competition with the university, except with the knowledge and prior written consent of the president or his designee.

7. Sale or Lease of Property

Direct or indirect selling or leasing by a university employee of any kind of property to or from the university or to any organization or person that is, or is seeking to become, a supplier of goods, services or property to the university, except with the knowledge and prior written consent of the president or his designee.

8. Employment by Supplier

Direct or indirect service by a university employee as an officer or director of, or as a consultant to, or to be otherwise employed by any organization doing or seeking to do business with the university, except with the knowledge and prior written consent of the university president or his designee.

9. Outside Activities

Devotion of so much time or creative energy by a university employee to extramural activities that the employee compromises the amount of quality of the employee's participation in the instructional, scholarly or administrative work for which the employee was hired.

10. Research

Direction of students by a university employee into a research area from which the employee hopes to realize financial gain.

A university employee will be considered to have done indirectly the things or activities described in subsection E whenever any part of the actions or things are accomplished by or through the spouse, child, parent or sibling of the employee or by an association, trust or organization in which the employee or the employee's spouse, child, parent or sibling has a substantial interest; or through any device or artifice intended to evade the effect of the regulation.

F. Activities that are Permissible

The following activities present no conflict of interest:

1. Acceptance of royalties for published scholarly works and other writings or of honoraria for commissioned papers and occasional lectures, provided, however, that such published work is not a "commissioned work" as defined in Regents' Policy 10.07.050.
2. Service as a consultant to outside organizations provided that (a) the time and energy devoted to the task is not excessive, (b) the arrangement in no way inhibits publication of research results obtained within the university and (c) the arrangement violates no portion of subsection E.
3. Service on boards and committees of organizations, public or private, provided that (a) such service does not compromise the amount or quality of the employee's work and (b) the service does not otherwise violate the provisions of subsection E.

G. Method of Resolving Conflict

The procedures listed below will be followed to determine when a conflict of interest could or does exist, and to avoid or remove such conflict. If there is any question about the propriety of any business dealings contemplated or engaged in currently, or if an employee is uncertain whether a conflict of interest situation exists, this procedure will be followed.

1. Through appropriate university channels, the employee will fully and accurately inform the president of the university, or the president of the Board of Regents in the case of regents, in writing, of the specific facts and circumstances surrounding the possible conflict of interest.
2. The employee or regent will then request a determination of whether the situation, as presented, constitutes a conflict of interest.

3. If any activity is interpreted as an existing or potential conflict of interest, the university president, or president of the Board of Regents in the case of regents, will determine what action is necessary to eliminate or avoid any conflict of interest.

H. Sanctions

Failure of an employee to follow the requirements of this chapter or comply with related directives from the president or his designee will be grounds for suspension or dismissal of the employee and/or other sanctions as may be deemed appropriate by the university president.

(06-10-22)