



February 11, 2019

**MEMORANDUM**

To: University Community

From: Thomas W. Krise, Ph.D., President 

Via: Legal Counsel 

Re: **Conflict of Interest or Commitment Disclosure Form**

Conflicts of interest and/or conflicts of commitment can and do arise within the University from time to time. The University's Conflict of Interest or Commitment Disclosure Form has been updated, as attached, to assist in the management and/or avoidance of any conflicts of interest or commitment at the University. A fillable form will soon be available on the University website. Guidelines for completing the form are also attached. Please review these guidelines before completing the form.

Title 4 Guam Code Annotated § 15205 and the University's Rules, Regulations and Procedures Manual, Article IV, Section C, Number 2 (February 2000) address these conflicts of interest. The University does **not** preclude its employees from having outside business interests or employment, so long as such interests or employment are disclosed to the University, do not interfere with performance of official duties, and are not otherwise in direct conflict with Guam law and University rules, regulations and policy.

Thank you for your cooperation in completing these forms, where applicable, and for your commitment to the University. Biba UOG!

**UNIVERSITY OF GUAM**  
**Conflict of Interest or Commitment Disclosure Form**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Department: \_\_\_\_\_

The Conflict of Interest Policy is found in the Rules, Regulations and Procedures Manual (RRPM), Article IV, Section C, Number 2 (February 2000). It covers members of the University community, including Board of Regents, University employees (staff, faculty, and administrators, their spouses and children. See attached Guidelines for Completing Annual Conflicts of Interest of Commitment Disclosure Form (Guidelines).

- I **do not** have any actual or potential Conflicts of Interest or Conflicts of Commitment, as defined by the RRPM and the attached Guidelines.
- I am disclosing the following actual or potential Conflict(s) of Interest, as defined by the RRPM and the attached Guidelines. **Please list and explain below or attach documentation in a sealed envelope.**
- I am disclosing the following actual or potential Conflict(s) of Commitment, as defined by the RRPM and the attached Guidelines. **Please list and explain below or attach documentation in a sealed envelope.**

Further, I agree:

- To refrain from any direct competition with the University in any outside employment, such as, but not limited to, external instruction or teaching, applying for grants, projects and/or proposals in which the University may also engage.
- To update this disclosure between annual disclosures at the time the potential for conflict is first identified.
- To comply with any conditions or restrictions imposed by the University to manage, reduce, or eliminate actual, potential, or perceived conflicts of interest.
- To cooperate in the development of a Management Plan, should one be necessary to manage, reduce, or eliminate actual, potential, or perceived conflicts of interest.

I acknowledge that I have read, understood, and will comply with the University of Guam Rules, Regulations, and Procedures Manual, Article IV, Section C, Number 2 (February 2000). Failure to comply may compromise your annual performance evaluation and/or lead to disciplinary action.

**LIST AND EXPLAIN ACTUAL OR POTENTIAL CONFLICTS OF INTEREST OR COMMITMENT HERE OR ON THE ADDITIONAL PAGE BELOW, AND PLACE IN A SEALED ENVELOPE WITH YOUR NAME, AND SUBMITTED WITH THIS FORM:**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**Reviewed:**

\_\_\_\_\_  
Appropriate Supervisor

\_\_\_\_\_  
Date

Original: HRO  
Copy: Appropriate Administrator

V. 2/11/2019

**University of Guam  
Conflicts of Interest or Commitment Disclosure Form**

**Additional Information**

Please use this page to add the additional information covered above.

## **University of Guam Guidelines for Completing Annual Conflicts of Interest or Commitment Disclosure Form**

The Conflicts of Interest or Commitment form should be filed at the beginning of each academic year with your immediate supervisor, unless otherwise deemed necessary (e.g., a new employee or a material change in circumstances of a current employee). All original forms will be forwarded with comment to the HRO with a copy to the appropriate supervisor or appropriate administrator within 30 days of filing. Employees under the Office of the President and Vice Presidents will provide a copy to the President.

### **WHO SHOULD FILE**

All University employees and persons responsible for committing or managing University of Guam (University) resources should file an annual disclosure form and also give immediate notice of any significant material change during the year. Note for Faculty: Must include form with each new CFES Plan and Annual Review submission.

### **CONFLICT OF INTEREST OR COMMITMENT**

“A conflict of interest exists when an individual has an external interest that affects or provides an incentive to affect the individual's conduct of his or her University activities. Conflicts of interest can arise naturally from an individual's engagement with the world outside the University, and the mere existence of a conflict of interest does not imply wrongdoing on anyone's part. When conflicts of interest do arise, however, they must be recognized, disclosed and either eliminated or properly managed.”<sup>1</sup>

Examples of this include board or commission appointments, a relationship between an employee and student that confers private advantage, or fiduciary relationships that either affect the economic interests of the University or that do not involve the institution per se. The latter may, however, constitute an Apparent Conflict of Interest and should be disclosed.

A University employee should disclose any fiduciary or other interest(s) that might affect his/her employment or the interests of the University of Guam.

“A conflict of commitment occurs when the commitment to external activities of a University employee adversely affects his or her capacity to meet University responsibilities. This form of conflict is easily defined and recognized since it involves a perceptible reduction of the individual's time and energy devoted to University activities.”<sup>2</sup> Examples of this include part-time or full-time employment outside the University, private consulting more than one day out of every seven days, service on boards or commissions not in the University interest.

### **Compensated/Uncompensated Activities**

A University employee should disclose any compensated or uncompensated activities outside University employment that involves a perceptible reduction of the individual's time and energy devoted to University activities.

### **Outside Financial Interests and Relationships**

An employee should disclose if (s)he or any members of employee's immediate family received any payments (including honoraria or royalties) for employment, consulting, board membership, or other relationship with, or have an ownership or equity interest in, any company or other entity that has a relationship with employee's University activities in any way, such as: the

company/entity/sponsors research or teaching activities in which employee is directly involved; the company/entity has made gifts to the University which are under employee's control or directly benefits employee's research or teaching activities; the company/entity has products or research interests that could benefit significantly from employee's research activities; the company/entity licenses University intellectual property in which employee has any interest as an inventory; the company/entity sells materials or services to the University that are used in employee's research or teaching. (Adopted from MIT)

### **Family/Domestic Partnerships at the University**

An employee should disclose the name(s) of all immediate family or domestic partnership relationships at the University, including the assigned unit and location of employee's immediate family member or domestic partner.

Questions regarding completion of the Conflict of Interest or Commitment Form should be directed to the respective supervisor, Dean or Director, or to the Administration.

#### **Source**

1,2 Office of the Provost Yale University Policy on Conflict of Interest and Conflict of Commitment.  
[www.yale.edu/provost/html/coi.html](http://www.yale.edu/provost/html/coi.html)

**FROM THE UPM based on the RRPM - which is referenced in the old guidance document**

#### *Conflicts of Interest*

The following groups may not enter into procurement contracts with the University unless the contracts have been awarded through an open and public process that includes prior public notice and subsequent public disclosure of all proposals considered and contracts awarded.

- a. Employees of the University or members of their families as defined herein.
- b. Business associates of University employees.
- c. Business entities in which Board of Regent members, employees, employees' families, or business associates of employees have a ten percent or greater interest.

Exceptions to this policy may be made only with the written permission of the President. No exceptions may be made for University personnel involved in the procurement process. These employees are governed by the Ethics Regulations of the University Procurement Policy.

#### *Extramural Employment and Self-Employment*

It is the Policy of the University that extramural employment and self-employment may be authorized unless such employment interferes with or jeopardizes the full and efficient performance of the duties and responsibilities of the University employee or when the nature of the employment is such that it constitutes a conflict of interest.

Outside employment and self-employment shall not involve work, which because of its nature or obligations may adversely affect the performance of the employee's duties with the University.

No university personnel, equipment, supplies, materials, or facilities shall be used in connection with any outside employment or self-employment, except for *de minimus* use as is allowed under University research policies.

Information regarding outside employment or self-employment shall be reported annually to the appropriate Vice President through the appropriate Dean, Director, or Supervisor, on the prescribed form. Other information governing extramural employment and self-employment may be found in the Board / Faculty Union Agreement currently in effect.

### *Nepotism*

It is the policy of the University of Guam to seek the best-qualified applicants for positions and to further the careers of those employed regardless of whether they have relatives already employed at the University. The basic criteria for appointment and retention are appropriate qualifications and professional development. Family relationships shall constitute neither an advantage nor a deterrent to appointment and retention at the University, provided the individual meets and fulfills the appropriate appointment and professional development standards.

Family relationships referred to in this policy are defined as parents, spouse, children and their spouses, siblings, and their spouses and their children. UOG follows Government of Guam law, which prohibits the spouse of the "single point of hire," i.e., the University President, from being employed at the same agency.

No two persons of the same family may hold positions in which one of them is directly responsible for recommendations or decisions involving the other in such matters as initial appointment, retention, promotion, tenure, salary, leave of absence, or any other job-related function of a supervisory or evaluative nature. In cases where this conflict develops, the subordinate family member will be assigned to another supervisor at the appropriate level for all recommendation, decisions, or evaluations.

No member of the Board of Regents shall be employed in any position under the jurisdiction of the Board. No member of a Regent's family shall be employed at the University unless the employee's hiring was recommended by a Search Committee or through the employee's inclusion on the Eligibility List as established by the Human Resources Office.