

Office/Contact: Division of Research and Economic Development/Office of Human Resources

Source: SDBOR Policies 4.9.1, 4.9.2, 4.9.3, 4.9.4, and 4.9.5; SDCL 5-18A-17 to 5-18A-17.6

Link: <https://sdbor.edu/policy/>;

[https://sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=5-18A](https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=5-18A)

Associated Forms: [SDBOR Conflicts of Interest Short Form](#); [SDSU Private Practice, Consulting and Outside Activity Form](#)

---

## SOUTH DAKOTA STATE UNIVERSITY Policy and Procedure Manual

SUBJECT: Conflicts of Interest Reporting and Approval

NUMBER: 4:9

---

### 1. Purpose

This policy and its procedures set forth the University protocols for conflicts of interest disclosures and approval to ensure compliance with SDBOR policies and applicable state and federal law.

### 2. Policy

SDBOR Policies 4.9.1, 4.9.2, 4.9.3, 4.9.4, and 4.9.5 require certain conflicts of interest and commitment disclosures and prior approval of specified private practice, private consulting, employment with entities outside of the University, and other related activity. Federal regulations also govern the disclosure and management of conflicts of interest. Federal provisions applicable to objectivity in research and financial conflicts of interest require certain disclosures. **University employees are required to review and comply with all SDBOR provisions which control this policy and its procedures, this implementing policy and its procedures, and controlling laws, as applicable.**

#### a. Conflicts of Interest

##### i. Conflicts of Commitment

1. Full-time professional employees, whether faculty, extension personnel, or administrators and career service staff who make recommendations for purchasing shall devote their best professional efforts to the University. Best professional efforts means that employees shall apply themselves to the proper work entrusted to them to achieve the employment goals in the most effective and efficient manner.
2. Professional employees should avoid entering into outside endeavors that may reasonably be thought to influence the decisions that they make in their capacity, loyalty, and diligence as University employees.
3. Certain simultaneous outside employment, consulting, and activity, as defined by SDBOR policies and herein, with another entity is considered

a conflict of interest and commitment and will not be approved by the University ( . providing instructional services for non- SDBOR institutions will not be approved).

ii. Conflicts of Financial Interest

1. In addition to Investigator Financial and Public Health Service Investigator Financial Disclosures required by SDBOR Policies 4.9.4 and 4.9.5, financial interests are significant and reasonably thought to influence, whether directly or indirectly, University business, research or other decisions that the professional employee makes on behalf of the SDBOR and the University when an outside entity:
  - a. employs the professional employee, or an immediate family member; or
  - b. retains such a person as a consultant, or in any other compensated capacity; or
  - c. when the professional employee or immediate family members, as defined by SDBOR policy, either individually or in aggregate own equity in the outside entity in such amounts as would be reportable under federal regulations governing investigator conflicts of interest.
  
2. University employees will abide in full with the SDBOR policy provisions applicable to use of facilities, equipment and supplies; restrictions on disclosure of affiliation with the University in private activities; limits on gifts, loans, gratuities, rewards, or promises of future employment that appear to influence; acceptance of honoraria; hiring junior colleagues, subordinates, or students for outside activities; prohibitions on profiting from the sale of books or apparatus authored or invented to South Dakota students; and other provisions as adopted and amended.

4. As required by SDBOR policy, employees will cooperate fully and provide information as requested.
  5. Records will be maintained confidentially, as required by SDBOR policy, in the employee's personnel file. Such records will not be disclosed during promotion, tenure, or continuing employment reviews.
- iv. Where actual or apparent conflicts of interest and commitment arise, the conflict must be managed or the activity curtailed as set forth in SDBOR policies and herein.
- b. Private Practice, Private Consulting, Outside Employment for which compensation is received and Conflict of Commitment
    - i. The primary responsibility of full-time employees of the University is to the University. Full-time professional employees may not be simultaneously employed full-time by another employer.
    - ii. Private practice, private consulting, and outside employment, as allowed and limited by SDBOR provisions, including but not limited to SDBOR Policies 4.9.2, 4.9.3, 4.9.4, 4.9.5 and SDCL Chapter 3-8, must be approved by the University President, or designee, prior to the start of the outside activity.
      1. Faculty members may engage in private practice, private consulting, and outside employment subject to the referenced provisions.
      2. Full-time exempt staff, classified staff, and Extension personnel may engage in private consulting as allowed by the referenced provisions and in accordance with this policy.
      3. Absent prior consent by the University President, or designee, professional employees shall not engage in contracts to provide services where the services are also made available by SDBOR institutions and the professional employee is expected to provide such services as part of their regular assignments. Prior approval does not apply to private activities undertaken by professional employees.



2. The University Research Compliance Coordinator,

the University President, or designee, for authorizations for University employees. Authorizations for the University President must be approved by the Executive Director of the SDBOR. Every authorization granted pursuant to SDCL 5-18A-17.2 is a public record and must be filed with the commissioner of the Bureau of Human Resources.

e. Conflicts of Interest in Intellectual Property

- i. The avoidance or management of conflicts of interest related to creation, development, and transfer of intellectual property will be addressed in conformity with SDBOR Policy 4.9.1 and other related provisions.
- ii. Prior approval by the Vice President for Research and Economic Development, successor, or designee is required of terms of an agreement with an external entity to fund research with regards to ownership of any resulting intellectual property. Absent such written approval, all rights to intellectual property will reside with the SDBOR.
- iii.

University employee's personnel file and shall be reviewed in conjunction with updated conflicts of interest submissions, requests for prior approval of private practice, private consulting, outside employment, and Investigator Disclosures.

b. ~~CONFIDENTIAL~~ Prior Approval of Private Practice, ~~CONFIDENTIAL~~ Outside Employment and Related Conflicts Review

- i. Faculty, non-exempt, and civil service employees will submit requests for prior approval of private practice, private consultation, or outside employment on the designated form to their department head or unit supervisor.
- ii. The Department Head or unit supervisor ,

~~CONFIDENTIAL~~ unc-13hi]

0 . 6

4. A description of any University-controlled resources (e.g. grants, contracts, unrestricted gifts, intellectual property, facilities, equipment) that may be affected by the conflict;
  5. A description of other employees or students that may be affected by the conflict;
  6. Individual(s) who could serve as an unaffected third party to monitor the activities, if needed;
  7. A description of the documents that the third party would be required to review;
  8. A description of how the activity will be conducted to reduce the potential for unacceptable influence in the performance of the assigned duties with the University; and
  9. A schedule and proposal for monitoring the plan, including reviews by the Office of Human Resources, and for reporting updates or necessary changes to the plan.
- ii. Such plans will be developed through the guidance of the University Research Compliance Coordinator, or successor, and submitted for review and approval according to the process detailed for prior approval of private practice, private consulting, and outside employment or as required by the University



discretion, reassign the professional employees to duties that do not entail conflicts of interest, if professional employees have failed to observe limitations specified in this policy or have otherwise acted in a fashion not otherwise expressly addressed hereunder that compromises the interests that this policy seeks to protect.

1. Where the University President, or designee, believes that a professional employee has violated o-1.6 (d o-1.6 (cDi9ut0 Td( )T nmEMC9 ( s)-d (n )-n)10.8 (d A)4.6

4. Responsible Administrator

The Research Compliance Coordinator, or successor, is responsible for biennial and ad hoc review of this policy and annual review of procedures