

GLENVILLE STATE COLLEGE POLICIES

ADMINISTRATIVE POLICY 4

ETHICS AND CONFLICTS OF INTEREST

4.1. General.

~~1.1.~~

Scope - This policy ~~implements~~establishes guidelines in accordance with the West Virginia Governmental Ethics Act, and its regulations for Glenville State College and complies with West Virginia Higher Education Policy Commission Procedural Rule, Title 133, Series 31.

~~1.2.~~

~~1.1.~~ Authority - W. Va. Code §§ 18B-1-6, 6B-2-5(L)

~~1.3.~~

~~1.2.~~ Effective Date ~~April 19, 2006~~

~~1.4.~~ Repeal

~~1.3.~~ Revision of Former ~~Rule Policy~~ ~~Revises Repeals~~ and ~~replaces Title 131, Series 43 of the~~ Replaces Board of Directors of the State College System. This policy supersedes any or all previous GSC policies in reference to ethics. Governors Administrative Glenville State College Policy 4 - Ethics [2006].

~~1.5.~~ Preamble ~~In 1989, the West Virginia Legislature enacted the~~

Purpose. The purpose of this policy is to establish guidelines for compliance with portions of the West Virginia Governmental Ethics Act, set out in Chapter 6B of the West Virginia State Code, declaring unlawful certain activities by public employees. Section 5(a), Article 2, of the Act prohibits a public employee from using his or her office or the prestige of that office, for private gain. Section 5(c), Article 2 prohibits solicitation of gifts that may confer pecuniary benefits upon the employee. Section 5(d), Article 2, prohibits an interest in the profits or benefits of a public contract which an employee has direct authority to enter into or over which he or she may have control.

~~The original version of the ("Ethics Act subjected all public employees, including higher education employees, to fines, sanction, and criminal prosecution for violation of the Ethics Act unless they obtained prior approval for the proposed activity from the West Virginia Ethics Commission. Many of the teaching, research, consulting and publication activities of higher education faculty") and staff necessarily result in known and appropriate private benefits or gain which are customary and normal in higher education, but which were identified as potential violations of these provisions of the Ethics Act after its enactment.~~

~~In 1990, the Ethics Act was amended at Section 5(1), Article 2, to allow higher education employees who derive private benefits from teaching, research, consulting, or publication activities the option of seeking exemption from the above prohibitions from their employing institution instead of through the Ethics Commission.~~

~~1.4.~~ Therefore, this policy is adopted to set forth set forth an expeditious procedure for granting ~~such~~ approval of exemptions at the College level to faculty and staff members who seek to be relieved of certain statutorily imposed prohibitions of the West Virginia Governmental

Ethics Act.

1.5. Nothing in this policy shall be interpreted as restricting or prohibiting the otherwise lawful College or outside activities of faculty or staff consistent with their College duties and responsibilities or employment contracts, or as requiring the prior approval of such activities by the Board of Governors. Nor shall this policy be interpreted as restricting academic freedom, as defined in Series 9 of the Higher Education Policy Commission Rules, or the constitutional rights of employees to free speech and association. However, this policy shall not be interpreted to require or grant institutional approval or sanction of faculty or staff activities that violate or conflict with their institutional duties or responsibilities, employment contract, federal or state law, the policies of ~~this~~the Board or Governors, or the ethical standards imposed by the ~~West Virginia Governmental~~ Ethics Act.

1.6 Definitions

1.6.1 “Employee” and “College Public Employee” mean any full-time or part-time employee of the College and includes any employee defined by Sections 3.1, 3.2, 3.3, 3.5, 3.8, 3.9, 3.10 and 3.11 of Board of Governors Policy 16 available online for reference at:

<https://www.glenville.edu/sites/default/files/2019-03/bog-policy-018.pdf>

1.6.2 “Faculty” is defined in Section 3.5 of Board of Governors Policy 16.

1.6.3 “Family Member” for the purpose of this policy means spouse, a person with whom the individual is living with as a partner, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law.

1.6.4 “Immediate family”, with respect to an individual, means a spouse with whom the individual is living as husband and wife and any dependent child or children, dependent grandchild or grandchildren, and dependent parent or parents.

1.6.5 “Non-Classified Employee” is defined in Glenville State College Board of Governors Policy 16 Section 3.9.

1.6.7 “College Public official” means any person who is elected to, appointed to, or given the authority to act in any state, county, or municipal office or position, whether compensated or not, and who is responsible for the making of policy or takes official action which is either ministerial or non-ministerial, or both, with respect to: (1) Contracting for, or procurement of, goods or services; (2) administering or monitoring grants or subsidies; (3) planning or zoning; (4) inspecting, licensing, regulating, or auditing any person; or (5) any other activity where the official action has an economic impact of greater than a de minimis nature on the interest or interests of any person. “College Public Official” includes College Board Members,

President, Vice Presidents, Senior Vice Presidents, Provosts, ~~and Assistant Provosts~~ and President's Cabinet members.

1.6.8 "Ministerial functions" means actions or functions performed by an individual under a given state of facts in a prescribed manner in accordance with a mandate of legal authority, without regard to, or without the exercise of, the individual's own judgment as to the propriety of the action being taken.

1.6.9 "Relative" means spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law.

1.6.10 "Significant Financial Interest for Institutional Conflicts of Interest" means a financial interest consisting of one or more of the following interests of a College Official or Family Member of the College Official that reasonably appears related to the College Official's institutional responsibilities:

1.6.10.1 Equity or ownership interests held by the College Official or a Family Member worth more than Ten Thousand Dollars (\$10,000.00) in the aggregate in any publicly traded, for-profit organization. Excluded are equity interests held in mutual funds or retirement programs.

1.6.10.2 Any equity or ownership interest held in any for-profit organization that is not publicly traded.

1.6.10.3 Service as a member of a board of directors or other governing board of a for-profit organization, including service as a trustee or scientific advisory board member, service as an officer of the organization (whether paid or unpaid) or service as an employee by the College Official.

1.6.10.4 Payments or a legal right to a payment, including royalty payments, resulting from technology transfer, licensing or any outside business activities that, for any single arrangement, exceeds Ten Thousand Dollars (\$10,000.00) in the aggregate per year. Income from clinical care and tuition income are excluded from this calculation and the requirements of this Rule.

4.2 Compliance, Violations and Disciplinary Action

2.1 West Virginia Ethics Act Compliance. West Virginia Code §§ 6-5-2(a), (c) and (d) of the Ethics Act prohibit any full-time or part-time employee of any state, governmental body or any political subdivision thereof from: (1) using his or her office or the prestige of

that office, for private gain or the gain of another; (2) soliciting gifts that may confer pecuniary benefits upon the employee; and (3) holding an interest in the profits or benefits of a public contract which an employee has direct authority to enter into or over which he or she may have control. All College public employees and College public officials are required, by West Virginia state law and this policy, to comply with the Ethics Act which is interpreted and administered by the *West Virginia Ethics Commission*. Faculty on less than twelve-month appointments must continue to comply with the Ethics Act and this policy during the months between their appointment terms (e.g., during the summer months). The state code, accompanying regulations, procedures for filing an Ethics Act complaint and other helpful information can be found at:

<https://ethics.wv.gov/Pages/default.aspx>

2.2 Unless exempted by or otherwise approved in accordance with this policy, this policy prohibits College public officials and College public employees from knowingly and intentionally using his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a College public official or College public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private gain under this policy. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, also does not constitute the use of prestige of office for private gain and is not a violation of this policy.

2.3 Unless otherwise exempted by or approved in accordance with this policy, this policy prohibits a College public official or College public employee from soliciting any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official or employee or his or her immediate family. No College public official or College public employee may solicit for a charitable purpose any gift from any person who is also an official or employee of the state and whose position is subordinate to the soliciting official or employee.

2.4 Unless otherwise exempted by or approved in accordance with this policy, this policy prohibits College public employees and College public officials from accepting gifts from lobbyists, or from any person whom the individual knows or has reason to know is doing or seeking to do business with the College of any kind; or has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of their official duties. The following types of gifts may be accepted: meals and beverages if the payer is present, or any meal totaling \$25.00 or less; ceremonial gifts of an insignificant monetary value; unsolicited gifts of nominal value; gifts or free admission to charitable, cultural, or political events; gifts that are purely private and personal in nature; and gifts from relatives. The West Virginia Governmental Ethics Act permits and the College understands that faculty and non-classified employees will participate in speaking engagements, conferences, and similar pursuits as part of their institutional duties. Faculty and non-classified employees may accept compensation of reasonable

expenses, including travel, related to attending such an engagement when done on behalf of the College. Reasonable honorariums awarded to the faculty and non-classified employees for such pursuits are permitted to be accepted so long as the faculty and non-classified staff, has been granted approval by their Vice President to participate in the pursuit as part of their institutional duties.

2.5 Unless otherwise exempted by or approved in accordance with this policy, this policy prohibits elected or appointed College public officials or College public employees or members of his or her immediate family or business with which he or she is associated to be a party to or have an interest in the profits or benefits of a contract which the official or employee may have direct authority to enter into, or over which he or she may have control unless the total value of such contracts, purchases, or sales does not exceed One Thousand Dollars (\$1,000.00) in a calendar year.

2.6 Violations of this policy and/or failure to follow any procedures set forth herein are considered gross misconduct and any College employee found responsible for violating this policy is subject to disciplinary action up to and including immediate employment termination without progressive discipline.

2.7 Violations of this policy may also constitute violations of the West Virginia Governmental Ethics Act and individuals reported to have violated this policy are subject to a College administrative investigation and also may be subject to investigation in accordance with the Ethics Act and prosecution under state law. A law enforcement and/or West Virginia Ethics Commission investigation will not take the place of a College administrative investigation or disposition of a policy violation report and the results of a law enforcement and/or West Virginia Ethics Commission investigation or adjudication are not determinative of whether an individual is responsible for violating this policy.

2.8 Violations of this policy by College public employees should be reported to the title of the employee. The (insert title of employee) may refer the report to the named employee's immediate supervisor and/or other designee as appropriate for investigation and disciplinary action as appropriate. Reports of violations of this Policy by the President should be filed with the Chair of the Board of Governors.

4.2. Approval of Activity.

~~2.1.~~

2.1. Institutional approval of any activity pursuant to this policy shall be deemed to be a part of the employee's employment contract.

~~2.2.~~

2.2. Any institutional approval granted pursuant to this rule may be revoked upon reasonable notice to the employee.

~~2.3.~~

2.3. Approval for any activity under this policy may only be given by the president or the president's designee or designees. Such delegation of authority by the president shall be in accordance with the needs of the College but in no case shall such delegation be at an

____ authority level lower than a departmental chair, director or other similar supervisor.

~~2.4.~~

~~2.4.~~ Approval for any activity may be granted on a case-by-case basis or, when such activities ____ are common within the College, a department of other category or grouping of employees, _to all of the College's employees or any subgrouping thereof.

~~2.5.~~

~~2.5.~~ Disclosures required by this policy are personal in nature and shall be kept confidential, as __permitted by law.

4.3. Solicitation of Gifts.

~~3.1.~~

~~3.1.~~ Unless otherwise restricted by one's supervisor, employees shall be permitted to solicit gifts __which directly benefit the Board or the College. Solicitations on behalf of a particular ____ department, on behalf of the GSC Foundation, or on behalf of an affiliated corporation, or ____ center shall, for the purposes of this policy, be deemed to be a solicitation on behalf of or for _the benefit of the College.

~~3.2.~~

~~3.2.~~ Permissible solicitations shall include but not be limited to the following, even though the _soliciting employee may work in a position which will be directly or indirectly supported ____ thereby:

~~3.2.1.~~

~~3.2.1.~~ Grants from governmental agencies, foundations, corporations, or individuals to the College to support teaching, research, publication or service activities of the College;

~~3.2.2.~~

~~3.2.2.~~ Contracts with governmental agencies, foundations, corporations, or individuals to the College to support teaching, research, publication or service activities of the College;

~~3.2.3.~~

Donations from foundations, corporations, or individuals to the College to support teaching, research, publication or service activities of the College.

~~3.3~~ ~~3.3.~~ Support for teaching, research, publication and service activities shall include but not be limited to such normal and regular institutional needs as support for salaries; scholarships; capital improvements or repairs; and classroom, laboratory, athletic, medical, scientific and other similar equipment supplies.

4.4. Use of Public Office for Private Gain.

~~4.1. No solicitation or other activity permitted by this policy shall be deemed to be the inappropriate use of an employee's public office (position) or the prestige of that office for one's own private gain or that of another person.~~

~~4.2. When an employee of Glenville State College uses his or her knowledge and personal prestige for private gain without the use of the employee's public office, or the prestige of the employee's public office, then there is no requirement to obtain an exemption under this ethics policy.~~

~~4.3. W. Va. Code §6B-2-5(1) gives Glenville State College limited authority to grant exemptions to their employees from the prohibitions in the State Ethics Act relating to the use of public office or the prestige of public office for private gain when the employee is using his or her field of expertise as an author, speaker, consultant or through other approved activities such as service as a board member for outside agencies or businesses. Therefore, when an employee of Glenville State College seeks to use his or her public office or the prestige of their public office for the employee's private gain or for the private gain of another person, the employee may seek from the president an exemption (as limited by the Ethics Act) from the prohibition against the use of public office or the prestige of public office for private gain.~~

~~4.4.~~

~~4.1. The Ethics Act provides an exception for higher education employees, recognizing that the teaching, research, and service elements of higher education call for treatment that is different from the typical public employee or official. Specifically, W. Va. Code Section 6B-2-5(n) of the Ethics Act provides that any person who is employed as a member of the faculty or staff of a public institution of higher education and who is engaged in teaching, research, consulting, or publication activities in his or her field of expertise with public or private entities and thereby derives private benefits from such activities shall be exempt from the prohibitions contained in the aforementioned subsections (b), (c) and (d) when the activity is approved as a part of an employment contract with the governing board of the institution or has been approved by the employee's department supervisor or the president of the institution by which the faculty or staff member is employed.~~

~~4.2. The president may grant ~~the an~~ employee an exemption to the Ethics Act and this rule to permit the employee to use the employee's public office, or the prestige of the employee's public office, to derive private benefit from the employee's field of expertise as an author, speaker, consultant, or through other approved activities such as service on the board of an outside agency or business.~~

~~4.5.~~

~~4.3. In granting permission for an employee to engage in such outside activities which may be directly or indirectly associated with the employee's position with the College, consideration should be given to the following:~~

~~4.5.1.~~

~~4.3.1. Whether the employee brings to his/her position his/her own unique personal prestige which is based upon his/her own intelligence, education, experience, skills and abilities, or other personal gifts or traits;~~

~~4.5.2.~~

~~4.3.2. Whether such activity is customary and usual within the field;~~

~~4.5.3.~~

~~4.3.3. Whether the College derives any benefit through prestige or otherwise from the activity;~~

~~4.5.4.~~

~~4.3.4. Whether the College expects or anticipates that the employee will gain financially from the activities which are not a part of the employee's required employment activities;~~

~~4.5.5.~~

~~4.3.5.~~ Whether the employee's activity will increase his/her personal or professional development or will lend service or benefit to the nation, state or community;

~~4.5.6.~~

~~4.3.6.~~ Whether the outside activity will create an overriding conflict with the employee's responsibility to the College or will interfere with the satisfactory performance of the employee's College duties.

~~4.6.~~

~~4.4.~~ The disclosure by an employee of an employee's position, title, and work history with _____ Glenville State College in the promotion of an employee's private activities shall be exempt _____ from the prohibition against the use of prestige of public office for a private gain. However, _____ in these cases the employee has the responsibility to make clear the fact that he or she is not _____ representing Glenville State College but is speaking as a private citizen.

~~4.7.~~

~~4.5.~~ An employee who obtains an exemption from the Ethics Act prohibitions under the _____ procedure authorized in this policy shall not be deemed an agent of Glenville State College _____ when the employee is acting outside the scope of his or her other employment for his or her _____ private benefit.

~~4.8.~~

~~4.6.~~ No solicitation or other activity permitted by this policy shall be deemed to be the inappropriate use of an employee's public office (position) or the prestige of that office for one's own private gain or that of another person.

~~4.7.~~ When an employee of Glenville State College uses his or her knowledge and personal _____ prestige for private gain without the use of the employee's public office, or the prestige of _____ the employee's public office, then there is no requirement to obtain an exemption _____ under _____ this ethics policy.

~~4.8.~~ No exemption granted under this ethics policy shall be deemed to constitute a waiver by _____ Glenville State College of any lawful contractual provision in the employment contract of _____ a full or part-time employee.

~~4.9.~~ All College public employees must comply with the Ethics Act in carrying out all outside _____ Consulting Arrangements.

~~4.10.~~ Faculty may receive royalties or other compensation for sales of a specific textbook or _____ supplemental course materials provided that the textbook or materials constitute the _____ individual's own writing or work. Any such arrangement must be approved by the _____ Provost. _____ Notwithstanding the foregoing, Faculty shall comply with any Board of _____ Governors or West _____ West Virginia Higher Education Policy Commission textbook affordability _____ rules _____ regulations or policies.

~~4.11.~~ **Use of College Resources.** College Employees may not use College-owned supplies, _____ equipment, or other resources for personal projects or outside Consulting Arrangements.

However, College Employees may use such resources for personal projects or outside Consulting Arrangements pursuant to an arrangement with the College to pay a fair market rate for those resources. College Employees may not use their subordinates to work on personal projects or outside Consulting Arrangements during work hours or compel them to do so on their own time. Any misuse of College resources is prohibited unless that use is *de minimis*, that is, involving only an insignificant amount of time, funds, supplies, personnel, or equipment.

4.5. Interests in Public Contracts.

~~5.1.~~

5.1. Each employee shall be required to disclose any interest the employee or any member of the employee's immediate family may have in the profits or benefits of a contract which the employee may have direct authority to enter into or over which the employee may have control unless such interest is limited within the meaning of W. Va. Code §6B-2-5(d)(2), and this policy.

5.1.1 In the absence of bribery or a purpose to defraud, a College public official or c employee or a member of his or her immediate family or a business with which he or she is associated shall not be considered as having a prohibited financial interest in a public contract when such a person has a limited interest as an owner, shareholder, or creditor of the business which is awarded a public contract. A limited interest for the purposes of this subsection is:

(A) An interest which does not exceed \$1,000 in the profits or benefits of the public contract or contracts in a calendar year;

(B) An interest as a creditor of a public employee or official who exercises control over the contract, or a member of his or her immediate family, if the amount is less than \$5,000.

~~5.1.2.~~ If a public official or employee has an interest in the profits or benefits of a contract, then he or she may not make, participate in making, or in any way attempt to use his office or employment to influence a decision affecting his or her financial or limited financial interest. Public officials

5.2. The College may review any interest an employee or any member of the employee's family may have and determine what, if any, restrictions or limitation should be placed on the employee's activities.

~~5.3.~~

5.3. Without limitation, the following represent examples of interests in public contracts which may be permitted:

~~5.3.1.~~

5.3.1. The employee is the author and copyright owner of a leading textbook in the employee's teaching field and may wish to require the use of the textbook by

his/her students;

~~5.3.2.~~

~~5.3.2.~~ The employee is the inventor and patent owner of a scientific tool necessary for research in the employee's field;

~~5.3.3.~~

~~5.3.3.~~ The employee is an expert in the region in a particular field and such consulting expertise is being sought by the College or another governmental agency and the providing of such consulting services is not a part of the employee's duties to Glenville State College.

4.6. Conflicts of Interest and Commitment

6.1 All full-time College employees owe their primary professional allegiance to the College. All College Employees should be aware of the two types of conflicts: Conflicts of Interest and Conflicts of Commitment.

6.2 Conflicts of Interest.

6.2.1 A Conflict of Interest occurs when there is a divergence between a College Employee's private, personal relationships or interests and their professional obligations to the College such that a reasonable observer might question whether the individual's professional actions or decisions are determined by or substantially altered by considerations of personal benefit, gain, or advantage.

6.2.2 Whether a Conflict of Interest or the appearance of a Conflict of Interest exists depends on the situation, not on the character or actions of the individual. The determination of the existence of a Conflict of Interest or the appearance of a Conflict of Interest is done objectively on a case-by-case basis. Because the appearance of a Conflict of Interest can be as damaging or detrimental as an actual Conflict of Interest, for the purposes of this Rule, apparent Conflicts of Interest are treated the same as actual Conflicts of Interest.

6.3 Conflicts of Commitment.

6.3.1 A full-time College Employee's primary commitment of time and intellectual effort must be to the teaching, research, scholarship, and service missions of the College.

6.3.2 A full-time College Employee's attempts to balance their primary commitment to the College with external, non-College activities can result in a real or apparent conflict regarding commitment of time and effort. When external activities exceed reasonable time limits or become primary professional responsibilities, then a Conflict of Commitment exists.

4.7 Institutional Conflict of Interest

7.1 An Institutional Conflict of Interest may exist when the personal financial holdings of a

College Public Official which, by virtue of their institutional authority, may affect or reasonably appear to affect institutional processes, research, business transactions, or other activities at the College.

7.2 Disclosure Requirements. College Public Officials must annually disclose Significant Financial Interests for Institutional Conflicts of Interest to the Office of Conflict of Interest Compliance by July 31 each year.

7.3 Each College Public Officials must submit an Institutional Conflict of Interest Disclosure Form regardless of whether or not the individual has a Significant Financial Interest for Institutional Conflicts of Interest to report.

7.4 Each College Public Official must sign and certify the annual Institutional Conflict of Interest Disclosure Form as accurate and complete.

7.5 Each College Public Official must update their annual disclosure within thirty (30) days of the development of a new Significant Financial Interest.

7.6 Each College Public Official must complete an initial disclosure form within sixty (60) days upon commencing employment.

7.7 Review of Disclosure Forms. Institutional Conflict of Interest Disclosures submitted by College Officials shall be reviewed annually, and on an ad hoc basis as necessary, by the Conflict of Interest Committee, discussed *infra*, to determine if an individual has an Institutional Conflict of Interest or the appearance of an Institutional Conflict of Interest. If a Conflict is identified, the Committee may determine that the Conflict can be managed through an appropriate Management Plan. If the Committee determines that the Conflict cannot be managed, then it shall recommend steps to resolve the Conflict.

7.8 Endorsements. A College Employee may not endorse a particular product or business. This includes any product or business and includes case studies completed by a vendor. A commercial endorsement of a product or business is only permissible when it results in an overriding public benefit. Sponsorship agreements entered into on behalf of the College are deemed to have an overriding public benefit within the meaning of the Ethics Act.

7.9 Dual Compensation. No College Employee may receive compensation from two sources of state, county, or municipal government for working the same hours, except under certain limited circumstances. However, Faculty and Non-Classified Staff can engage in an outside Consulting Arrangement with a state, county, or municipal government as long as the individuals comply with all of the requirements within Section 7 of this Rule in doing so.

4.8 Other Conflicts of Interest

8.1 To the extent a College employee develops a real or perceived Conflict of Interest that is not expressly covered by this Rule, the College Employee must disclose this Conflict to their immediate supervisor within thirty (30) days of the development of the Conflict.

8.2 The College employee's supervisor shall report the disclosed Conflict of Interest to (insert title(s) of employee(s)) to develop with the supervisor an appropriate Management Plan. At

the discretion of (insert title(s) of employee(s)) , an employee's Conflict may by referred to the College Conflict of Interest Committee for review and determination.

8.3 The Employee may request that the College Conflict of Interest Committee review the initial decision of the Conflict by Talent & Culture or the Provost's Office. The Committee shall then review Employee's Conflict and make a final determination on whether a Conflict exists, whether such a Conflict can be managed, or whether the proposed Management Plan is appropriate. If the Committee determines that the Conflict cannot be managed, then it shall recommend steps to resolve the Conflict.

8.4 College Employees are required to fully comply with all disclosure requirements of third parties for any activity that requires a disclosure of a Conflict of Interest. Such disclosures may be required when engaging in various activities, including but not limited to seeking research grants, participating in speaking engagements, or contributing to a publication.

8.5 Conflict of Interest Committee~~Committee [KM1].~~

8.5.1 The President shall establish and appoint a Conflict of Interest Committee to ensure the appropriate implementation and execution of this Rule. The members of the Committee should include, but are not limited to, representatives from the Provost's Office, Strategic Initiatives Office, Research Office, and Health Sciences Center; two Faculty representatives appointed by the Provost in consultation with the Faculty Senate Executive Committee; and with advice from the Office of General Counsel.

8.5.2 Members of the Conflict of Interest Committee are prohibited from participating in a review of their own Conflict of Interest disclosure form.

8.5.3 The Conflict of Interest Committee shall act as a board of review for issues related to an Employee's Conflicts of Interest and Commitment or the Appearance of Conflicts of Interest and Commitment. Decisions of the Committee are final and must be made within a reasonable amount of time after an issue has been presented to the Committee.

4.9 Approval of New Outside Consulting Arrangements.

9.1 Prior to agreeing to any outside Consulting Arrangement, an individual must submit a Consulting Arrangement Approval Form to the Vice President of their Unit. If an individual reports directly to the President, the President must approve the Form. The individual must fully complete the required Form and provide other reasonable information to the Vice President or President upon request. At minimum, the Form must include a description of the Consulting Arrangement, entity with whom the arrangement is with, and the anticipated time commitment for the arrangement. The individual must certify that the information contained within the Form is complete and accurate.\

9.2 Upon review, Vice President, or President shall determine if the request is appropriate, does not constitute a Conflict of Commitment or create a Conflict of Interest, and abides by the guidelines provided within this policy.

9.3 Should a Vice President, or President deny a request for an outside Consulting Arrangement, the individual may request that decision be reviewed by the College's Conflict of Interest Committee for a final determination. The final determination of the Conflict of Interest Committee cannot be appealed.

9.4 **Annual Disclosure of Outside Consulting Arrangements.** All Faculty and Non-Classified Staff who have engaged in outside Consulting Arrangements within the past fiscal year (i.e., July 1 to June 30) must submit a Consulting Arrangement Annual Disclosure Form to the individual's Vice President by August 31 each year. The individual must sign and certify the Form as accurate and complete. This Form must, at minimum, summarize all Consulting Arrangements that the individual has participated in within the last calendar year providing for each arrangement individually, a brief description of the arrangement, the entity whom the arrangement is with, and the total time committed within the term of their yearly appointment.

9.5 Compliance with this Rule does not relieve any College Employee of their obligation to comply with all other professional disclosure requirements.

4.10 Additional Permissible Activity.

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10.1- Unless otherwise prohibited by the Board of Governors, no activity permitted under the West Virginia Ethics Act shall be deemed to be a violation of this policy.

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10.2- Unless otherwise prohibited or restricted by the Board of Governors, no activity approved, permitted or exempted by the West Virginia Ethics Commission shall be deemed to be a violation of this policy.

4.711. President.

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11.1. The Chair of the Glenville State College Board of Governors shall have the authority to review and grant approval of those activities of the president which may involve a conflict of interest pursuant to this policy.

4.12 Delegation.

12.1 The Board of Governors delegates to the President the authority to adopt additional internal policies and procedures to effectuate the implementation of this Board of Governors policy. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this policy.

12.2 The Board of Governors specifically delegates the authority to the President or President's designee to update any website links contained within this policy without going through the Board's formal rulemaking procedures.

4.13 Conflicts

13.1 ~~If~~ [KM2] if any provision of this policy conflicts with any mandatory provisions of West Virginia Higher Education Policy Commission Procedural Rule, Title 133, Series 31 or any successor rules, the Procedural Rule will take precedence.

Approvals:

President _____

Chair of the Board _____