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## Conflict of Interest Policy

Recognizing, disclosing, and managing employee conflicts of interest is a crucial part of maintaining integrity on campus and reinforcing a culture of professionalism and the proper use of university resources. This policy provides guidance for all part-time, full-time, and student employees for identifying conflicts of interest and establishes the process for disclosing and managing them. It also reaffirms that university employment is the primary work commitment of full-time university employees and describes the appropriate use of university resources made available through sacred tithing funds.

Financial conflicts of interest in sponsored research are also subject to the [Financial Conflict of Interest in Sponsored Research Policy](#).

### Definitions

*Conflict of Interest* or *Conflict* means a situation where a personal interest of a university employee (financial, relationship, or otherwise) is inconsistent with, interferes with, compromises, or *could* compromise the best interests of the university.

*Incidental Use* means occasional or infrequent personal use that results in little or no cost to the university.

*Outside Activities* means Secondary Employment; service on advisory, corporate (nonprofit and for-profit), and public boards or commissions; or activities that require a consistent expenditure of time during work hours and that are unrelated to an employee's university responsibilities. Outside Activities may constitute a Conflict of Interest.

*Related Party* means an employee's immediate family (spouse, parent, child, sibling, and corresponding in-law or step-relation), grandparent, aunt, uncle, and first cousin. Related Party also includes corporations and other business entities in which an employee has an ownership interest that exceeds 10 percent.

*Secondary Employment* means any employment or work, including self-employment, other than an employee's primary position at the university. Examples of Secondary Employment include after-hours employment with another employer, consulting, operating a part-time business or other entrepreneurial pursuits, clinical practice, performances, seminars and workshops, private instruction provided on or off campus, positions at other Church Educational System (CES) institutions, or a second position at BYU.

### Prohibited Conflicts of Interest

The following Conflicts of Interest are prohibited for all university employees because they are so significant that they cannot be managed in ways that protect the interests of the university.



- Negotiating, influencing, or attempting to influence the negotiations of contracts or agreements between the university and a third party for the benefit of the employee or a Related Party (see [Employee-Vendor Policy](#)).
- Using non-public information acquired in connection with university business (e.g., confidential personal records, knowledge of forthcoming programs, site selections, and contractor selection) for the benefit of the employee or a Related Party or other unauthorized purposes before public announcements.
- Using a university position to obtain personal or Related Party privileges or benefits from persons or firms outside the university or from the university itself that are not available to all similarly situated employees (see [Business Gifts and Entertainment Policy](#), [Meals and Hosting Policy](#), [Nepotism Policy](#), and [Travel Policy](#)).
- Voluntarily testifying in a legal proceeding as an expert witness adverse to the university, its affiliated sponsor, The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ), or other entities that are affiliated with, owned by, or controlled by the Church of Jesus Christ, including other CES institutions. University employees are not precluded in any way from testifying as lay witnesses.
- Unauthorized personal or commercial use of confidential or proprietary information, trade secrets, or intellectual property that are developed within the scope of employment or otherwise owned by the university (see [Intellectual Property Policy](#)).

### **Disclosure, Management, and Review of Conflicts of Interest and Outside Activities**

Because an Outside Activity may constitute a Conflict of Interest, employees must disclose both Outside Activities and Conflicts of Interest to their department chair or supervisor. New employees must make these disclosures at the time of hire. Current employees must disclose Outside Activities before engaging in the Outside Activity. Current employees must also disclose Conflicts when they arise or when the employee becomes aware of the Conflict. Thereafter, employees are required to disclose all Outside Activities and Conflicts of Interest annually.

Conflicts of Interest, including Outside Activities that create a Conflict of Interest, should be managed according to the subsections below with the goal of assisting employees to build professional careers consistent with employment expectations. If an employee and the employee's department chair or supervisor are unable to agree on a plan to resolve or manage a Conflict of Interest, the matter will be referred to the next level of management for resolution.



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**Faculty**

Full-time faculty members must disclose potential Conflicts, current Conflicts, and Outside Activities using the Faculty Outside Activities Form in the Annual Review section of the Faculty Profile System. The full-time faculty member and department chair meet annually in conjunction with the annual performance review (described in the [Faculty Performance Annual Reviews Policy](#)) to discuss Outside Activities and evaluate the potential for Conflicts of Interest. Chairs should understand these faculty members' work assignments and factors relevant to Conflicts and Outside Activities. If a Conflict is identified, the employee and chair collaborate to develop a written plan describing how the Conflict will be reduced, eliminated, or appropriately managed. The plan is submitted through the Faculty Profile System, and copies are sent to the dean and the associate academic vice president – faculty development for approval. If any concerns are noted, the chair may be directed to create a revised plan with the employee.

When evaluating a Conflict or a potential Conflict, chairs should consider time commitment and productivity factors related to teaching, scholarship, and citizenship. Faculty members are expected to be accessible to students, both by keeping regular office hours and by being available in person at other times on campus. Department chairs should not approve activities they believe would unduly limit a faculty member's availability to students or compromise a faculty member's teaching, scholarship, or citizenship performance.

Faculty service on editorial boards related to the faculty member's area of scholarship is likely not a Conflict of Interest but still requires disclosure.

**Adjunct Faculty**

Adjunct faculty disclose Conflicts and Outside Activities, with the exception of Secondary Employment, to their department chair. Chairs should understand their adjuncts' assignments and factors relevant to Conflicts. If a Conflict is identified, the part-time faculty member and chair collaborate to develop a written plan describing how the Conflict will be reduced, eliminated, or appropriately managed.

**Administrative and Staff Employees**

Activities that require written authorization, as described in the *Secondary Employment Requiring Authorization* section below, must be disclosed as they arise, and written authorization obtained before the proposed activity is initiated.

Administrative and staff employees disclose Conflicts and Outside Activities using the Performance and Development Plan (PDP) system. The employee and supervisor discuss Outside Activities and evaluate the potential for Conflicts of Interest in conjunction with their annual PDP meeting. Supervisors should understand their employees' work assignments and factors relevant to Conflicts and Outside Activities. If a Conflict is identified, the employee and



supervisor collaborate to develop a written plan describing how the Conflict will be reduced, eliminated, or appropriately managed. The plan is submitted with the PDP, and copies are sent to the next level of management for approval. If any concerns are noted, the supervisor may be directed to create a revised plan with the employee.

### ***Part-Time Employees and Student Employees***

Part-time employees and student employees disclose Conflicts and Outside Activities to their supervisors. As described in the Secondary Employment section below, students are not required to disclose Secondary Employment. Supervisors should understand their employees' work assignments and factors relevant to Outside Activities and Conflicts. If a Conflict is identified, the employee and supervisor collaborate to develop a written plan describing how the Conflict will be reduced, eliminated, or appropriately managed.

### **Primary Employment Commitment**

A minimum time commitment is a basic element in any employee's obligation to BYU. For full-time administrative and staff employees, that minimum is 40 hours per week, except for limited cases permitted by the university and documented in writing.

### **Secondary Employment**

Full- and part-time employees are required to disclose Secondary Employment because there is a high potential for a Conflict. Adjunct faculty are not required to disclose Secondary Employment. Student employees are required to disclose Secondary Employment only when employed by more than one university department or when simultaneously conducting research on the same issue for BYU and a third-party.

When evaluating Conflicts of Interest relating to Secondary Employment, an employee and the employee's department chair or supervisor should consider the degree to which the Secondary Employment materially conflicts with the employee's obligation to the university, as well as the requirements of the [Part-Time One Employer Policy](#).

Secondary Employment involving endorsements or the employee's affiliation with the university is subject to the [Advertising, Selling, Soliciting Policy](#). Employees may not use university-provided personal information for students and employees, including contact information, to promote their Secondary Employment.

Employees who pursue Secondary Employment that interferes with the commitment of primary professional responsibility to the university may request a personal leave or a salary reduction as a temporary solution. All leave or salary changes require approval by the associate academic vice president – faculty development (for faculty) or the assistant administrative vice president – human resource services (for administrative and staff employees).



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### ***Secondary Employment Requiring Authorization***

In addition to making all disclosures required by this policy, a full-time employee must receive written authorization from the employee's department chair or supervisor to:

- maintain an off-campus office to conduct work-related responsibilities, other than in an employee's home or a location approved in a Remote Work Agreement (See [Remote Work Policy](#))
- teach or provide instructional or administrative services for other educational institutions
- work for another unit of the university, another CES institution, or the Church of Jesus Christ if it would result in more than full-time employment
- operate a business, serve as an officer (in title or in fact) of a business, or maintain employment with a business that requires attention during the employee's assigned work hours
- provide consulting services

### ***Extent of Permissible Secondary Employment for Full-Time Faculty Members***

The university sets time limitations on Secondary Employment for full-time faculty members. Unless otherwise provided by contract, a faculty member may (with prior written approval of the department chair) spend up to four days per month on Secondary Employment while under contract. If these approved activities are carried out during the workweek (Monday–Friday), there is an inherent expectation that the faculty member will not forego core functions of their faculty duties and will devote equivalent time on adjacent weekends and/or in the evenings to compensate for time away from their faculty responsibilities.

### **Allocation of Employee Time**

Other than work performed in connection with university citizenship expectations or university-sponsored activities or responsibilities described in an employee's job description, a department chair or supervisor should not ask an employee to perform tasks or services for charitable institutions or commercial entities.

### **Church and Charitable Service**

Employees' Church and charitable service should be reserved for non-work hours, except for university-sponsored opportunities like the United Way's Day of Caring. Employees may elect to use vacation hours to perform Church callings or other types of charitable work. In general, the Church of Jesus Christ's sponsorship of the university does not warrant using university time,



equipment, or facilities for Church or other types of charitable service. At the same time, the university is sympathetic to the need for some flexibility. Employees should not normally use an office or workstation for Church business during working hours. Activities that would not ordinarily create a Conflict of Interest include using an office during off-duty hours and occasionally attending to urgent Church business during regular hours if it cannot wait for off-duty hours. Special circumstances should be discussed with an employee's department chair or supervisor.

### **Use of University Resources**

Incidental Use of university property and equipment is generally permissible when it does not conflict with normal university activities. Non-incident use of university property and equipment, including the use of consumable supplies (e.g., copy machines and postage), requires prior written authorization from the employee's department chair or supervisor, which should provide for adequate reimbursement to the university. Some proposed personal uses may be so extensive or substantial that neither authorization nor reimbursement can make the use appropriate. If applicable, employees must follow department procedures that address the specific use of department-controlled university property and equipment.

Use of university vehicles is subject to the [University Vehicle Policy](#). Use of university information technology resources is subject to the [Appropriate Use of Information Technology Resources Policy](#).

### **Gifts and Donations**

Gifts received by employees are subject to the university's [Business Gifts and Entertainment Policy](#). Employees may not solicit donations from university vendors on behalf of families, wards and stakes of the Church of Jesus Christ, or other charitable organizations unless authorized to do so under the [University Fund Raising Policy](#). Monetary donations and non-monetary donations of university property and equipment are subject to the [Surplus Property Policy](#).

### **Running for Public Office and Working on Political Campaigns**

Employees are subject to the [Political Neutrality Policy](#).

### **Jury Duty and National Guard Service**

Employees called to jury duty or to serve in the National Guard are subject to the [Administrative and Staff Employee Leaves Policy](#) or the [Faculty Leaves Policy](#).



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## Resources and Training

[Human Resource Services](#) (for administrative, staff, and student employees) and the AAVP – Faculty Development (for faculty members) assist with Conflict of Interest questions, discussions, and disclosures.

**APPROVED:** 14 Nov 2022

**PRIOR VERSION:** 26 Jan 2004

**APPLICABILITY:** This policy applies to all university employees (full- and part-time faculty, staff, and students).

**POLICY OWNER:** Academic Vice President, Administration Vice President and CFO, Assistant to the President and General Counsel

**RESPONSIBLE OFFICE:** Human Resource Services, Office of the Associate Academic Vice President – Faculty Development, Integrity and Compliance Office

### RELATED POLICIES:

- [Appropriate Use of Information Technology Resources Policy](#)
- [Advertising, Selling, Soliciting Policy](#)
- [Business Gifts and Entertainment Policy](#)
- [Cooperation with the Church of Jesus Christ of Latter-day Saints Policy](#)
- [Correspondence with General Authorities, Other Church Leaders, Members or Employees Policy](#)
- [Employee-Vendor Policy](#)
- [Expectations of a Faculty Appointment Policy](#)
- [Faculty Leaves Policy](#)
- [Faculty Performance Annual Reviews Policy](#)
- [Financial Conflict of Interest in Sponsored Research Policy](#)
- [Independent Contractors Policy](#)
- [Intellectual Property Policy](#)
- [Meals and Hosting Policy](#)
- [Nepotism Policy](#)
- [Political Neutrality Policy](#)
- [Remote Work Policy](#)
- [Required Texts and Instructional Materials Policy](#)
- [Supplemental Compensation for Administrative Employees Policy](#)



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- [Supplemental Compensation for Faculty Policy](#)
  - [Supplemental Research Compensation for Externally Sponsored Work](#)
  - [Surplus Property Policy](#)
  - [Travel Policy](#)
  - [University Fund Raising Policy](#)
  - [University Vehicle Policy](#)
  - [Volunteer Policy](#)