

NMSU Conflict of Interest

NMSU Administrative Rules and Procedures pertaining to Conflict of Interest and Conflict of Commitment, specifically Rule 3: 3.00, 3.02, 3.11, and 3.13, apply to all employees at the university.

Conflict of Interest Situations

The table below provides examples of conflict of interest situations that should be disclosed; however, these examples do not encompass all possible COI/COC circumstances that could may be encountered.

Participating in activities or providing services to an outside entity, with or without compensation, when the entity has interests that materially conflict with those of the NMSU. 	Providing services to an outside entity when the services conflict with your job responsibilities with NMSU. 	Accepting inappropriate gifts or entertainment from vendors/ outside entities (e.g. event tickets, golf outings). 
Renting property to someone you supervise or manage.	Encouraging NMSU to participate in a transaction involving a family member when you have influence or are involved in the final outcome of the selection process. During contract negotiations with a vendor using your influence to encourage the vendor selection team to enter into a contract with a family member or personal friend.	Accepting cash or cash equivalents from vendors that conduct business with NMSU.
Using confidential or proprietary information for personal benefit		Accepting tickets to sporting events, concerts, or performances.
Using NMSU resources for personal gain.		Accepting gifts, favors, or loans from persons who do business with NMSU.
Contracting or providing services to a competing institution.		

Requirement for Disclosure

It is the responsibility of employees to report any real, apparent or potential conflict of interest or commitment to their supervisors. The primary means of doing this is through the completion of the Conflict of Interest (COI) Disclosure Form upon hire and on an annual basis, with disclosure updates submitted on the basis of changes in circumstance.

The following is a timetable of when applicable disclosures are due:

- Initial hire to NMSU
 - All new employees are required to submit a COI form upon hire.
- Annual Disclosures (COI forms) are required by each employee for applicable external activities.
 - COI forms are filed on an annual basis, typically in September of each year.
- If your situation changes
 - Any change in circumstance that is a conflict of interest or that might occur such as marriage,

Conflict of Interest Decision Tree

This decision tree is designed to assist you in determining if you have a conflict of interest and/or conflict of commitment as it pertains to your employment with the university and should be disclosed.

Step 1 - Key Questions

1. Is this activity or arrangement a conflict of interest/conflict of commitment or could it be perceived as such?
2. Is this business, in which I am a board appointee, in a contractual relationship with NMSU?
3. Is there a significant financial interest involving outside activities that poses a conflict of interest?
4. Is there a consensual or familial relationship with any NMSU employee?
5. Does the transaction or arrangement create an appearance of a conflict?
6. Is there involvement in a sponsored activity?

If **No** to all of these Key Questions it is not likely a conflict.

If **Yes** to any of these Key Questions it is likely there is a conflict



Step 2 – Disclosure

All employees must fill out the conflict of interest form regardless of an actual/perceived conflict of interest.



Step 3 – Decision

For those employees who answer Yes to any question on the conflict of interest form, the immediate supervisor must make a determination whether a conflict of interest or conflict of commitment exists.

If **No**, immediate supervisor must make necessary comments indicating there is no conflict on the COI form and continue through final submission.

If **Yes**, immediate supervisor must comment whether or not a conflict exists and if so, should proceed with documenting a management plan and proceed to Step 4.



Step 4 – Management Plan

For situations in which there is a conflict of interest that can be managed, the immediate supervisor must consult with the next level supervisor and appropriate administrators to discuss how the conflict can be managed and document the plan in writing.

Conflicts that arise from sponsored activities must be communicated to Vice President for Research Office for review and resolution.



Step 5 – Final Actions

The management plan should be communicated to the employee(s) and acknowledged by immediate supervisor and employee signatures. The management plan should be kept in the employee department file with a copy to the Employee and Labor Relations Office.

If the conflict cannot be managed, immediate supervisor should contact Employee and Labor Relations for further guidance.