



The American University of Kurdistan Policy of Conflict of Interest & Commitment

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I. INTRODUCTION

- a. **Authority:** The Board of Trustees (herein referred to as “Board”) at The American University of Kurdistan (herein referred to as “AUK” or “University”) is authorized to establish rules and regulations to govern and operate the University and its programs.
- b. **Purpose:** AUK upholds this policy to ensure that all employees (faculty and staff) serve the interests of the University, and have a duty to avoid activities and situations that, either actually or potentially, put personal interests ahead of the professional obligations that they owe to the University. It is to ensure that all AUK employees, when making decisions on behalf of the University, disclose and manage any conflict of interest and commitment they may have and act in a manner consistent with their responsibilities to the University and the stakeholders.
- c. **Scope:** This Policy applies to all AUK’s faculty and staff members no matter whether on full-time, part-time, or temporary employment contracts.

II. ROLES AND RESPONSIBILITIES

- a. **Responsible Executive:** Vice President for Administration and Finance
- b. **Responsible Administrator:** Legal Counsel
- c. **Responsible Office:** Legal Office
- d. **Policy Contact:** Legal Counsel

III. DEFINITION

Conflict of Interest

A potential conflict of interest exists whenever personal, professional, commercial, or financial interests or activities outside of the University have the possibility of (1) compromising a faculty or staff member's judgment; (2) biasing the nature or direction of scholarly research; (3) influencing a faculty or staff member's decision or behavior with respect to teaching and student affairs, appointments and promotions, uses of University resources, interactions with human subjects, or other matters of interest to the University; or (4) resulting in a personal or family member's gain or advancement at the expense of the University.

Conflict of Commitment

A potential conflict of commitment exists when a faculty or staff member's external relationships or activities have the possibility of interfering or competing with the University's educational, research, or service missions, or with that individual's ability or willingness to perform the full range of responsibilities associated with his or her position at AUK.

Family Member

The spouse and children (both dependent and non-dependent) of a person are covered by this Policy.

The Conflict of Interest Committee (Committee)

AUK's Committee comprised of the Provost, Legal Counsel, the Director of Human Resources, and the Director of Finance reviews and evaluates conflict of interest disclosures and situations, determines whether a conflict of interest exists, and advises on what actions may be required to manage, reduce, or eliminate an employee's conflict of interest.

IV. POLICY STATEMENT

The University is committed to ensuring that all its employees conduct the affairs of the University in accordance with the highest legal, ethical, and moral standards. No AUK employees shall use their university position to secure personal financial benefits for themselves or any member(s) of their immediate family. It is the policy of AUK that conflicts of interest and commitment should be avoided wherever possible, or otherwise, disclosed and managed.

The University may approve employees' involvement in professional organizations, panels, advisory commissions, and government, charitable, and community organizations. However, such involvement should not become so dominant that employees no longer effectively satisfy their responsibilities to AUK and stakeholders.

V. POLICY PRINCIPLES

The guiding principles for the identification and management of conflicts of interest are:

- Employees acting on behalf of the University must be seen at all times to behave in an impartial and transparent manner;
- It is important to understand that the existence of a conflict of interest and commitment does not necessarily imply wrongdoing on the part of an employee. However, any interests which could give rise to a conflict of interest must be disclosed;
- Employees need to be alert to situations in which they, or the people that they manage or supervise, may have a conflict of interest and ensure that the situation is recognized and handled appropriately;
- Conflicts of interest and commitment must be dealt with quickly and transparently; and
- An employee who has a direct or indirect financial interest in the matter being considered must not take part in any decision about the matter.

VI. CONFLICT OF INTEREST

- Employees should avoid situations where the self-interests of the employee diverge from the best interests of the University.
- The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated. All actual and potential conflicts of interest must be disclosed and evaluated by the Committee.
- In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee allowing his/her personal interests, and not the best interests of AUK, to affect that employee's judgment. This list is illustrative rather than exhaustive.

1. Self-Dealing

The possibility of a self-dealing conflict typically occurs when an employee has a personal interest in a transaction to which the University is a party coupled with some degree of influence or control over the outcome. In such an instance, since the employee may derive a private or personal benefit from the transaction, the employee is vulnerable to the charge that his or her influence within the University might be used to advance this private interest or benefit. For example:

- The University purchases from businesses in which an employee has a financial interest. Employees shall not be involved in bidding on, selling, or offering to sell, any merchandise, equipment, material, or similar commodity to the University without disclosing the conflict to the University.
- Use of educational materials from which a faculty member derives financial benefit. A faculty member who wishes to use in his/her teaching activities educational materials (i.e., a textbook) that he/she has authored, or in which he/she otherwise stands to benefit financially from such use, has a conflict of interest that must be managed. The faculty member shall make complete and submit the Conflict of Interest Disclosure Form along with the Conflict of Interest Checklist to the Department Chair and Dean.
- An employee seeks to purchase a property (real or personal) that the University has offered for sale to the general public without disclosing the intended purchase to the University and obtaining the University's prior written approval.

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- AUK's employees should not engage in direct competition with the University either personally or through an entity in which they have a substantial interest. For example, such a circumstance may arise when an individual solicits a research award for which the University is a competitor or would have been a competitor had the individual properly acted as an employee/agent of the University. In order to avoid such potential conflicts, the individual should consult the appropriate dean or department head.

2. Employee or Immediate Family Member

A potential conflict of interest exists when an employee or immediate family member owns, in whole or in part, a business entity with which the University does or proposes to do business, and the employee is in a decision-making role, or otherwise is in a position to influence the University's business decisions regarding the business entity. Business entity examples for which an employee disclosure is required:

- Educational services (tutoring, workshops, trainings)
- Finance or accounting services
- Consulting
- Counseling
- Catering
- PC or other hardware services
- Programming
- Architectural services
- Legal services
- Grant preparation
- Temporary personnel services
- Office or lab supplies
- Athletic equipment services
- Construction

3. Acceptance of Gifts, Gratuities, or Favors

No employee shall knowingly solicit or accept, directly or indirectly, on behalf of himself/herself, for personal use or consumption, any gift, including, but not limited to, any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee, or any other thing of monetary value from any person or entity that:

- Has, or is seeking to obtain, contractual or other business or financial relations with the University in which the individual is employed; or
- Has interests that may be substantially affected by the performance or nonperformance of the employee.

4. Inappropriate Use of Students

AUK's employees shall ensure that the activities of students are not exploited for the benefit of any non-University related activity of the faculty or staff member. Prior to assigning any such non-AUK related task or a task not directly related to the employee's job duties to a student, an employee shall disclose such proposed activities and obtain approval through his/her Department Chair, Dean, Provost, Office of Student Affairs, supervisor, or the Office of Human Resources. Under no

circumstances shall students be used to perform personal activities for the faculty or staff member.

5. Inappropriate Use of the University Owned Resources.

All Employees may not make significant use of the University facilities, equipment, materials, or other resources in the course of activities that are not related to AUK, without prior disclosure and approval. Employees making more than incidental or de minimis use of University-owned resources must reimburse AUK for such use at a fair market rental rate to be established by the University's Legal Counsel at the time of the request or discovery of such use. Employees may also be subject a disciplinary action consistent with the Employee Code of Conduct for inappropriate use of the University-owned resources.

6. Failure to Disclose Intellectual Property

Regarding intellectual property developed during the term of employees' affiliation with AUK, employees are obligated for the disclosure of inventions and those copyrightable works that they have jointly or solely developed or created during their affiliation with AUK. The author/inventor has the responsibility to provide disclosures pursuant to this policy.

7. Inappropriate Use of Confidential Information

A conflict may occur between an employee's obligations to the University and his or her personal interests where there could be a misuse of privileged information for private gain. This conflict arises, for example, where an employee uses confidential information acquired in connection with his or her University-related activities for personal gain or for other unauthorized purposes. The employee who transmits to others outside the legitimate University circle confidential information obtained in the course of University-sponsored activities is in breach of the AUK's Employee Code of Conduct.

VII. CONFLICT OF COMMITMENT

The primary work-related commitment of an employee's time and energy should be to the University. Employees should avoid external commitments that significantly interfere with his/her performance of, or impair his/her independence of, judgment in the performance of the employee's duties to AUK. Disclosures of conflicts of commitment shall be made as required in this policy and be evaluated by the Committee consistent with this policy. For example:

- A faculty is not permitted to take on a regular teaching assignment in another educational institution during the academic year except with the special permission of the Provost on the assurance of the Department Chair to the Dean that such employment will not impair the instructional offerings of the department.
- An employee should not accept a regular and continuing position with significant responsibilities for the management of an outside commercial enterprise that would impair the staff's ability to fulfill his or her obligations to the University without appropriate approvals from the University.

VIII. EMPLOYEE RESPONSIBILITIES

1. AUK's employees shall not engage in the prohibited activities listed above. Employees shall disclose a conflict of interest and commitment:
 - As soon as the employee knows of the conflict, and then annually thereafter for as long as the conflict continues to exist
 - In writing on the University's Conflict of Interest Disclosure Form
 - To the Legal Office and/or the Office of Human Resources.
2. Employees shall avoid any involvement with all related university activities and decisions until the Committee evaluates and approves the reported conflict of interest.
3. If there is any question whatsoever about an external activity representing a conflict of interest, then the employee should consult with the Legal Office.

IX. CONFLICT OF INTEREST DISCLOSURE REQUIREMENTS

The University strongly encourages its employees to disclose their outside commitments on a regular basis. Allowing a conflict of interest to exist without being addressed and managed in an appropriate manner is a serious violation of an employee's duty to the University and the AUK's Employee Code of Conduct Policy.

- This Policy will be referenced to all new employees upon employment. Upon reading the policy, the employee shall complete the **Conflict of Interest Disclosure Form** and submit it to the Legal Office and/or Office of Human Resources within thirty (30) days of employment.
- All employees will annually receive the **Conflict of Interest Disclosure Form**. Employees must disclose the facts and circumstances surrounding a situation that might involve a conflict of interest and commitment, including the nature and extent of their financial interest(s) in any entity that does business with AUK.
- At any time throughout the year, if an employee feels that a potential conflict of interest and commitment has developed since the annual report, the employee is responsible for completing and submitting an updated **Conflict of Interest Disclosure Form**.
- Faculty utilizing their authored books or published works in a course(s) they teach, must additionally complete the **Conflict of Interest Checklist**.

X. REVIEW OF DISCLOSURES

- Employee-made disclosures shall be reviewed and evaluated by the Committee.
- The Committee will evaluate conflict of interest disclosures and situations, determine whether a conflict of interest exists, and advise on what actions may be required to manage, reduce, or eliminate an employee's conflict of interest.
- The Committee is permitted to make a determination that the conflict is de minimis and is permitted to continue; to place restrictions on the employee to manage the conflict; or, to instruct the employee to eliminate the conflict.
- The Committee will provide the employee with its decision in writing.

XI. SANCTIONS

Violations of this policy are considered by the University to be misconduct on the part of a faculty or staff member and may be subject to institutional sanctions up to and including termination of appointment in accordance with applicable disciplinary procedures and the University's Employee Code of Conduct Policy. Violations include but are not limited to situations in which:

- An employee knows of a situation that places him/her in a potential or actual conflict of interest or conflict of commitment but fails to disclose it fully, according to Policy; and
- An employee discloses a potential or actual conflict of interest or commitment but fails to abide fully by the required plan and restrictions imposed by the Committee for avoiding or managing the conflict.

XII. APPEAL

- An employee may appeal the Committee's findings by filing an appeal with the AUK's President within **(10) ten days**, absent good cause, of receipt of the Committee's decision.
- The AUK's President shall notify the employee in writing of his decision within **(10) ten days**, absent good cause.
- The President's decision shall be **final and binding**.

XIII. POLICY HISTORY

- a. **Approved by:** Board of Trustees
- b. **Adopted:** May 28, 2023



Conflict of Interest Disclosure Form

The Employee shall devote all of his/her time, knowledge, and skills exclusively to the interests of AUK. The Employee shall not, during the term of his/her employment, be interested directly or indirectly in being a partner, officer, director, advisor, employee, or serving in any capacity in another organization or institution. The Employee shall fully disclose to AUK any other employment relationships, and s/he is not permitted to seek other employment without the AUK's prior written acceptance.

A "conflict of interest" refers to any current professional, financial or other interest which could: i) impair the Employee's objectivity in carrying out his/her duties and responsibilities for AUK, or ii) create an unfair advantage for any person or organization. Circumstances that could lead a reasonable person to question an individual's objectivity, or whether an unfair advantage has been created, constitute a potential conflict of interest. These potential conflicts are subject to disclosure. Also, the Employee should disclose any personal, family business, or volunteer affiliations that may give rise to a real or apparent conflict of interest.

Employee's Name: _____

Position: _____

Date: _____

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1. Please describe below any relationships or positions you hold, or circumstances that you believe could contribute to a conflict of interest. *(Please note that you must specify non-profit and for-profit boards you and your spouse sit on, any for-profit businesses for which you or an immediate family member are director or manager, and the name of your employer and any businesses you or your family members own).*

2. If as of the date of accepting employment at AUK, you severed all your ties to prior or existing relationships that would have constituted a conflict of interest, then you **MUST** provide documentation that the conflict of interest no longer exists.
3. _____ I have not conflict of interest to report.

I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Employee's Signature _____ Date _____



**The American University of Kurdistan
Conflict of Interest Checklist**

Corresponding Policy: Conflict of Interest and Commitment

EDUCATIONAL MATERIALS WRITTEN OR AUTHORED BY FACULTY

For Faculty wishing to utilize their authored and published works in a course they teach, please follow the instructions outlined in this Conflict of Interest Checklist.

Conflict of Interest Checklist Steps

1. Complete and submit the **Conflict of Interest Disclosure Form**.
2. Ensure the Conflict of Interest Disclosure Form includes the following documentation:
 - a. Evidence/documentation supporting the use of the book;
 - b. A recommendation by the Department Chair and Dean for the use of the book;
 - c. The book's prior adoption or use in another course(s);
 - d. The availability of suitable, substitute materials, if applicable (please explain your answer and explain how your book is different from other, similar materials);
 - e. The name of the person or entity who will receive the book's financial proceeds.
 - f. The signature of your Department Chair and Dean on this Checklist.
3. Submit the **Conflict of Interest Disclosure Form and the Checklist along with the supporting documentation** to the University's Legal Office at legal.office@auk.edu.krd

Dean

Department Chair

Department/College _____