

BLACK HILLS STATE UNIVERSITY

Policy and Procedure Manual

SUBJECT: Conflict of Interest

NUMER: 4:2

Office/Contact: Human Resources

Source: [SDBOR Policy 4.9.2](#); [SDBOR Policy 4.9.4](#); [SDBOR Policy 4.9.5](#); [SDBOR Policy 4.9.1](#); [SDBOR Policy 4.9.3](#); [SDCL 5-18A-17 to 5-18A-17.6](#);

1. Purpose

This policy implements SDBOR Policies 4.9.3 (Conflict of Interest), 4.9.2 (Private Practice, Consultation, or Outside Employment), 4.9.4 (Investigator Financial Disclosure), 4.9.5 (Public Health Service Investigator Financial Disclosure), and 4.9.1 (Intellectual Property) and sets forth the process for disclosure and approval of alternative work and remote work arrangements

2. Policy

All elements of SDBOR Policy 4.9.3, 4.9.2, 4.9.4, 4.9.5, and 4.9.1 are the basis for this policy and shall be considered in concert with the following BHSU procedures.

3. Procedures

a. Conflicts of Interest

- i. All professional employees shall certify compliance with SDBOR Policy 4.9.3 and the applicable sections of this policy annually at the time of contract, and on a continuing basis disclose within thirty (30) days of any real or perceived change in their conflicts of interest status.
- ii. The Office of Human Resources, will distribute the *SDBOR Conflict of Interest Form* electronically, and employees will submit the completed form. The form will be sent out at the start of the Fall semester.
- iii. The employee's department head or unit supervisor and subsequently, Human Resources will review the *SDBOR Conflicts of Interest Form* to determine whether there is a conflict that requires further information. The

Director for Human Resources, or designee, will contact the University President for instances when it is surmised that a conflict may require additional information, management, or curtailment. The University President, or designee, will review the information, request additional information, and develop a management plan or direct curtailment in accordance with this policy and its procedures.

- iv. Completed forms and instructions shall be maintained in the 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. Prior Approval of Private Practice, Private Consulting, and 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. (Contact HR for the form)
- ii. The Department Head or unit supervisor will: 1) review the request; 2) recommend approval or denial; and 3) forward the request to the appropriate Dean or Director, and then Vice President for approval or denial.
- iii. The applicable Vice President will: 1) review the request; 2) approve or deny the request; and 3) forward the request to Human Resources.
- iv. Human Resources will monitor the conflicts, maintain appropriate personnel documentation, and notify the requesting employee of approval or denial.
- v. Upon approval of the outside activity, the employee must update their *SDBOR Conflicts of Interest Form* within thirty (30) days and abide by any agreed plans to manage conflicts of interest and commitment.

c. Conflict Management Plans

- i. Should it be determined that a conflict or potential conflict exists, a management plan shall be created that includes:
 1. The name and role of the employee on the project;
 2. A description of the external relationship(s) with which the employee has a potential or actual conflict;
 3. The specific nature of the conflict;
 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 Human Resources, and for reporting updates or necessary changes to the plan.
 - ii. Such plans will be developed through the guidance of Human Resources 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 President, or designee, in conformity with this policy and SDBOR Policy 4.9.3.
 - iii. If the conflict is found to be unmanageable, or becomes unmanageable or otherwise unacceptable to the University, the employee may be directed to modify or curtail the outside activity as described in §3(e).
- d. Investigator Financial Disclosure

- i. Employees required to make Investigator Financial Disclosures or Public Health Service Investigator Financial Disclosures will submit disclosures to Human Resources for review and cooperate in conformity with [SDBOR policy 4.9.4](#).
- ii. Where the University President, or designee, believes there is a violation of or departure from these policies, they will provide written notice to the employee, meet with the employee within ten (10) working days to discuss the factual basis, and provide written notice of required actions within five (5) days of that meeting. Employees must comply with the directives given.
- iii. Employees have the right to appeal the decision. Should any determination give rise to a grievance please refer to SDBOR policies regarding grievance procedures.
 - 1. [CSA Classification Appeals/General CSA Grievance Procedures](#)
 - 2. [Non-Faculty Exempt Employment Provisions](#)
 - 3. [Grievance Faculty](#)
- e. Outside Business Endeavors Curtailment
 - i. The University President, or designee, may direct professional employees to curtail or to abandon outside business endeavors, or may, in their sole 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 or departed from the policies adopted herein, they shall:
 - a. Give the affected professional employee written notice of the facts and circumstances that ground such concerns and advise them of the actions that the institution will require;

- b. Meet with the affected professional employee within ten (10) working days after the initial notice was sent. The purpose of the meeting will be to discuss the factual basis for the University's concern and the actions that the University will require;
 - c. Within five (5) working days after the meeting, give the affected professional employee written notice of those actions that he or she must take in response to the institution's concerns.
 - 2. Professional employees must comply with the directives given to them.
 - ii. Insofar as any determination of the University President, or designee, might give rise to a grievance within the meaning of policies, professional employees may invoke their respective grievance procedures to challenge such determinations.
- f. Unlawful Self-Dealing by State Officers and Employees
 - i. University employees that have authority to recommend or approve contracts and agreements will disclose to the Director of Human Resources, or successor, their relationships with outside entities that coincide with the conditions described in [SDBOR Policy 4.9.3](#). The Director of Human Resources will assess the relationship for risk of non-compliance with SDCL 5-18A-17.2.
 - ii. Should it be determined that a potential conflict exists, a management plan shall be created as described in §3.c. of this policy.
 - iii. In cases that warrant authorization, the Director of Human Resources may assist the affected employee in developing a request that will be submitted to the University President. Human Resources will file granted authorizations with the commissioner of the Bureau of Human Resources and also maintain a copy of the authorization in the employee's personnel file.

4. Responsible Administrator

The Director of Human Resources is responsible for biennial and ad hoc review of this policy and annual review of procedures and duties designated herein. The University President is responsible for conflicts management as specified by SDBOR policy and approval of this policy and its procedures.

SOURCE: Adopted by President 9/10/2021. Revised 2026.02.10