

## Policy on Ethics and Conflict of Interest

Policy Title	Policy on Ethics and Conflict of Interest
Policy #	01.009.1
Policy Owner	University of Rhode Island Board of Trustees
Contact Information	Questions about this policy should be directed to University of Rhode Island General Counsel at (401) 874-4486
Approved By	University of Rhode Island Board of Trustees
Effective Date	November 5, 2021
Next Review Date	No later than December 31, 2026
Who Needs to Know About this Policy	All Employees of the University and members of the University of Rhode Island Board of Trustees
Definitions	<p><b>Business.</b> A sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law through which business for profit or not for profit is conducted.</p> <p><b>Business Associate.</b> A person joined together with another person to achieve a common financial objective.</p> <p><b>Code of Ethics.</b> For the purposes of this policy, Part I of the compilation of statutory and regulatory requirements entitled "Rhode Island Code of Ethics in Government," as set forth in regulations of the Rhode Island Ethics Commission at 520-RICR-00-00-1.</p> <p><b>Conflict of Interest.</b> A relationship, employment, or interest that is prohibited, limited, or otherwise regulated by the Rhode Island Code of Ethics and/or the terms of this policy.</p> <p><b>Covered Persons.</b> For the terms of this policy, Covered Persons refers to all Employees of the University of Rhode Island and the members of the University of Rhode Island Board of Trustees.</p> <p><b>Employee.</b> Any faculty member, staff member, institution official, or student who is employed by the University of Rhode Island Board of Trustees.</p>

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	<p><b>Family Member</b> (referred to in the Rhode Island Code of Ethics as “any person in his or her family”). The term Family Member includes a spouse and any dependent children of any University Employee or member of the University of Rhode Island Board of Trustees, as well as a person who is related to that Employee or Trustee, whether by blood, adoption, or marriage, as any of the following: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.</p> <p>For the purposes of any discussion related to nepotism relative to the Rhode Island Code of Ethics, the term Family Member shall additionally include step-grandfather, grandfather-in-law, step-grandmother, grandmother-in-law, step-grandson, grandson-in-law, step-granddaughter, granddaughter-in-law, uncle, step-uncle, uncle-in-law, aunt, step-aunt, aunt-in-law, niece, step-niece, niece-in-law, nephew, step-nephew, nephew-in-law, first cousin, step-first cousin, and first-cousin-in-law.</p> <p><b>Household Member.</b> A person having legal residence or living in a Covered Person's place of residence.</p> <p><b>Open and Public Process.</b> The open solicitation for bids or proposals from the general public by public announcement or public advertising followed by a public disclosure of all bids or proposals considered and contracts awarded.</p> <p><b>Subordinate.</b> An Employee, contractor, consultant, or appointed official of the University of Rhode Island or the University of Rhode Island Board of Trustees.</p>
<p><b>Statutes, Regulations, and Policies Governing or Necessitating This Policy</b></p>	<p>Rhode Island Constitution, Article III, Sections 7 and 8 <a href="http://www.rilin.state.ri.us/riconstitution/Pages/C03.aspx">http://www.rilin.state.ri.us/riconstitution/Pages/C03.aspx</a></p> <p>RIGL §§ 36-14, entitled “Code of Ethics” (inclusive of Sections 36-14-1 through 36-14-21). <a href="http://webserver.rilegislature.gov//Statutes/TITLE36/36-14/INDEX.HTM">http://webserver.rilegislature.gov//Statutes/TITLE36/36-14/INDEX.HTM</a></p> <p>Regulations of the RI Ethics Commission <a href="http://ethics.ri.gov/code/Code2019.pdf">520-RICR-00-00-1</a> entitled “Rhode Island Code of Ethics in Government, inclusive of Part 1 entitled “Code of Ethics.” <a href="http://ethics.ri.gov/code/Code2019.pdf">https://ethics.ri.gov/code/Code2019.pdf</a></p> <p>RIGL §16-32-41 (University of Rhode Island [Board of Trustees], Conflicts of Interest <a href="http://webserver.rilegislature.gov//Statutes/TITLE16/16-32-16-32-41.HTM">http://webserver.rilegislature.gov//Statutes/TITLE16/16-32-16-32-41.HTM</a></p> <p>University of Rhode Island Policy on Public Private Partnership in Research and Development</p> <p>University of Rhode Island Policy on Conflict of Interest in Research</p> <p>University of Rhode Island Policy on Consensual Relationships</p>

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<b>Reason for Policy/Purpose</b>	To ensure that Employees of the University as well as members of the University of Rhode Island Board of Trustees are aware of their obligations relative to ethics and conflicts of interest in the performance of their duties and to point to the statutes and regulations controlling such actions by state Employees and others acting in the public interest of the State of Rhode Island.
<b>Forms Related to this Policy</b>	Rhode Island Ethics Commission Yearly Financial Statement (to be completed by Board members and designated senior University officials).

## Policy Statement

### Introduction

All University Employees and members of the University of Rhode Island Board of Trustees are expected to conduct themselves ethically and in full accordance with applicable laws and regulations at all times in connection with all University-related business and University-related activities. These laws and regulations include those compiled and articulated in the Rhode Island Code of Ethics as well as federal Conflict of Interest requirements applicable to the University relative to the procurement of goods and services with federal funding. The Board of Trustees is specifically subject to Conflict of Interest restrictions set forth in its enabling legislation; and members of the Board, as well as certain senior University officials, are additionally subject to annual financial disclosure requirements established and administered by the Rhode Island Ethics Commission.

The primary purpose of this policy is to ensure that University Employees and members of the Board of Trustees, collectively "Covered Persons" hereafter, are aware of, and remain in compliance with, their obligations under the State Code of Ethics and other attendant laws and requirements. It is the personal responsibility of all University Employees and members of the Board of Trustees to adhere to the requirements of the State Code of Ethics. These individuals are personally subject to enforcement actions against them for violations of the Code of Ethics by the Rhode Island Ethics Commission.

The University does not have legal authority to officially interpret or render official opinions about the meaning of any provisions of the Code of Ethics. That power and authority is vested exclusively in the Rhode Island Ethics Commission and the state courts of Rhode Island. Covered Persons may therefore need to request advisory opinions from the Ethics Commission in certain instances if they wish to obtain clarity on possible violations. The University may provide assistance to Covered Persons through its designated University Conflicts Advisor (see below) to broadly understand the Code of Ethics or to provide direction in seeking advice from the Ethics Commission. However, the University is not authorized to make or communicate any binding opinions or decisions relating to the applicability or meaning of specific requirements of the Code of Ethics.

Though the Ethics Commission is the authorized arbiter of the meaning and applicability of the provisions of the Code of Ethics, in many cases it may be clear to both the University and the Covered Person whether a proposed activity would or would not violate the Code of Ethics. In such clear cases the Covered Person and the University will be expected to take all necessary steps to ensure that the Code of Ethics is not violated.

Covered Persons are required to self-identify all situations in which they have a Conflict of Interest that clearly does, or possibly could, violate the Code of Ethics or other applicable federal or state laws or regulations. In such cases, Employees and trustees shall disclose their conflict to their supervisors and/or other University officials, as described in this policy, and follow the University's directives to accomplish the elimination, avoidance, or management of the conflict. When necessary, the University itself, through its responsible officials, will also take appropriate action to avoid or eliminate the conflict.

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It should be noted that the University maintains additional Conflict of Interest related policies that are applicable to faculty members and other Employees involved in research and development related activities, namely 1) The University of Rhode Island policy on “Conflict of Interest in Research,” and 2) the University of Rhode Island policy on “Public-Private Partnership in Research and Development,” which, of significance for this policy, grants “exemptions” to certain provisions of the State Code of Ethics, subject to applicable conditions, limitations, and review by the Ethics Commission.

The Rhode Island Code of Ethics and other applicable Conflict of Interest related laws and regulations applicable to University Employees and members of the University of Rhode Island Board of Trustees, such as the Federal Procurement Standards and the University’s enabling legislation, are noted below. This policy is by no means exhaustive in its description of potential conflicts and Covered Persons are responsible for understanding the provisions of the regulations pertaining to ethics and Conflict of Interest as noted throughout this policy.

**Rhode Island Code of Ethics**

A summary of the Rhode Island Code of Ethics for public officials and State employees can be found here: <https://ethics.ri.gov/code/GuidetotheCode.php>. This summary provides applicable statutes for various provisions of the Code of Ethics as well as contact information for the Ethics Commission. To maintain full alignment with the Rhode Island Code of Code of Ethics, this policy will use the state summary linked above as a general outline of the Code of Ethics, with access to the Code itself linked through the State’s summary page (as well as here: <https://ethics.ri.gov/code/index.php>).

As an aide to Employees and members of the Board of Trustees, all of whom are required to adhere to the restrictions and limitations of the Code of Ethics, the following conflicts category index is provided so the relevant provisions of the Code of Ethics can be more readily identified and accessed by topic and section number:

- Conflict of Interest – General (Sec. 1.2a)
- Conflict of Interest – Outside Employment (Sec. 1.2 b)
- Conflict of Interest – Use of Confidential Information (Sec. 1.2c)
- Conflict of Interest – Use of Position for Financial Gain (Sec. 1.2d)
- Conflict of Interest - Representation of Self or Others Before the University or its Board (Sec. 1.2e)
- Conflict of Interest – Bribes (Sec. 1.2g)
- Conflict of Interest – Awarding of Contracts (Sec. 1.2h)
- Nepotism – (Sec. 1.3)
- Gifts (Sec. 1.4.2)
- Honoraria (Sec. 1.4.3)
- Transactions with Subordinates (Sec. 1.4.4)

**Conflict of Interest – Selection, Award or Administration of Contracts (Federal Procurement Standards)**

No Covered Person shall participate in the selection, award, or administration of a contract if a real or apparent Conflict of Interest would be involved. Such a conflict would arise when the Covered Person, agent, or any person within their Family (i.e., a Family Member), or an organization which employs or is about to employ any of the parties indicated in the proposal, award, or contract, has a financial or other interest in the firm selected for an award.

**Research Related Prohibitions**

In addition to any limitations and prohibitions noted above, further limitations and prohibitions may apply to Covered Persons engaged in research and development activities at the University. All Employees and members of the Board of Trustees should be familiar with the limitations and prohibitions found in the University’s policy on “Conflict of Interest in Research” and the University’s policy on “Public-Private Partnership in Research and Development,” the latter which contains specific prohibitions that are not eligible for exemptions under that policy.

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**Additional Conflict of Interest Rules for Members of the University Board of Trustees (RIGL § 16-32-41)**

No member of the Board of Trustees shall be employed in any position under the jurisdiction of the Board, nor contract in any manner for any purpose with the Board; nor shall the Board purchase, sell, or lease any land, property, or supplies from or to any Business of which any member of the Board is owner, part owner, or officer or director. No person related by consanguinity or affinity in the first degree to any member of the Board shall be employed in any capacity under the Board's jurisdiction.

**Annual Financial Disclosure Requirements for Members of the University of Rhode Island Board of Trustees and Senior University Employees Holding “Major Decision-Making Positions”**

Members of the University of Rhode Island Board of Trustees and Senior University Employees holding “Major Decision-Making Positions” are required to file an annual statement detailing their financial interests with the Ethics Commission. This filing must be completed on forms provided by the Ethics Commission. See the Ethics Commission website at <https://ethics.ri.gov/disclosure/>

**University Conflicts Advisor**

The University has designated its Director of Enterprise Compliance as the University Conflicts Advisor. The University Conflicts Advisor shall be considered an advisory resource to the University and to Covered Persons to whom this policy applies. The University Compliance Advisor will assist individuals in understanding whether any proposed activity, interest, or relationship, or combination thereof, may result in a violation of the applicable provisions of the State Code of Ethics or other federal or state laws and regulations noted in this policy. The University Conflicts Advisor does not have authority to provide any final, binding interpretations of the Code of Ethics (or other federal or state laws and regulations noted in this policy), but shall endeavor to provide useful advice to requesting individuals as to how to obtain binding interpretations from the Ethics Commission or other appropriate authority. The University Conflicts Advisor may work with the University's Office of Legal Counsel, where appropriate, when advising any individuals covered by this policy.

**Required Conflict Disclosure by Covered Persons and Appropriate Responsive Compliance Actions by Covered Persons and/or Responsible University Officials**

Covered Persons are required to self-identify all situations in which they have a Conflict of Interest that does or may violate the Code of Ethics or other applicable federal or state laws or regulations noted in this policy. In such cases:

- 1) Employees other than the University President shall make a dual disclosure to their supervisor (or to the person immediately above them in the University organizational hierarchy) and to the University Conflicts Advisor.
- 2) The University President shall make the disclosure to the Chair of the Board of Trustees and the University General Counsel.
- 3) Members of the University of Rhode Island Board of Trustees other than the Chair of the Board shall make the disclosure to the Chair of the Board of Trustees and the University's General Counsel.
- 4) The Chair of the University of Rhode Island Board of Trustees shall make the disclosure to the Vice Chair of the Board and the University's General Counsel.

In all cases, the Covered Person, their supervisor (or otherwise the person to whom the disclosure was made), and the University Conflicts Advisor, in consultation with the Office of General Counsel, shall determine what actions must be taken to ensure that no provisions of the Code of Ethics, other applicable federal or state laws, or University policy provisions are violated.

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These same responsive action steps described in the previous paragraph will be followed in instances where the University learns of a such a Conflict of Interest on its own rather than as a result of self-disclosure by the Covered Person.

**Enforcement**

**Employees:** Violations of this policy by employees may subject the employee to appropriate discipline up to and including termination, in keeping with the provisions of any applicable collective bargaining agreements and other applicable employment policies.

**Members of the Board of Trustees:** Violations of this policy by members of the Board of Trustees will result in appropriate responsive action by the Board, up to and including removal from the Board of Trustees, in keeping with the law and the Board's bylaws and policies.

**Exceptions**

The University may not treat an action or activity of any Employee or member of the Board of Trustees as a violation of this policy if and to the extent that:

- 1) The action or activity is ruled to be compliant with the Code of Ethics by the Ethics Commission or a court of competent jurisdiction;
- 2) The action or activity is allowed by an exception issued by the Ethics Commission; or
- 3) The action or activity is allowed through an Code of Ethics "exemption" granted pursuant to the above-referenced Rhode Island Public-Private Partnership Act and the University's policy on "Public-Private Partnership."

**Policy Review and Revisions**

(Versions earlier than the first policy number may be paper only)

Policy #	Effective Date	Reason for Change	Changes to Policy
01.009.1	November 5, 2021	n/a	n/a