

## CES Conflict of Interest Policy

### Extension Manual § 3.9

Under no circumstances should an Extension worker conduct commercial, financial or other transactions of any kind that might create a real or perceived conflict of interest. At all times, University of Kentucky Cooperative Extension Service employees shall strive to maintain public confidence.

The University cannot anticipate every circumstance that may create an impermissible conflict of interest. The following is a non-exhaustive list of conflicts of interest that may violate this policy:

- 1) Failure to comply with the requirements outlined in:
  - a) [GR Part I, the University of Kentucky \(Definition\)](#);
  - b) [GR Part XIV, UK Ethical Principles and Code of Conduct](#);
  - c) [AR 3:9, External Consulting, Other Outside Employment and Internal Overload Activity](#); and/or
  - d) This or any applicable University regulation, policy or procedure.
- 2) Unfair market competition, including, but not limited to:
  - a) Using your position, office or public property to obtain a personal or financial gain for yourself or any member of your family.
  - b) Using information gained in the course and scope of your employment about a customer or client of Extension to obtain a personal or financial gain for yourself or any member of your family.
  - c) Placing yourself or a member of your family in a position to profit improperly from your recommendations, or from the Extension Service's clients, personnel, time, equipment or resources.
  - d) Operating or having a personal or family interest in a farm or other business activity, which improperly uses the clients, personnel, time, equipment or resources of the Extension Service.
  - e) Using or attempting to use your official position to secure or create privileges, exemptions, advantages or treatment of yourself or others contrary to the public interest.
- 3) Doing business with or having an interest in a contract or business arrangement with an Extension District Board.
- 4) Wearing or displaying logos, trademarks, slogans, clothing or gear promoting any business other than the University of Kentucky, the University of Kentucky College of Agriculture, Food and Environment, or the University of Kentucky Cooperative Extension Service during working hours, at work locations or while conducting business on behalf of the Extension Service.
- 5) Wearing or displaying logos, trademarks, slogans, clothing or gear promoting the University of Kentucky, the University of Kentucky College of Agriculture, Food and Environment, or

the University of Kentucky Cooperative Extension Service at political events or while engaging in political activities.

- 6) Accepting compensation, other than your regular wages and benefits from the University of Kentucky Cooperative Extension Service, for the performance of your official duties.
- 7) Accepting any type of reward, monetary or non-monetary, if there is an explicit or implicit assumption that influence has been exchanged for the favor.
- 8) Outside employment or other work that conflicts with scheduled hours of work, the interests, mission or purpose of the University or Extension, or the employee's job responsibilities or ability to perform satisfactorily, or that negatively impacts the effectiveness of Extension in the community.
- 9) Unreasonable creation of University liability or unreasonably exposing the University to liability.

Engaging in any of the above actions may constitute a misuse of public funds and/or a violation of the public trust and can be grounds for dismissal.

Below are five areas of potential conflict of interest that deserve special mention and steps to follow to avoid violation:

### **1. Outside consulting for pay or benefit**

For many years employees of institutions of higher education, because of their special knowledge, education, or research, have been involved in consulting to businesses, government, and others outside of their normal job assignment. In some instances they receive pay for these consulting services. Many institutions provide a certain number of days (paid or unpaid) per year for their employees to do such consulting. Due to the nature of Extension, Kentucky Extension employees are not permitted to make consultations within the Commonwealth of Kentucky.

Kentucky Extension employees may consult outside the state in certain circumstances. Steps that must be followed to consult outside the state include:

- Advance approval by the state Director or his/her designee in a manner consistent with the procedure established in AR 3:9 is required.
- Ensure that consulting is done by the employee as a private citizen and not as an Extension employee. This includes avoidance of use of official position in solicitations for commercial or group activities such as overseas tours, etc. The University and/or Extension Service's name, facilities, equipment, resources and materials, etc. should not be used without advance, written approval by the state Director or his/her designee.
- Consulting shall be done on the employee's own time (i.e., approved consulting time, vacation or other approved leave time).

### **2. Ownership or operation of a farm or other outside business**

Occasionally employees or their family members may own or operate a business when the employee enters Extension employment, or they may acquire it after employment begins. This may or may not be a potential conflict of interest with the employee's Extension job.

Steps that must be followed:

- The approval of the state Director or his/her designee for all businesses which appear to conflict with the employee's Extension job, this or any applicable University policy is required.
- Determine the time commitments to manage, operate, or be involved in such business. If appreciable time is required away from the Extension job, suitable arrangements need to be made (i.e., time agreements, business divestiture, or employee termination).
- Time spent on such business shall be done on the employee's own personal time (i.e., vacation or other approved leave).
- The type of business shall not unfairly compete with similar private businesses. The employee shall not have an unfair advantage over private business because of special Extension job-related knowledge he/she may have about the private business's operation.

### **3. Buying, selling and/or trading real estate, livestock or crops, or other commodity transactions**

As a side interest, employees may become involved in trading agricultural or other commodities or futures contracts that are closely interrelated to their Extension jobs.

Steps that must be followed:

- Determine if the job assignment closely involves the commodity in question. If so, does the employee's involvement present unfair competition to others trading such commodities?
- If this activity appears to conflict with time demands of the job or otherwise poses a conflict prohibited by this or any applicable policy, the approval of the state Director or his/her designee will be required.

### **4. Elected or appointed public office and/or Extension District Board membership**

The University of Kentucky Cooperative Extension Service does not allow its employees to hold public office. Employees may be candidates for public office, consistent with the requirements of this Policy; however, any employee elected to a public office will be considered to have voluntarily quit their position with the University of Kentucky Cooperative Extension Service unless the employee promptly resigns from the public office.

The University of Kentucky Cooperative Extension Service does not allow its employees to work in a county in which the employee has a near relative, domestic partner, sponsored adult dependent or sponsored child dependent serving as an Extension District Board member. Any employee who has a near relative, domestic partner, sponsored adult dependent or sponsored child dependent who becomes a member of an Extension District Board in the county in which the employee serves will be considered to have voluntarily quit their position with the University of Kentucky Cooperative Extension Service.

### **5. Testimony in litigation or pending litigation**

Due to the areas of expertise and nature of the work of County Extension Agents, they are frequently requested by courts of law to provide testimony to assist in resolving claims of dispute. The response of the agents will depend on whether they have been asked to be an unpaid expert witness or a fact witness.

The following steps outline the initial response procedure for an agent regardless of whether the agent has been requested to be an unpaid expert witness or a fact witness.

- An agent contacted or subpoenaed by anyone involved in pending litigation or litigation, should advise the individual that he/she will have someone contact him/her. The agent should then contact their District or Area Director, Regional Director, and College of Agriculture, Food and Environment Associate General Counsel.
- A valid, duly served subpoena shall be required prior to giving testimony.
- A copy of a subpoena or request for records received should be immediately emailed to College of Agriculture, Food and Environment Associate General Counsel and the [University Legal Office](#).
- Make every effort to avoid the appearance of any favoritism in litigation.
- Refer to the memorandum dated July 23, 2014, subject - "[Fact Witnesses and Expert Witnesses](#)" for further clarification of current policy.

### **Required Disclosure**

Under University policy, it is the responsibility of every employee to report any actual or perceived conflict of interest of which the employee has knowledge. *See, e.g.,* GR, Part XIV(B)(10).

Reports of potential conflicts of interest may be made to the County Manager, District or Area Director, Director of Extension Human Resources, Director for Extension Business Operations, Regional Director, or Extension Director.

In addition, every county Extension employee must promptly complete the [CES Conflict of Interest Disclosure Form](#) whenever a potential conflict arises as to their own interests and, when in doubt about whether a potential conflict will be deemed impermissible, abstain from participation in the matter until the University of Kentucky Cooperative Extension Service can determine whether an impermissible conflict exists and how that conflict shall be resolved.

Beginning January 2022, all Extension employees must also complete the CES Conflict of Interest Disclosure Form each January.

### **Enforcement**

Failure to comply with the provisions of this Conflict of Interest Policy or to report any actual or potential conflict of interest of which the employee has knowledge may be grounds for dismissal.

NOTE: Contracts between an Extension District Board and an Extension employee, or related person or business, which were in place on December 1, 2020 will be permitted to continue until the conclusion of the term of the contract, provided however, that any such contract must expire on or before June 30, 2021.