

SECTION 6

ETHICS, RESPONSIBILITIES, CONFLICTS, AND EXTERNAL ACTIVITIES

6.1 FACULTY RESPONSIBILITIES

The general responsibilities of academic faculty members fall into three major categories: (1) teaching; (2) scholarship; and (3) service. In discharging their responsibilities, faculty members shall report directly to their department heads or equivalent directors. Authority for assigning particular duties within the three major categories rests solely with Mines.

6.1.1 Distribution of Effort

Distribution of effort among the three major categories for each faculty member is determined through an annual goal-setting discussion described in subparagraph 7.1.1.A. The expected distribution of activities by faculty category is normally:

- Tenured or tenure-track faculty members are expected to balance their efforts almost equally between teaching (40%) and scholarship (40%), with the service component (20%) being weighted at a level approximately one-half of the levels of the other two components.
- Teaching faculty members are expected to distribute their efforts between teaching and service, with both components defined below in section 6.1.2, although distributions of effort that include scholarship are possible.
- Library faculty members are expected to distribute their efforts between professional responsibilities, scholarship, and service, with the professional responsibilities having the greatest weight. Professional responsibilities vary depending on the faculty member's role within the library and include the range of activities that facilitate access to high-quality information. Examples of a librarian's professional duties may include, but are not limited to: professional research support, development of innovative techniques to improve discovery and access to materials, or the development and delivery of instruction in information research.
- In the case of research faculty, the teaching and service categories may not apply.

Because of the importance that Mines places on teaching, teaching assignment guidelines have been established for all tenured, tenure-track, and teaching faculty, as set forth in the following paragraph.

6.1.2 Teaching Assignment Guidelines

The following table sets forth guidelines for the teaching assignments per semester applicable to tenured, tenure-track, and instructional faculty members and should be utilized in conjunction with annual goal setting. Significant deviations from these guidelines must be agreed upon in writing by the faculty member and his or her department head and be approved by the Provost.

Total Assignment

Recommended Teaching Component

Teaching Only	12 credit-hours per semester
Teaching and Service	9 credit-hours per semester
Teaching, Scholarship, and Service (no AYC ¹)	6 credit-hours per semester
Teaching, Scholarship, and Service (maximum AYC)	3 credit-hours per semester

Faculty may meet their teaching expectations by delivering courses via a variety of course delivery modalities (e.g., traditional lecture, studio, flipped, online). Many combinations of courses, labs, senior design sections, special problems, and load rearrangements can be used to meet the teaching assignment guidelines, and special consideration may be given to new faculty members as part of their Professional Growth Plans, as explained in paragraph 7.2.1 below. Supervision of graduate research does not satisfy this teaching guideline.

6.1.3 Specific Faculty Responsibilities

The following faculty responsibilities, while not an exhaustive list, are particularly noteworthy.

A. Teaching:

1. Present assigned classes in a timely manner and arrange for appropriate alternative presentation of course material in the event of necessary absences from class.
2. Prepare and provide to students, at the beginning of a course, information about the course, or syllabus, which shall include, at a minimum: course description; course objectives; course outline; textbooks and reference materials; expectation of students (exams, problem sets, quizzes); and grading criteria.
3. Provide students reasonable access through regular and clearly posted office hours, and email communications, personal consultations, etc.
4. Submit all final course grades by deadlines set by the Registrar.
5. Advise undergraduate and graduate students, consistent with any formal departmental guidelines.

B. Scholarship/Research:

1. Engage in scholarly activities appropriate to the faculty member's specific discipline or field.
2. Complete in a timely manner, and within budget, all contractual responsibilities set forth in research grants and contracts for which the faculty member is

¹ Academic Year Chargeout

responsible.

3. Comply with all required health and safety practices and policies, as well as current procedures concerning regulation and disposal of hazardous waste developed by the Mines Environmental Health and Safety Office and the Mines Safety Committee.
4. Conduct research activities in compliance with all pertinent state and federal law and Mines policies and procedures.
5. Notify and obtain the approval of the Vice President of Research and Technology Transfer in advance of performing any animal or human subject research, which must be conducted in strict compliance with applicable state and federal regulations.

C. Service:

1. Participate in meetings and activities of campus and departmental committees to which faculty member is assigned.
2. Attend the annual Faculty Conference in August and either the President's Convocation in August, or the December or May Commencement exercises.

D. Miscellaneous:

1. Comply with all relevant institutional policies and state and federal law including, but not limited to, those governing the use of Mines and state funds and accounts, performance of additional work, acquisition, utilization, transfer and disposal of Mines property, Mines institutional computing networks and other infrastructure and equipment, procurement of goods and services for approved academic and other university purposes; and the hiring, management and supervision of staff, as well as undergraduate and graduate student employees.
2. Perform other duties as assigned.

6.1.4 Faculty Travel

While attendance at professional meetings is encouraged, any faculty member planning to travel on Mines-related business must obtain the necessary approvals a minimum of one (1) week prior to the travel. The faculty member must also disclose any consulting or financial interests as per section 6.3.4 that relates to the travel.

6.1.5 Summer Services

All tenured and tenure-track faculty members may be required to render professional service during the summer field sessions of the summer academic semester. Additional compensation shall be paid for such summer service at a faculty member's normal salary rate. Early in the spring, the Provost shall request the department heads to nominate members of their staffs for summer employment. These nominations will take into account the desires of individual faculty members to the greatest extent possible, but Mines is obligated to offer an effective summer program and individual faculty members are obligated to staff this program. Mines will make every effort to inform faculty members of their summer appointments on or before April 1st of each year. The quality of instruction and attention to duty expected for summer services shall be identical to that required during the regular academic year.

6.1.6 Instructional Development Assignment

The Colorado School of Mines recognizes and supports the efforts of its non-tenure track faculty in delivering high-quality instruction to its students. Providing opportunities for faculty to improve instructional delivery is in the best interest of all of Mines constituencies. As such, Mines supports the provision of opportunities for non-tenure track faculty for the purpose of enhancing the faculty member's ability to implement state-of-the-art instructional methods at Mines.

Eligibility requirements for Instructional Development Assignment are as follows:

- Only full-time, Teaching, Professors of Practice, and Library faculty members who have instruction responsibilities or course section coordination/leadership responsibilities of 0.5 FTE or more are eligible for this Assignment;
- A faculty member must have actively served no fewer than twelve (12) academic (i.e., fall and spring) semesters at Mines, or no fewer than twelve (12) academic semesters since completion of last approved Instructional Development Assignment; time spent on unpaid leave is not counted as fulfilling this requirement;
- To avoid significant disruption of its operations, Mines may delay, for up to one academic year, the taking of an Assignment; when Mines requires a delay in an Assignment the faculty member will be eligible to seek an additional Assignment after twelve (12) academic semesters of active service as counted using the originally approved Assignment; and
- The Assignment may be approved only when a demonstrable case of significant benefit to Mines and its students has been made.

Terms of the Instructional Development Assignment include:

- The term and duration of the Assignment shall be granted for one academic semester (fall or spring);
- Faculty on Assignment shall retain her/his full compensation, benefits, and terms of her/his existing employment agreement.

Upon completion of Assignment, the faculty member must complete the following requirements:

- Faculty members are required to provide a formal written report of the outcomes of their Assignment;
- Faculty members must implement changes to their instruction as documented in the report; and
- Faculty must maintain employment at Mines for at least two (2) academic semesters following the Assignment. If faculty does not return to Mines for at least two (2) semesters, the faculty member is obligated to reimburse Mines for the full cost (i.e., salary and benefits) incurred by Mines as a result of granting the Assignment to the faculty member.

The process by which faculty may request Instructional Development Assignment and by which Assignment requests are approved is set forth in the Academic Affairs Procedures Manual.

Instructional Development Assignment at Mines is a privilege, rather than a right, and should be granted only when it directly benefits Mines and the education of its students. As such,

requests for Instructional Development Assignment will be evaluated and granted at the discretion of Mines based on current institutional needs and a determination that the requested Assignment will promote teaching excellence.

6.2 FACULTY ETHICAL OBLIGATIONS & STANDARDS

6.2.1 Oath or Affirmation of Allegiance

Pursuant to the mandate of Colorado Revised Statutes, §22-61-104, all Mines faculty and staff members who teach, with the exception of non-tenure track faculty and staff members who are employed to teach in a temporary capacity and are citizens of a nation other than the United States, are required to take the following oath or affirmation:

I solemnly (swear) (affirm) that I will uphold the constitution of the United States and the constitution of the state of Colorado, and I will faithfully perform the duties of the position upon which I am about to enter.

This oath or affirmation must be completed prior to the faculty or staff member's commencement of teaching duties, in writing, and subscribed and sworn before a notary public or any other person authorized to administer oaths in the State of Colorado. The faculty or staff member's employment is contingent upon satisfying this statutory requirement. A copy of the signed oath or affirmation will be retained in the employee's personnel file.

6.2.2 Academic Fraud

All faculty members are professionally bound to adhere to the highest ethical standards and to foster ethical behavior in their students. In particular, academic fraud in its numerous forms, including, but not limited to, plagiarism, fabrication, and/or falsification of research data or results, cannot be tolerated and when suspected must be reported to the department head and the Provost. Research misconduct at Mines is governed by the Mines Research Misconduct Policy and Complaint Procedure, which has been promulgated by the Board and is set forth in section 10.3. A complaint lodged against a faculty member alleging academic fraud of a type not covered by the Research Misconduct Policy shall be investigated and handled in the manner outlined in section 11.1 below.

6.2.3 Ethical Standards and Obligations

The ethical obligations of an employee embody the spirit of the law, the values of Mines, and the highest levels of professional integrity. Specific expectations are defined in sections A, B, C, and D below. A complaint lodged against a faculty member that alleges a violation of an obligation set forth below shall be investigated and handled in the manner outlined in section 11.1.

Resources for reporting policy violations, or identifying potential ethical concerns are available to faculty through many avenues, including, but not limited to: Human Resources; Office of Legal Services; Compliance and Policy Office; and the appropriate Vice President's office. Additionally, Mines' Ethics Hotline is available to all Mines employees for anonymous inquiries or reporting. Mines' does not tolerate retaliation against an employee for reports of misconduct.

A. Ethical Standards for Colorado State Government Employees

Mines adheres to the Code of Ethics for state employees promulgated by the Colorado General Assembly in Article 18 of Title 24 of the Colorado Revised Statutes, and Mines adopts the following specific standards of ethical behavior for its employees:

1. Mines employees shall not use Mines employment to bestow any preferential benefit on anyone related to the employee by family, business, or close social relationship. [The topic of nepotism at Mines is also addressed in subparagraph 6.2.3 D. below.]
2. Mines employees shall not disclose, use, or allow others to use confidential information acquired by virtue of Mines employment for private gain.
3. Mines employees shall not engage in outside employment unless the outside employment is disclosed to and approved by the employee's immediate supervisor and the outside employment does not interfere with the performance of Mines duties. [The topic of faculty members engaging in additional professional work is also addressed in subsection 6.4 below.]
4. Mines employees shall not accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value under circumstances in which the acceptance may result in: (a) an undertaking to give preferential treatment to any person; (b) any loss of complete independence or impartiality; or (c) the making of an official decision outside official channels.
5. Mines employees shall not use Mines time, property, equipment, or supplies for private gain.
6. The holding of state employment is a public trust, and Mines employees must carry out their fiduciary duties for the benefit of the people of Colorado. A Mines employee who departs from their fiduciary duty is liable to the people of the state for such breach of the public trust and may be held responsible for repayment of funds. Departure from fiduciary duties may include fraud, mismanagement, embezzlement, and the unauthorized commitment of funds.

B. Unauthorized Use of Mines' Name, Logo, Trademarks, or Seal

The name of Mines may not be used in connection with the private activities of any Mines employee, and no intimation may be given by a Mines employee that Mines has sanctioned any personal undertaking. Further, Mines letterhead, stationery, and business cards may not be used for personal endeavors, nor may the name of Mines, the Mines logo, Mines trademarks, or the official State of Colorado seal be used on personal stationery. However, direct dialing office telephone numbers may be shown on personal letterhead or stationery.

C. Personal Relationships

The subject of personal relationships between teachers and students and/or between supervisors and subordinates at Mines is governed by the Mines Amorous Relationships Policy, which has been promulgated by the Board of Trustees and is accessible at the online Policy library.

D. Nepotism

The subject of nepotism at Mines is governed by the Mines Nepotism Policy, which has been promulgated by the Board of Trustees and is accessible at the online Policy library.

6.2.4 Workplace Standards of Conduct

A. Standards for Colorado State Government Employees

Mines hereby adopts the following standards of workplace behavior for its employees:

1. Mines employees shall serve the public with respect, courtesy, and responsiveness.
2. Mines employees shall demonstrate the highest standards of personal integrity and honesty.
3. Mines employees shall expose corruption in State government wherever discovered.

B. Gender-Based Discrimination, Sexual Harassment, and Sexual Violence

Mines has policies prohibiting gender-based discrimination, sexual harassment, sexual violence, and unlawful discrimination. These policies are promulgated by the Board of Trustees and are set forth on the Board of Trustees and Human Resources policy web pages.

C. Minors on Campus.

Mines strongly supports the protection of minors on and off campus and has adopted a policy to protect minors on campus. See the Mines Policy on the Protection of Minors which is accessible at the online Policy library.

D. Workplace Violence

Mines prohibits workplace violence as defined in the Mines Workplace Violence policy accessible at the online Policy library.

6.3 CONFLICT DISCLOSURE

6.3.1. General Policy Statement

As public employees, Mines faculty and staff members have a fiduciary obligation and statutory duty to the people of the State of Colorado to adhere to ethical principles of conduct (C.R.S. §§24-18-103, 104). Specifically, the holding of employment at a state university such as Mines is a public trust and any effort to realize personal gain through official conduct, other than as compensation set through established processes, or by inappropriate disclosure of confidential information is a violation of that public trust. Accordingly, the employee's external obligations, financial interests and activities must be conducted in a manner that does not create an actual conflict of interest, result in the appearance of impropriety, or interfere with the employee's primary obligation and commitment to Mines.

Conflicts of interest arise from time to time and are not necessarily unethical or illegal, as long as they are appropriately disclosed and managed. However, failure to be transparent and fully disclose conflicts or potential conflicts of interest is unethical and may be illegal in certain circumstances. The purpose of this policy is to provide a means for disclosing actual and potential conflicts so that these may be managed, reduced, or eliminated, to the extent

possible, without detriment to the reputation, integrity, or position of Mines and the employee, and to avoid, whenever possible, compromising the employee's appropriate scholarly and professional pursuits.

6.3.2. Definitions

A. Conflict of Interest

A "conflict of interest" arises when an employee has or represents interests that compete with or are adverse to those of Mines. Such conflicts often result from situations in which financial or other personal considerations may adversely affect, or have the appearance of adversely affecting the employee's judgment while exercising his or her Mines duties or responsibilities. Where a personal bias or consideration does or has the potential to cloud the employee's professional judgment, the conflict of interest that arises may adversely impact the institution's research, instructional, or administrative programs or operations. The education of our students, conduct of research and scholarship, and performance of administrative tasks must be free of the undue influence of outside interests.

The mere appearance of a conflict of interest situation may be just as serious and damaging as the existence of an actual conflict. Reports of conflicts based on appearances can undermine the public trust in Mines and its commitment to its mission. Accordingly, apparent or potential conflicts of interest should be disclosed and evaluated with the same vigor as actual conflicts.

All employees have an ongoing obligation to report actual, apparent, and potential conflicts throughout the term of their employment with Mines. A conflict of interest may arise at any time during the employee's appointment at Mines, including periods when the employee is not on campus and not performing his or her primary duties for the institution. Such conflicts may arise and should be reported during summer and semester breaks, or sabbatical leaves, as well as during the academic semesters for which the faculty member has a teaching or other assignment at Mines.

B. Conflict of Commitment

A "conflict of commitment" arises when an employee assumes external commitments or activities (such as professional consulting, other business interests, or personal pursuits) that substantially interfere with, or impede, the employee's ability to satisfy his or her primary institutional obligations and commitments to Mines. A full-time Mines appointment implies an obligation to satisfy Mines professional responsibilities in a timely manner and maintain a meaningful presence on campus to ensure accessibility to students, staff members and colleagues during the employee's appointment period. Generally, a conflict of commitment is only likely to arise during periods when the employee is performing his or her assigned duties for the institution. By definition, such conflicts are not likely to occur when the employee is on leave or does not have an active assignment with the institution, during semester breaks, summers, and sabbatical or other leaves for faculty on nine-month contracts, for example.

6.3.3 General Guidelines

A. Actual Conflicts of Interest

Following are examples of activities that create actual conflicts of interest and must be disclosed and reviewed prior to being undertaken. Mines will not approve the proposed activity if a conflict of interest exists that cannot be effectively managed.

1. Financial gain to the employee that results from involvement in institutional decisions. Public employees may be subject to criminal penalties if they do not disclose a conflict of interest in situations where they exercise "substantial discretionary function" in connection with a government contract, purchase, payment, or other pecuniary transactions without appropriate, advance notice to the Secretary of State and Mines' governing board. (C.R.S §18-8-308.) Such conflicts may arise when the employee or a member of his or her immediate family serves as an officer, director, trustee, partner, agent or employee of an external, non-governmental entity participating in a transaction with Mines, or the employee or a member of his or her family has other direct or indirect dealings with the non-governmental entity through which the employee or his or her immediate family member knowingly materially benefit by receiving directly or indirectly cash or other property as the result of the transaction. Such conflicts may be avoided or managed effectively if properly disclosed, allowing the institution to remove the employee from the Mines decision-making process that triggers the conflict.
2. Financial interests in companies and other kinds of organizations doing business with the institution. (Such conflicts are often manageable by the institution if reasonable notice of the potential or actual conflict is provided to the employee's supervisor.)
3. Performance of work for personal gain above and beyond the employee's usual Mines compensation when the work in question falls within the regular assignment of the employee.
4. Any outside activities that conflict with the employee's institutional teaching, research, service, or other responsibilities.
5. Unauthorized disclosure of unpublished, privileged, or confidential information from a colleague or other Mines source for personal gain.
6. Directly or indirectly selling, renting, trading, or leasing personal property to Mines without full disclosure of the employee's interests.
7. Assignment of students or other supervisees to research or other activities from which only the employee intends to realize personal financial gain, or where the employee is in a position to evaluate the student's academic performance or serve as the student's academic advisor.
8. Use of Mines facilities for private consulting or research arrangements that may involve personal gain without appropriate disclosure and reimbursement to Mines for use of such facilities.

9. Consultations that impose obligations that conflict with Mines' obligations to research sponsors.

B. Apparent or Potential Conflicts

The following activities are examples of apparent or potential conflict of interest situations. In many cases, these conflicts can be resolved or effectively managed upon prior disclosure.

1. Certain types of outside employment involving assignments that have the potential to compromise the institutional position of the employee.
2. Consulting relationships involving activities with the potential to compromise the institutional position of the employee.
3. Relationships that might enable employees to influence Mines' interactions with companies or other entities doing business with the institution for the purpose of personal gain.

C. Activities Generally Not Deemed Conflicts

The following activities are examples of permissible activities that would not be deemed an actual or apparent conflict of interest:

1. Acceptance of royalties pursuant to Mines' Intellectual Property Policy (Section 10.1), publication royalties, or honoraria for commissioned publications and lectures, providing acceptance of such payments do not violate state law, including but not limited to Article XXIX of the Colorado Constitution.
2. Services to professional, scientific, educational, artistic, cultural, civic, business, or other organizations that enhance the value of the employee to Mines and do not adversely affect the employee's primary commitment to Mines.

D. Special Considerations in the Context of Licensing and Equity Ownership

When outside companies license Mines inventions or other intellectual property, situations may arise that pose a conflict of interest for faculty and staff. Typically, this happens when employees make decisions while fulfilling their Mines responsibilities that might materially affect their personal wealth or that of their immediate family members. Sometimes such conflicts can be managed; sometimes they must be avoided. The following are intended as some general guidelines, but are not necessarily rules to cover all possible situations. The underlying principle, however, for all situations is to make prior full disclosure of the possible conflict situation to the employee's department head or immediate supervisor.

1. Individuals in managerial or supervisory positions should be especially aware of potential personal legal and tax implications resulting from investing in companies that are based on Mines technology and are founded by faculty, staff, or students

under their supervision. (See §4958 of the Internal Revenue Code, Excess Benefit Transactions.)

2. Conflicts can arise in connection with performing outside professional activities related to licensing and intellectual property. Faculty should adhere to the reporting and approval requirements outlined in Section 6.4.3 below.
3. While a company is still privately held, managers and supervisors, including student advisors and supervisors, should not invest personally or own stock in business ventures of their subordinates or students, since there is a conflict of interest between the manager's supervision of the student or subordinate (e.g., assigning grades, approving promotions, determining salary levels, allocating office and research space, etc.) and the manager's business partnership with the student or subordinate.
4. Faculty, particularly department heads and laboratory and research center directors, have a special responsibility with respect to determining ownership of intellectual property developed from research by investigators they supervise. All faculty and staff should weigh carefully their and the inventor's obligations to Mines in deciding whether the invention falls under Mines ownership. It is a direct conflict if an employee, department head or laboratory/center director responsible for determining ownership of the intellectual property intends to invest in or be a co-founder of a company with the inventor.
5. It is a conflict for an investigator/inventor to negotiate with MINES regarding the terms of a license before the matter of ownership has been definitely resolved. Faculty and staff who are founding companies should not personally negotiate the licensing terms with Mines. An attorney or company executive with no connection to Mines should be appointed for this task.
6. Faculty and staff who own equity in a company should not attempt to influence the licensing terms that Mines offers to the company.
7. Faculty and staff who hold board positions with companies should recuse themselves on issues involving licensing terms with Mines.
8. Faculty and staff should remember that their primary employer is Mines and that they have a heightened responsibility to their primary employer when deciding whether to assign their inventions to Mines or to a company for whom they consult. If an employee has questions about intellectual property ownership and the applicability of the Mines Intellectual Property Policy (Handbook Section 10.1), he or she should consult with the Vice President for Research and Technology Transfer or the Director of the Office of Technology Transfer.
9. It is a conflict for a faculty member to accept research sponsorship from a company in which he or she has a significant financial interest. This conflict arises because the outcome of the research could materially affect the personal wealth of the researcher or an immediate family member. However, a faculty member is not precluded from receiving research support from a large, publicly held company just because the employee or his or her family member owns shares of stock in

the company. Financial interests should be disclosed pursuant to the Conflict of Interest Policy to determine whether an actual conflict exists.

6.3.4 Conflicts of Interest and Commitment Disclosure Requirements and Procedure

A. Disclosure Requirement and Timing

The employee has the responsibility for disclosing to their Department Head or Supervisor any actual, apparent, or potential conflicts of interest and commitment through the process outlined below, and consistent with the Mines Conflict of Interest Policy. Disclosures are required as follows:

1. prior to the start of Mines employment for every new employee;
2. at least 30 days in advance of the undertaking of all new external commitments, including professional consulting and non-remunerative activities, or acquiring new significant financial interests; and
3. in conjunction with the annual faculty evaluation process.

B. Role of Department Head or Supervisor

Supervisors are responsible for reviewing all conflict of interest and conflict of commitment disclosures made by employees they supervise, and keeping the information on the disclosure confidential, except for purposes of conferring with the appropriate Vice President or their designee, or the Conflict of Interest Committee as necessary and appropriate. Upon receipt of an employee's disclosure, the supervisor will take the following steps:

1. Within 14 calendar days following receipt of the employee's disclosure form, the supervisor will determine whether:
 - (a) the reported activity is permissible because it falls within the scope of professional and appropriate conduct, and has been properly disclosed;
 - (b) a conflict exists that should be addressed by developing and implementing a conflict of interest management plan that, among other things, may transfer certain decision-making responsibilities to other employees or require other actions necessary to address actual, apparent, or potential conflicts of interest; or
 - (c) the conflict cannot be effectively resolved or managed by the institution and the proposed activity must therefore be terminated.
2. If the supervisor finds the activity to be permissible, the supervisor shall approve the disclosure and forward it to the appropriate Vice President. If, however, the supervisor identifies a conflict of interest, the supervisor shall confer with the appropriate Vice President or their designee for purposes of developing a conflict of interest management plan. In the case of academic faculty disclosures, the supervisor may

also consult with the appropriate Dean prior to resolving or managing any actual, apparent, or potential conflicts of interest or commitment. The supervisor will inform the employee in writing of the outcome of the conflict review and provide a management plan where appropriate.

When a conflict of interest management plan has been implemented for a particular employee, the supervisor is responsible for monitoring the employee's compliance with the requirements of the management plan.

C. Role of COI Committee

The Conflict of Interest Committee ("COI Committee") helps facilitate the implementation of the university's conflict of interest policies, clarifies faculty obligations in this area, provides guidance with respect to enforcement of university policy and the development of conflict of interest management plans, and addresses disputes arising from conflict management plan development and implementation. Employees who disagree with the decision of the supervisor regarding the resolution of a conflict of interest or a proposed conflict management plan may appeal the decision by requesting that the COI Committee review the case and make a written recommendation to the appropriate Vice President, who will then issue a final decision in the matter. An employee's failure to comply with the Vice President's final decision may result in disciplinary action.

6.3.5 Safeguards and Sanctions

A Mines employee who has fully and timely disclosed actual, apparent, or potential conflicts of interest will have an affirmative defense to any civil or criminal action that might result from a breach of his or her fiduciary duty (C.R.S. §24-18-110). Failure to fully disclose actual, apparent, or potential conflicts as prescribed by university policy may be grounds for disciplinary action and sanctions. Additionally, federal awarding agencies may require reporting of policy violations.

6.4 PERFORMANCE OF EXTERNAL WORK AND PROFESSIONAL ACTIVITIES

Mines recognizes that professional consulting by its faculty and staff members can foster professional growth and lead to the development of potentially valuable external contacts for Mines. Mines also realizes that non-professional, external commitments may be a desirable or necessary activity. Finally, Mines is aware that the performance by faculty and staff of extra Mines services for additional remuneration can be, under appropriate circumstances, a mutually beneficial arrangement. Accordingly, exempt employees may undertake additional work, subject to the applicable conditions and requirements enumerated below, as well as the requirements regarding actual and apparent conflict disclosures outlined in Sections 6.3.4 and 6.3.5 above.

6.4.1 Categories of External Work and Activities Subject to This Policy

A. Professional Consulting

Professional consulting is the provision of professional advice or services to external constituents with or without remuneration. Opportunities for such work commonly arise when a faculty member is asked to provide scientific analysis, testing, or expertise in another form to an outside party where it may not be feasible or appropriate to provide such service in the context of sponsored research in the university setting, for example,

when a faculty member is asked to serve as an expert witness in litigation. The opportunity for employees to accept occasional professional consulting engagements is recognized as a traditional privilege accorded by Mines. If undertaken in moderation, Mines considers such activities to be a desirable and legitimate means for promoting the professional development of its employees, facilitating the flow of information between academia and external entities, and fostering the development of valuable professional relationships, which can benefit both the employee and Mines. Employees must disclose and obtain institutional approval of any professional consulting pursuant to the procedure outlined in Section 6.4.3 below.

B. External Employment and Other Paid Services

Any external employment or services undertaken by an employee for compensation from an individual or entity outside Mines during the period in which the employee's Mines assignment is being performed must be disclosed and approved pursuant to the procedure outlined in Section 6.4.3 below. Such external employment and services include, but are not limited to arrangements whereby the employee provides goods or services to external businesses or individuals, paid board appointments, paid speaking engagements, etc.

C. Non-Remunerative External Commitments

Any employee who seeks to undertake any continual external commitment during the period in which the employee's Mines assignment is being performed and during the traditional work week schedule must disclose and obtain institutional approval pursuant to the procedure outlined in Section 6.4.3 below. For purposes of this subsection, the term "continual" shall mean more than sporadically. Such commitments may include, but are not limited to volunteer service, and external professional service or development activities such as participation in professional societies or organizations, participation in review boards or accreditation efforts for other institutions, etc.

D. Extra MINES Services for Additional Remuneration

From time to time, an employee may seek or be asked to perform services for MINES outside the traditional scope of the position for which the employee was hired, including but not limited to, instructional and other professional services. Any employee who seeks to perform such additional services for remuneration must obtain institutional approval pursuant to the procedure outlined in Section 6.4.3 below.

6.4.2 General Requirements and Guidelines for Approval of Additional Work

A. General Requirements

1. All proposed additional work commitments identified in Section 6.4.1 must be approved by the employee's department head or immediate supervisor in advance of the planned activity, pursuant to the procedure outlined in Section 6.4.3 below.
2. No additional work commitments will be approved if the employee's department head or immediate supervisor determines that participation in the subject activity will or is likely to impede the employee's ability to satisfactorily meet his or her Mines teaching, advising, research, and service commitments or other assigned

Mines duties and obligations.

3. Absences of more than one week at a time for the purpose of performing additional work are strongly discouraged and shall be approved only in unusual cases. Moreover, it is expected that all time not devoted to Mines duties during the normal work week will be covered by approved annual leave, if available, or made up after normal working hours and/or on weekends.
4. Professional consulting that is undertaken by a full-time employee during the period in which the employee's Mines assignment is being performed should not exceed an annual average of eight hours per week.
5. An employee who performs compensated or uncompensated consulting services for external entities or individuals is acting as an individual and must avoid giving the impression, implicitly or explicitly, that he or she is representing MINES or acting as its agent.
6. An employee who performs consulting for an external entity or individual shall not use Mines resources without prior written approval of his or her department or division head or immediate supervisor and payment of appropriate fees for use of such resources. The fees assessed will be determined in accordance with Mines' *Educational Business Activities Policy* and any other pertinent university policies and procedures.

B. Conflict Disclosure

The employee must disclose to his or her department head or immediate supervisor any actual or apparent conflicts of interest that may arise as a result of the employee's undertaking the proposed external commitment. The procedure for disclosing such conflicts is outlined in Section 6.3.4 above. The employee has a continuing obligation to disclose apparent or actual conflicts that develop after the initial approval of the external commitment.

If a conflict exists and cannot be resolved or managed effectively by the institution and involved individuals, the employee's participation in the activity will not be approved.

6.4.3 Procedure for Obtaining Approval of Additional Work

A. Approval for Consulting and Other External Commitments

An employee wishing to engage in consulting or other external commitments outlined in subsection 6.4.1 above shall submit a *Request to Engage in External Commitments Form* to his or her department head or immediate supervisor a reasonable time prior to the anticipated commencement date of the consulting, but in no case shall this be less than two weeks in advance of the requested commitment. This form is accessible via the Academic Affairs Procedures Manual.

1. Minimum Elements. The request should contain, at a minimum, the following elements: (1) a statement describing the specific nature of the work to be undertaken; (2) a statement describing how the work will enhance or support the

employee's activities as an employee of Mines; (3) if applicable, a statement listing reasons why the work is inappropriate to be conducted through sponsored programs at Mines; (4) a statement describing any actual or potential conflicts of interest with the employee's performance of his or her Mines duties; (5) a statement describing any actual or potential conflicts of interest with any endeavor conducted by Mines, or a department or subset thereof; (6) a statement describing how the employee intends to insure that no conflict of interest develops during the course of the work; and (7) a statement addressing the issue of potential conflict of commitment.

2. Review of the Request. In considering the request, the department head or immediate supervisor shall weigh the following factors: (1) the potential value of the work to Mines and the individual; (2) the performance level of the employee who has submitted the request; (3) possible interference with the employee's performance of his or her Mines duties; and (4) the likelihood of a potential conflict of interest. The supervisor will inform the employee in writing of the outcome of his or her review of the employee's *Request to Engage in External Commitments* within seven (7) calendar days following receipt of the Request. The department head or immediate supervisor may resolve any conflict of commitment issue at the departmental level, but the appropriate vice president shall be available to resolve employee appeals. Conflict of interest issues shall be resolved pursuant to the procedure outlined in Section 6.3.4. If a conflict of interest exists that cannot be resolved or effectively managed by the institution and individuals involved, the proposed external activity will not be approved.

As part of the annual evaluation process, all faculty shall certify that Requests to Engage in External Commitments made during the previous year are complete and correct.

B. Extra Mines Services for Additional Remuneration

An employee wishing to perform extra Mines services for additional remuneration, as described in subsection 6.4.1 D above, shall submit a *Request to Perform Extra Mines Services for Additional Remuneration Form* to his or her department head or immediate supervisor a reasonable time prior to the anticipated commencement date of the extra services. This form is accessible via the Academic Affairs Procedures Manual.

1. Minimum Elements. The request should contain, at a minimum, the following elements: (1) a statement describing the specific nature of the extra services to be performed; (2) a statement describing how the services will enhance or support the employee's activities as an employee of Mines; and (3) a statement addressing the issue of conflict of commitment with the employee's primary assignment.
2. Review of the Request. In considering the request, the Department Head or immediate supervisor shall weigh the following factors: (1) whether or not provision of the service is included in, or closely related to, the employee's normal assignment; (2) whether or not the service is an integral part of the Mines curriculum or administrative operation; (3) whether or not the employee possesses expertise in the area of the proposed service; (4) whether or not the service is being provided by other employees for no remuneration; (5) whether or not the service is determined to be valuable to students, staff, faculty, or administrators, and would not be otherwise available; and (6) whether or not the provision of the

service would interfere with the performance of the employee's normal Mines assignment. An arrangement to perform extra Mines services for additional remuneration requires the written approval of the employee's Department Head or immediate supervisor and the appropriate vice president.