

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: A

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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. DEFINITIONS

## 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

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

5. Inappropriate Use of the University Owned Resources.

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### 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.

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### 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 he/she 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 or ii) create an unfair advantage for any person or organization. Circumstances that could lead a reasonable person to question an individual's objectivity, 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: \_\_\_\_\_



POLICY

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.