**Frequently Asked Questions for Extension Guidelines for**
**Conflict of Interest and Consulting Policies**

1. **Why does Extension have conflict of interest and consulting guidelines that go beyond those established by NDSU?**

Since conflicts are a normal part of a vibrant university and with an increasing emphasis by universities on outreach and economic development, more Extension personnel are becoming involved with external entities or starting their own businesses. The stricter Extension guidelines are necessary because real or perceived Conflict of Interest (COI) can damage public trust.

NDSU Extension COI guidelines are more prescriptive for Extension employees due to the nature of Extension work. NDSU Extension is the primary educational outreach component of the university and the work requires considerable direct public contact throughout the state and beyond. Based upon our role in education and the locations where that education is provided, it is imperative that NDSU Extension employees are particularly sensitive to the perception that their relationship to or with external activities could be considered a misuse of their positions.

1. **Why does NDSU have control over my activities that have nothing to do with my NDSU position and are outside of normal work hours, including nights and weekends? Why are we required to disclose our external activities?**

It is common for questions and/or criticisms to arise about the external interests of NDSU Extension employees. If the activity is disclosed, reviewed, and approved, it protects the employee from unfounded accusations. Extension employees must be especially careful in their private activities to avoid the perception that:

* They are asking for or receiving private payment for services that are normally a part of their position responsibilities
* Their operation of a business owned/operated by themselves or domestic partner is not perceived to constitute an unfair competitive advantage to other businesses/services because of special knowledge available due to the employee’s Extension responsibility or expertise
* They are advertising or promoting their private services while performing their Extension roles

Disclosure of potential conflicts is an easy procedure, and the management of conflicts protects the individuals and their endeavors. Whenever possible, NDSU Extension works to manage conflicts and not discourage them.

1. **How do I disclose potential conflicts of interest?**

Employees who are contemplating consulting for pay, participating in side employment, or a similar activity listed in the Conflict of Interest and Consulting Policy Guidelines should first discuss the opportunity with their supervisor. The supervisor and employee will decide whether the opportunity may create a real or perceived conflict of interest, and if it needs to be disclosed.

Consulting or serving as an expert witness: Extension employees wishing to consult for pay or serve as an expert witness must complete a **Consulting Authorization Request** and submit it to their supervisor. The request must be reviewed and approved by their supervisor, dean or director, and provost before consulting occurs or the employee serves as an expert witness.

Side employment, farm or business interest: Extension employees who are engaged in side employment or who own or operate a farm or other business must complete a **Conflict of Interest Notification/Disclosure Statement** and submit it to their supervisor.

Commodity trading, public service to boards, councils, committees: Employees who wish to trade in agricultural or other commodities, be a candidate in a partisan or non-partisan election, or serve in an Extension role or private citizen on a governing board, must submit a **Conflict of Interest Notification/Disclosure Statement** to their supervisor.

The supervisor will contact the employee if the situation creates a real or perceived conflict of interest that needs to be addressed through a conflict of interest management plan. The supervisor will forward the Conflict of Interest Notification/Disclosure Statement to the Extension associate director, along with any conflict of interest management plan.

1. **What are some examples of real or perceived conflicts of interest for Extension employees?**

Note: These examples are intended to give an idea of the range of situations that might occur. They are not inclusive of all possible situations that create a real or perceived conflict of interest.

*Example 1*: *A family and community wellness (FCW) agent would like to work part time teaching an aerobics class at the local fitness center. Is this allowed?*

Our guidelines state that side employment is not allowed if it is related to the employee’s normal job duties or expertise, it competes with services offered by NDSU Extension, it is likely to cause a public relations problem for NDSU Extension or the university, or it interferes with an employee’s regular duties. While FCW agents offer educational programs on health and wellness, leading an aerobics class does not compete with other programming offered by NDSU Extension. Therefore, working part time as an aerobics instructor would be allowed if the FCW agent is simply leading an exercise class.

Note, however, that this could create a conflict of interest if the aerobics instruction is supplemented with educational content related to healthy diets, stress management and other topics related to healthy lifestyles. The exercise instruction would then be part of a larger health and wellness program that very well could compete with services offered by NDSU Extension.

*Example 2*: *An Extension employee is approached by a general farm organization (e.g. ND Farm Bureau or ND Farmers Union) and asked if they would consider running for a position on the organization’s governing board as a private citizen. Is this allowed?*

Extension employees are encouraged to serve on state, regional, or national nonprofit boards when the employee is fulfilling an NDSU Extension partnering or educational role. In this case, however, the employee would not be serving on the board as an Extension representative, but as a private citizen.

Our guidelines would allow employees to serve on such boards as private citizens as long as all time spent on board activities is done on the employee’s personal time and the board role does not create a public relations problem for NDSU Extension or the university. The employee would need to complete a **Conflict of Interest Notification/Disclosure Statement** and submit it to their supervisor. It should be noted that some nonprofit organizations, including general farm organizations, take positions on state and federal legislation and policy issues. To prevent confusion and public relations concerns, Extension employees serving on nonprofit boards as private citizens are not allowed to present testimony or lobby on behalf of the nonprofit organization, even if it is done on personal time.

*Example 3*: *Can an Extension agent serve on a local school board?*

Extension employees are encouraged to be engaged citizens in their local communities. Serving on a local school board is allowed if all time spent on school board duties is done on the employee’s personal time and no NDSU Extension facilities, resources, or time are used for an election campaign. The employee would need to complete a **Conflict of Interest Notification/Disclosure Statement** and submit it to their supervisor.

*Example 4: An agriculture and natural resources (ANR) Extension agent wants to start a*  *private business selling seed and fertilizer. Does this create a conflict of interest?*

The guidelines state that ownership of a business is allowed as long as the ownership is not likely to be construed as a conflict of interest and it does not create a public relations problem for Extension or the university. Selling seed and fertilizer would include helping customers understand crop variety options and soil fertility needs. This would directly compete with services offered by NDSU Extension. Furthermore, the duties associated with operating a seed and fertilizer business are directly related to the ANR agent’s normal job duties and expertise. Lastly, operating a seed and fertilizer business could create a public relations issue for Extension since it may raise concerns with the employee’s impartiality toward seed and fertilizer brands or companies. For these reasons, the situation would create a conflict of interest and the ANR agent would not be allowed to operate the seed and fertilizer business unless the agent could work with their supervisor to develop a plan to appropriately manage the conflict of interest concerns.

*Example 5: A 4-H youth development Extension agent would like to purchase a bar and grill in their community. Does this create a real or perceived conflict of interest?*

Operating the bar and grill would not be related to the employee’s normal job duties or expertise, and the business would not offer services that compete with those offered by NDSU Extension. Therefore, owning a bar and grill is not likely to be construed as a conflict of interest if operating the business is done on the employee’s own personal time. The employee would complete a **Conflict of Interest Notification/Disclosure Statement** for their supervisor’s review.

Note, however, that another consideration is whether owning and operating a business is likely to create a public relations problem for Extension or the university. If the business is operated well, owning or operating the bar and grill is not likely to create public relations concerns. However, if the business develops a reputation for disorderly behavior or noncompliance with relevant laws, it could raise questions and affect the credibility of the employee to offer 4-H youth development programming since the 4-H program includes behavior expectations related to CHARACTER COUNTS!, which are behavioral expectations including being a responsible citizen. Therefore, the employee would need to ensure that operating the business would not negatively affect their credibility or create public relations concerns for Extension or the university.

*Example 6: An agriculture and natural resource (ANR) agent would like to work part-time applying pesticides for the local weed board, a private company, or their own business. Is this allowed?*

The effectiveness of an Extension agent is directly linked to the relationships the agent has established with members of the public and the credibility they have built with local stakeholders. Working part-time as a pesticide applicator raises several issues. First, pesticide drift and misapplication events can occur even when we take preventative measures. Pesticide drift that causes plant injury or economic loss can cause animosity with affected citizens and negatively affect the relationship the employee has with local residents. This could create a public relations problem for Extension or the university. Second, ANR agents routinely offer pesticide applicator training and certification events. Pesticide drift and misapplication events, especially those that result in an enforcement action, could negatively affect the perception that the agent is a competent expert on pesticide application and handling. For these reasons, this is not allowed and an ANR agent would have to work closely with their supervisor to create an appropriate management plan to apply pesticides for hire, for a weed board, a private company, or their own business.

1. **I understand that I cannot serve as an expert witness in a court in North Dakota, but what if I am subpoenaed to testify?**

Extension agents or specialists may be subpoenaed to testify as a witness in court or offer a deposition. For example, an agriculture and natural resources (ANR) agent might be subpoenaed in a pesticide misapplication case to offer testimony recounting their observations from a site visit and whether symptoms were consistent with herbicide damage or might be due to some other non-chemical reason like disease, insect damage, or nutrient deficiency. An Extension parent educator might also be subpoenaed to testify as to whether an individual participated in court-mandated parent education classes. In these cases, the Extension employee is subpoenaed as an impartial expert and eyewitness, not as an expert witness for either the plaintiff or defendant. A subpoena is an order from the court to testify and we need to comply. The employee should notify their supervisor of the subpoena and the supervisor will decide if they need to contact NDSU legal counsel.

1. **Can I get paid to judge 4-H events at county, regional, and state fairs in North Dakota?**

According to the COI guidelines, Extension-related judging activities for pay are a permitted professional service but must occur on the employee’s personal time. Judging can be conducted without taking personal leave if done as a service for another county program and any monetary exchange is a gift or honoraria. However, employees who are contemplating judging for pay should first discuss the opportunity with their supervisor. The supervisor and employee will decide whether the opportunity may create a real or perceived conflict of interest, and if it needs to be disclosed and/or managed.

1. **What are some examples of real or perceived conflicts of interest that would prevent me from judging certain 4-H events?**

Note: These examples are intended to give an idea of the range of situations that might occur. They are not inclusive of all situations that create a real or perceived conflict of interest.

*Example 1: A 4-H agent or spouse raises a few pure-bred ewes on their personal acreage and sells lambs for show purposes. A county either nearby or located across the state asks the agent to judge their county livestock show.*

The agent’s personal interest could appear to affect how they award judging events. For example, if they make money from their operation, they could appear to be using the judging event to advertise their breeding service. Another factor to consider may be that the 4-H'er or 4-H'er’s family could have bought the ewe being shown from the agent. The perception may arise that the agent who is judging sheep may favor their own ewe in the show. Therefore, this could be construed as a potential conflict of interest which may negatively affect the agent’s integrity and could create a public relations concern for Extension. This guideline is set in place to protect the judge as well as the integrity of the 4-H program. Note in this example that the agent would be able to judge static projects or other livestock projects besides sheep since the employee has no economic interest in those projects.

*Example 2: A 4-H agent or spouse has a bakery business and has been asked to judge sewing at a nearby county achievement day event.*

This would not constitute a COI because the agent does not produce items that can be exhibited by 4-H'ers. The same may be true of an agent who sells produce at a farmers' market or a craft business such as refurbishing furniture or selling leathercraft items which are sold as is.

1. **What if my supervisor denies my Consulting Authorization Request? Do I have any opportunities to appeal that decision?**

NDSU Extension is committed to its employees and will work with them to manage real or perceived conflict of interest if possible. However, there are times in which a supervisor will find it necessary to deny an employee’s Consulting Authorization Request. There are two options to appeal such a decision.

The first, and preferred option, is to take the matter to the Extension Conflict of Interest Advisory Committee (ECIAC) for their review. This is the preferred method of appeal since the ECIAC is comprised of staff with full or partial Extension appointments. The ECIAC will investigate the situation and make a recommendation to the Extension associate director to either uphold or change the supervisor’s decision. The Extension associate director will consider the ECIAC’s recommendation when making a final decision.

The second option is for the employee to take the matter to the NDSU Conflict of Interest Advisory Committee (CIAC) per [NDSU Policy 151.1](https://www.ndsu.edu/fileadmin/policy/151_1_10.28.pdf). The CIAC subsequently will make a recommendation to the Vice President for Agricultural Affairs.

1. **What exactly is a conflict of interest management plan? Why do employees need to complete one?**

The central themes in addressing conflicts of interest are integrity and transparency. Integrity is a core value at NDSU and is part of everyone’s job. Transparency is reached by disclosing a potential conflict of interest. Once the disclosure or notification form is submitted to the employee’s supervisor, the supervisor will review the form. If a conflict of interest is possible, the supervisor will notify the employee to arrange for further discussions and, if necessary, develop a Conflict of Interest Management plan. This meeting is an opportunity for the employee and supervisor to discuss potential real or perceived issues that may undermine the integrity of the university or employee. NDSU Extension recognizes that it is becoming more common for Extension personnel to become involved in external entities or side employment. Instead of discouraging involvement with external entities or entrepreneurship, NDSU desires to support its employees to manage conflict.

*Adapted from Iowa State University Conflicts of Interest and Commitment Policy*