

**R925-1. Purpose:** To outline Commissioner's Office policies and procedures relating to conflicts of interest and thereby provide assistance to Commissioner's Office personnel in assuring compliance with the Utah Public Officers' and Employees' Ethics Act.

## R925-2. References

- 2.1. Utah Code [§53B-1-106](#) (Appointment of Commissioner's Staff)
- 2.2. Utah Code [Title 67, Chapter 16](#) (Utah Public Officers' and Employees' Ethics Act)
- 2.2. Policy and Procedures [R141](#), Duties of the Commissioner of Higher Education
- 2.4. Policy and Procedures [R923](#), Remunerative Consultation and Other Employment Activities

## R925-3. Definitions

- 3.1. **"Assist"**: to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to so assist such person or business entity.
- 3.2. **"Business Entity"**: a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on commercial business activities for profit-making purposes.
- 3.3. **"Compensation"**: anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.
- 3.4. **"Substantial Interest"**: (1) the ownership, either legally or equitably, by an individual, his/her spouse, or his/her minor children, of at least ten percent of the outstanding capital stock of a corporation or a ten percent interest in any other business entity; or (2) the holding of a position in a business entity as an officer, director, or employee.
- 3.5. **"Commissioner's Office Officer or Employee"**: a person permanently employed by the Commissioner's Office on a full or part-time basis, but does not include members of the State Board of Regents or of any other advisory commission, board, or committee serving on a part-time basis.
- 3.6. **"Transaction"**: a formal or informal contract or agreement, express or implied, to which the Commissioner's Office is a party, that involves any transfer of consideration or payment of compensation.

## R925-4. Policy

- 4.1. **Ethics Act:** It is the policy of the Commissioner's Office to comply fully with all applicable provisions of the [Utah Public Officers' and Employees' Ethics Act](#). The statements of detailed policies and

---

<sup>1</sup> Adopted July 19, 1983.

procedures set forth herein are intended to provide notice to the Commissioner's Office employees of the requirements of that Act, and to indicate guidelines for avoiding conflicts thereunder.

4.1.1. The purpose of the [Utah Public Officers' and Employees' Ethics Act](#), and of the regulations and guidelines set forth herein, is to promote the public interest and strengthen public confidence in the integrity of the Commissioner's Office by establishing standards of conduct for Commissioner's Office personnel in areas where there are actual or potential conflicts of interest between their duties to the Commissioner's Office and their private interests. Neither the Ethics Act nor these regulations are intended to deny to Commissioner's Office personnel the opportunities available to all citizens to acquire private economic or other interests as long as this does not interfere with the full and faithful discharge of public duties.

4.1.2. The Commissioner's Office recognizes that the dividing lines between the Commissioner's Office obligations and the private interests of a Commissioner's Office officer or employee are not clearly defined. Therefore, while this policy statement provides the general guidelines Commissioner's Office personnel should use to determine their own conduct, the Commissioner's Office must rely primarily on each officer or employee's sense of integrity and interest in the Commissioner's Office and the approvals of his/her immediate superior to implement this policy and thus eliminate any conflicts of interest which might arise.

4.2. **Prohibited Conflicts:** The following are prohibited conflicts of interest:

4.2.1. A Commissioner's Office officer or employee is forbidden to participate in his/her official capacity with respect to any transaction between the Commissioner's Office and a business entity in which the officer or employee has a substantial interest.

4.2.2. A Commissioner's Office officer or employee is forbidden to receive compensation (in addition to regularly budgeted salary or wages for services to the Commissioner's Office) as a result of, or in connection with, any transaction between the Commissioner's Office and a business entity in which the officer or employee has a substantial interest.

4.2.3. A Commissioner's Office officer or employee is forbidden to accept employment or engage in any business or professional activity which he/she might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of the officer or employee's Commissioner's Office position.

4.2.4. A Commissioner's Office officer or employee is forbidden to disclose confidential information acquired by reason of his/her Commissioner's Office position, or to use such information for his/her or another's gain or benefit.

4.2.5. A Commissioner's Office officer or employee is forbidden to accept other employment which he/she might reasonably expect would impair his/her independence of judgment in the performance of Commissioner's Office duties and responsibilities. See [Policy and Procedure R923](#), Remunerative Consultation and Other Employment Activities.

4.2.6. A Commissioner's Office officer or employee is forbidden knowingly to receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for him/herself or another/ if it tends to influence the discharge of his/her Commissioner's Office duties or responsibilities, or if the officer or employee has recently been, now is, or in the near future may be involved in any Commissioner's Office action or decision directly affecting the donor or lender.

4.2.7. A Commissioner's Office officer or employee is forbidden to have personal investments in any business entity which will create a substantial conflict between his/her private interests and Commissioner's Office duties.

## R925-5. Procedures

### 5.1. Disclosure Requirements

5.1.1. A Commissioner's Office officer or employee who agrees to receive compensation for assisting any person or business entity in any transaction involving the Commissioner's Office or any state agency is required to file a sworn disclosure statement, which is a matter of public record, in accordance with Utah Code §67-16-6. Information and assistance in complying with this requirement may be obtained from the Commissioner.

5.1.2. A Commissioner's Office officer or employee who holds a substantial interest, the value of which exceeds \$2,000 (exclusive of life insurance policies and annuities), in any business entity which is subject to state regulation may be required to file an annual disclosure statement with the secretary of state pursuant to Utah Code §67-16-7. Information and assistance in complying with this requirement may be obtained from the Commissioner.

5.1.3. It is the duty of every Commissioner's Office officer or employee to disclose to his/her immediate superior, and to the Commissioner's Office purchasing agent, the existence of a substantial interest which he/she has in any business entity which the officer or employee knows, or has reason to believe, may submit a bid or sealed proposal for, or otherwise seek to enter into, a transaction with the Commissioner's Office.

5.2. **Sanctions:** An officer or employee of the Commissioner's Office who knowingly and intentionally violates the provisions of the [Utah Officers' and Employees' Ethics Act](#), or of this Policy and Procedure, may be subject to appropriate disciplinary action, including possible dismissal from Commissioner's Office employment. See Utah Code §67-16-12 and §67-16-14.