

Updated 9/17/24

Extension Guidelines for Conflict of Interest and Consulting Policies

For reference, please use these guidelines in addition to [Section 152: External Professional Activities](#) of the [NDSU Policy Manual](#). [Section 151.1: External Activities and Conflicts of Interest](#) details potential conflicts of interest.

[Section 823: Financial Disclosure - Sponsored Projects](#) details procedures to disclose financial interests that may conflict with externally-funded projects. The North Dakota State University policy manual regulations concerning consulting and outside activities are generally relatively easy to interpret. In some cases, however, faculty and staff with Extension appointments may find these regulations somewhat more difficult to interpret. Extension is an outreach educational unit of the university. Extension activities require considerable interaction with the public, public institutions and commercial concerns, creating more opportunities for real or perceived conflicts of interest.

The following guidelines are intended to clarify the conflict of interest policy for NDSU Extension employees regardless of appointment level. NDSU policies on conflict of interest apply to Extension employees in addition to these guidelines.

The Conflict of Interest and Consulting Policy Guidelines require employees to disclose the nature and degree of conflicts of interest or perceived conflicts of interest prior to initiating the activity on an annual basis and whenever the employee's situation changes.

A. Sponsored Activity and Consulting for Pay

Consulting for pay may create a perceived or actual conflict of interest when the consulting for pay is construed as being part of the Extension employee's normal job responsibility or expertise. Extension employees are strongly discouraged from consulting for pay within North Dakota if the consulting work relates to their job responsibility or expertise. Consulting for pay is permitted outside North Dakota as long as it does not create potential conflicts of interest that could create questions about their impartial position to North Dakota clientele.

For allowable time commitment to external activities and financial interests, refer to policies [151.1.4.6](#) and [152.1](#).

For professional services and consulting with remuneration by employees in areas related to their academic discipline and time limits, refer to [Policy 152.5](#).

Extension employees can enter into sponsored activity within North Dakota (i.e. fee for service) pursuant to this guideline if the sponsored activity is managed through a contract with the university. The external funding provided should be placed in a fund for use by the employee for Extension projects. These funds may be used for overload pay for the employee if the overload is approved.

An Extension employee may consult for pay providing that:

1. A university [Consulting Authorization Request](#) form is completed and signed by the appropriate department head or district director in addition to others identified on the form. When a substantial change in consulting activity or clientele occurs, a new request form must be submitted for approval.
2. The outside consulting activities are not likely to be construed as a conflict of interest.
3. The outside consulting is not likely to create a public relations problem for NDSU Extension or for the university.
4. The consulting work is not performed on a regular, ongoing basis.
5. While consulting or soliciting consulting work, the staff member shall not identify himself/herself as representing Extension or the university, the impression shall not be given that Extension endorses or approves of the activity, and the official Extension stationery or the official university address shall not be used for correspondence relating to consulting activities.

B. Side Employment

Like consulting for pay, side employment may create a real or perceived conflict of interest when the employment is related to the employee's normal job duties or professional expertise. An Extension employee may participate in side employment providing that all of the following conditions are met:

1. The program leader, district director or immediate supervisor is notified of the employment using the [Conflict of Interest Notification/Disclosure Statement](#). Submission of the disclosure statement is only required if the employment occurs on a regular basis, and earnings exceed \$5,000 per calendar year.
2. The side employment is not related to responsibilities or expertise in the employee's job description.
3. The side employment is not likely to create a public relations problem for NDSU Extension or for the university.
4. The side employment does not interfere with the employee's regular duties.
5. The side employment is done on employee's own personal time.
6. The side employment does not compete with services offered by NDSU Extension.

C. Ownership or Operation of a Farm or Other Business

An Extension employee may be involved in the ownership or operation of a farm or other outside business that is related to the employee's job responsibility or expertise providing that:

1. The program leader, district director or immediate supervisor is notified of the ownership of outside farming or business operation using the [Conflict of Interest Notification/Disclosure Statement](#) annually based on the calendar year. Ownership or operation disclosures include those interests held by the employee's spouse/partner. Ownership of investment land that is not farmed by the employee or their spouse/partner is excluded from reporting. This disclosure must be updated if a substantial change in ownership interests or operations occurs.
2. The outside ownership is not likely to be construed as a conflict of interest.
3. The outside ownership and/or operation is not likely to create a public relations problem for Extension or for the university.

4. All time spent on the farming or business operation is done on the employee's own personal time (i.e. after business hours, vacation or other approved leave time).
5. The operation of the business does not constitute an unfair competitive advantage to other businesses because of special knowledge available due to the employee's Extension job responsibilities or expertise.

D. Trading in Agricultural or Other Commodities

An Extension employee may trade in agricultural or other commodities providing that:

1. Extension associate director and his/her designee is notified about the trading of agricultural or other commodities if such transactions could create an actual or perceived conflict with an employee's job responsibilities or expertise.
2. The outside trading of agricultural or other commodities is not likely to be construed as a conflict of interest.
3. The outside trading of agricultural or other commodities is not likely to create a public relations problem for Extension or for the university.
4. All time spent in trading agricultural or other commodities is done on the employee's own personal time (i.e. after business hours, vacation or other approved leave time).
5. The trading of agricultural or other commodities does not constitute an unfair competitive advantage over other persons or businesses because of special knowledge available to the Extension employee.

E. Judging 4-H Events

Employees or their spouse/partner who may profit financially selling equipment, goods, animals, etc., to 4-H families, should recuse themselves from judging North Dakota 4-H events related to their economic interest unless approved by their supervisor. For example, Extension employees who sell or trade animals for exhibition should recuse themselves from judging a North Dakota 4-H event when they know animals purchased from their operation will be exhibited.

F. Holding Elected or Appointed Public Office

In the event that an Extension employee is considering candidacy in a partisan or non-partisan election, advance written notification to the Extension associate director and his/her designee is required using the [Conflict of Interest Notification/Disclosure Statement](#).

Partisan Politics: Extension employees are strongly discouraged from being a candidate for public office in a partisan election.

Non-Partisan Politics: An Extension employee may be a candidate for or be appointed to a non-partisan public office providing that the holding of that public office is not likely to create a public relations problem for Extension or for the university.

Service in public office is permitted providing that:

1. All time spent on the duties associated with the public office is done on the employee's own personal time (i.e. after business hours, vacation or other approved leave time).
2. All time, facilities and resources required to conduct an election campaign are separate and apart from Extension.

G. Providing Expert Witness Testimony in Courts, Etc.

Extension employees are often asked to serve as expert witnesses (testimony or legal service for pay) in a court of law because of their expertise and position. Because expert testimony usually benefits one party and is detrimental to the other, the testimony places the Extension employee in an unintentional adversary position. Therefore, NDSU Extension does not allow Extension employees to serve as expert witnesses in North Dakota unless subpoenaed.

1. NDSU Extension employees are allowed to appear as “juris amici” (friend of the court) instead of as expert witnesses representing one party, and are encouraged to avoid any testimony that might conflict with the employee’s job responsibilities.
2. An Extension employee may be an expert witness in North Dakota for the United States Department of Justice or other court at their request. All rules pertaining to consulting for pay and conflict of interest shall apply.
3. Extension employees may serve as expert witnesses out of state. All rules pertaining to consulting for pay and conflict of interest shall apply. In particular, Extension employees must complete a [Consulting Authorization Request](#) form and receive administrative approval prior to out-of-state expert witness testimony.

H. Public and Professional Services

1. University employees are encouraged to provide public service by making presentations and providing other services that are sponsored by public or nonprofit groups and organizations or serving on proposal review committees. Often the employee may be given an honorarium in appreciation of such service. Employees can accept an honorarium from entities other than NDSU or North Dakota State agencies. An honorarium is defined as a monetary gift that is meant to express appreciation or honor to the recipient, which is not covered under the consulting policies.
2. 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 honorarium.
3. Teaching for pay at another educational institution, business or organization shall be treated as consulting. The employee shall submit a [Consulting Authorization Request](#) form.
4. Public service on professional society or governmental boards or committees is encouraged as an Extension employee’s role. The Extension employee shall notify the Extension associate director and his/her designee using the [Conflict of Interest Notification/Disclosure Statement](#) for the Extension employee to serve in either voting or non-voting roles.
5. Public service on state, regional or national nonprofit boards (i.e. commodity boards, association boards, etc.) is encouraged when the employee is fulfilling an authorized NDSU Extension partnering or educational role. The Extension employee shall notify the Extension associate director and his/her designee using the [Conflict of Interest Notification/Disclosure Statement](#) for the Extension employee to serve in either voting or non-voting roles.
6. If an Extension employee is elected or appointed as a private citizen to a board, all time spent on board activities will be done on the employee’s own personal time (i.e. after business hours, vacation or other approved leave time). The employee shall provide written notification to the Extension associate director and his/her designee using the [Conflict of Interest Notification/Disclosure Statement](#) of their role if the board service is related to their position responsibilities or expertise.

J. Disclosure Guidelines

Refer to [NDSU policy 151.1 \(6.1\)](#) for External activities and conflicts of interest

Refer to [NDSU policy 823 \(3\)](#) for Disclosure of significant financial interests

K. Reviews and Appeals

As needed, an Extension Conflict of Interest Advisory Committee (ECIAC) shall be established, comprised of five members with a minimum 0.5 FTE Extension appointment. Members will be appointed by the Extension Leadership Team (ELT). Committee members shall include at least one member from each program area: 4-H Youth Development, Agriculture and Natural Resources, and Family and Community Wellness. This committee shall have a minimum of two Extension agents, two Extension specialists and one ELT member. The Committee shall serve as an advisory body to Extension administration on conflict-of-interest issues and shall also hear appeals of decisions in conflict-of-interest cases.

If an activity is subject to restrictions or prohibited, the employee concerned may request a hearing by the ECIAC. After the written request is received by the ELT, the ECIAC should meet with the appellant within 15 working days. If a member of the ECIAC has any personal or working relationship with the appellant, that member should recuse him or herself and be replaced by another member appointed by the ELT. More than one meeting may be scheduled to decide the case, if necessary.

The appellant has the right to call any witnesses and produce any evidence that could bear on a recommendation to allow the activity, as well as to have an advisor accompany them to any committee deliberations. The committee, however, will come to its conclusion and write its final recommendation in private. The recommendation to either uphold or change the original decision shall be sent to the Extension associate director. If the recommendation is to change the original decision, the Extension associate director shall take appropriate action. A copy of the final recommendation shall be provided to the appellant.