

LINCOLN UNIVERSITY

Policy:	Conflict of Interest and Confidentiality Policy
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Status:	Approved by the President and LU Board of Trustees

I. Purpose

The purpose of this policy is to provide information related to disclosure of conflicts of interest, protection of confidential information, preservation of objectivity in professional responsibilities, and compliance with federal and state laws governing higher education, including the Pennsylvania Ethics Act.

The policy addresses and provides guidance related to actual, potential, and perceived conflicts of interest, including, but not limited to, avoidance and disclosure, external employment, consulting, and gifts, as well as protecting confidential or proprietary information.

Compliance with this policy protects the interests of Lincoln University PA (University) related to Conflicts of Interest and Confidentiality through transparency and integrity in its operations.

II. Scope

This policy applies to all Lincoln University trustees, administrators, faculty, staff, contractors, student workers, and interns.

III. Definitions

For purposes of this policy, the following definitions apply:

- **Immediate Family Member** – A spouse, domestic partner, parent, child, sibling, grandparent, grandchild, or any individual residing in the same household.
- **University Resources** – Includes, but is not limited to, University facilities, equipment, funds, personnel time, confidential information, data, and intellectual property.
- **Confidential Information** – Any non-public information related to University business, including personnel records, student records, financial data, research results, proprietary materials, and legal matters.
- **Proprietary Information** – Information developed by or for the University that derives independent value from not being publicly known, including trade secrets, unpublished research, and intellectual property.
- **External Employment** – Any work, consulting, or business activity outside of the scope of University employment, whether compensated or uncompensated.
- **Management Plan** – A written agreement developed to reduce, manage, or eliminate an actual, potential, or perceived conflict of interest.

IV. The Pennsylvania Ethics Act

1. **“Conflict” or “conflict of interest” is defined in part as:**

Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated. (65 PaCSA 1102).

2. Restrictions

(a) Conflict of interest. No public official or public employee shall engage in conduct that constitutes a conflict of interest.

(b) Seeking improper influence. No person shall offer or give to a public official, public employee or nominee or candidate for public office or a member of his immediate family or a business with which he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.

(c) Accepting improper influence. No public official, public employee or nominee or candidate for public office shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that public official, public employee or nominee that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby. (65 PaCSA 1103).

V. Conflict of Interest

A. A Conflict of Interest exists when a person's private interests or commitments interfere with or compromise, or appear to interfere with or compromise, an individual's official duties, commitments, and obligations, especially economic, and particularly if the individual does not disclose those interests or commitments to the University; and

B. When a person uses their official position to influence a decision that could result in a private pecuniary benefit to the individual, to an immediate family member, or to a business with which the individual or an immediate family member is associated.

C. Categories

1. Actual. An Actual Conflict of Interest occurs when a person's personal or financial interest conflicts with their official responsibilities.

2. Potential. A Potential Conflict of Interest arises when there is a likelihood that a conflict may occur, even if it has not yet happened.

3. Perceived. A Perceived Conflict of Interest refers to situations where a conflict is not explicitly stated but is believed to exist based on an individual's actions or circumstances.

D. Guidelines

1. Avoidance

Avoid situations where personal, financial, or professional interests conflict, or appear to conflict—with obligations to Lincoln University.

2. Conflicts of Interest - Scenarios

a. Supervisory Relationships

Employees may not participate in hiring, evaluation, supervision, or compensation decisions involving family members, domestic partners, or individuals with whom they have a close personal relationship unless an approved management plan is in place. This requirement is consistent with Pennsylvania nepotism restrictions applicable to state-related institutions.

b. External Employment and Consulting

Employees engaging in outside employment or consulting that relates to their university responsibilities must receive prior written approval. Any such activity must not interfere with their university duties or compromise the University's resources, intellectual property, or reputation.

c. Gifts and Favors

- i. Acceptance of gifts, favors, or any form of compensation that could reasonably be perceived to influence university decision-making is prohibited.
- ii. Exceptions of occasional nominal gifts under \$200 are permissible, provided they do not compromise professional judgment.
- iii. Compliance with any applicable limitations under the Pennsylvania Public Official and Employee Ethics Act supersedes this policy.

d. Use of University Resources

University facilities, confidential information, and personnel may not be used for personal gain or outside business activities without specific authorization.

3. Disclosure Obligations

a. Annual Disclosure Compliance

Designated Lincoln University personnel are required to complete an annual Conflict of Interest disclosure form. Failure to disclose potential conflicts may result in disciplinary action, up to and including termination and/or removal.

b. Review and Management

- i. Conflicts of interest must be promptly disclosed to the Office of Human Resources. If the conflict involves or creates a potential conflict with Human Resources, disclosure must instead be made directly to the Office of General Counsel. Disclosures must be made:
 - Upon hire or appointment,
 - Annually through the University's COI disclosure form, and
 - As new potential conflicts arise.
- Disclosures will be reviewed by the Office of Human Resources, in consultation with the Office of General Counsel as appropriate. If a real or perceived conflict of interest is identified, a written management plan may be implemented to reduce, manage, or eliminate the conflict.

A. General Confidentiality Obligation

The confidentiality of non-public university information must be maintained, including but not limited to student records, personnel files, financial data, proprietary materials, and legal matters.

B. Third-Party Data

Sharing of confidential information obtained through third-party research partnerships, vendor agreements, or academic collaborations is prohibited.

C. Research and Academic Integrity

Unauthorized sharing or publication of pre-publication research or data is prohibited and may result in sanctions.

D. Duration of Obligation

Confidentiality obligations remain in effect during and after employment or affiliation with the University.

VII. Limited Non-Compete Clause (Scope Bound)

A. Lincoln University acknowledges the right of employees and interns to engage in external professional activities with the following exceptions:

1. Employees may not use University resources, branding, or confidential information for outside business or academic endeavors without prior approval.
2. Interns and temporary staff may not engage in external consulting or contract work that overlaps with their university assignments or responsibilities.
3. Any secondary employment that creates a real or perceived conflict with university interests is subject to review and may be prohibited.

B. This is not a blanket non-compete agreement, but a scoped clause focused on protecting sensitive institutional interests.

VIII. Sanctions for Breach

Violations of confidentiality or conflict-of-interest rules may result in disciplinary action, including:

- a) Termination of employment
- b) Legal action (civil or criminal)
- c) Removal from board service
- d) Removal from academic programs or student employment
- e) Referral for enforcement under applicable Pennsylvania and federal laws.

IX. Whistleblower and Non-Retaliatory Protections

Lincoln University prohibits retaliation against any trustee, employee, contractor, student worker, or intern who, in good faith, reports a suspected conflict of interest, breach of confidentiality, or violation of this policy. Retaliation includes, but is not limited to, adverse employment action, academic penalty, or other negative treatment. Any individual who engages in retaliation is subject to disciplinary action, up to and including termination or removal.

X. Roles and Responsibilities

- A. Covered Individuals** (trustees, administrators, faculty, staff, contractors, student workers, and interns) are responsible for:
- Avoiding actual, potential, or perceived conflicts of interest;
 - Promptly disclosing conflicts of interest as required by this policy; and
 - Complying with any approved management plan.
- B. Supervisors and Managers** are responsible for:
- Reviewing and forwarding conflict disclosures to Human Resources or the Office of General Counsel;
 - Enforcing approved management plans; and
 - Maintaining confidentiality in the handling of disclosures.
- C. Office of Human Resources** is responsible for:
- Collecting annual disclosure forms;
 - Reviewing disclosures in consultation with the Office of General Counsel;
 - Coordinating with supervisors to implement management plans.
- D. Office of the General Counsel** is responsible for:
- Reviewing conflicts involving Human Resources or those raising significant legal or compliance risks;
 - Advising on management plans; and
 - Ensuring compliance with applicable Pennsylvania and federal laws.

XI. Policy Review and Compliance

This policy will be reviewed annually by the Office of Human Resources and the Office of the General Counsel to ensure continued compliance with Pennsylvania law, Middle States accreditation standards, and evolving federal and state regulations.

XII. Record Retention

All conflict-of-interest disclosure forms, management plans, and related documentation shall be retained for a minimum of five (5) years from the date of submission or resolution, whichever is later. Records will be maintained consistently with the University's Records Retention Policy and applicable state and federal regulations.

Note:

A review of similar policies at regional and mission-aligned universities informed the development of this policy. Benchmarking materials are available through the Office of the General Counsel upon request. The University reserves the right to change, amend, add to or delete in whole or in part the "Conflict of Interest and Confidentiality" Policy.