



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 90-12

UCONN Faculty Member's Company Competing for
State Higher Education Grants

Thomas J. Tighe, Vice-President and Provost at the University of Connecticut, has asked whether, under the Code of Ethics for Public Officials, a business with which a University faculty member is associated may compete for, and be awarded, a grant that is administered by the state Department of Higher Education ("DHE").

For purposes of this opinion, it is assumed that the ownership interest of the faculty member falls within the statutory definition of "business with which he is associated" under Conn. Gen. Stat. §1-79(b). The grants in question are administered by DHE under Conn. Gen. Stat. §10a-25g and Regulations of Connecticut State Agencies §10a-25g-6, et seq.

The Ethics Commission has consistently held that as long as certain Code provisions are followed, a state employee or a business with which he is associated may contract with the State, including the employee's own agency. See, e.g., Ethics Commission Advisory Opinion No. 84-11, 46 Conn. L.J. No. 3, p. 5D (July 17, 1984).

Under Conn. Gen. Stat. §1-84(i), the contracting process must be open and public, with prior public offer and subsequent public disclosure of all proposals considered and the final grant awarded. The regulations promulgated to administer these grants provide that the grant applications are reviewed by a six member panel, who make recommendations for funding. Regulations of Conn. State Agencies §10a-25g-9. The grant applications, including the successful application, must be available for public review.

Also, if the faculty member in his state role would normally participate in the grant process, he must disclose the existence of the grant application and the potential conflict of interest to his superior, who will in turn assign the matter to a colleague or superior. Conn. Gen. Stat. §1-86. The faculty member must have nothing to do with the evaluation of any of the grant applications.

Finally, the faculty member may not use his state position, or any confidential information received through that position to obtain a financial benefit for, among others, the associated business. Conn. Gen. Stat. §1-84(c).

By order of the Commission,

(Signature)
Rabbi Michael Menitoff

Rabbi Michael Menitoff
Chairperson

Dated 5-7-90