

# **CONFLICT OF INTEREST OR COMMITMENT POLICY**

## **INTRODUCTION**

Employees of Northeastern State University must be aware that outside commitments, obligations, financial interests or other employment may result in a conflict of interest or commitment which could affect the objectivity of the employees' decisions and the effectiveness of their performance.

This policy addresses some of the circumstances in which conflicts of interest or commitment may occur and sets forth principles for identifying potential conflicts and procedures for reviewing and addressing conflicts that occur. This Policy covers ALL university employees.

## **POLICY STATEMENT**

University employees shall not realize personal gain in any form which would influence improperly the conduct of their University duties. Employees shall not knowingly use University property, funds, position or power for personal or political gain. Employees must notify their supervisor(s) in writing of reasonably foreseen potential conflicts. Conduct by an employee that violates the University policies may lead to disciplinary action.

### **Definitions:**

Conflict of interest exists when an employee is in a position to influence any University business transaction, research activity or other decisions in ways that could lead to any manner or form of personal gain for the employee, or for his/her family members, other than salary from Northeastern State University, regardless of source.

Conflict of Commitment is an activity that interferes with an employee's ability to carry out his/her duties effectively. External employment, or self-employment in an employee's profession or specialty, is permitted where there is not a conflict of interest or commitment. Employees on a full-time appointment are compensated for full-time employment and outside or dual employment or other activity, whether compensated or not, that substantially interferes with the performance of an employee's University duties and responsibilities is a conflict of commitment and as such is not permitted.

Employees include all paid members of the University community including faculty, administrators, appointed personnel, classified staff and student employees, whether full-time, part-time or contract employees.

Immediate family, whether by blood or marriage, includes (1) spouse (2) parents, (3) children, (4) siblings, (5) in-laws, (6) any other individuals residing in the same household, or having a relationship with, the person covered by this policy.

Personal gain is defined as an increase in monetary or other tangible resources, promotion or achievement awards or job placement, preferential treatment in the work environment or other advantages to an employee or immediate family member due to a conflict in interest or commitment.

### **EXAMPLES of CONFLICT of INTEREST REQUIRING DISCLOSURE**

1. The employee or an immediate family member owns, in whole or part, a business with which the university does or proposes to do business, and the employee is in a decision making role or otherwise in a position to influence the university's business making decisions regarding the business entity.
2. Employee or immediate family member holds or assumes an executive, officer or director position in a for-profit or non-for-profit business entity engaged in activities similar to those in which the university engages.
3. Employee participates in consultation activities for a business (profit or not-for-profit) which engages in activities similar to those of the university.
4. Employee or family member is involved (whether by ownership interest or employment) with a firm supplying goods and services to Northeastern State University.
5. Employee or family member is involved with a firm( whether by ownership interest or employment) from whom NSU leases property and/or equipment.
6. Holding office, serving on the board, participating in management or being otherwise employed by any third party dealing with Northeastern State.
7. Receiving remuneration for services with respect to individual transactions (other than normal employment) involving Northeastern State.

### **PROHIBITED ACTIVITIES:**

The following activities are prohibited :

- a. Using University property, facilities, equipment or other resources in any manner that results in personal financial benefit to an employee or member of an employee's immediate family.
- b. Using university property, facilities, equipment or the employee's position at the university for the purpose of advocating, endorsing, or marketing the sale of any goods or services, other than as part of the employee's university responsibilities.
- c. Using university stationery or letterhead in connection with outside activities, other than activities having a legitimate relationship to the performance of university business.
- d. Using the university's name, trademark or trade name for personal business or economic gain to the employee or a member of the employee's immediate family.

- e. Using any university data or information for personal financial benefit to the employee or a member of the employee's immediate family.
- f. Using any university employee for any outside activity during normal work time for which he or she is receiving compensation from the university (not applicable when employees are on a paid or unpaid leave).
- g. Participating in the selection or awarding of a contract between the university and any entity with which an employee is seeking employment or has been offered employment.
- h. Full time faculty and regular exempt personnel may not be concurrently employed with another employer or running a business without full disclosure to their supervisor and Human Resources.
- i. Receiving personal gifts or loans from third parties dealing with or competing with Northeastern State University.
- j. Receipt of any gift, personal or otherwise, valued at more than \$50.

**PERMISSIBLE ACTIVITIES:**

- a. Employees may accept honoraria for presentations, commissioned papers, consultation, workshops, occasional lectures, etc. Participation of faculty in scientific or professional association activities, editorial responsibilities, service on scientific or academic review boards or panel, consulting in area of expertise, textbook authorship, and research grants are encouraged provided such activities do not unduly interfere with the time and energy committed by the individuals to their primary responsibilities to the university.
- b. College of Optometry faculty and other licensed allied health professionals may perform duties that have been approved under faculty practice plans.

**REPORTING OF POTENTIAL CONFLICTS**

**Self-Disclosure**

Northeastern State University faculty and staff are to disclose potential conflicts of interest and commitment resulting from direct or indirect outside business, financial, employment, or consulting interests which are related to their University employment. It is each person's responsibility to provide this information to the Director of Human Resources for review by the University Affirmative Action/Conflict of Interest Committee.

**Reporting of Potential Conflict by Others**

Faculty, staff, or other individuals concerned about possible conflicts of interest or commitment may report such situations to the Affirmative Action/Conflict of Interest Committee. Such reports can be made anonymously and other guarantees can be

provided that are consistent with typical protections for “whistle-blowers” provided by other government entities.

### **Review of Potential Conflicts of Interest and Commitment**

If after consultation with the Director of Human Resources, it is determined that a possible violation of this policy has occurred, the matter will be referred to the Affirmative Action/Conflict of Interest Committee.

The subject of the investigation will be notified within 10 business days, unless notification would limit the effectiveness of the investigation. When it is determined that a violation has taken place, a written finding will be presented to the appropriate Vice President for action. Action will be based on the extent of the violation and the position held. Action will be consistent with the Faculty and Staff Handbooks and other governing body rules and regulations.

### **RIGHT TO APPEAL:**

Either party has the right to appeal determination made due to violation of this policy. The appeal is made by a written request to the President of the University for review of the Vice President's decision and must be made within ten (10) business days of the date of the decision. If an appeal is not delivered to the President within the ten (10) business day period, the case is considered closed. The decision of the President shall be considered final and binding.

### **CONFLICTS OF INTEREST LAW:**

In addition to this policy, the state has imposed laws and rules governing conflicts of interest in state employment. This Policy overlaps with but does not take place of University employees' responsibilities under state or federal law, which in some instances will include additional, and sometimes different, prohibitions, penalties and reporting duties. Federal conflicts of interest laws may also be applicable to those who receive federal grants/contracts or to those employed partly by federal agencies.

It is expected that all employees will abide by all applicable state and federal laws and regulations. There is a clear expectation that employees of the University will honor their employment commitments and will not abuse their positions at NSU by putting outside interests over the interests of the institution in the discharge of their official duties.

### **FREEDOM OF EXPRESSION AND ACADEMIC FREEDOM:**

This policy does not purport to prohibit expressive conduct protected from severe sanctions, punishment, or other undue burdens by the Constitutions of the United States and of Oklahoma. This policy shall not be construed to authorize the University to take adverse action against any employee for consulting or outside professional activities because of the employee's viewpoint, ideology, belief, political opinion, or for any other political motivation.

## Potential Conflict of Interest Self Disclosure Statement

NSU faculty and staff are to fully disclose potential conflicts of interest resulting from direct or indirect outside business, financial, employment, or consulting interests which are related to their University employment. It is each person's responsibility to provide this information to the appropriate University official for review. This form may also be used by students and vendors to disclose potential conflicts of interest.

*Please complete the following information and submit it to the Director of Human Resources , 116 Administration Building.*

Name: \_\_\_\_\_ Department: \_\_\_\_\_

Campus Address: \_\_\_\_\_ Campus phone: \_\_\_\_\_

University  
title: \_\_\_\_\_

**Do you have Research involved with any of the following:**

Human Subjects: yes / no

Animals: yes / no

Please briefly describe the business, financial interest, outside employment, or consulting activities that are raising a potential conflict of interest. Include names, addresses, nature of interest, your role at the University and how it relates to the outside interest, and any other relevant information. Feel free to use additional sheets if necessary or attach additional documentation.

**Nature of your Interest** (check all that apply)

\_\_\_\_\_ Consulting/Employment

\_\_\_\_\_ Director/Officer/Partner/Agent/Manager/Advisor/Board Member position

\_\_\_\_\_ Receipt of Loan/Gift

\_\_\_\_\_ Receipt of Honoraria

\_\_\_\_\_ Receipt of Royalty Revenue/Patent Holder

\_\_\_\_\_ Research Support

\_\_\_\_\_ Other (describe)

**I attest to the accuracy of these answers and, should circumstances change in the future, I will contact the Director of Human Resources to appropriately update this disclosure statement.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name \_\_\_\_\_

**I approve this disclosure filing.**

Supervisor / Department Chair

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name \_\_\_\_\_

**Divisional Dean / Director**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name \_\_\_\_\_

## POTENTIAL REVIEW QUESTIONS for COMMITTEE USE

- Are financial interests in the outside entity/activity disclosed that support any of the research or training activities?  
 YES  NO
- Are outside activities (employment, consulting, management and other contractual activities) with the outside entity/activity disclosed that support any of the research or training activities?  
 YES  NO

Please briefly describe the outside activity, estimate the hours per week spent and total number of weeks.

- Is compensation for teaching/speaking at educational programs sponsored by the outside entity/activity disclosed?  
 YES  NO
- Is travel and personal expense support for teaching/speaking at educational programs sponsored by the outside entity/activity disclosed?  
 YES  NO
- Is compensation for consultation services from the outside entity/activity disclosed?  
 YES  NO
- Does the outside entity/activity disclosed hold a license agreement(s) with the University relating to an invention or software.  
 YES  NO
- If this disclosure is related to a new research project, will the outside entity/activity disclosed hold any rights to research and/or inventions for discoveries associated with this project?  
 YES  NO
- Is the outside entity/activity disclosed imposing restrictions on the disseminations of research results?  
 YES  NO

If yes, please describe the restrictions.

- Are commercial activities with the outside entity/activity disclosed that are related to University responsibilities (i.e. vendor selection, purchasing, sponsored projects, teaching, etc)?  
 YES  NO
- Does the activity require or involve the use of a sole-source vendor agreement for the outside entity/activity disclosed?  
 YES  NO
- Does the reporting entity supervise, select or evaluate services provided to the University by the outside entity/activity disclosed?  
 YES  NO
- Is University business referred to the outside entity/activity disclosed?  
 YES  NO
- Do any University activities sponsored by the outside entity/activity disclosed involve technology developed at the University and which is now owned by or contractually obligated to the outside entity/activity disclosed?  
 YES  NO
- Is interest in the outside entity/activity disclosed in any publications, presentations and papers submitted regarding the research  
 YES  NO
- Are/will any University employees and/or students directly or indirectly supervised be involved in any activity sponsored by the outside entity/activity disclosed?  
 YES  NO

Please explain the use of University employees/students in activity.

- When acting on behalf of the outside entity/activity disclosed, are any students or University personnel employed or supervised?  
 YES  NO
- Is the relationship with the outside entity/activity disclosed the type of activity that could cause an independent observer to be concerned and/or call into question the integrity of the reporting person and/or the University?  
 YES  NO