

Conflict of Interest

ASU-J Faculty Handbook Preamble:

In an effort to insure and maintain the highest caliber, productivity, and fulfillment of faculty, the University and its faculty engage in a mutual investment of time, effort, and resources that synergistically benefits all. The expectation is that faculty will fulfill all direct responsibilities (teaching, research and service) to the University and that the University will support and reward the faculty in these endeavors. The University recognizes and encourages the value of diverse faculty interaction with non-university entities that frequently fosters the University mission, facilitates professional development and promotes expansion and dissemination of knowledge.

Embracing the historical model of academia as a partnership between administration, faculty, and other constituents, and valuing academic freedom and the nurturing of intellectual flexibility, the University supports and encourages activities for faculty that fulfill both personal and professional growth and welfare. Realizing that these activities could result in potential or actual conflicts of interest and to assure compliance with the applicable laws governing conflict of interest, the University requires all faculty to disclose, annually, whether or not a conflict of interest exists. It is equally important that all parties understand and agree that conflicts of interest are common and do not imply any impropriety, as long as appropriately disclosed.

ASU System Policy: Conflict of Interest

1. Purpose

Arkansas State University will define and provide a process for disclosing and managing actual or potential conflicts of interest pursuant to Arkansas laws and regulations.

2. Definitions

Conflict of Interest. A conflict of interest exists when an employee has the opportunity, directly or indirectly, to secure personal gain or financial benefit to self or others through influencing decisions of the university. A conflict of interest also exists when an employee's time and effort to a particular outside activity continuously or periodically interferes with that employee's obligations and responsibilities to the university.

Immediate Supervisor. As used in this policy, the Immediate Supervisor is the person to whom the employee directly reports. The Immediate Supervisor makes the initial evaluation of whether a conflict of interest exists, and if so, how to manage or whether to allow the activity. The Immediate Supervisor is responsible for forwarding the Conflict of Interest Disclosure Form to the Supervisor.

Supervisor. As used in this policy, the Supervisor is the person to whom the Immediate Supervisor directly reports. The Supervisor reviews the evaluation of the Immediate Supervisor and makes a decision of whether a conflict of interest exists, and if so, how to manage or whether to allow the activity. The Supervisor is responsible for forwarding the Conflict of Interest Disclosure form to the employee, Immediate Supervisor, and Human Resources.

Management Plan. A management plan sets the terms under which an activity constituting a conflict of interest will be administered. A management plan may include, but is not limited to, monitoring the

employee's university responsibilities, modifying the employee's university responsibilities, making public disclosure of the conflict of interest, divesting a financial interest creating a conflict of interest, making arrangements for the university to fairly and reasonably share in any financial benefit, or severing the relationship creating the conflict.

3. Arkansas State University System Conflict of Interest Policy

Arkansas State University recognizes that employees may engage in activities outside their university responsibilities and that these activities do not inherently constitute a conflict of interest. In order to establish whether or not a conflict of interest exists and to properly manage any conflict, every full time employee shall complete a Conflict of Interest Disclosure Form annually or more often as needed.

4. Process

Every full time employee shall complete the Conflict of Interest Disclosure Form attached to this policy each January. If subsequent conflicts of interest arise during the year, additional forms must be submitted.

In the case of a required employee authored text in which the author is the instructor of record see Appendix A and B of this policy.

In instances involving employee research, see Appendix C of this policy.

In the case of disagreement between the employee, Immediate Supervisor and/or the Supervisor regarding whether an employee activity is a conflict of interest, the Supervisor will discuss the matter more fully with the employee and Immediate Supervisor in an attempt to arrive at consensus. If consensus cannot be reached, the Supervisor will fully document in writing the rationale for his/her decision.

5. Examples

Each Conflict of Interest must be evaluated on a case-by-case basis. In general, however, the following would not constitute a conflict of interest:

1. De minimis use of university time, equipment, and supplies
2. Ownership interest in a commercial enterprise that does not engage in business with the university
3. Work conducted for a separate company outside employment hours of the university
4. Consulting services, expert testimony, or other personal activities carried-on during work hours with appropriate authorization
5. Attending seminars or other professional development conferences with appropriate authorization
6. Use of university buildings and equipment for private enterprises, provided that a Facilities Use Agreement is in place
7. Receipt of honoraria for short-term professional service activities
8. Receiving royalties from the sale of authored textbooks or course materials, except when required and used in specific ASU class sections taught by the author

In general, the following would constitute a conflict of interest:

1. Employee or immediate family member ownership in or management of an organization which does business with the university
2. Engaging in activities that are in direct competition with the university
3. Utilizing more than de minimis university time or resources to conduct private business for profit or gain without authorization
4. Accepting gifts or gratuities in excess of \$100 for performance of assigned job responsibilities
5. Receiving royalties from the sale of authored textbooks or course materials that are required and used by the faculty member of record in his/her specific class sections

6. Appeals

Consistent with an employee's terms and conditions of employment, decisions regarding conflict of interest may be subject to official grievance.

Appendix A

Textbook Policy

Introduction

Authorship of textbooks or other instructional materials is a valuable academic contribution by faculty that should be encouraged. The selection of textbooks or other copyrighted material for course use is a faculty prerogative that should be safeguarded. At the same time, textbook, software, or other adoptions of copyrighted material should be based on pedagogical factors only. Moreover, faculty should never gain financially or otherwise from course adoption decisions.

A conflict of interest (potential or actual) exists when instructor-authored texts or other materials are required or recommended for students enrolled in the instructor's courses. Arkansas State University does not prohibit the adoption of self-authored materials in faculty courses. However, certain conditions must be satisfied before the instructor may adopt self-authored, copyrighted materials. These conditions have been established in order to insure that (1): materials have been selected based on academic merit; and (2) the instructor does not gain, monetarily or otherwise, from the adoption of materials that he or she has authored.

Procedure for Adoption of Self-Authored, Copyrighted Material

The faculty member must give prior notice to the Department Chair of the intention to adopt self-authored materials. Upon notification the Chair will appoint an *ad hoc* faculty committee. The charge of the committee will be to review proposed course adoptions to determine if they are appropriate for use in the designated course(s). There must be unanimous agreement among committee members that the proposed adoptions are pedagogically warranted. As a rule, instructor-authored texts or other materials will not be considered appropriate for adoption if they have been developed exclusively, or mainly, for use in courses at Arkansas State University.¹ Upon receipt of a letter of unanimous approval from the *ad hoc* committee, the instructor may initiate adoption of self-authored materials.

Distribution of Royalty Income from the Sale of Self-Authored Materials

Presuming the faculty member has received a letter of approval from the *ad hoc* committee, additional steps are required to guarantee that royalty income received *as a direct result of adoption decisions* is redistributed to "programs that benefit students academically," as required by the Arkansas Code 6-60-604 (2009).

Good Faith Estimate of Royalties

¹ This proviso does not apply to author-created materials such as PowerPoint slides that are sold through bookstores "at cost", and for which the instructor receives no payment.

The author is required to make a good faith estimate of royalties earned that are attributable to course adoption decisions. This estimate is subject to the approval of the Department Chair. The author/adopter is required to make a donation in an amount equal to the good faith estimate (as approved by the Chair) to one or more of the funds/activities listed on the "eligible programs" list (see attached).

Final Note

The direct sale of course-related or other materials by the instructor to students is strictly forbidden.

Appendix B: Eligible Scholarship Programs

Mossie J. Richmond - Afak Haydar Scholarship for International Students.
Agriculture General Scholarships
Allied Industries Scholarship
Alpha Tau Alpha Scholarship
Arkansas Plant Food Education Society Scholarship
Arkansas Seed Dealers Association Scholarship
Arkansas State Federation of Farm Credit Stockholders Scholarship
Arkansas State Plant Board Scholarship
Arkansas State University Collegiate FFA Scholarship
Dr. Coy Mac Boyd Scholarship in Agriculture
Dr. Olen P. Nail Scholarship Endowment
Harry E. Beasley Memorial Scholarship
G. Robert Blanchard Agricultural Scholarship
Golightly Foundation Scholarships
Golightly Upper Level Agricultural Scholarships
James E. Gambill Memorial Scholarship
Katherine E. Franzen Scholarship
Mr. & Mrs. W. W. Holmes Memorial Scholarship
Samuel S. Lipscomb Memorial Scholarship
John H. and Irene N. Neeley General Agriculture Scholarship
Poinsett County Farm Bureau Scholarship
Jim Sloan Memorial Scholarship
Michael Lynn Smith Memorial Scholarship
ASU Museum Garden Club Scholarship
Arkansas Flower and Garden Show Scholarship
John H. and Irene N. Neeley Plant Science Scholarship
Angelo Arts & Sciences Scholarship
Edgar and Vera Kirk Scholarship Endowment
Residents Against Illegal Drugs
Dr. John C. Osoinach Memorial Sociology Scholarship
English B. A. Book Award
Key Memorial English Scholarship
Dr. John C. Osoinach Memorial Poetry Scholarship
Philosophy Scholarship
John A. Galloway Graduate Award
Fairy Conlee Gillespie Memorial History Scholarship
Janna Lambert Memorial History Scholarship
C. Calvin Smith Scholarship
Cooper-Huitt Memorial Scholarship
ASU Political Science Scholarship
Guido Hassin Scholarship for Science Majors
Hale Arnold Memorial Scholarships
Southland Racing Corporation/ Harry H. & Anna Mae Latourette Scholarship
Dr. John C. Faris Memorial Pre-Medical Scholarship
Biological Sciences Scholarship
Dr. Glenn D. Cooper Memorial Scholarship
Orien and Eda Garner Horn Memorial Trustees' Chemistry Scholarship
Dr. Earnest Lee Saunders Memorial Scholarship
Michael Johnnedes Memorial Scholarship
Mary Rogers Brown Memorial Scholarship
R. A. Nelson Scholarship
Howard Christie Pierce Scholarship Endowment in Mathematics

Stella Horton Alsey and Howard Milton Alsey Endowment
Robert and Gloria Ferralasco Business Scholarship
Wallace Fowler Scholarship (finance or marketing preference)
Phil & Mary Ester Herget Scholarship
Joe B. Hillard Scholarship
The National Association of Insurance and Financial Advisors/ Northeast Arkansas Chapter
Dr. Herbert H. Price Jr. Memorial Scholarship
Cucial Julian Roberts Scholarship Endowment
Maurice Rubenstein Memorial Scholarship
L.T. Colonel Barney Smith Memorial Scholarship Endowment
Fred Stull Fellowship for Graduate Study in Business
Sullivan Hispanic Scholarship in Business Endowment
Mary Lou Wood Business Scholarship Endowment
Accounting, Finance & Law Department Scholarship
Northeast Arkansas Society of Certified Public Accountants
Orthany Paden Dekker Memorial Scholarship
Jones & Company, Ltd. Scholarship
Dr. Shirl D. Strauser Scholarship Endowment
Dr. Joesph Wellborn Accounting Scholarship
Citizens Bank Seniors Club Scholarship
Insurance Network Scholarship Endowment
Donald W. Stone Memorial Scholarship
The Daniel Hoyt Human Resource Scholarship Endowment
Aaron and Sandie Lubin Homan Resource Management Scholarship
John Tipton Scholarship
Edward L. and Gilberta W. Westbrook Memorial Scholarship
Jay Palmer Beard and Veda Pruett Beard Scholarship Endowment in Broadcast Journalism
Whitehead-Kimball Community Journalism Scholarship
L.W. "Tex" Plunkett Scholarship
Arkansas Press Association Scholarships
Commercial Appeal Scholarship for Westside High School Graduates
Chad Lewis Memorial Photojournalism Scholarship
Troutt Brothers Memorial Scholarship
William Randolph Hearst Foundation Scholarship
Journalism Major With Public Relations Emphasis
Adrian Headley Memorial Textbook Scholarship
Graphic Arts Club Outstanding Member Scholarship
Lloyd Keith Meharg Scholarship
Robert W. Kern Printing Scholarship
Bobby Ruff Printing Scholarship
Kenneth Lane Radio-Television Scholarship
[\(Arkansas Farm Bureau\) Marvin Vines Broadcasting Scholarship](#)
[\(Arkansas Broadcasters Association\) Ted Rand Memorial Broadcasting Scholarship](#)
[Charles Rasberry Scholarship in Radio-T.V.](#)
[J. D. Rogers Memorial Scholarship](#)
Arthur Ray "Kip" Moore Memorial Scholarship
Speech Communication Scholarship
Civil Engineering Scholarship
Danny Scott Memorial Scholarship
Dr. Albert L. Mink CDE Scholarship
Engineering Scholarship
Electrical Engineering Scholarship
Mechanical Engineering Scholarship
Olympus Construction, Inc. Scholarship
Society of Manufacturing Engineers Scholarship
Tokusen U.S.A., Inc. Scholarship

Bill Bell Jazz Scholarship
Donald R. Minx Memorial Scholarship
Alfred R. Skoog Choral Alumni Scholarship
John H. and Irene N. Neeley Music Scholarship
David Niederbrach Sinfonia Scholarship
Aileene Matthews String Music Scholarship
L. H. Sternheimer Family Scholarship In Music
W. J. Beard Memorial Music Scholarship
Janna Lambert Memorial Keyboard Scholarship
Lily Peter Keyboard Scholarship
Ann Slaughter Smith Scholarship
Brackett - Krennerich Associates Scholarship Endowment for Theatre
Lorena J. "Rockie" Smith Endowment for Theatre Arts
Drs. Ball, Woloszyn, Moseley and Day Nursing Scholarship
Craighead-Poinsett Medical Alliance Scholarship
Regional Medical Center of NEA Professional Scholarship
Elizabeth, Thomas Health Sciences Scholarship
George Herndon Graduate Scholarship in Communication Disorders
L.H. Sternheimer Family Scholarship in Communication Disorders in Memory of Lillian B Sternheimer
Gail Buggica Memorial Scholarship in Physical Therapy
Isokinetics Inc. Physical Therapy Scholarship
Kris Taylor Memorial Scholarship
Clopton Clinic Nursing Scholarship
Sister Patricia Lee Findley Memorial Scholarship
Ray Hall Sr. Memorial Scholarship
Leet Family Scholarship
Bill Penix Jr. Memorial Scholarship
Harriet Mildred Smith Memorial Scholarship Endowment
Carla Brooks Spears Memorial Nursing Scholarship
Susan Tolliver Memorial Nursing Scholarship
Linnie Wisdom - Maude Wilson Honors Scholarship
Jon A. Linder/Douglas Jon Seitz Scholarship
Lou and Frank Angelo Scholarship
Arbyrd High School Class of 1948 Scholarship
W. V. (Vete) Armstrong Memorial Scholarship
ASU Alumni Association License Plate
ASU Administration Services Association Scholarship
ASU Disability Services Scholarship
ASU Upward Bound Scholarship Endowment
Barrett-Tuck Science Scholarship
Harry and Mary Belk Scholarship
Best Diversified Products, Inc. Scholarship
Boyd L. Booth Scholarship
Addison M. Bradford Jr. Memorial Scholarship
R. W. and Anna Margaret Butler Scholarship
Linual Cameron Memorial Scholarship
City Water and Light Employee Dependent Scholarship
John T. Clements III Memorial Scholarship
Craighead County Extension Homemakers Council Scholarship
Mark Crow Scholarship for Non-Traditional Students
Delaplaine Scholarship
Hazel Deutsch Honors Scholarship
Eta. Gamma Chapter of Alpha Tau Omega Fraternity Memorial Alumni Scholarship
Rick Duschl KA Memorial Scholarship Endowment
EXCEL Scholarship
Phillip Forrester Memorial Scholarship Endowment

Maxine and Jesse B. Gregg Scholarship
Robin H. Hagaman Scholarship
Darryl & Donald G. Hiers Memorial Scholarship for Students with Disabilities
Hooper Family Honors Scholarship
Mr. & Mrs. W. W. Holmes Memorial Scholarship
Hoops for Scholars Scholarship
Virgene Horn Memorial Scholarship
Dr. Ruby N. Isom Scholarship
Marlin D. Jackson Scholarship
Jeld Wen Scholarship
Roy H. Jolly Rotary Scholarship
Mary Elizabeth Greenwood Jones Memorial Scholarship
Jonesboro University Heights Lions Club Scholarship
Jonesboro University Rotary Club - Jim Lyons Memorial Scholarship
Juanita Provance King Memorial Scholarship
Licensed Beverage Association of Poinsett County Scholarship
Dr. John E. Knight Baseball Scholarship
James W. Lundberg Scholarship for Lambda Chi Alpha
James W. Lundberg Scholarship for Non-Traditional Students
C. K. and Linda McFarland Academic Freedom Scholarship
Meeker-Grear Memorial Scholarship
Claudia Dunn Mitts Endowment
Dean Robert Moore Leader Scholarship
Dr. Warren W. & Lu L. Nedrow Scholarship
Northeast Arkansas Environmental Association Scholarship
Physical Plant Employee-Dependent Scholarship
Pulaski County Academic Scholarship
David E. Puryear Memorial Scholarship
Edward M. Regenold Scholarship Endowment
Ruby I. Reng Scholarship
Riceland Scholars
Mary Williams and Josephine Wright Richmond Scholarship
Mossie Richmond-Afak Haydar International Scholarship
Florence Rubenstein Memorial Scholarship
Morris Schoenfield Memorial Scholarship
SGA Scholarship for Excellence in Academics & Activities
Eugene B. and Cora C. Smith Memorial Scholarship
Udell Smith NARFE Scholarship
Dean Peggy Stroud Panhellenic Scholarship
William R. Stuck Scholarship
Debbye Turner Scholarship of the ASU Alumni Scholarship
Warr Family Scholarship Endowment
Melvin Weatherspoon Memorial Scholarship Endowment
Mable Symons Woodside Memorial Scholarship
Wolverine Worldwide Arkansas Operations Scholarship
Ziegenhorn Scholarship
Shannon Wright and Lynette Thetfor Scholarship
Mr. & Mrs. H.G. Yates Sr. Baptist Collegiate Ministry President's Award

Appendix C

ARKANSAS STATE UNIVERSITY CONFLICTS OF INTEREST, RESEARCH PROCESS

INTRODUCTION: The University requires all of its full-time employees to submit conflict of interest disclosure statements annually or as frequently as necessary during the course of the year to assure that the statements are up-to-date.

PURPOSE: A number of federal grant-making agencies condition grant/contract application and awards upon maintenance of up-to-date investigator conflict of interest disclosure statements. It is the intent of this process to ensure that orderly and accurate records are maintained and that substantive, systematic, knowledgeable review takes place to assure compliance with federal regulations.

RESEARCH CONFLICT OF INTEREST COMMITTEE (RCIC): Disclosure forms of faculty who have an ownership interest in a research-based private company and are applying for or administering externally-funded programs will be reviewed by a faculty/staff/student committee that has been trained in the resolution of conflicts of interest. The RCIC will meet at least quarterly. The Associate Vice Chancellor for Research will call special meetings as required if the press of business warrants it.

PROCESS:

Form Submission: To the extent possible, faculty members' annual forms will be used to satisfy the federal requirement for conflict of interest disclosure. If circumstances change during the course of the year and potential or actual conflicts impinge upon pending or existing grant or contract proposals, faculty members are required to amend their most recent disclosure statements.

Committee Process. The RCIC's charge will be to: 1) determine whether conflict situations exist; and 2) recommend possible courses of action to mitigate them. The Dean of the College in which the faculty member is housed shall be present when the RCIC meets to discuss his/her disclosure statement. The Chair of the RCIC will provide its summary findings to the AVCR after it meets. If substantive agreement cannot be reached by all of the members of the RCIC, majority and minority reports should be prepared and provided to the AVCR.

Development of Management Plans. The AVCR will precipitate meetings between affected faculty members, chairs, and deans to develop acceptable management plans. S/he may call upon the RCIC Chair or other members for advice throughout the developmental process.

Appeals. In the event that substantive agreement cannot be reached to mitigate actual or perceived risks, the Provost will make the final determination.

OFFICE OF RECORD: All conflict of interest disclosure plans and management plans for full-time faculty will be routed through the Office of Research and Technology Transfer and will be reviewed by the Associate Vice Chancellor for Research and routed to the office of record, Human Resources.

Appendix D

Arkansas State University System

Conflict of Interest Disclosure Form

All full time employees are required to complete this form by January 31 of each year and immediately when an actual or potential conflict of interest arises during the year.

- I have read the Arkansas State University System policy on conflict of interest and I have no actual or potential conflicts to disclose.

- I have read the Arkansas State University System policy on conflict of interest and I attach a report disclosing each actual or potential conflict in compliance with that policy.

Signed _____ Date _____

Name (print or type) _____

Title _____

Department _____

Immediate Supervisor Review. To be completed within five (5) working days.

- I have reviewed the Conflict of Interest Disclosure Form and agree that this employee has no actual or potential conflict of interest to disclose.

- The proposed activity has been reviewed and an actual or potential conflict of interest exists. I recommend the attached management plan be implemented.

- The proposed activity has been reviewed and constitutes a conflict of interest. I do not recommend that the activity be allowed.

Immediate Supervisor

Date

Supervisor Review. To be completed within five (5) working days.

- I have reviewed and approve the recommendations of the Immediate Supervisor.
- I have reviewed and disapprove the recommendations of the Immediate Supervisor for the attached reasons.
- I have reviewed the recommendations of the Immediate Supervisor and modify the recommendations for the attached reasons.

Supervisor

Date

- Signed copy retained by Employee, Immediate Supervisor, and Supervisor
- Signed copy sent by Supervisor to Employee's personnel file in Human Resources