

ASU FACULTY AND STAFF GENERAL CONFLICTS OF INTEREST AND COMMITMENT POLICY

Preamble

University employees need to be sensitive to the possibility that outside obligations, financial interests, or employment may affect their responsibilities and decisions as members of the University community. Involvement of University employees in outside activities, both public and private, often serves the interests of the individual, University, and general public. Participation of individuals in activities outside the University is encouraged to the extent that they do not interfere with the employment duties of the individual or the mission of the University in preserving, generating, and disseminating knowledge.

University employees may be faced with situations that conflict with their obligations, responsibilities, and decisions related to their employment or to the mission of the University. These conflicts can generally be categorized as conflicts of interest and conflicts of commitment. Conflicts of interest are situations in which University employees may have the opportunity to influence University administrative, business, or academic decisions in ways that could lead to personal gain, give improper advantage to self or others, or interfere with the preservation, generation, or public dissemination of knowledge. Conflicts of commitment are situations in which University employees' time and effort given to outside activities and interests interfere with their obligations and responsibilities to the University. Conflicts of interest and commitment are not necessarily unwarranted, unethical, or illegal. Furthermore, conflicts of interest and commitment are not always avoidable. The failure to disclose situations that have the potential for or involve actual conflicts of interest or commitment, however, may be unethical and/or illegal. (See [A.C.A. § 19-11-703 \(2004\)](#))

Disclosure and Remediation

Situations that have the appearance of, potential for, or involve actual conflicts of interest or commitment must be reported in writing to the employee's appropriate supervisor (e.g., department chair, dean, director, vice chancellor). Written disclosure should be made by the individual before any agreements are completed between the employee, University, and/or any outside organizations. Modifications to existing agreements should be reported as they occur. In addition, continuing agreements should be reported on an annual basis. In disclosing these situations, the employee should indicate any steps that can or will be taken to avoid or minimize any conflicts.

After consulting with the employee, considering whether an actual or potential conflict of interest or commitment exists, and the ramifications for the University, the supervisor will provide the employee with a written approval, disapproval or proposed remedial actions within five working days. The supervisor will provide a copy of the document to their superior for approval within five additional working days. Employees may appeal the decision to the President or the President's designee. The supervisor or superior shall refer serious conflicts to the President or designated official.

The decision of the President or official designee will be final.

A form for disclosure of potential conflict of interest and commitment may be found in Appendix A and on the Office of Research and Technology Transfer website, available at <http://researchoffice.astate.edu/>. In addition to being used when a potential or actual conflict is identified, this form must be filled out annually by all university employees.

Guidelines

The following list provides some examples of the type of situations that may involve conflicts of interest or commitment and, hence, should be disclosed. Because a particular situation appears on the list does not necessarily mean that a conflict of interest or commitment exists. Even if a conflict exists, the situation may be unavoidable or in the University's best interest and, hence, allowed to continue.

The list of situations is not exhaustive. Other situations or activities may exist that have the appearance of, potential for, or involve actual conflicts. Situations, whether listed below or not, that have the appearance of, potential for, or involve actual conflicts of interest or commitment should be disclosed.

1. Employee or immediate family member ownership, management, or other business ties with a private or public organization that has dealings with the university.
2. Participation in outside business activities.
3. Teaching credit or noncredit courses, seminars, or workshops not for the university.
4. Requiring material for use by students for which the instructor derives direct or indirect financial benefit.

Pursuant to A.C.A. 6-60-601, royalties received by a faculty member from the sale of textbooks and course materials for classes taught by the faculty member must be paid to the College in which the faculty member is associated for the purpose of funding programs that benefit students academically.

5. Fees provided for professional service including consulting, honoraria, royalties, or expert testimony.
6. Continuing role in the scientific and technical efforts of a commercial enterprise.
7. Personal payments, income, gifts, or other benefits received or promised from an organization proposing or sponsoring research.
8. Private remuneration for university research provided by an individual or organization.
9. Revenue from patents or licensed technology.
10. Service or financial interest in an entity that provides research grants or contracts.
11. Direct commercial or financial interests of immediate family members in employee's research.
12. Transfer of technology to an organization in which the employee or their immediate family members have an interest.
13. Time and effort in extramural activities that interfere with obligations, duties, and responsibilities to the university.
14. Employee or immediate family member financial interest in university decisions.
15. Use of university facilities, employees, or students in personal or commercial activities.
16. Use of official university position for personal/family gains/interests.
17. Appointment, promotion, supervision, or management of an immediate family member.
18. Acceptance of gifts or gratuities offered because of university position.
19. Use of university credit, purchasing power, or facilities for non-university activities.
20. Advertising endorsements based upon university position.
21. Outside activities influencing decision or behavior with respect to preservation, generation, and dissemination of knowledge (e.g., delaying dissemination of research information, diverting to external organization research opportunities that the University would have a normal expectation to obtain.).

Appendix A
Disclosure of Potential Conflict of Interest and Commitment
Arkansas State University

This form implements the Arkansas State University campus policy on Conflict of Interest and Commitment adopted by the Board of Trustees. It is the campus policy of Arkansas State University that its officers, faculty, staff and others acting on its behalf have the obligation to avoid ethical, legal, financial and other conflicts of interest or commitment with their obligations to the University or its welfare. In adherence to the institution's policy, please complete the following statement to disclose any relationships or activities which might give rise to conflicts, or the appearance thereof, with your duties, responsibilities or obligations to Arkansas State University. **All faculty, classified and non-classified staff are required to complete this form annually or more often as needed.**

- ☐ I have read the campus policy on conflict of interest and commitment, and I disclose the attached explanation of the nature of each potential conflict of interest or appearance thereof in compliance with that policy.
- ☐ I have read the campus policy on conflict of interest and commitment, and I have no conflicts of interest to disclose.

Signed _____ Date: _____
Name _____
Title _____
Department _____

Administrative Review

- ☐ The proposed activity has been reviewed, and no conflict of interest or commitment that would interfere with the employee's obligations to Arkansas State University or its welfare appears to exist.
- ☐ There is the potential for a conflict of interest or commitment or the appearance thereof, and I recommend the following steps be taken to manage the apparent conflict (additional information should be attached as needed):
Note: If royalties for textbooks are involved, funds will be paid to the academic college of the faculty member for the purpose of funding programs that benefit students academically.
- ☐ A conflict of interest or commitment does exist in the aforementioned situation, and I do not recommend that the situation be allowed to exist.

I (approve, disapprove, refer) the disclosure for the reasons checked above.

Department Chair Date

I have reviewed and (approve, disapprove) the recommendations of the department chair.

Dean Date

- Approved copy to employee and Chair.
- Record maintained in office of Dean.