

**COLLEGE OF LIBERAL ARTS
MERCER UNIVERSITY
CONFLICT OF INTEREST/COMMITMENT POLICY**

I. BASIC PRINCIPLES

Mercer University recognizes that external consulting activities are a proper and common feature of academic employment, contributing to the professional development of the individual and extending the University's missions of teaching, research and service. The University permits and indeed encourages a limited amount of such activities where they (a) provide the individual employee with experience and knowledge valuable to teaching, research or scholarship, (b) involve suitable research or scholarship through which the individual may make a worthy contribution to knowledge, or (c) constitute a public service, *as long as* they do not present unacceptable conflicts of interest or create conflicts of commitment with respect to the individual's obligation to the University and to the performance of University duties.

Accordingly, the following basic principles are adopted as the policy of the College of Liberal Arts:

A. Full-time members of the faculty and professional and administrative staff owe their primary professional responsibility to the University, and their primary commitment of time and intellectual effort should be to their institutional responsibilities. Outside activities may not interfere with the individual's institutional responsibilities.

B. No outside activities should result in any conflict of interest or commitment with the individual's responsibilities to the University.

C. University resources (including space, facilities, equipment and support staff) may not be used for outside activities without prior approval of and appropriate payment to the University.

D. The University's name may not be used in outside activities without prior approval. Faculty members naturally may identify themselves professionally in terms of their institutional affiliation. Care shall be exercised, however, to insure that external professional involvements do not imply University sponsorship or sanction.

E. Faculty members who wish to arrange consulting or other paid outside activities must obtain prior approval from the Dean. Professional or administrative staff who wish to arrange consulting or other paid outside activities must obtain prior approval from the appropriate supervisor.

II. INTERPRETIVE GUIDELINES

A regular, full-time member of the faculty of the College of Liberal Arts is considered to bear primary professional obligations to the College. Outside consulting, employment, or business interests must not diminish one's effectiveness in the performance of faculty responsibilities. Outside consulting, employment, or business interests must be clearly subordinate to the individual's teaching, advising, scholarly, and service functions for the College and University, and must be held to a minimum during the academic year.

The potential for a conflict of interest exists in several events. Where outside professional consulting exceeds on the order of one day per week during an academic term, there is such a potential. Where outside employment involves teaching at a competing institution or within a competing unit of the University, there exists the possibility of a conflict of interest. Where external employment comprehends more than one day per week during an academic term, or one course per academic term, there may be a conflict of interest. Where a faculty member profits financially from activities that employ University or College property there is potential for a conflict of interest, although this statement is intended in no way to discourage scholarly activity including the writing of textbooks, nor does it contravene the University's policy as to patents and copyrights.

III. SPECIFIC POLICY ON FINANCIAL CONFLICTS OF INTEREST IN RESEARCH OR OTHER ACTIVITIES SPONSORED

BY THE NATIONAL SCIENCE FOUNDATION (NSF) AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

A. Introduction

This portion of the College of Liberal Arts Conflict of Interest/Commitment Policy is based on and is intended to comply with the National Science Foundation (NSF) Investigator Financial Disclosure Policy and the final regulations of the Department of Health and Human Services (HHS) dealing with investigator conflicts of interest, both of which were effective on October 1, 1995. Modifications may be necessary or advisable once other governmental funding agencies adopt conflict of interest rules, or once further guidance is received from NSF and HHS.

B. Definitions

1. *Investigator* means the principal investigator, co-principal investigators, and any other person at the University who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by a governmental agency.

2. *Significant financial interest* means anything of monetary value, including, but not limited to, salary or other payments for services (e.g. consulting fees or honoraria); equity interests (e.g. stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:

- a. Salary, royalties or other remuneration from the University, or any ownership right held by the University, if the University is an applicant for or recipient of funding under the Small Business Innovation Research Program or Small Business Technology Transfer Program;
- b. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- c. Income from service on advisory committees or review panels for public or nonprofit entities;
- d. An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both the following tests: (a) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and (b) does not represent more than a 5% ownership interest in any single entity; or
- e. Salary, royalties or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children, are not expected to exceed \$10,000 during the next twelve month period.

C. Required Financial Disclosures

1. Each investigator must disclose to the Dean all significant financial interests of the investigator (including those of the investigator's spouse and dependent children) (a) that would reasonably appear to be affected by the research or educational activities funded or proposed for funding by a governmental agency, or (b) in entities whose financial interests would reasonably appear to be affected by such activities.

2. The financial disclosures required above must be provided prior to or at the time a proposal for funding is submitted to a governmental agency. Such financial disclosures must be updated during the period of the award, either on an annual basis or as new reportable significant financial interests are obtained.

D. Determination and Management of Conflicts of Interest

1. The Dean will review the financial disclosures; determine whether a conflict of interest exists; and determine what conditions or restrictions, if any, should be imposed by the University to manage, reduce or eliminate such conflict of interest. A conflict of interest exists when the Dean reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of government-funded research or educational activities.

2. Examples of conditions or restrictions that might be imposed to manage, reduce or eliminate conflicts of interest include, but are not limited to:

- a. Public disclosure of significant financial interests;
- b. Monitoring of research by independent reviewers;
- c. Modification of the research plan;
- d. Disqualification from participation in the portion of the government-sponsored research that would be affected by the significant financial interests;
- e. Divestiture of significant financial interests; or
- f. Severance of relationships that create conflicts.

3. If the Dean determines that imposing conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, then the Dean may recommend that the research be allowed to go forward without imposing such conditions or restrictions. Such a recommendation will be forwarded to the Executive Vice President and Provost for review and approval.

4. If the Dean determines that a conflict of interest cannot be satisfactorily managed, the Dean will promptly notify the University's General Counsel, who will assure that the government agency is kept appropriately informed, in accordance with the applicable regulations.

5. Any investigator who disagrees with any determination made by the Dean under this policy may appeal to the Executive Vice President and Provost, whose decision shall be final.

E. Certification of Compliance

1. Each investigator must certify that he or she has read and understands this policy, that all required disclosures have been made, and that the investigator will comply with any conditions or restrictions imposed by the University to manage, reduce or eliminate conflicts of interest.

2. The University is required to certify in proposals for funding made to certain governmental agencies, including NSF and HHS, that the University has implemented a written and enforced conflict of interest policy that is consistent with applicable requirements imposed by the agency; that to the best of its knowledge all financial disclosures required by that conflict of interest policy have been made; and that all identified conflicts of interest will have been satisfactorily managed, reduced or eliminated prior to the University's expenditure of any funds awarded by the agency, in accordance with the conflict of interest policy. The University will rely on the investigators' certifications in making its certifications to the governmental agencies.

F. Enforcement; Sanctions for Non-Compliance

The failure of any investigator to comply with this policy shall constitute grounds for disciplinary action,

consistent with the procedures set forth in the University Faculty Handbook, the Employee Handbook for Non-Faculty Employees, or other applicable disciplinary policies and procedures.

G. Records

Records of all financial disclosures and of all actions taken to manage conflicts of interest shall be retained until at least three years beyond the termination or completion of the government-sponsored project award to which they relate, or until the resolution of any government action involving those records, whichever is longer.

IV. ANNUAL DISCLOSURE

In order to prevent conflicts of interest, it is the policy of the College of Liberal Arts that on or before 30 September of each year each faculty member will complete a Conflict of Interest Form, College of Liberal Arts, which will be made a matter of record. A copy of the form is attached.