

**BAYLOR UNIVERSITY FACULTY
CONFLICT OF INTEREST POLICY
BU-PP 700**

I. APPLICATION

This policy applies to members of the faculty, including part-time faculty, of Baylor University.

II. PREAMBLE

Baylor University encourages its faculty members to interact with business, industry, public and private foundations, government agencies, religious and other educational institutions in appropriate ways. Such interaction assures the relevance of our missions of teaching, research and service. In addition, it provides for and facilitates the professional development of faculty and promotes the rapid expansion and application of knowledge gained through research to the needs of Baylor University, the Waco community, the State of Texas, the region and the nation. Baylor University is both a public and sacred trust. As such, each member of the faculty at Baylor University has a duty to exercise the utmost good faith in each transaction touching upon his or her duties to the University and its property. In dealing with and on behalf of the institution, faculty members are held to a strict rule of honest and fair dealing between themselves and the University. Baylor University employees should conduct their affairs so as to avoid or minimize conflict of time commitments and conflict of interest. In addition, the University should be prepared to respond appropriately to faculty when a real or apparent conflict arises.

The purposes of this policy are to (i) educate about situations that generate conflicts; (ii) provide means for faculty and the University to manage real or apparent conflicts; (iii) promote the best interests of students and others whose learning or work depends on faculty direction; and (iv) describe situations that are in conflict with this policy. Each faculty member has an obligation to become familiar with, and to abide by, the provisions of this policy.

III. GENERAL PRINCIPLES

A. Conflict of time commitment Faculty members of Baylor University owe their primary professional responsibility to the University. As such, their primary commitment of time and intellectual effort should be to the instructional, scholarship, and service missions of Baylor University. A Baylor University faculty member is expected to demonstrate the dedication of a full-time professional educator, which leaves little time for outside work. The specific responsibilities, position requirements, employment obligations and professional activities that constitute an appropriate and primary commitment of time will differ across schools and departments. However, these responsibilities, requirements, obligations and activities should be initially premised on a general understanding of full-time commitment for full-time faculty of Baylor University. Exceptions must be justified and shown to enhance the institutional mission.

Conflicts of commitment usually involve issues of time allocation. Attempts to balance University responsibilities outlined in the preamble with external activities, such as, but not limited to, consulting, public service or pro bono work, can result in real or apparent conflicts regarding commitment of time and effort. Whenever a faculty member's external activities exceed reasonable time limits, or whenever a faculty member's primary responsibility is not to the institution, a conflict of time commitment exists.

B. Conflict of interest

A conflict of interest exists when a faculty member of Baylor University has an outside personal and/or economic interest which may potentially oppose the best interests of the university. A conflict of interest occurs when there is a divergence between an individual's private, personal economic relationships or interests and his/her professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal benefit, gain or advantage, rather than those of Baylor University. A real or apparent conflict of interest depends on the situation, and not necessarily on the character or actions of the individual. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict of interest. Thus, individuals are asked to report potential conflicts so that appearances can be separated from reality. A faculty member may not use his or her position, or knowledge gained therefrom, in such a way that a material conflict may arise between the interests of the University and those of the individual. Conflicts of interest can arise out of the fact that, implied in Baylor University's mission is the promotion of the public good by fostering the transfer of knowledge gained through research to the private sector. Two important means of accomplishing the mission of Baylor University include consulting and the commercialization of technologies derived from research funded from sources outside the University. It is appropriate that faculty be rewarded for participation in these activities through consulting fees and sharing in royalties resulting from the commercialization of their work. However, it is wrong for an individual's actions or decisions made in the course of his or her University activities to be determined by considerations of personal financial gain.

The University approves of faculty consulting and research funded from sources outside the University on a project basis on the professional or policy level as long as it supports the mission of the University and does not interfere with the duties and responsibilities of the faculty member to the University. In these cases, the faculty member is expected to submit a written request for off-campus consulting employment to the dean of the particular school and to the Vice President for Academic Affairs.

In cases of approved consulting or research funded from outside sources, it is permissible for a reasonable amount of University resources to be used to support these activities. The faculty member is expected to monitor the usage of resources and to reimburse the University from fees or royalties earned from these activities.

A faculty member may never use proprietary or other information confidential to Baylor University unless he or she obtains written approval in advance from the appropriate officials.

Faculty may not involve Baylor University students or other faculty or staff in their external activities if such involvement is in any way coerced or if it in any way conflicts with the involved participants' required commitment of time to the University. For example, a student's grades or progress toward a degree may not be conditioned on participation in external activities.

IV. Examples of potential and actual conflict of time and conflict of interest

It is impossible to enumerate all of the circumstances and conditions that might arise regarding potential and actual conflict of time and conflict of interest of Baylor University faculty members. Such circumstances would include, but are not limited to, the following: A. Employment outside the University, even on a part-time basis. B. Regular instructional service to other educational institutions while performing under annual or summer contract with the University.

C. Significant managerial responsibilities at business enterprises outside the University.

D. Serving as principal investigator on sponsored projects that could be conducted at Baylor University but instead are managed through another organization, public or private.

- E. Transacting private business from one's institutional office during times when such activity might interfere with his or her commitment to the institution.
- F. Entering into research contracts with entities, public or private, other than Baylor University, that employ a faculty member or a member of his or her immediate family.
- G. Directing research toward developments of potential benefit to private firms in which the researcher has an interest.
- H. Influencing the purchase of equipment or materials from a company in which the person or a member of his or her immediate family has a material personal interest.
- I. Requiring that students under faculty supervision undertake work of personal benefit to them or a company in which they or a member of their immediate family has a material personal interest.
- J. Unauthorized and unreimbursed use of University property or resources for the benefit of a faculty member or a company in which they or a member of their immediate family has a material personal interest.
- K. Participating in the review or hiring process when the University employee has a marital, familial or intimate relationship with the person being hired.
- L. Utilizing the name of the University when presenting ideas, implying that the ideas represent the University's position, or identifying publicly with the University when carrying out private, non-University business.
- M. Use of privileged information acquired as a result of University-supported activities for private gain (for instance, in obtaining a contract for a company in which one has a financial interest).
- N. Unreasonable delay of publication of research results or premature announcement of research results for personal gain.
- O. Accepting a favor, hospitality or a material gift that might influence his or her decision making or compromise his or her judgment in action affecting the University.

IV. METHOD OF DISCLOSURE

Each faculty member must be furnished with a copy of this policy and a disclosure and information statement contemporaneously with the issuance of faculty contracts for the 1996/97 academic year. The disclosure and information statement must be completed and returned to the Provost and Vice President for Academic Affairs with the faculty member's signed contract. For newly hired faculty, each person must be furnished with a copy of this policy and a disclosure and information statement at the time of initial hiring. Subsequent to that time, each faculty member has a continuing obligation to supplement, modify, or amend his or her annual disclosure statement as circumstances may demand. As a part of annual contract renewal, each year subsequent to the first year of signing, each faculty member will be asked to sign a statement reporting his or her familiarity with the Conflict of Interest Policy and whether his/her ongoing status with respect to that policy has changed during the past year. If the status has changed, the faculty member will be required to update his/her disclosure statement. In the case of a possible conflict of interest, the faculty member should also supply a copy of the disclosure and information statement to the department chair.

VI. PROCEDURE FOR RESOLUTION

If a situation raises questions of real or apparent conflict of commitment or conflict of interest, affected faculty must meet with their department chair and/or dean to report the conflict and

eliminate the conflict or develop a written strategy describing how it will be managed in accordance with this policy. The results of this meeting should be reported to the Provost, including a copy of the written strategy, if any. If resolution cannot be reached at the department, college or school level, the matter should be referred to the Provost and Vice President for Academic Affairs. In any event, disclosure required by this policy must be made to the Provost and Vice President for Academic Affairs. Such disclosure must be made to and through the faculty member's Dean by completing and filing with such Dean a written statement describing the actual or potential conflict of interest. The disclosure statement must be delivered by the Dean to the Provost and Vice President for Academic Affairs for review, for the purpose of determining whether a material conflict of interest exists or is threatened. In that event, the Provost and Vice President for Academic Affairs and the President, in consultation with the faculty member involved, shall take such action as may be necessary to eliminate the conflict or otherwise safeguard the interests of the University and the faculty member. All disclosures made pursuant to this policy remain confidential. A written statement as to the resolution of the conflict of interest shall be provided promptly to the faculty member and to the Provost and Vice President for Academic Affairs.

BU-PP 700: February, 1997

Website: July, 1998