

EAST CAROLINA UNIVERSITY
FACULTY MANUAL

PART VIII

Personnel Policies and Procedures
for the Faculty of
East Carolina University¹

¹For other policies and procedures dealing with faculty appointments, see *ECU Faculty Manual*, Part. X.

PART VIII – PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST CAROLINA UNIVERSITY

SECTION II

Policy of Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff

CONTENTS

- I. Introduction
- II. Conflict of Interest
- III. Conflict of Commitment
- IV. Categories and Examples of Potential Conflicts
- V. Conflict of Interest Procedures
- ~~VI. Enforcement~~
- ~~VII. External Professional Activity for Pay~~
- VIII. Political Candidacy and Holding Public Office
- ~~IX. Enforcement~~

I. Introduction

Faculty are encouraged to engage in appropriate relationships with public and private agencies outside of the University in their scholarly, teaching and service contributions. In doing so, there is a need for commonly understood principles and corresponding procedures that identify, address, and manage potential conflicts that would detract from or interfere with an employee's dedication of unbiased primary professional loyalty, time, and energy to the University's mission.

All members of the University community are expected to avoid conflicts of interest and conflicts of commitment that have the potential to directly and significantly affect the University's interests or compromise objectivity in carrying out University Employment Responsibilities, including research, service, and teaching activities and administrative duties, or otherwise compromise performance of University responsibilities. All activities that raise the issue of such conflicts must be disclosed, reviewed, and appropriately managed in accordance with the provisions of

All full-time and part-time EHRA faculty and non-faculty of East Carolina University are subject to ECU REG01.15.03 Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay, concerning conflicts of interest and conflicts of commitment affecting University employment and external professional activities (<http://www.ecu.edu/prr/01/15/03>). REG01.15.03 is based on policies and guidelines adopted by the UNC system Board of Governors, federal and state law, and federal agency sponsor requirements. Any questions regarding these procedures, or the Board of Governors' policies upon which they are based, should be directed to the Conflict of Interest Officer within ECU's Office of Research Compliance.

II. Conflict of Interest

Formatted: Font: (Default) +Body CS (Arial)

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: (Default) +Body CS (Arial)

Conflict of Interest (COI) relates to situations in which financial or other personal considerations, circumstances, or relationships may compromise, have the potential to compromise, or have the appearance of compromising an individual's objectivity in fulfilling their university duties or responsibilities, including research, service and teaching activities, and administrative duties. Employees shall avoid conflicts of interest that compromise, may involve the potential for compromising, or may have the appearance of compromising the EHRA employee's objectivity in fulfilling University responsibilities, including research activities. Accordingly, EHRA employees are required to disclose outside activities and financial interests annually basis, and to update the disclosures as new external interests develop. Outside activities and financial interests should be arranged to avoid such conflicts.

III. Conflict of Commitment

A Conflict of Commitment (COC) relates to an individual's distribution of time and effort between obligations to University employment and participation in other activities outside of University employment. The latter may include such generally encouraged extensions of professional expertise as professional consulting (i.e. External Professional Activities for Pay). Such activities promote professional development and enrich the individual's contributions to the institution, profession, and society; however, a conflict of commitment occurs when their pursuit involves an inordinate investment of time or is conducted at a time that interferes with the employee's fulfillment of University Employment Responsibilities. Employees shall devote their primary professional loyalty, time, and energy to their University employment responsibilities, including research activities. Accordingly, EHRA employees shall not engage in activities outside of their employment that involve an inordinate investment of time that interferes with the EHRA employee's obligations to students, to colleagues, and/or to missions of the University. Conflicts of commitment may arise even if the EHRA employee receives no economic benefit from the outside activity if the activity affects the employee's ability to meet the requirements of the job (as such responsibilities and requirements may be defined by applicable University policy and as may be further described in an individual's job description or appointment letter).

Often EHRA employment is not amenable to precise, time-clock analysis and monitoring, and administrators at the department and school levels are charged with the evaluation of the work of employees under their supervision. The formal occasions for determining whether an individual is devoting sufficient time and energy to University employment include regular reviews in connection with annual salary decisions and scheduled reviews incident to promotion, reappointment or tenure decisions and reviews of Notices of Intent to Engage in External Professional Activities for Pay.

IV. Categories and Examples of Potential Conflicts

Activities that may involve financial conflicts of interest can be categorized under four general headings: (1) activities that are allowable and are disclosed; (2) activities requiring disclosure for further administrative review and analysis; (3) activities or relationships that are generally not allowable or permitted unless an approved Conflict of Interest Management Plan is in place; and (4) activities that are not allowable under any circumstances.

A full explanation of each of these categories is provided in regulation ECU REG01.15.03 on

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Indent: Left: 0.06"

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Indent: Left: 0"

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Font: +Body CS (Arial), 12 pt

Formatted: Indent: Left: 0"

Formatted: Font: +Body CS (Arial), 12 pt

Conflicts of Interest, Commitment, and External Professional Activities for Pay.

Faculty have an obligation to become familiar with, and abide by, the provisions of the university's COI/COC Regulation. At a minimum, all are required to receive COI/COC training and complete a disclosure annually. **Certain situations or activities may precipitate the need to submit or update a disclosure more frequently.** If any question of a COI/COC arises, faculty should discuss the situation with the University's Conflict of Interest Officer ~~(COIO)~~, and are encouraged to make a formal disclosure to the University.

Faculty should consult the University Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay and ECU's Conflict of Interest Officer for clarification and examples of these categories. There are many external activities that require different types of review. Faculty should consult the PRR for information specific to their situations.

VI. Conflict and Commitment Procedures

~~COI procedures are detailed in REG01.15.03. In brief, EHRA employees are required to receive COI/COC training annually and to disclose relationships and circumstances involving potential conflicts through the institutional COI reporting system annually. Revisions or updates of the yearly disclosures are required between yearly disclosures whenever there is a significant change in the EHRA employee's or his/her immediate family's affairs that may lead to or may be perceived to lead to a conflict with the EHRA employee's university activities, e.g., the faculty member's spouse begins to receive consultant fees from a company that currently contracts with university for research services from the faculty member's laboratory. The institutional COI Officer reviews the disclosures, categorizes the activity, and when required, works with the faculty member and Conflict of Interest Committee to implement a COI management plan.~~

All questions on allowable activities, potential COIs, disclosures, and management plans should be directed to the University's COI Officer.

~~VII. External Professional Activity for Pay~~

~~Participation of covered individuals in External Professional Activities for Pay, typically in the form of consulting, is an important characteristic of academic employment that often leads to significant societal benefits, including economic development through technology transfer. Such External Professional Activities for Pay are to be undertaken only if they do not:~~

- ~~a. Interfere with primary University Employment Responsibilities;~~
- ~~b. Create a COI; inappropriately use or exploit University resources;~~
- ~~c. Use the name of the University of North Carolina or ECU for any purpose other than professional identification; or~~
- ~~d. Claim, explicitly or implicitly, any University responsibility for the conduct or outcome of the External Professional Activities for Pay.~~

~~External Professional Activities for Pay should generally be limited to no more than the equivalent of 20 percent (20%) of the Covered Employee's contracted time during the appointment period (UNC~~

- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Indent: Left: 0.06"
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: (Default) Arial, 12 pt, Highlight
- Formatted: Font: (Default) Arial, 12 pt, Highlight
- Formatted: Highlight
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt, Not Bold
- Formatted: Font: +Body CS (Arial), 12 pt
- Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0"

~~Policy Manual, 300.2.2.1[R]). A faculty or non-faculty EHRA employee who wishes to engage in External Professional Activities for Pay must adhere to REG01.15.03 and provide satisfactory assurances that such activity will not interfere with University Employment Responsibilities. Non-faculty EHRA employees serving on academic year (9-month) contracts who conduct External Professional Activity for Pay outside of the contract service period should disclose the activities and contact the COI Officer to determine if the activities are covered under REG01.15.03.~~

~~Faculty do not need to take annual leave for External Professional Activities for Pay so long as the faculty member complies with the notice and approval procedures contained in REG01.15.03 and UNC Policy Manual 300.2.2.1[R]. Faculty must assure that the Activities will not interfere with the individual's University Employment Responsibilities and obtain express approval for Activities from their department Head. Under no circumstances may faculty use the services of another employee during University employment time to advance the externally compensated employee's professional activities for pay. Under certain circumstances that are defined in REG01.15.03, other University Resources may be in the course and conduct of externally compensated activities. Faculty should consult REG01.15.03 before engaging in such activities.~~

~~VI. Enforcement~~

~~Faculty and all employees are under a clear obligation to adhere to the ECU policies and procedures to disclose and to remove or appropriately manage conflicts of interest or commitment. Violations may include, but are not limited to: (a) failure to properly disclose personal or financial interests as required, failure or refusal to respond to requests for additional information, providing incomplete, misleading, or inaccurate information; (b) failure to comply with a prescribed management or monitoring plan; or (c) engaging in an external activity for pay without receiving prior approval. Possible sanctions for such violations can range from administrative intervention to termination of employment in accordance with applicable University policies, including the Faculty Manual (Part IX, Section I, VI). (FS Resolution #10-36, March 2010)~~

VIII. Political Candidacy and Holding Public Office

The Board of Governors has established rules for monitoring and regulating the involvement of University employees in political candidacy and office holding that could interfere with fulltime commitment to University duties. Faculty seeking to hold or are holding public office should refer to [UNC Policy Manual, 300.5.1](#) for specific policy details.

~~IX. Enforcement~~

~~EHRA Employees are under a clear obligation to adhere to the ECU policies and procedures to disclose and to remove or appropriately manage conflicts of interest or commitment. Breaches of the policy/procedures will be viewed as serious ethical violations by the persons involved. Violations may include, but are not limited to: (a) failure to timely disclose personal or financial interests as required, failure or refusal to respond to requests for additional information, providing incomplete, misleading, or inaccurate information; (b) failure to comply with a prescribed management or monitoring plan; or (c) engaging in an External Activity for Pay without receiving prior approval. Possible breaches of the policy/procedure include, but are not limited to: a. — Furnishing false, misleading or incomplete information on the disclosure forms;~~

Formatted: Indent: Left: 0"

Formatted: Normal, Indent: Left: 0.07", Right: 0.1", No bullets or numbering

- ~~b. — Failure to promptly update disclosure forms before the required annual update when a significant change in a person's financial or fiduciary status places the individual into an immediate potential conflict of interest or commitment situation;~~
- ~~c. — Failure to comply with the procedures described above (e.g., refusal to respond to inquiries, responding with incomplete or knowingly inaccurate information, or otherwise);~~
- ~~d. — Failure to remedy conflicts as determined by the Procedures; and~~
- ~~e. — Failure to comply with a prescribed monitoring plan.~~

~~Possible sanctions for violation of this Regulation and associated COI/COC SOPs can range from administrative intervention to termination of employment or of enrollment in accordance with applicable University policies, including the Faculty Manual (Part IX, Section I, VI). Violations may include, but are not limited to: (a) failure to timely disclose personal or financial interests as required, failure or refusal to respond to requests for additional information, providing incomplete, misleading, or inaccurate information; (b) failure to comply with a prescribed management or monitoring plan; or (c) engaging in an External Activity for Pay without receiving prior approval. (FS Resolution #10-36, March 2010)~~