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12. COMMITMENT OF TIME, CONFLICT OF INTEREST, CONSULTING AND OTHER EMPLOYMENT

The Board of Regents encourages the state universities to collaborate and consult with business, industry, public and private foundations, and government agencies in order to further their missions of teaching, research and service; to provide for and facilitate the professional development of their faculty and staff; and to promote the rapid expansion and application of knowledge, gained through research, to the needs of Kansas, the region and the nation. With particular reference to such collaboration, the Board of Regents considers it of utmost importance that university employees conduct their affairs so as to avoid or minimize conflicts of time commitment and conflicts of interest, and that the state universities be vigilant and prepared to respond appropriately when real or apparent conflicts arise.

To those ends, the purposes of this policy are to: (i) illustrate types of situations that generate conflicts; (ii) provide means for full and part-time faculty, staff and the university to manage real or apparent conflicts; (iii) promote the best interests of students and others whose work depends on faculty direction; and (iv) describe the types of conflicts that are prohibited. Every full and part-time employee of each state university, except for student employees, has an obligation to become familiar with, and abide by, the applicable provisions of this policy. If a situation arises, raising questions of real or apparent conflict of commitment or conflict of interest as described in this policy, affected employees must meet with their department chair, school dean or supervisor, report the conflict as described below, and eliminate the conflict or manage it in an acceptable manner. Additionally, every full and part-time employee, except student employees, shall report, as required below, any consulting arrangements, significant financial or managerial interests, or employment in an outside entity, the financial or other interests of which would reasonably appear to be directly and significantly affected by their research or other university activities.

a. General Principles

i. Conflict of Time Commitment

(1) Attempts to balance university responsibilities 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 or staff member's external activities exceed reasonable time limits, or whenever a full-time faculty or full-time unclassified staff member's primary professional responsibility is not to the university, a conflict of time commitment exists.

(2) Conflicts of commitment usually involve issues of time allocation. Full-time faculty members and full-time unclassified staff of state universities owe their primary professional responsibility to their employing institutions, and their primary commitment of time and intellectual effort must be to the education, service, research and scholarship missions of those institutions. Faculty and unclassified staff should maintain a presence on campus commensurate with their appointments. 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, but said responsibilities, requirements, obligations and activities should be initially premised on a general understanding of full-time commitment for full-time faculty and full-time unclassified staff of the universities. Exceptions must be justified and shown to enhance the institutional mission and must be approved in advance by the faculty or staff member's supervisor.

ii. Conflict of Interest

(1) A conflict of interest occurs when there is a divergence between an individual's private, personal relationships or interests and his or her professional obligations to the university such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined or substantially influenced by considerations of personal benefit, gain or advantage.

(2) Whether a conflict of interest or the appearance of one exists depends on the situation, not on the character or actions of the individual, and must be determined objectively on a case by case basis. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict and thus, for purposes of this policy, apparent conflicts are treated the same as actual conflicts.

(3) Situations involving potential conflicts of interest are common in a modern university and must be addressed. State universities have as part of their mission the promotion of the public good by fostering the transfer of knowledge gained through university research and scholarship to the private sector. Two important means of accomplishing this institutional mission include consulting and the commercialization of technologies derived from research. It is appropriate that university personnel be rewarded for participating in these activities through consulting fees and sharing in royalties resulting from the commercialization of their work. It is not appropriate, however, for an individual's actions or decisions made in the course of his or her university activities to be determined or substantially influenced by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual, and it also reflects negatively on the employing university. State universities are institutions of public trust; university faculty and staff must respect that status and conduct their affairs in ways that will not compromise the integrity of the university.

(4) Except in purely incidental and minor ways, university resources, including but not limited to facilities, materials, personnel, or equipment shall not be used in external activities unless prior written approval has been received from the university's chief executive officer or his or her designee. Such permission shall be granted only when the use of university resources is determined to further the mission of the institution. When such permission is granted, the faculty or staff member shall make arrangements to reimburse the university for institutional materials, facilities or services used in the external activity. Such use shall not be authorized if it violates the Board of Regents policy on Sales of Products and Services.

(5) Proprietary or other information confidential to a state university shall not be used in external activities unless prior written approval has been received from the university's chief executive officer or designee.

(6) University personnel shall not involve university students, university staff, or university faculty in their external activities if such involvement is in any way coerced or in any way conflicts with the involved participants' required commitment of time to the university. For example, a student's grades or progress towards a degree shall not be conditioned on participation in a university employee's external activities.

iii. State Ethics Statutes

All employees shall adhere to all applicable state ethics statutes.

b. Consulting and Other Employment

i. Consulting for Other State of Kansas Agencies

Consulting by faculty members and other employees of institutions under the jurisdiction of the Board for another institution under the jurisdiction of the Board, as well as consultation for other state agencies, shall be approved in advance by both (a) the institution or agency seeking these services, and (b) the employee's home institution. The home institution shall effect payment through the regular process and shall receive reimbursement through the interfund transfer process.

ii. Other Consulting Outside the University

For faculty, the state university permits, and indeed encourages, a limited amount of consulting activity outside the faculty member's reasonably construed total professional responsibilities of employment by and for the university, on subjects that are within the faculty member's area of professional expertise, provided such activity: (a) further develops the faculty member in a professional sense or serves the community, state, or nation in an area related to the faculty member's professional expertise; (b) does not interfere with the faculty member's teaching, research and service to the university; and (c) is consistent with the objectives of the university. Regular instructional service to other educational institutions is normally regarded as an inappropriate and is thus generally prohibited. Without prior written approval, faculty members on full-time appointments shall not have significant outside managerial responsibilities, nor act as principal investigators, on sponsored projects that could be conducted at their employing university but instead are submitted and managed through another organization. Each state university shall determine how to apply or adapt the consulting policy and procedures for employees who are not faculty members, and faculty members who are part time. In no case shall the university's policy and procedures for non-faculty employees be more liberal than what is allowed for faculty.

iii. Other Employment

The Board of Regents expects all faculty and staff employed by the state universities to give full professional effort to their university duties and assignments. It is, therefore, considered inappropriate to engage in gainful employment outside the state university that is incompatible with institutional commitments. It is inappropriate to transact business for personal gain unrelated to the university from one's university office, or at times when it might interfere with commitments to the university. Participation in academic conferences, workshops and seminars does not usually constitute consulting or outside employment. However, organizing, operating, or participating in such meetings for profit may be construed as consulting or outside employment as defined in this policy.

c. Reporting Requirements

i. Annual Reporting of Consulting Arrangements, Significant Financial or Managerial Interests, and Outside Employment

As part of the annual appointment process, all faculty and unclassified staff shall disclose to the university whether they or members of their immediate family (spouse and dependent children), personal household, or associate entities (e.g., corporations, partnerships or trusts in which they have a significant interest) have consulting arrangements, significant financial or managerial interests, or employment in an outside entity. This report and information shall be provided to the university no less than once each year. Each university shall be permitted to use a form of its administration's own choosing to collect the required information so long as it contains the threshold requirements contained in this policy. The state university may, at its discretion, require its faculty and unclassified staff to submit information in addition to that required by this policy, but in no event shall the reporting faculty and staff be permitted to report less information than is required by this policy.

For purposes of this policy, significant financial or managerial interests (or significant financial or other interests) means all holdings greater than \$5,000 or more than 5% ownership in a company.

Failure to timely submit the required reporting form to the university shall result in denial of the opportunity to submit research proposals to external funding agencies and may result in discipline in accordance with university procedures. When the university determines that the information submitted indicates that an actual or apparent conflict of time commitment or conflict of interest does or may exist, the university may require the faculty or unclassified staff member to submit additional information and explanation regarding that conflict.

ii. Ongoing Duty to Report Consulting Arrangements, Significant Financial or Managerial Interests, and Outside Employment As They Occur

In addition to the annual report that faculty and unclassified staff are required to make, all faculty and staff shall disclose any current or prospective situations that may raise questions of conflict of time commitment or conflict of interest, as soon as such situations become known. Such reports shall be made to the department chair or dean or supervisor of that staff or faculty member.

iii. Federal Reporting Requirements

State universities are required to adhere to and implement any additional policies and procedures and disclosure requirements that are imposed by applicable federal conflict of interest laws. State universities may modify the reporting form established pursuant to paragraph (1) of the subsection c. without seeking approval of the Council of Presidents, as necessary to meet or exceed such federal requirements. Such modifications shall not result in less comprehensive reporting.

iv. Prior Approval for Consulting and Other Employment Outside the University

Faculty and staff shall inform the chief academic officer, through the department chair or head and the dean, of all consulting activities. The faculty or staff member shall report in writing the proposed arrangements, and secure approval prior to engaging in consulting activities or other employment. The report shall indicate the extent and nature of the consulting activities or employment, the amount of time to be spent, including travel time, and the amount of time expected to be spent on all such outside consulting activities or employment during the coming academic year.

v. Disposition of Reports

All required reports shall be submitted in accordance with institutional requirements and shall be used for the determination of whether an individual is in compliance with this policy. Such reports shall also be available to institutional research officers to permit certification and/or verification of compliance with federal regulations. Institutions must maintain these reports for a minimum of three years.

d. Use of University Name

The Name of the Board of Regents, a state university or the Regents System may never be used as an endorsement of a faculty or staff member's external activities or by any outside entity for any purpose without expressed and advance written approval of the university chief executive officer or the Board's President and Chief Executive Officer, as appropriate. Faculty and staff members may list their institutional affiliation in professional books, articles and monographs they author or edit and in connection with professional workshops they conduct or presentations they make without securing approval.

e. Campus Policy Development and Enforcement

Additional rules and procedures for personal external activity, consistent with Board policy, will be established by each state university. In situations in which the objectivity of a faculty or staff member could reasonably be questioned, or where apparent conflicts of interest exist, each state university shall establish an effective review mechanism to determine if a conflict of time commitment or conflict of interest exists and to facilitate resolution of the conflict where possible, and to decide upon the appropriate sanctions when a conflict is determined to exist. Such review mechanisms will include opportunity for appeal within the university structure.

f. Distribution and Dissemination

This policy statement will be distributed upon initial appointment to all faculty and staff by each state university.