

Conflict of Interest/Commitment Policy for Long Island University

Introduction

As part of its educational mission, Long Island University believes in the importance of interacting with the wider community through research, consulting and participation in other activities that benefit the participants, the University and the general public. However, while the University's administration recognizes the worthiness of such endeavors, it is also committed to ensuring that these activities are conducted properly, consistent with the management of University business. The interests and commitments of the various parties engaged in external activities are complex and occasionally may conflict or compromise an employee's responsibilities to the University. Under these circumstances, the possibility of perceived or real conflict of interest is heightened.

Purpose of Policy

Long Island University has formulated the following policy to identify and address potential and actual conflicts of interest and commitment. A fundamental assumption of this policy is that each member of the Long Island University community is obligated to act in the best interest of the University and prevent external activities or financial interests from interfering with that responsibility. This policy is intended to increase the awareness of faculty, staff and administrators to the potential for conflicts of interest and commitment, and to establish procedures whereby such conflicts may be avoided or properly managed. It is not the intent of this policy to regulate or eliminate all perceived conflicts of interest, but rather to enable employees to recognize situations that may raise legal and ethical issues and ensure that such situations are properly disclosed, reviewed and, if necessary, monitored.

Principles Underlying Policy

When making decisions affecting Long Island University's assets and/or resources, individuals must adhere to the following standards:

- All actions shall be undertaken with the degree of prudence ordinarily expected of individuals in positions of responsibility.
- Individuals shall only make decisions that they believe further the objectives of the University.
- Individuals shall not make any decisions involving the University's resources or assets when those decisions affect their or their family's personal financial interests.
- Individuals shall not use or dispose of the University's assets and/or resources in any way that impairs the University's standards or conflicts with its programs.
- External activities should not compromise an individual's ability to perform all the activities expected of him or her as a University employee.

Conflict of Interest Defined

A conflict of interest arises whenever an employee or a member of his or her family:

- (1) has an existing or potential interest which impairs or appears to impair independent judgment in the discharge of his or her responsibilities to the University or
- (2) receives a material benefit from any person or entity which conducts business with the University.

The potential for conflicts arises because of the nature and scope of activities engaged in by Long Island University and its employees. The University administration understands that potential conflicts of interest may occur in the normal performance of activities. Such conflicts need not be harmful, and may even be favorable to the University's interests, as long as they are disclosed and understood within the context of the University's decision-making process. In some cases, the risk to all concerned is so small that the University may agree to accept the existence of this marginal conflict.

Statement of Policy

Employees are responsible for disclosing potential conflicts of interest and/or commitment. Full disclosure followed by monitoring and, on occasion, conflict management is the key to preventing and resolving conflict situations. If an employee believes that he or she may have a conflict of interest with respect to any particular transaction or relationship, he or she must disclose promptly and fully the potential conflict to the appropriate Provost or Vice President through his or her immediate supervisor, in the case of non-faculty personnel, or to his or her dean, in the case of faculty.

Conflict of Interest Disclosure Procedure

Any disclosure should be **in writing** to the employee's supervisor and include the following:

- the type of potential conflict
- the nature of the activity
- a description of all the parties involved
- the potential financial interests or other rewards
- possible violations of state and federal requirements
- any other information that the employee feels is necessary to evaluate the disclosure.

When a conflict of interest is disclosed, the affected employee should refrain from further participation in matters to which the conflict relates until the question of conflict has been resolved. The appropriate Provost or Vice President, in consultation with legal counsel,

will review and determine the appropriate course of action to address the conflict. Disclosure will not necessarily permanently restrict an employee's activities. Conduct that may appear questionable at first may be deemed acceptable and permissible when all facts regarding the activity are examined.

Conflict of Commitment Defined

With the acceptance of a full-time position at Long Island University, an employee makes a commitment to the University that is understood to be full-time in the most inclusive sense. Every employee is expected to accord the University his or her primary professional loyalty, and to arrange outside obligations, financial interests and activities so as not to conflict with his or her overriding commitment to the University. Part-time employees, including consultants, are also expected to arrange their outside obligations and activities so as not to conflict with their contracted commitment to the University.

A conflict of commitment occurs when an employee's involvement in external activities adversely affects his or her capacity to meet his or her primary obligation to the University due to a perceptible reduction of the individual's time and energy devoted to Long Island University activities. It is important to recognize that an employee's responsibilities extend beyond the letter of their obligations to their spirit. Potential conflict of commitment for full-time faculty is set forth in the provision entitled "Professional Responsibility" in the collective bargaining agreements applicable to the full-time faculty at each campus.

Conflict of Commitment Disclosure Procedure for Non-Faculty Employees

Full-time non-faculty employees are expected to satisfy all of the requirements of their jobs, and should not permit outside activities to interfere with the performance of their Long Island University obligations. Departments may permit certain outside activities, with appropriate notice to and written approval by the appropriate department head, so long as these endeavors do not interfere with an employee's obligations to the University. It is important that such activities neither aid the University's competitors nor allow the employee to compete with the University. If the outside arrangement requires the employee to take time off during his/her normal work schedule, the time will be charged as vacation unless arrangements are made with the employee's supervisor to make up the lost time after normal working hours. If the supervisor determines that these activities are job-related, beneficial to the University, do not adversely affect the employee's performance and are provided without financial remuneration, they may be considered as time worked.

Conflict of Interest and Nepotism

While there is no prohibition against relatives working in the same department or unit, an employee must not appoint, nor participate in the decision-making process to appoint, a relative to a position within the University. Someone other than the relative must make

the decision regarding the appointment. Standards for employment shall consist of individual ability, performance and qualifications for the position.

No employee shall be assigned to a unit or department under the direct supervision or control of a relative. University administrators, faculty and staff shall not participate in institutional decisions involving direct benefits, such as hiring, retentions, promotions, salaries, leaves of absence or awards, to members of their immediate families.

Conflict of Interest and Vendors

No employee of Long Island University who either directly or indirectly influences a purchasing decision or contract by establishing specifications, evaluating products or services, or otherwise being involved in the purchasing or contract process may:

- Have any financial interest or personal beneficial interest in contracts or purchases of goods or services used by the University; or
- Accept either directly or indirectly from a Long Island University vendor a rebate, gift or money other than items of nominal value.

All University employees are expected to act with integrity and good judgment and to recognize that the acceptance of personal gifts from those doing business with the University, even when lawful, may give rise to legitimate concerns about favoritism, depending on the circumstances. If an employee has any question regarding the propriety of a gift, the employee should disclose the gift to his/her supervisor for a determination of the proper course of action.

University credit, purchasing power and facilities shall be used for the purchase of goods and services that relate directly to University business and shall not be used to purchase material for individual or non-University activities.

Conflict of Interest and University Resources

Institutional resources shall not be used for personal gain. No college or university personnel, laboratories, space, services or equipment are to be used without administrative authorization in connection with outside employment of University employees. When University-owned facilities, equipment or other resources are required for any reason, a contract between the University and the private third party must be executed separately. Compensation to the University must be paid at the fair market rate or at the same rate that such services, facilities or equipment would be available to any qualified non-University user.

Conflict of Interest and Internal Consulting

An employee of Long Island University may be retained and compensated to provide consulting services to a department within the University with which the employee is not affiliated only if all of the following conditions are met:

- The service provided does not fall within the scope or nature of the position the employee holds.
- The service to be provided is not available to the requesting department from any University source.
- The service does not create a conflict of interest nor is it unethical for the employee to provide the service and receive compensation for it.
- The employee's department supervisor gives permission for both the service and the compensation.
- The employee takes vacation time when the service is provided if performed during normal business hours.

Conflict of Interest and Use of the University Name

No employee shall use the University name for advertising purposes. An employee engaging in outside activity may identify an association with the University, but shall take care that the name of the University is not used in any way that implies endorsement or approval of the activity.

Conflict of Interest and Public Office

Employees who are not Officers of the University have the right to campaign for and to hold public office without their employer's prior approval. It is desirable, however, that any employee contemplating candidacy for elective political office or appointment to public office, where the duties of a campaign or the holding of the office would seriously interfere with the fulfillment of University responsibilities, consult in advance with his/her supervisor. The discussion should address whether or not temporary suspension of some portion of the employee's responsibilities can be accommodated without serious impairment of the unit involved.

When an employee is appointed to or elected to public office requiring absence from University duties for continuous periods of time of one year or less, it is expected that normal leave of absence procedures for the year will be invoked, provided such leaves are normally available to the employee. The employee shall provide as much notice as possible to his/her supervisor to ensure that arrangements are made to cover the employee's responsibilities.

When an employee is appointed to or elected to public office requiring continuous full-time service for a specified period of more than a year, it is expected that the individual will resign after such election or appointment.

Conflict of Interest and Textbooks/Academic Materials

When selecting textbooks or materials for courses, it is imperative that departments and faculty members avoid any appearance of a conflict of interest in assigning faculty-authored textbooks or materials in the author's or department's classes. While not

expressly prohibited, the assignment of faculty-authored textbooks should ensure that the instructor does not profit from this arrangement. If the spending of such royalties is controlled by the author, or even the department, it could be argued that the motivation for assigning the text is monetary gain, raising an academic integrity issue. As a result, either the price of the textbook or other academic materials should be reduced, or the royalties should be used for a philanthropic purpose within the University, such as scholarships.

Conclusion

Conflicts of interest could potentially bias directly or indirectly many activities and aspects of the academic enterprise, particularly when employees are in a position to establish University policies, manage contracts, select equipment and supplies, involve students in research projects, or when they have other administrative roles in which objectivity and integrity are paramount. In a community as diverse and complex as Long Island University, there is always the possibility that the pursuit of individual interests may result in a conflict with those of the University. This places an important responsibility on all employees to recognize potential conflicts and prevent them. The above examples represent only some of the different types of conflicts that an employee may encounter. It is expected that University employees will remain sensitive to the appearance and occurrence of potential conflicts and undertake the various disclosure procedures described in this policy.

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