



Saint Mary's
University
of MINNESOTA

CONFLICT OF COMMITMENT POLICY

Policy Statement

Faculty and staff at Saint Mary's University of Minnesota ("the University") have a primary professional obligation to act in the best interests of the University. Their primary professional commitment of time and intellectual energies is expected to be toward supporting the University. Considerations of personal gain from Outside Professional Activities or Financial Interests, as defined below, must not influence the decisions or actions of faculty or staff in performing their University responsibilities.

This Policy outlines requirements for disclosure of Outside Activities and Financial Interests; educates faculty and staff about situations that generate Conflicts of Commitment; provides guidance to individuals and the University to manage or eliminate such conflicts; promotes the best interests of students and others whose work depends on faculty and staff direction; and describes situations that are prohibited.

Purpose

Faculty and staff are expected to conduct the affairs of the University consistent with high ethical and legal standards and in a manner that will further the interests of the University community. As part of this responsibility, the University expects faculty and staff to apply their time and effort appropriately, to use University resources toward University ends, and to avoid any interaction that creates, or appears to create, a Conflict of Commitment, as defined below. When the application or use of University time or resources results in inappropriate personal advantage, or is detrimental to Saint Mary's mission, that use of time or resources represents a conflict between one's interest and that of the University. Accordingly, this Policy establishes standards and requirements to protect the financial well-being, reputation, and legal obligations of the University. Furthermore, this Policy establishes a method to protect the University community from questionable circumstances that might arise and to resolve any apparent or real conflicts.

Audience

All faculty and staff, as defined below.

Definitions

Conflict of Commitment: a situation in which an individual engages in outside activities, either paid or unpaid, that interferes with the individual's primary professional obligation and commitment to the University.

Entity: any business, company, or other organization, including (but not limited to) any partnership, corporation, limited liability corporation, unincorporated association, or other institution or organization, whether for-profit or not-for-profit.

Faculty: for purposes of this Policy, any person possessing a full-time academic appointment at the University,

Institutional Responsibilities: responsibilities expected and performed on behalf of the University for which a faculty or staff member is employed and compensated by the University.

Outside Professional Activity: any paid or volunteer activity undertaken by a faculty or staff member outside the scope of that individual's employment at the University. Outside Professional Activities may include consulting, participation in civic or charitable organizations, working as a technical or professional advisor or practitioner, or holding a part-time job with another employer, whether working in the individual's University occupation or another.

Staff: for purposes of this Policy, all full-time administrators at the University (e.g., Provost, Vice Presidents, Associate/Assistant Vice Presidents, Deans, Program Directors, Directors, Associate/Assistant Directors, Athletic Directors, Coaches, etc.)

Policy Implementation

I. Guiding Principles

It is the policy of the University that its faculty and staff conduct the affairs of the University in accordance with the highest ethical and legal standards. To avoid a conflict between personal or professional interests and the University's interests, individuals must not be in a position to act on behalf of or make decisions for the University if their personal economic gain or interest may directly or indirectly influence, or have the appearance of influencing, the performance of their University duties.

Good judgment of faculty and staff is essential, and no list of rules can provide direction for all the varied circumstances that may arise. If a situation raising questions of a Conflict of Commitment arises, faculty and staff are urged to discuss the situation with their area vice president.

Access to information collected in connection with this Policy will be limited to those with a need to know and will be shared in accordance with the University policy and federal regulations.

II. Conflict of Commitment

Faculty and staff owe their primary professional allegiance to the University; their primary professional commitment of time and intellectual energies is to the education, research, and other programs supporting the University's mission. A Conflict of Commitment occurs when a staff or faculty member's professional loyalty is not to the University because the time devoted to outside activities adversely affects their capacity to meet University responsibilities.

Attempts to balance University responsibilities with outside activities – such as consulting, government service, public service, or pro bono work – can result in conflicts regarding allocation of time and energy. Conflicts of Commitment usually involve issues of time allocation. Whenever a faculty member's outside activities interfere with the faculty member's primary professional obligation and commitment to the University, a Conflict of Commitment exists.

Faculty and staff intending to engage in an external activity that involves significant effort outside of the University and that may present a Conflict of Commitment must have written approval from the relevant dean (for faculty) or appropriate vice president (for staff). Individuals may be required to take a leave of absence from the University to proceed with the external activity if it cannot be managed appropriately.

The University will exercise oversight and care in eliminating or managing Conflicts of Commitment that do or may arise because of an individual's personal interest in activities related to their institutional responsibilities. The University will not accept or enter into agreements, contracts, gifts, or purchases that give rise to a Conflict of Commitment unless the conflict can be eliminated or appropriately managed through administrative oversight to protect the interests of the individual and the University.

III. Appropriate Use of University Resources

University resources are to be used only in the interest of the University. Faculty and staff may not use University resources, including facilities, personnel, equipment, or confidential information, as part of their outside consulting activities or for any other non-University purposes. Inappropriate use of University resources includes, but is not limited to, the following examples:

- A. A faculty member assigning students or staff tasks to advance the faculty member's own monetary interest rather than to advance a scholarly field or educational needs associated with the University;
- B. Granting external entities access to University programs, resources, services, information, or technology for purposes outside the University's mission;
- C. Offering inappropriate favors to outside entities in an attempt to unduly influence them in their dealings with University; and
- D. Using for personal gain, or granting others unauthorized access to confidential information acquired through conduct of University business or research activities.

IV. Situations that May Create a Conflict of Commitment

A. Outside Professional Activities

1. Staff

A staff member wishing to engage in an Outside Professional Activity that may present a Conflict of Commitment must provide a written request to the staff member's vice president, or provost prior to engaging in the activity. Upon consideration of the request, if the vice president, or provost determines that an actual or perceived Conflict of Commitment exists given the relation of or impact on the external or personal activity to the staff member's entity, management strategies may be established. Permission is left to the discretion of the vice president, or provost and may be given if the proposed activity does not compete with University activities and does not interfere with or detract from the performance of the staff member's University duties.

The University's time and resources may not be used in any way for external activities. If the Outside Professional Activity meets the disclosure criteria outlined in this Policy, the staff member must disclose it to the Human Resources.

Outside Professional Activities that use the University resources or an individual's time on the job, thereby competing with the University or conflicting with the performance of the job, present a Conflict of Commitment and are not permitted.

Outside Professional Activities that are unrelated to a staff member's Institutional Responsibilities and that do not use University time or resources do not need to be disclosed.

2. Faculty

Appointment as a faculty member at Saint Mary's University of Minnesota confers the obligation to pursue teaching, research, and/or University service. Fulfillment of these obligations requires a primary professional commitment of expertise, time, and energy. Faculty engagement in Outside Professional Activities is a privilege and not a right and must not detract from a faculty member's obligation to University duties.

A full-time appointment conveys an obligation for a faculty member to have a significant physical presence on campus, to be accessible to students and staff, to carry the member's share of committee responsibilities, to meet any assigned obligations, and to be available to interact with University colleagues, unless the relevant school dean has granted specific prior approval for extended or frequent absences from campus. Activities such as pro bono work, government service in the public interest, and any outside employment unrelated to the faculty member's University responsibilities must be managed so they do not take precedence over a faculty member's primary professional commitment to the University.

Significant management roles (those that involve substantial supervision of the work of others and/or day-to-day responsibility for operating decisions) in private business typically are demanding both in terms of time and energy. Because full-time faculty are expected to devote their primary professional energies and interests to their University obligations, they may not accept significant managerial responsibilities as part of their Outside Professional Activities. It will be necessary for a faculty member to obtain the permission of the member's school dean and approval from the Provost for such management roles. In addition, the university may require an unpaid leave of absence from the faculty member's University responsibilities in order to take on a significant management role in an outside entity.

Certain Outside Professional Activities, such as submitting or directing a program of research or scholarship at another institution that could be conducted appropriately at the University, can generate conflicts regardless of the time involved. Absent express approval by the school dean, faculty are prohibited from serving as principal investigators on sponsored projects submitted and managed through other academic, federal, or commercial institutions. This stipulation does not apply to subcontracts awarded to the University. It is not intended to limit faculty members' participation in multi-site training or research programs, nor is it intended to apply to circumstances in which the faculty member's research requires access to facilities not available at the University.

Full-time faculty members are not permitted to teach for other institutions without express, written permission from their dean and from the Provost.

Outside Professional Activities that are unrelated to a faculty member's entity and do not use the University resources do not need to be disclosed.

B. Faculty or Staff Use of Students in Outside Professional Activities

Student involvement in faculty or staff enterprises may provide the potential for substantial benefits to the education and career development of the student. Such involvements need to be guided to avoid Conflicts of Commitment or interference with the student's primary educational and research duties. Before engaging in these activities, whether paid or unpaid, students and faculty or staff must seek approval from the school's dean or the dean's designee (for faculty) or the appropriate vice president (for staff).

C. Faculty or Staff Use of Employees in Outside Professional Activities

Faculty or staff may not require those they supervise to perform services outside those related to their University positions. It may be appropriate for employees to assist faculty or staff in their Outside Professional Activities, depending upon the nature and extent of the involvement and whether it is on an incidental or infrequent basis. However, because such involvement is a potential source of conflict between faculty and staff and the employees they supervise, any employee involvement must be approved by the relevant dean (for faculty) and the appropriate vice president (for staff) and discussed with the employee.

V. Disclosure Requirements

Upon hire and on an annual basis, faculty and staff members must provide information on the nature and extent of their Outside Professional Activities and any financial interests related to their entity. Faculty disclosures are reviewed by the faculty member's school dean. At the discretion of the school dean, disclosures may also be shared with and reviewed by the provost, department chairs and others if/as necessary based on one's role in University activities.

Staff disclosures are reviewed by the vice president, or provost or their designee.

If there is doubt about the existence of an actual or apparent Conflict of Commitment , or uncertainty as to the relation of an Outside Professional Activity to one's entity, the faculty or staff member should err on the side of disclosing it for review and approval.

Disclosure Updates: Faculty members are expected to update their disclosure information outside of the annual disclosure process if an Outside Professional Activity or financial interest arises with the potential to impact one's entity in a meaningful or significant way.

VI. Appeals

If a faculty or staff member disagrees with a decision regarding a Conflict of Commitment, he or she may appeal the determination to the appropriate vice president. All appeals must be made in writing within 15 calendar days of the date of the individual's receipt of the determination regarding the Conflict.