

FACULTY SENATE

SOUTHEAST MISSOURI STATE UNIVERSITY

FACULTY SENATE BILL 24-A-XX

Approved by the Faculty Senate
XXXXXX

BRIEF SUMMARY: This bill removes the policy for “Conflict of Interest” from the Faculty Senate Handbook and links to the University Business Policy and Procedures: Conflict of Interest Policy.

REVISING “CONFLICT OF INTEREST POLICY”

BE IT RESOLVED: Subject to the passage and approval of this bill, the “Conflict of Interest Policy” in Chapter 3 of the Faculty Handbook will be replaced by this bill.

Conflict of Interest Policy

All university employees have an obligation to refrain from acting in circumstances of conflict or appearances of conflict with the university. Faculty are expected to familiarize themselves and act in accordance with the university’s official Conflict of Interest Policy (https://semo.edu/finance-admin/pdfs/finadm_01-07_policy.pdf).

Preamble

~~—A fundamental principle of ethics is that any person who exercises discretionary authority on behalf of the University may not use, or appear to use, this authority for their own personal benefits.~~

~~—It is, therefore, the basic policy of Southeast Missouri State University that all members of the University community have a duty to be free from the influence of any conflicting interests (as well as free from the influence of any interests which may appear to be conflicting) when they act on behalf of the University or represent it in negotiations or advise others within the University community with respect to dealing with third parties. Members of the University community are expected to act on behalf of the University on the sole basis of that which is in the best interests of the University without favor or preference (and without prejudice) to the third parties based on personal consideration.~~

General Policy

~~—The Board of Governors, faculty, employees and agents of the University shall faithfully discharge their duties and shall refrain from knowingly engaging in any outside matter of financial interest incompatible with the impartial, objective and effective performance of~~

25 ~~their University duties. They shall not realize personal gain in any form which would~~
26 ~~influence improperly the conduct of their University duties. They shall not knowingly use~~
27 ~~University property, funds, position, or knowledge gained as a result of association with the~~
28 ~~University for personal or political gain. They shall be alert to and abstain from conduct~~
29 ~~which has the “appearance” of conflict of interests. They shall inform their supervisors in~~
30 ~~writing of reasonably foreseen potential conflicts. Faculty and staff members are expected to~~
31 ~~use their best judgement in carrying out their duties and responsibilities as deemed~~
32 ~~appropriate to the individual’s profession and the University’s mission.~~

34 *Use of Confidential Information*

35 ~~—Confidential information about the University obtained by reason of position or~~
36 ~~employment by the University shall not be used for personal financial gain or to the unfair~~
37 ~~advantage of another person.~~

39 *Outside Business Interests and Employment*

40 ~~—Employees of the University, whether employed full time or part time, should avoid~~
41 ~~outside business interests or employment which may interfere with the performance of their~~
42 ~~duties to the University.~~

43 ~~—Commercial transactions with students should be avoided, particularly if the employee has~~
44 ~~decision-making authority over a student with respect to University matters, such as grades,~~
45 ~~advisement, academic probation, disciplinary sanctions, scholarships, loans, or student~~
46 ~~employment.~~

47 ~~—Notification of outside employment for remuneration or of outside business interests~~
48 ~~requiring substantial personal attention (including consultation requests and employment at~~
49 ~~other academic institutions) must be given in writing in accordance with the applicable~~
50 ~~personnel policy.~~

52 *Outside Employment*

53 ~~—Any outside employment for remuneration must be reported in writing to the employee’s~~
54 ~~supervisor. Prior approval is not necessary (See Business Policies and Procedures Manual:~~
55 ~~[03-11] Other Employment Practices).~~

- 57 ~~1. **Academic Year**—Faculty members under contract for full-time employment have a~~
58 ~~paramount responsibility to the University. Notification of any outside employment~~
59 ~~for remuneration during the academic year, including employment at other~~
60 ~~institutions, must be given in advance and in writing to the department chairperson,~~
61 ~~college dean, and Provost. Prior approval is not necessary, but reporting is required.~~
62 ~~2. **Summer**—Faculty members not under contract to provide services to the University~~
63 ~~during the summer months may be engaged in other employment.~~

65 *Consultation*

66 ~~—Consultation, whether income-producing or otherwise, is the application of professional~~
67 ~~and scholarly expertise in the external community. It is the policy of the University to permit~~
68 ~~consulting activities that:~~

- 69 1. ~~Are related to the professional interests and development of the faculty member or~~
70 ~~employee.~~
71 2. ~~Do not interfere with regular duties.~~
72 3. ~~Do not utilize University materials, facilities, or resources except as may be allowed~~
73 ~~under University business policies.~~
74 4. ~~Are in agreement with the American Association of University Professors/American~~
75 ~~Council on Education (AAUP/ACE) Statement on Conflict of Interests and with the~~
76 ~~requirements of accreditation for the particular unit in question.~~
77 5. ~~Do not compete with the work of the University and are not otherwise contrary to the~~
78 ~~best interests of the University.~~
79 6. ~~Do not violate federal or state law.~~
80 7. ~~Do not represent a conflict of interests under other policies of the University.~~

81
82 *Patents and Copyrights*

83 ~~—Textbooks, tapes, software, and other learning materials, property, or equipment, for~~
84 ~~which a patent or copyright is held by an employee of the University or members of the~~
85 ~~employee's family, may be purchased for use by the University so long as the employee~~
86 ~~involved does not participate in the decision to make such purchase and any royalties for the~~
87 ~~purchase or use of such material, property, or equipment are returned to the University, and~~
88 ~~provided such purchases or use shall not be in violation of R.S. Missouri Sec. 174.220. Also~~
89 ~~see section D.4 below.~~

90
91 *Use of University Stationery and Logos*

92 ~~—Neither the name of the University nor any of its graphic identification symbols are to be~~
93 ~~used in printed materials intended to endorse or promote individual enterprises or to~~
94 ~~otherwise enhance private gain without the prior written permission of the University~~
95 ~~President. Official University stationery may not be used in outside business, personal and~~
96 ~~other private or political activities of employees.~~

97
98 *Nepotism*

99 ~~—University employees shall not participate in the selection, hiring, promoting, job~~
100 ~~assignment, demotion, disciplining, or supervision of another employee who is related within~~
101 ~~the fourth degree of consanguinity of affinity.~~

102
103 *Disclosure*

104 ~~—University personnel shall promptly notify the appropriate supervisory authority in~~
105 ~~writing of known conflict of interest situations and shall refrain from participation in the~~
106 ~~matters involved. This reporting requirement is in addition to, and does not relieve University~~

~~personnel from, the responsibility of making disclosures required by Chapter 105 of the Missouri statutes pertaining to conflict of interests.~~

~~Sanctions~~

~~—Conduct by University personnel that violates state law of the University’s policies, regulations or rules pertaining to conflict of interests shall constitute a breach of duty to the University and shall be subject to disciplinary action, including possible termination of employment. Such conduct may also be subject to criminal prosecution under Chapter 102 of the Revised Statutes of Missouri.~~

~~Dispute Resolution~~

~~—Complaints concerning conflict of interests shall be presented in writing to the Dean of Graduate Studies officer of the University, who shall investigate the complaint and attempt to bring about an informal resolution of the matter. If the matter cannot be satisfactorily resolved informally, the matter shall be referred to the Provost (in case of academic personnel) or the Personnel Director of the University (in case of non-academic personnel), and the matter shall then be handled under the appropriate disciplinary procedures applicable to the employee involved.~~

~~Non-Discrimination~~

~~—The University shall not discharge, threaten, or otherwise discriminate against any person because of report, verbal, or written, of a violation or suspected violation of this policy or of the law relating to conflict of interests.~~

~~Reservation of Right to Amend Policy~~

~~—This policy may be amended at any time, and from time to time, as the Board of Governors may deem necessary or appropriate or as may be required by law. To the extent necessary, any other policies of the University which are in conflict with this policy are deemed amended so as to conform to this policy, and this policy shall be deemed amended, if necessary, so as to conform to applicable law.~~

~~Approved by Board of Regents—December 5, 1991; State of Statutes as related to Conflict of Interest Policy approved by Board of Regents on December 5, 1991.~~

~~Statutory Requirements~~

~~—All University policies are subject to the requirements of applicable state and federal laws and regulations. Personnel dealing with state and federal authorities in connection with grants, contracts, or other matters are responsible for inquiring into the possibility of conflict of rules or regulations applicable to the particular matter and acting appropriately. Principal applicable Missouri statutory requirements are summarized below, but reference to the full text should be made in the event of questions:~~

- ~~1.—No faculty member, officer or employee of the University shall keep for sale or be interested, directly or indirectly, in the sales of any school furniture or apparatus,~~

~~books, maps, charts, or stationery used in the University; nor be interested, directly or indirectly, in any contract or purchase for building or repairing any structure, or for fencing or ornamenting the grounds, or furnishing any supplies or material for the use of the University. (R.S.Mo. Sec. 174.220)~~

~~2. No faculty member, officer, or employee of the University shall:~~

- ~~a. Act or refrain from acting in any capacity in which he or she is lawfully empowered to act by reason of any payment, offer to pay, promise to pay, paid by the University (R.S.Mo. Sec. 105.452[1])~~
- ~~b. Use confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner with intent to result in financial gain to himself or herself, his or her spouse, dependent child, or any business with which he or she is associated. (R.S.Mo. Sec. 105.452[2])~~
- ~~c. Disclose confidential information obtained in the course of or by reason of his or her employment or official capacity in any manner except as authorized by law (R.S.Mo. Sec. 105.452[3])~~
- ~~d. Perform any service for the University for any receipt or compensation other than of the compensation provided for the performance of his or her official duties, except on transactions made pursuant to an award a contract let or sale made after public notice and competitive bidding, provided further that such faculty member, officer or employee shall take no part in the establishment of specifications for the contract or in the consideration of the bids. (R.S.Mo. Sec. 105.454[1])~~
- ~~e. Sell, rent, or lease any property to the University for consideration in excess of five hundred dollars per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and, in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received. (R.S.Mo. Sec. 105.454[2])~~
- ~~f. Participate in influencing or making any decision of the University when the result of the decision may be the acceptance of the performance of a services or the sale, rental, or lease of any property to the University for a consideration in excess of five hundred dollars to such faculty member, officer, or employee, or to the spouse or dependent child of such regent, officer, or employee, or to any business with which such faculty member, officer, or employee is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and (in the case of property other than real property) competitive bidding, provided that the bid or offer accepted is the lowest received. (R.S.Mo. Sec. 105.454[3])~~
- ~~g. Attempt to influence a decision of the University during his or her term of office of employment and for a period of one year thereafter for any consideration other than the compensation provided for the performance of the official duties of such faculty member, officer, or employee. (R.S.Mo. Sec. 105.454[4]);~~
- ~~h. Perform any service for any consideration for any person, firm, or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly~~

192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208

~~concerned or in which he or she personally participated during the period of his or her service of employment. (R.S.Mo. Sec. 105.454[5])~~

~~i. Serve in a decision-making capacity in any proceeding in which he or she knows that:~~

~~1. A party to the proceeding is any of the following: himself or herself; his or her great-grandparent; his or her grandparent; his or her parent, stepparent, guardian, or foster parent; his or her child, stepchild, foster child, or ward; his or her uncle or aunt; his or her cousin; any business entity in which he or she has any legal equitable or beneficial interest. (R.S.Mo. Sec. 105.464[1])~~

~~2. He or she knows the subject matter is such that he or she may receive a direct financial gain from any potential result of the considered as prohibiting participation in any proceeding by reason of the fact that the University is a party to the proceeding. (R.S.Mo. Sec. 105.464[2])~~

Action	Date
Introduced to Senate	1/17/2024
Second Senate Meeting	
Faculty Senate Vote	
President's Review	
15 Day Review	
Posted to Faculty Handbook	