

UMSL

University of Missouri-St. Louis Guide to Managing Converging Interests in Research

The University of Missouri encourages interactions and the establishment of relationships between their employees and federal, state, and local governments, and business and industry as important parts of their research, education, and public service activities including economic development. However, because of the role of the University as a steward of public funds and the public trust, the University assumes the responsibility to assist its employees in identifying activities that present the potential for conflicts and in managing, or eliminating these potential conflicts to assure that they do not threaten the integrity of the University's and employee's core activities as viewed by an independent prudent person. To do otherwise could impair the credibility of the academic enterprise.

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Introduction

The University of Missouri–St. Louis encourages interactions and the establishment of relationships between its employees and both governments and industry as important parts of their research, education and public service activities including economic development. External corporate relationships enrich teaching and research, expand career and research opportunities for students, and provide the obvious mechanism for the translation of university developed intellectual property into commercial ventures that benefit the public.

However, employee interactions with the private sector also carry with them an increased potential for conflict of commitment and financial conflict of interest, or at least the perception of the potential for conflicts. The University assumes the responsibility to assist its employees in identifying activities that present the potential for conflicts and in managing or eliminating these potential conflicts to assure that they do not threaten the integrity of the University and its core activities as viewed by an independent prudent person. To do otherwise could impair the credibility of the academic enterprise. To achieve these goals, the University has developed Conflict of Interest Policies in the Collected Rules & Regulations (CR&R) [330.015](#) and [420.030](#). Employees should be aware that conduct that violates these rules and regulations pertaining to conflict of interest shall constitute a breach of the employment contract and may lead to disciplinary action. This guidance document is not intended to supersede these Policies but to supply additional information to assist employees, managers and the University in dealing with potential conflicting interests.

Purpose of this Guide

This guide is designed to:

- Inform, educate and guide University employees regarding the potential risks of engaging in relationships and partnerships with private business and industry and the potential risks to academic and institutional values that may arise;
- Assist University employees in identifying situations with the potential to elicit financial conflicts or conflict of commitment;
- Describe mechanisms employees should use to disclose such conflicts;
- Assist the UM-St. Louis Conflict of Interest Committee in identifying and managing potential, perceived and real conflicts of interest.

Within this framework, any review of a potential conflict of interest will be undertaken in light of five general propositions:

1. Potential conflicts of interest are inevitable and do not represent any impropriety by the employee if identified and disclosed in advance and properly managed.
2. Responsibility for disclosure lies solely with the employee. The failure to disclose a potential conflict of interest for administrative review and response circumvents the University's ability to assure proper stewardship of public funds and maintain the public's trust.
3. There is a presumption in favor of allowing employees to act in dual roles once the potential conflict of interest has been disclosed and a plan to manage the conflict has been approved.
4. Potential conflicts of interest may be so profound under some circumstances that it would be best for all concerned if the employee did not participate in a particular interaction.
5. Administrators have a responsibility to notify those reporting to them of their obligation to report.

Identifying Conflicts of Interest

A conflict of interest exists when significant financial interests or other personal considerations may compromise or appear to compromise professional judgment or integrity in the conduct or reporting of research or performance in administration, management, instruction, and other University obligations. Federal regulations require full disclosure of significant financial interests in externally sponsored research. The existence of such conflicts does not in any manner indicate wrongdoing on the part of the individual. In fact, in today's research environment, it is understood that conflicts of interest can occur. However, if a conflict of interest exists, it must be reduced, managed, or eliminated as soon as one becomes aware of it.

The key to handling potential conflicts is to disclose fully significant financial interests and, if a conflict of interest is identified, to participate in the development and implementation of an appropriate management plan. The UMSL Conflict of Interest Committee (COIC) is committed to advancing research and fostering an entrepreneurial spirit at the University of Missouri–St. Louis while maintaining objectivity and integrity in research. If a conflicting situation arises that will require management, the COIC will work in cooperation with the individual to develop and implement an appropriate management plan.

Conflicts of interest may exist with respect to University financial decisions in which the individual is involved. They may also exist with respect to non-financial University matters including, in particular, the conduct of research and the treatment of students and faculty colleagues. Conflicts may also exist with respect to matters having both financial and non-financial implications, such as decisions about the use of University equipment and facilities and the negotiation of research agreements and license agreements.

Some external economic interests do not create actual conflicts of interest because they do not affect University research, University financial decisions, or other University activities. External economic interests create conflicts of interest when they could provide an incentive to the individual to affect a University decision or other activity because of the possibility for personal gain, and when the individual has the opportunity to affect the University decision or other activity. *If there is both sufficient incentive from the external economic interest and opportunity to affect the University activity, a conflict of interest may exist.*

Types of Conflicts:

- 1) Financial/Personal Conflict of Interest
- 2) Conflict of Commitment

Financial/Personal Conflict of Interest

A potential financial conflict of interest occurs when there is a possibility that an employee's direct or indirect financial interests may influence the employee's actions, decisions, or judgment in fulfilling their responsibilities to the University or the University's responsibility to fulfill its mission. It is not possible, nor in some situations is it necessary, to eliminate all perceived, potential or real conflict of interest. The existence of a conflict is not necessarily a problem if both the individual and the institution are able to manage the conflicting interest in an appropriate manner.

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This document is intended to serve as a guide for all University employees in structuring their industry and other outside ventures in view of the employee's responsibilities for teaching, research, administrative activities, and service within the University. It is not the intent of these guidelines to eliminate all situations of potential conflict of interest and commitment, but rather to enable employees to recognize situations that may be subject to question and ensure that such situations are disclosed to the University. These situations

will then be managed where possible or eliminated when necessary. It should be clear that some potential conflicts of interest will be prohibited. These guidelines are intended to maintain the professional autonomy of the employee as appropriate to their respective disciplines, professional activities, and role within the University.

Potential personal and/or financial conflict of interest occur when the employee's direct or indirect financial interests may bias the individual's judgment, or compromise his/her ability to carry out their responsibilities of teaching, research, administrative activities, or service within the University. In certain cases where employees may benefit personally from his/her activities, this benefit may be permitted following disclosure and development of an approved management plan with appropriate oversight.

BUSINESS RELATIONSHIPS

The acquisition of goods and services for the University represent a large portion of the expenditures of the institution and is generally subject to the oversight of the Vice President for Administration and Finance, Chief Procurement Officer and internal auditing. This oversight is based on CR&R 330.015 and 420.030 and requirements set forth in Office of Management and Budget Circular A-110 and Missouri State Law. To the extent that individuals have a direct or indirect interest in a vendor of goods or services to the University, potential conflicts of interest may arise and must be identified, disclosed in writing and forwarded to the official having contract approval authority. This disclosure shall also be filed in a registry appropriately located for public scrutiny for a period of at least ten (10) business days prior to the approval of the contract. *(Handled through UMSL Business Services.)*

RESEARCH GRANTS AND CONTRACTS

Decisions concerning the nature and direction of scholarly research at the University should be governed by judgments of scholarly merit, intellectual importance, and public benefit. An employee's involvement with, or financial interest in, outside commercial entities should not bias their judgment concerning the employee's own scholarly research or that of other employees or students.

Potential financial conflict of interest takes on even more ethical constraints when the research involves human participants. It is paramount that humans who volunteer as participants in clinical studies are assured that no financial bias, positive or negative, is influencing the recruitment, the execution of the trial per se, the gathering and interpreting of data, or the impartiality of the reporting of the outcomes of the clinical study. The UMSL Institutional Review Board (IRB) must be informed of potential personal financial conflict of interest and managed by IRB practices and policies. If real financial conflicts of interest exist, they must be addressed in the most conservative manner to ensure human research participants that the studies are adhering to the highest ethical standards.

The University of Missouri System's procedures and practices are supported by both the Association of American Universities (AAU) and the Association of American Medical Colleges (AAMC) policy and management suggestions for academic biomedical research involving human participants and consistent with CR&R 420.030. However, the public safety consequences of research in some non-clinical research areas should also be recognized when outside financial interests could influence the research design, conduct or reporting. For example, engineering research leading to development, testing, and commercialization of new materials can involve human research volunteers and put them at some risk. There are also research projects in social and behavioral sciences where financial conflicts may be sensitive.

INTELLECTUAL PROPERTY, LICENSING UNIVERSITY TECHNOLOGY, START-UP COMPANIES

Licensing transactions present many potential conflicts of interest and commitment, especially those involving start-up companies with which the institution and inventors have a continuing relationship. These conflicts generally arise in the following areas: establishment of a company based on the license of university-owned technology, distribution and management of equity in that company to the inventor and the University, provision of sponsored research from the company back to the University, management of research in areas closely related to licensed technology, and supervision of students and other employees in the context of the relationship between the University and the start-up. This last issue is also central to the employees mentoring and supervisory activities related to conflict of commitment.

Many complicating factors arise in licensing technology to a start-up and the specific roles and terms of the licensing, equity, and research relationships have bearing on how conflicts are identified and managed. Whether perceived or real, problems will generally arise and need to be disclosed, managed where possible or eliminated when necessary.

Conflict of Commitment

A potential conflict of commitment occurs when there is a possibility that an employee's outside activities involve a commitment of time or professional commitment that may interfere with the performance of their University responsibilities or a commitment that may interfere with the mission and goals of the University.

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A potential conflict of commitment occurs when the time devoted to external activities or professional commitments adversely affects an employee's capacity to meet their University responsibilities and the University's responsibilities to fulfill its mission. Any outside employment, and even activities such as pro bono work or government activities which constitutes such a potential conflict, must be identified, disclosed, managed, and approved so as not to take precedence over an employee's primary commitment to the University.

CONSULTING AND OUTSIDE EMPLOYMENT

The University encourages employees to engage in consulting with outside organizations. These relationships can enrich and add perspective to campus-based research and teaching, and provide a means by which employee expertise can be applied to real world problems. Consulting is a part of the University's mission of community engagement including economic development. Employee consulting agreements are governed by CR&R 330.015.

Some consulting relationships can result in both financial, professional, and commitment conflicts. An employee's consulting agreement with an outside sponsor must ethically balance the employee's responsibility to the University, to students, and to the sponsor. However, consultation may in some instances also constitute a business interest requiring disclosure and approval when the entity for which the employee consults transacts business with the University or is in competition with the University, or where the consultation itself competes with the work of the University. Before such a proposed consulting contract is executed by the University, the University employee shall make a full disclosure, in writing, which shall be forwarded to the official having contract approval authority. This disclosure shall also be filed in a registry appropriately located for public scrutiny for a period of at least ten (10) business days prior to the approval of the contract. In addition, no Intellectual Property Rights can be assigned by the University employee to any organization for whom they are acting as a consultant. Assignment of Intellectual Property Rights is governed by CR&R 100.020 & 110.005.

Common pitfalls in consulting relationships include:

- Limiting the right to publish the results of research;
- Creating the impression that the University has sponsored the outside activity;
- Undermining the faculty member's responsibility to graduate students;
- Bring into question the employee members primary professional allegiance to the University; and overextending ownership and intellectual property rights.

All of these pitfalls can lead to disputes between the University and companies that may affect the ability of either to commercialize inventions and discoveries.

OUTSIDE TEACHING

An employee of the University who teaches either credit or non-credit courses not connected with the University may have a potential conflict of interest or commitment. To avoid these conflicts, an employee must disclose the proposed teaching activity and secure written approval in advance from her or his department chairperson/supervisor and dean/director. Approval for such teaching shall be granted unless the proposed teaching is not in the best interests of the University. In reaching the decision, the department chairperson/supervisor and dean/director should consider all relevant matters including such concerns as duplication of University courses or programs and accreditation standards.

MENTORING AND SUPERVISION

Mentoring students, post-doctoral fellows, junior faculty colleagues, and other employees is one of the most important roles and responsibilities assumed by University employees. The relationship of a mentor to the individual being mentored is a close and special relationship of trust often combined with an unequal distribution of power and influence between the individuals in the relationship. Because of this relationship of trust and the imbalance in power, the person being mentored may not feel they have the freedom to refuse the mentor's request. Such interactions involving unequal distribution of power and influence may also be subject to the University's Sexual Harassment Policy (CR&R 330.060). Moreover, whenever the possibility exists that a supervisor's decisions might be influenced by personal financial interests, there also exists the potential for negative impact on the training or career development of the person being supervised.

When this type of potential conflict of commitment is identified and disclosed the University will review carefully all management plans to ensure they protect the rights of the vulnerable party and will closely monitor covered activities to ensure the management plan is being followed.

Conflict of Interest Management Structure

Potential conflict of interest may arise within any unit of the University of Missouri System including the System Office and the four Campuses. Potential conflict of interest could involve any employee of the University. Each campus has its own set of characteristics, culture, and circumstances. Therefore, each campus of the University of Missouri System shall construct its own procedures and practices to deal with potential conflicts of commitment and personal financial conflicts arising during business and academic activities. The campus procedures and practices will be reviewed by the System Conflict of Interest Officer and Committee to assure compliance with all University of Missouri Conflict of Interest Policies and System-level procedures and practices.

The **UMSL Conflict of Interest Committee (COIC)** reviews potential conflicts in research grants and contracts, intellectual property, licensing university technology and startup companies. Business relationships and potential conflict of commitment not related to research and technology transfer are not administered or reviewed by the COIC.

Conflict of Interest Committee

MEMBERSHIP

The standing COIC consists of at least seven members, appointed by the Vice Provost for Research, including at least four tenured or tenure-track faculty and representing various disciplines. Of the members of the standing COIC, at least three will be selected to serve on a panel to review each individual case. Members of the Committee will be appointed for renewable three-year terms. Representatives from the Office of Research Administration will serve as ex officio, non-voting COIC members.

MEETING FREQUENCY

The complete standing COIC will meet once each semester. Review panels of the COIC will be assembled and will meet as needed to review disclosures.

FUNCTIONS AND RESPONSIBILITIES

The roles of the COIC are to:

- Provide oversight for conflict of interest education;
- Recommend policy;
- Review disclosures; and
- If a conflict of interest situation arises that requires management, work in cooperation with the individual to develop and implement an appropriate management plan.

Once the COIC determines the category of conflict (see below), they notify the Vice Provost for Research of the decision and a letter from the Vice Provost is sent to the researcher.

Conflict of Interest Categories

Category 1: Not Significant or Reportable

Activities represent no apparent conflict of interest and can proceed without special safeguards or oversight.

Category 2: Conflict of Interest with Low Potential for Bias (disclosure)

Activities represent a conflict of interest, but it is fully managed by disclosure and the activities are permitted to go forward.

Category 3: Conflict of Interest with Low Potential for Bias (10-day posting)

Activities represent a conflict of interest, but it is fully managed by disclosure and compliance with University policy that requires posting the disclosure in the Public Registry for the minimum posting period of 10 business days prior to the final execution of related agreements/contracts.

Category 4: Conflict of Interest with Moderate to High Potential for Bias

Activities represent a conflict of interest, but it is fully managed with disclosure and compliance with an appropriate management plan to safeguard against prejudice toward University activities and to provide continuing oversight.

Category 5: Unmanageable Conflict

The disclosed arrangement represents unmanageable conflict and cannot be allowed.

UMSL Disclosure Policy

Conflict of Interest Policy and Requirements for Public Disclosure

POLICY: University employees shall faithfully discharge their duties and shall refrain from knowingly engaging in any outside matters of financial interest incompatible with the impartial, objective, and effective performance of their duties. They shall not realize personal gain in any form which would influence improperly the conduct of their University duties. They shall not knowingly use University property, funds, position, or power for personal or political gain. They shall inform their supervisors in writing of reasonably foreseen potential conflicts.

Conduct by an employee that violates the University's policies, regulations, or rules pertaining to conflict of interest shall constitute a breach of employment contract and may lead to disciplinary action. SECTION 330.015 of the Collected Rules and Regulations of the University of Missouri requires that a University employee make a full disclosure in writing of her or his present or proposed outside financial interest to the appropriate University official for filing in a registry located for public scrutiny in the following circumstances:

- When a University employee engages in any outside matters of financial interest incompatible with the impartial, objective, and effective performance of their duties; such as, when it is proposed that the University enter into (a) contracts for the sale of goods or services, or (b) research contracts, or (c) other contracts, including those for technological transfer, with private firms or corporations in which a University employee knows he or she has a direct or indirect financial interest.
- When the financial interest of the University employee in the private firm or corporation is such that it could influence the decision-making process of the private firm or corporation and the employee could also influence the decision-making process of the University in entering into or performing the contract.
- Realize personal gain in any form which would influence improperly the conduct of their University duties.
- When there is a change in the University employee's financial interest during the course of such contracts.
- When an employee enters into a business activity which overlaps with the University's teaching, research, or service missions; such as, when an employee of the University teaches either credit or non-credit courses not connected with the University.
- When a business interest for which the employee consults and the entity conducts business with the University, is in competition with the University, or competes with the work of the University.

Employees who are required under this policy and these rules to submit a Potential Conflict of Interest Disclosure Form should provide as much information as possible and secure all appropriate signatures or the form will not be accepted. Potential Conflict of Interest disclosures must be submitted online via [IRBNet](#). Download and read the "INSTRUCTIONS" file for step-by-step instructions, including how to secure appropriate signatures electronically. The instructions, this Guide to Managing Converging Interests, and necessary forms are all available for download the Conflict of Interest Committee Library on [IRBNet](#).

Appendix A: Related University Policies

Collected Rules and Regulations

CR&R 330.015: Policy on Conflict of Interest

A. Conflict of Interest -- General Provisions

1. **Policy.** University employees shall faithfully discharge their duties and shall refrain from knowingly engaging in any outside matters of financial interest incompatible with the impartial, objective, and effective performance of their duties. They shall not realize personal gain in any form which would influence improperly the conduct of their University duties. They shall not knowingly use University property, funds, position or power for personal or political gain. They shall inform their supervisors in writing of reasonably foreseen potential conflicts.
2. **Sanctions.** Conduct by an employee that violates the University's policies, regulations or rules pertaining to conflict of interest shall constitute a breach of the employment contract and may lead to disciplinary action.

B. Use of Confidential Information -- Employees shall not use confidential information about the University obtained by reason of their employment with intent to cause financial gain to themselves or unfair advantage for another person.

C. Outside Business Interests of University Personnel -- An employee's outside employment or business activities and interests must not interfere with the employee's regular duties nor represent a conflict of interest.

1. **Grants and Contracts.** When it is proposed that the University of Missouri enter into (1) contracts for the sale of goods or services, or (2) research contracts or grants, or (3) other contracts, including those for technological transfer, with private firms or corporations in which a University employee knows he or she has a direct or indirect financial interest, the following procedure shall be followed:
 - a. Before the proposed contract is executed by the University, the University employee shall make a full disclosure of such financial interest, in writing, which disclosure shall be forwarded to the official having contract approval authority. This disclosure shall also be filed in a registry appropriately located for public scrutiny for a period of at least ten (10) days prior to the approval of the contract.
 - b. If there is a change in the financial interest of a University employee during the term of the contract, the change shall be reported immediately, in writing, and forwarded to the official having contract approval authority, and shall also be filed as required in Paragraph C.1.a above.
 - c. If the financial interest of the University employee in the private firm or corporation is such that it could influence the decision-making process of the private firm or corporation and the employee could also influence the decision-making process of the University in entering into or performing the contract:

(1) The University shall not enter into the contract or shall cancel the contract, if the terms of the contract so permit; or

(2) The University employee shall take such action as is necessary to remove her or him from a relationship with the private firm or corporation which could influence the

decision-making process of the private firm or corporation; or

(3) The University shall establish a procedure to remove any opportunity for the University employee to influence the entering into the contract by the University or the manner in which the contract is performed by the University.

2. **Overlapping Business Activities.** Before an employee enters into a business activity which overlaps with the University's teaching, research, or service missions, the employee shall make full disclosure, in writing, to her or his immediate chairperson/supervisor, and such disclosure shall be filed as required in Paragraph C.1.a. above. The chairperson/supervisor and her or his dean/director/supervisor must approve or disapprove in writing the proposed activity.
3. **Full-time Employment - Faculty and Exempt Personnel.** Full-time faculty and full-time exempt personnel may not be concurrently employed full-time with another employer.[\[1\]](#)
4. **Teaching.** An employee of the University who teaches either credit or non-credit courses not connected with the University may have a conflict of interest. To avoid conflicts of interest an employee must disclose the proposed teaching activity and secure written approval in advance from her or his department chairperson/supervisor and dean/director. Approval for such teaching shall be granted unless the proposed teaching is not in the best interests of the University. In reaching the decision, the department chairperson/supervisor and dean/director should consider all relevant matters including such concerns as duplication of University courses or programs and accreditation standards.
5. **Faculty-Authored Textbooks and Other Educational Materials.** Textbooks, tapes, software and other materials authored by the course instructor may be assigned to be purchased by students for a course taught by the author if the royalties arising from the purchase of the assigned materials are returned to the University of Missouri, another educational institution, a charitable organization, or a not-for-profit foundation. Any proceeds from other University uses of such materials, such as purchase by the library, shall be the property of the faculty member.

D. **Faculty and Exempt Personnel Consultation** -- Consultation, whether income producing or otherwise, is the application of professional and scholarly expertise in the external community. It is a significant means of professional improvement as well as a form of community service. However, consultation may in some instances also constitute a business interest requiring disclosure and approval when the entity for which the employee consults transacts business with the University or is in competition with the University, or where the consultation itself competes with the work of the University. In these instances the procedure in Paragraph C.1.a. is applicable.

It is the policy of the University to permit consulting activities which:

1. are related to the professional interest and development of the faculty member or other exempt person,
2. do not interfere with regular duties,
3. do not utilize University materials, facilities, or resources except as provided in the University Business Policy and Procedure Classification Code 01-21 dated May 1, 1979,

4. are in agreement with the American Association of University Professors/American Council on Education (AAUP/ACE) Statement on Conflict of Interest and with the requirements of accreditation for the particular school or unit in question,
5. do not compete with the work of the University, and are not otherwise contrary to the best interest of the University,
6. do not violate federal or state law, and
7. do not represent a conflict of interest under other policies of the University.

Each division shall make an annual report to the Chancellor, or appropriate Vice President, indicating the aggregate time and the nature of the service performed for each individual engaged in consulting, including the area of technological transfer. These reports shall be transmitted annually to the President.

- E. **Use of University Stationery** -- Official University stationery may not be used in outside business, personal, and other private or political activities of employees. However, for use in such activities, faculty may have printed at their own expense personal business stationery carrying their academic title, University address and telephone number.
- F. **Use of University Logo** -- It is a violation of University policy to employ the name of the University or any of its graphic identification symbols in printed materials intended to endorse or promote individual enterprises or to otherwise enhance private gain without the written permission of the University President.
- G. **Appeals** -- Appeals of decisions made under these procedures should be brought to resolution informally and at the lowest possible administrative level. Should attempts to resolve appeals informally fail, procedures set forth in Collected Rules and Regulations, 370.010 and 380.010, shall be followed.

[1] Effective September 1, 1983, an employee classified as at least 75% full-time equivalence with an indicated appointment duration of at least six months and who is regularly scheduled to work a minimum of 30 hours per week is considered a full-time employee.

CR&R 420.030: Conflict with the Interests of Federal Grant Agencies

- A. **Purpose** -- This Executive Guideline is intended to comply with the requirement of the National Science Foundation (NSF) and the Public Health Service of the Department of Health and Human Services (PHS), that grantee institutions maintain an appropriate written and enforced policy on conflict of interest consistent with provisions in the NSF Grant Policy Manual and 42 CFR Part 50 and 45 CFR Part 94.
- B. **Definitions** -- For the purposes of this Executive Guideline, the following terms have the meanings stated:
1. The term "investigator" means the principal investigator, co-principal investigators, and any other person at the University of Missouri who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by NSF or PHS.
 2. The term 'significant financial interest' means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights).
The term does not include:
 - a. salary, royalties or other remuneration from the University;
 - b. income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
 - c. income from service on advisory committees or review panels for public or nonprofit entities; or
 - d. an equity interest that when aggregated is both not more than \$10,000 and is not more than 5 percent ownership interest in any single entity; or
 - e. salary, royalties or other payments that when aggregated for the next twelve months, is expected to be not more than \$10,000.
- C. **Investigator's Duty** -- Each investigator shall disclose to the Reviewer(s) all significant financial interests of the investigator (including those of the investigator's spouse and dependent children):
1. that would reasonably appear to be directly and significantly affected by the NSF- or PHS-funded research or educational activities; or
 2. in entities whose financial interests would reasonably appear to be directly and significantly affected by such activities.
 3. This information must be disclosed:
 - a. at the time the proposal is submitted;
 - b. on an annual basis during the project period; and
 - c. immediately as new significant interests are obtained.
For PHS proposals and awards, subgrantees, contractors and collaborators shall have the same duty to disclose as investigators. Investigators shall have the responsibility to submit the relevant financial disclosure of subgrantees, contractors or collaborators.
- D. **Institutional Review** -- The Chancellor of each campus shall designate one or more persons (Reviewer) to review financial disclosures, determine whether an actual or potential conflict with the

interests of NSF or PHS exists, and determine what conditions or restrictions, if any, should be imposed by the University to manage, reduce or eliminate such conflict of interest and resolve actual or potential problems revealed.

1. For the purpose of this Executive Guideline, an actual or potential conflict of interest exists when the Reviewer reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of the research or educational activities funded or proposed for funding by NSF or PHS.
2. Examples of conditions or restrictions that might be imposed to manage, reduce or eliminate actual or potential conflicts of interest include, but are not limited to:
 - a. public disclosure of significant financial interests;
 - b. monitoring of research by independent reviewers;
 - c. modification of the research plan;
 - d. disqualification from participation in the portion of the NSF-funded research that would be affected by the significant financial interests;
 - e. divestiture of significant financial interests; or
 - f. severance of relationships that create actual or potential conflicts.
3. If the Reviewer determines that imposing conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, then the Reviewer may allow the research to go forward without imposing such conditions or restrictions.
4. If the University is unable to satisfactorily manage an actual or potential conflict of interest, the Reviewer shall keep the NSF or PHS appropriately informed.
5. PHS shall be informed of all conflicts and mechanisms for managing them.

E. Enforcement

1. Allegations of undisclosed conflicts with the interests of NSF or PHS or of failures to comply with conditions or restrictions imposed to manage, reduce or eliminate such conflicts shall be investigated by the University.
2. Conduct by an employee that violates this policy shall constitute a breach of the employment contract and may lead to disciplinary action up to and including termination.
3. Conduct by subgrantees, contractors or collaborators that violates this policy shall constitute a breach of contract and may lead to appropriate action, up to and including termination of the contractual agreement.

- F. **Records** -- The University will retain records of investigator financial disclosures and of actions taken to manage conflicts of interest for until (for NSF) three years after the later of the termination or completion of the award to which they relate or the resolution of any government action involving those records; or (for PHS) for three years after final payment or, where applicable, for the other time periods specified in 48 CFR Part 4, subpart 4.7.

UM Business Policy Manual

BPM 405: Use of University Equipment and Resources

General Policy

University property and equipment may be used only for those purposes related to the general activities and purposes of the University. Any use for personal or private purposes is prohibited.

Any use of University property or equipment by non-University personnel must be authorized by the campus business office, (Management Services for UM).

Reference: [BPM 406](#), Vehicles, details the authorized use of University vehicles by non-University personnel.

No University equipment may be taken from University premises unless it is to be used for official purposes, and its removal is authorized by the department chairperson or administrative official with authority over the unit.

Using University Equipment & Resources in Non-University Work University policy (Human Resources Policy Manual, [HR 512](#), Consultation) permits teaching and research staff to perform consulting and other non-University work that expands the knowledge and experience of the individual. Detailed here are the conditions under which University equipment and resources may be used in the performance of such activities.

Conditions for Use University teaching and research staff may use University equipment and resources in the performance of consultation and other non-University work permitted by University policy ([HR 512](#)) provided such use does not conflict with University needs, and is in the best interest of the University.

Other Than Incidental Use Prior arrangements must be made for the payment for all other than incidental use of University equipment and resources. The Chancellor is responsible for establishing the necessary guidelines for determining what is other than incidental use of University equipment and resources.

Establishment of Rates Rates for equipment, space, service unit services, and support staff assistance are to be established by the chief administrative affairs officer at each campus and may either be standardized or set individually for each agreement.

- **When Total Will Exceed \$5,000** When the total amount payable to the University for use of University equipment and resources, (exclusive of consultant's fee), will exceed \$5,000, a formal grant or contract agreement is required. The Chancellor may also set a lesser amount for which a formal grant or contract agreement is required. **Reference:** [BP 210 Grants & Related Contracts](#).
- **When Total Will Be \$5,000 or Less** When the total amount payable to the University for use of University equipment and resources, (exclusive of consultant's fee), will be \$5,000 or less, a written agreement in the form determined by the campus and approved by the General Counsel's office is required.

As a minimum, this agreement must define and detail the kinds of University equipment, space, service unit services, and support staff assistance that will be used, and the total that will be charged for use of these University resources.

UM Human Resources Policy Manual HR-512: Consultation

Summary

The University contends that consulting is a significant means of professional improvement and a form of community service. Consulting activities are permitted when they are directly related to the professional interest and improvement of the faculty or staff member; are in the best interest of the University; do not constitute a conflict of interest; and do not interfere with regular duties.

Reporting

Annually, each administrative unit must report to the Chancellor, Vice President or other appropriate administrative officer, the aggregate time and compensation for each individual involved in consulting, with all reports being forwarded to the President.

HR-507: Conflict of Interest

Summary

University employees shall faithfully discharge their duties and shall refrain from knowingly engaging in any outside matters of financial interest incompatible with the impartial, objective, and effective performance of their duties. They shall not realize personal gain in any form which would influence improperly the conduct of their University duties. They shall not knowingly use University property, funds, position or power for personal or political gain. They shall inform their supervisors in writing of reasonably foreseen potential conflicts. Conduct by an employee that violates the University's policies, regulations or rules pertaining to conflict of interest will lead to disciplinary action.

Confidential Information

Employees shall not use confidential information about the University obtained by reason of their employment with intent to cause financial gain to themselves or unfair advantage for another person.

Outside Business Interests

An employee's outside employment or business activities and interests must not interfere with the employee's regular duties nor represent a conflict of interest. When it is proposed that the University of Missouri enter into (1) contracts for the sale of goods or services, or (2) research contracts or grants, or (3) other contracts, including those for technological transfer, with private firms or corporations in which a University employee knows he/she has a direct or indirect financial interest, the appropriate procedure shall be followed:

- Before the proposed contract is executed by the University, the University employee shall make a full disclosure of such financial interest, in writing, which disclosure shall be forwarded to the official having contract approval authority. This disclosure shall also be filed in a registry appropriately located for public scrutiny for a period of at least ten (10) days prior to the approval of the contract.
- If there is a change in the financial interest of a University employee during the term of the contract, the change shall be reported immediately, in writing, and forwarded to the official having contract approval authority, and shall also be filed as required above.
- If the financial interest of the University employee in the private firm or corporation is such that it could influence the decision-making process of the private firm or corporation and the employee could also influence the decision-making process of the University in entering into or performing the contract: the University shall not enter into the contract or shall cancel the contract, if the terms of the contract so permit; or the University employee shall take such action as is necessary to remove her/him from a relationship with the private firm or corporation which could influence the decision-making process of the private firm or corporation; or the University shall establish a procedure to remove any opportunity for the University employee to influence the entering into the contract by the University or the manner in which the contract is performed by the University.
- Before an employee enters into a business activity which overlaps with the University's teaching, research, or service missions, the employee shall make full disclosure, in writing, to her/his immediate chairperson/supervisor, and such disclosure shall be filed as required above. The chairperson/supervisor and her/his dean/director/supervisor must approve or disapprove in writing the proposed activity.
- Full-time faculty and regular exempt personnel may not be concurrently employed full-time with another employer.
- An employee of the University who teaches either credit or non-credit courses not connected with the University may have a conflict of interest. To avoid conflicts of interest, an employee must

disclose the proposed teaching activity and secure written approval in advance from her/his department chairperson/supervisor and dean/director. Approval for such teaching shall be granted unless the proposed teaching is not in the best interests of the University. In reaching the decision, the department chairperson/supervisor and dean/director should consider all relevant matters including such concerns as duplication of University courses or programs and accreditation standards.

- Textbooks, tapes, software and other materials authored by the course instructor may be assigned to be purchased by students for a course taught by the author if the royalties arising from the purchase of the assigned materials are returned to the University of Missouri, another educational institution, a charitable organization, or a not-for-profit foundation. Any proceeds from other University uses of such materials, such as purchase by the library, shall be the property of the faculty member.

Consultation

Consultation, whether income producing or otherwise, is the application of professional and scholarly expertise in the external community. It is a significant means of professional improvement as well as a form of community service. However, consultation may, in some instances, also constitute a business interest requiring disclosure and approval when the entity for which the employee consults, transacts business with the University or is in competition with the University, or where the consultation itself competes with the work of the University. In these instances the employee shall make full disclosure, in writing, to her/his immediate chairperson/supervisor, and such disclosure shall be filed as required above. The chairperson/supervisor and her his dean/director/supervisor must approve or disapprove, in writing, the proposed activity.

It is the policy of the University to permit consulting activities which: are related to the professional interest and development of the faculty member or other exempt person; do not interfere with regular duties; do not utilize University materials, facilities or resources except as provided in the **University Business Policy Manual**, Section 405, Use of University Equipment and Resources; are in agreement with the American Association of University Professors/ American Council on Education (AAUP/ACE) Statement on Conflict of Interest and with the requirements of accreditation for the particular school or unit in question; do not compete with the work of the University, and are not otherwise contrary to the best interest of the University; do not violate federal or state law; and do not represent a conflict of interest under other policies of the University.

Each division shall make an annual report to the Chancellor, or appropriate Vice President, indicating the aggregate time and the nature of the service performed for each individual engaged in consulting, including the area of technological transfer. These reports shall be transmitted annually to the President.

University Stationery

Official University stationery may not be used in outside business, personal, and other private or political activities of employees. However, for use in such activities, faculty may have printed at their own expense personal business stationery carrying their academic title, university address and telephone number.

University Logo

It is a violation of University policy to employ the name of the University or any of its graphic identification symbols in printed materials intended to endorse or promote individual enterprises or to otherwise enhance private gain without the written permission of the University President.

Appeals

Appeals of decisions made under these procedures should be brought to resolution informally and at the lowest possible administrative level. Should attempts to resolve appeals informally fail, procedures set forth in **Collected Rules and Regulations**, 370.010 and 380.010, shall be followed.