

Wilberforce University

Policy number: 3252

Subject: **Conflict of Interest – Trustees and All Staff**

Date effective: July 1, 2007

Authority Vice President for Administrative and Financial Affairs.

Applicability

All individual members of the Wilberforce University community (including Trustees, University officials, and all full-time, part-time, temporary, or adjunct faculty and staff of the University) must fulfill the education, research, and public service missions to which Wilberforce University is dedicated.

The University's core values include a commitment to the following: Our Students; Religion; Christian Principles; Quality Education; Social and Community Responsibility; and our History and Tradition.

Accordingly, all individuals in the University community have a clear obligation to make decisions and conduct the affairs of the University based upon the desire to promote the best interests of the University in a manner consistent with those goals. Trustees and members of senior administration are fiduciaries and owe special duties of care and loyalty to the University as a whole and must keep the University's interests paramount to all others.

The relationships between Wilberforce University, the individual members of the University community, private industry, federal and state governments, and the non-profit sector have grown increasingly complex. As a result, there are opportunities for professional interactions and development that may benefit the University community and its individual members, but which may also present the potential for or the appearance of conflicting loyalties and responsibilities for the individuals within the University community. The purpose of the Wilberforce University Conflict of Interest Policy is to set forth a policy statement regarding conflicts of interest and to provide guidelines to protect the University and its mission.

A conflict of interest refers to a situation in which an individual's financial, professional, or other personal considerations may directly or indirectly affect, or have the appearance of affecting, an individual's professional judgment in exercising any University duty or responsibility, including the conduct or reporting of research. Typically, a conflict of interest may arise when an individual has the opportunity or appears to have the opportunity to influence the University's business, administrative, academic, research, or other decisions in ways that could lead to financial, professional, or personal gain or advantage of any kind.

All individuals in the University community are expected to (i) abide by the conflict of interest policy and standards set forth in this policy, (ii) fully and continually disclose professional and relevant personal activities and relationships that create a conflict of interest or have the appearance of creating a conflict of interest as required by the University, (iii) remedy conflicts of interest or comply with any management or monitoring plan described by the University, (iv) remain aware of the potential for conflicts of interest, and (v) take initiative to manage, disclose, or resolve conflicts of interest as appropriate. All senior administrators have the responsibility to understand and implement this policy, including, as necessary, the adoption of specific procedures for their respective departments in furtherance of and in accordance with this policy. It is the responsibility of all managers to facilitate the disclosure, review, and conflict management process.

3252.1 Conflict of Interest Guidelines

Conflicts of interest can arise under many situations. These guidelines set forth principles for members of the University community to follow. Disclosure and approval are required before engaging in activities that are inconsistent with these guidelines.

A. University Administration

The internal administration of the University can present the potential for conflicts of interest. Members of the University community with administrative responsibilities must take particular care to avoid relationships in which financial interests or other personal interests intersect with the University's interests and have the potential for inappropriate factors to be considered in administrative decisions, including hiring decisions. In particular, individuals who have University duties involving the procurement, exchange, or sale of goods, services, or other assets; the negotiation or formation of contracts or other commitments affecting the assets or interests of the University; the handling of confidential or privileged information; the conduct of sponsored research and the handling of any research results or resulting transfer of technology; or the rendition of professional advice to the University must be particularly conscious of potential conflicts of interest or the appearance of conflicts of interest.

B. Business Relationships

In general, when individual members of the University community or their family members have financial interests in a business or are involved in a business as an owner, operator, or as an executive officer, they must be alert to the possibility that a conflict of interest may arise, if the business has a relationship with the University. If the enterprise does business with the University, or proposes to do business with the University, the individual is expected to disclose that fact. Generally, there will be no conflict of interest if the individual is not in a position to influence the University with respect to the business in which the individual or family member has an interest. Members of the University community may not review, approve, or administratively control contracts or business relationships when the contract or business relationship is between the University and a business in which the individual or a family member has a financial interest or when the individual or a family member is an employee of the business and is directly involved with activities pertaining to the University. This section is not intended to apply to the adoption of textbooks, software, or other teaching aids written by faculty members or their family members for use in their own course of instruction.

C. Gifts

No gifts or accommodations of any nature, including unrestricted grants, may be accepted by the University or individual members of the University community when to do so would place them in a prejudicial or compromising position, interfere in any way with the impartial discharge of their duties to the University, or reflect adversely on their integrity or that of the University. This provision does not prohibit the acceptance of an item having a nominal value or ceremonial gifts received by Officers or Trustees of the University in their official capacity.

D. Activities Related to Students

An individual member of the University community may not assign students, or other trainees to University projects sponsored by any business if the individual or a family member has a significant financial interest in the business. An individual also may not assign students or permit students to participate in any consulting relationship in which the individual or a family member has a significant financial interest. Deans and department chairs have the responsibility for protecting the interests of students, and trainees who may be directly or indirectly involved in a conflict of interest situation related to a member of the University community or a family member with a financial interest in the situation. Students and trainees should not be permitted to participate in research or consulting activities if the terms and conditions of those activities would prevent the students or trainees from meeting applicable University degree or training requirements. Students, and trainees involved in any conflict of interest situation should be informed that the conflict of interest situation exists; and that their concerns, if any, can be

discussed with the appropriate University official or, if applicable, the monitor or monitoring panel. Additionally, deans or their designees and department chairs must meet regularly (at least annually) with any students, or trainees involved in a conflict of interest situation.

E. Activities Related to Family Members

Members of the University community may not participate in the hiring process or any employment-related decisions pertaining to their family members. Likewise, they may not be in a position to supervise a family member as an employee of the University or otherwise review or participate in reviewing a family member's work as an employee of the University.

3252.2 Disclosure

A. Duty to Disclose

In order to identify and review conflicts of interest, and the appearance of conflicts of interest, members of the University community must disclose in advance all outside activities and financial interests that create or have the appearance of creating conflicts of interest to the appropriate University officials. Appropriate University officials may include supervisors, deans, and department chairs. Such disclosures shall be sufficiently detailed and timely as to allow accurate and objective evaluation prior to making commitments or initiating activities that create conflicts of interest or commitment. The information must be accurate and not false, erroneous, misleading, or incomplete. Each member of the University community has an obligation to cooperate fully in the review of the pertinent facts and circumstances. Individual schools and departments may implement more specific procedures and require additional information in furtherance of this policy.

Certain University activities will involve more specific procedures with respect to conflicts of interest either because of governmental requirements or corporate fiduciary duty. Trustees and General Officers, as well as anyone involved with sponsored research or the development and licensing of intellectual property under the auspices of the University, is responsible for complying with all applicable procedures. Disclosure required by any governmental, accreditation, or other self-regulatory agency, should be made to the appropriate University official or the Office of the President, as the case may be, on the required forms before grant application submission. Additionally, disclosure should be made to publications and journal editors when research manuscripts are submitted and to the audience during any oral presentation of research if the presenter has a conflict of interest.

B. Disclosure Process

In addition to the duty of advance disclosure discussed above, all members of the University community are required to provide a disclosure of situations or relationships that create or have the appearance of creating a conflict of interest or commitment upon initial employment. Trustees and Senior Management will be required to complete disclosure annually thereafter. All other University staff outside of Academics will be held responsible to update disclosure forms, with the Human Resource department, throughout the year if changes in circumstances arise that either (a) create a new conflict of interest or commitment or (b) change or eliminate a conflict of interest or commitment previously disclosed. All disclosure statements and management plans are official records and will be maintained according to an appropriate retention schedule. The disclosure statements contain information that may have a direct bearing on an individual's employment. The disclosure statements will be considered confidential, however, the information may be released in accordance with and as required by federal, state, or local law or court order.

3252.3 Definitions

❖ **Business:** Any company or corporation, any partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, trust (business, real estate, estate planning, or otherwise), enterprise, or any other legal entity whether organized for profit or not-for-profit, including any entity controlled by, controlling, or under common control with any such entity, but excluding the University.

❖ **Family or Family Member:** Spouse, child, stepchild, parent, sibling, or domestic partner (individual not related by blood or marriage, but currently in a committed relationship and residing in a common household sharing joint responsibility for the household) of a member of the University community. For purposes of the employment of family members at Wilberforce University, grandparent, grandchild, father-in-law, and mother-in-law are also included.

❖ **Financial Interest:**

- Salary or other payments for services (including fees, honoraria, "gifts," or other "in kind" compensation whether for consulting, membership on a board of directors or advisory board, or any other purpose such as partial, interim, or milestone payments). Payments for services would not include income from editorial activities on behalf of professional journals and from seminars, lectures, engagements sponsored by governmental or not-for-profit entities or service on advisory committees or review panels for governmental or not-for-profit entities.

- Intellectual property rights (including patents, copyrights, and royalty income or the right to receive future royalties under a patent or other intellectual property rights, whether pursuant to a license or otherwise).

- Ownership and equity interests or entitlement to such interests in a publicly or non-publicly traded business (including stock, stock options, partnership interests, and convertible debt but excluding interests in publicly-traded mutual funds where the individual investor has no control over the selection of holdings).

❖ **Significant Financial Interest:** A financial interest that exceeds \$10,000 in value over a twelve-month period or a 5% ownership interest. Receiving stock options or founders shares will also be considered having a significant financial interest due to the difficulty of valuing these instruments.

Wilberforce University

Conflict of Interest Disclosure Form Trustees & Senior Management - To be completed annually Administrative Staff - at hire and as needed thereafter

Fiscal Year Ending **6/30/09**

1. Are you aware of any relationship existing between the University and yourself, or a person or firm affiliated with yourself, that may represent an actual or apparent conflict of interest?

Yes _____

No _____

(If your answer is "Yes" please detail the circumstances. If more space is needed you may use the reverse side of this form or add additional pages)

2. Excluding circumstances that have been previously reported under the University's Code of Conduct, did you, or a person or firm affiliated with yourself, receive or expect to receive a loan or anything of value during the Fiscal Year Ending listed above:
- a. From any source that supplies, or is seeking to supply goods or services to the University; or
 - b. For or because of any official act performed, or to be performed by you in your official capacity as a member of the Faculty or Academic Staff of Wilberforce University?

Yes _____

No _____

(If your answer is "Yes" please detail the circumstances. If more space is needed you may use the reverse side of this form or add additional pages)

Wilberforce University

Conflict of Interest Disclosure Form CONTINUED Trustees & Senior Management - To be completed annually Administrative Staff - at hire and as needed thereafter

Fiscal Year Ending **6/30/09**

3. Do you know of any instances or circumstances that may constitute a violation of the Code of Conduct and Interest, that you have not previously reported?

Yes _____

No _____

(If your answer is "Yes" please detail the circumstances. If more space is needed you may use the reverse side of this form or add additional pages)

I certify that the statements made above are complete and accurate:

Name: _____ Position: _____

Signature: _____ Date: _____

(Please submit annually to VP of Academic Affairs)