



# **Conflict of Interest - Declaration & Disclosure Policy**

**Issue Date:** May 1988; June 1997; revised June, 2009

**Policy Number:** 8

**Policy Applies to:** All Employees, Except Adjunct Faculty and Part-time Clinical Faculty

## **Introduction**

Nova Southeastern University (the "University") recognizes that faculty and staff interaction with private businesses, foundations, and government agencies can foster the University's mission, facilitate professional and personal development, and promote education and shared knowledge.

Because permitted outside employment or consulting, public service, pro bono work, or serving as a board member or officer of another entity, even without compensation, can result in actual or potential conflicts with an employee's primary obligation to the University, disclosure ensures a proper balance of interests. All full-time and part-time employees (exclusive of adjunct and part-time clinical faculty) must arrange their outside obligations, financial interests, and activities so as not to interfere with their primary obligation and overriding commitment to the University.

Whenever outside activities might take time away from University responsibilities, or potentially adversely affect the University, employees must discuss the matter with the appropriate Dean and/or the Associate Vice President of Human Resources. All employees must annually complete a Conflict of Interest - Declaration & Disclosure Statement, identifying any actual or potential conflicts.

A potential conflict of interest exists whenever an employee's outside activities interfere with one's primary obligations to the University. A conflict of interest also exists when an employee, or a member of his/her immediate family, has a direct or indirect interest in any entity dealing with or in competition with the University, and that interest affects or reasonably appears to affect his/her decisions regarding any related University matter.

While the University respects its employees' outside activities, disclosure is necessary to protect the institution. By way of example, disclosure of financial interest in another entity is mandatory because of the increased risk for a conflict to exist. Failure to disclose an actual or potential conflict of interest may result in disciplinary action, up to and including termination. Advanced disclosure and approval will ensure compliance with this policy.

Fraudulent behavior is also prohibited, including, but not limited to:

- Attempting or receiving financial gain by making false statements;
- Developing a scheme to receive anything of value that may result in excessive or unreasonable costs to the University.

This policy provides guidance and standards on which benefits and gifts may be offered to, or accepted from, third parties.

Further, one of, but not the only, objectives of this conflict of interest policy is the prevention of disclosure, whether intentionally or inadvertently, to third parties of confidential and proprietary information maintained by the University. Maintenance of confidential and proprietary information is a critical component of an effective conflict of interest policy.

### **Scope & Responsible Parties**

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This policy applies to the following:

- I. Actual or potential conflicts of interests;
- II. Improper payments, competition, and fair dealing; and
- III. Confidential and proprietary information.

Every officer, director, manager, administrator, and supervisor of the University should ensure that their employees annually complete a Conflict of Interest-Declaration & Disclosure Statement.

### **I. ACTUAL OR POTENTIAL CONFLICTS OF INTEREST**

Employees should avoid any personal or business relationships, dealings or investments that might create a personal interest that conflicts with the best interests of the University. A potential

conflict situation can arise when an employee, officer, director, manager, administrator, or supervisor takes actions or has interests that may make it difficult to perform University work objectively and/or effectively.

It is not possible to foresee or define every situation which may constitute an actual or potential conflict of interest that should be disclosed. For example, the threshold for acceptable consulting and teaching outside the school in which faculty are primarily employed will naturally vary by School, Center, and Division, and must be assessed on a case-by-case basis.

Conflicts may occur in, but not be limited to, situations where an employee, officer, director, manager, administrator, supervisor, or a closely-related family member to such person:

- A. Has a significant financial interest in, or obligation to, a supplier, vendor, contractor, customer, or user of the University.
- B. Is employed, part-time or otherwise, by a supplier, vendor, contractor, customer, or user of the University (in the case of a family member, as a supervisor, manager, officer or director), or sells products or services to University employees or recruits University employees to sell or distribute products.
- C. Serves on the board of directors or as an officer of, or acts as a consultant or advisor to, a supplier, contractor, vendor, customer, or user of the University (other than at the request of the University).
- D. Transacts business with the University, including buying from or selling to the University any goods or services (other than transactions in the ordinary course of the University's mission, i.e., education).
  - o Has a personal business interest that is similar or related to work that the employee, the University, or any School, Center, Division, or other University-related entity performs, produces or provides.
  - o Has a financial interest that reasonably could affect the design, conduct, or reporting of sponsored grant and/or contract-related projects.

- Uses University equipment, computer software and services, materials, supplies, content, data and other information or business relationships obtained in the course of employment with the University to advance personal financial interests.

All of the foregoing situations must be disclosed. Anyone with knowledge of a conflict, potential conflict, or possible violation of this policy should immediately advise the Office of Human Resources. Questions should be directed to the Associate Vice President of Human Resources.

## **II. IMPROPER PAYMENTS, COMPETITION AND FAIR DEALING**

All funds expended for business entertainment and gifts must be fully and accurately documented and reflected in the books and records of the University. Fees, commissions, and expenses paid to any outside consultant, attorney, accountant, contractor, vendor, or agent of any kind should be based upon proper billings and reasonable standards for services rendered.

The University does not permit or allow any illegal or improper payments, transfers, or receipts. Employees should not offer, give, solicit, or accept any money, or anything else of value for the purpose of obtaining or bestowing business or preferential treatment. Nor should employees provide to or accept from any person or entity doing business with the University, discounts, cash, cash equivalents (such as gift certificates), business entertainment and/or gifts that exceed reasonable business standards. Employees should never solicit such discounts, entertainment or gifts.

Disclosure also must be made of all gifts which are valued in excess of \$100. In addition, any personal gift (including business or personal trips) to an employee, or any member of an employee's immediate family, from any University contractor, customer or supplier, or from anyone with whom that employee does business on behalf of the University must be disclosed.

Gifts of less than \$100, which are not otherwise to be disclosed under the terms of this policy, may be accepted without disclosure provided they would not influence nor reasonably appear to influence the employee's business judgment.

## **III. CONFIDENTIAL & PROPRIETARY INFORMATION**

Employees, officers, directors, managers, administrators, and supervisors must safeguard confidential and/or proprietary information entrusted to them by the University, except when disclosure is authorized by the University's legal counsel or required by laws or regulations.

Nothing in this Declaration and Disclosure Policy is intended to alter or amend the University's Copyright and Patent Policy.

Confidential information includes all non-public information that might be harmful to the University or its users, if disclosed. It also includes information that employees, suppliers, customers, and students have entrusted to us to remain confidential. Note that disclosure of confidential information may not only violate University policy but also federal and state laws and regulations.

Proprietary information includes intellectual property such as trade secrets, patents, trademarks and copyrights, as well as business, marketing and service plans, databases, records, salary, or personal information and any unpublished financial data and reports. Unauthorized use or distribution of this information would violate University policy.