

Individual Conflict of Interest and Commitment Guidelines

ROCHESTER INSTITUTE OF TECHNOLOGY

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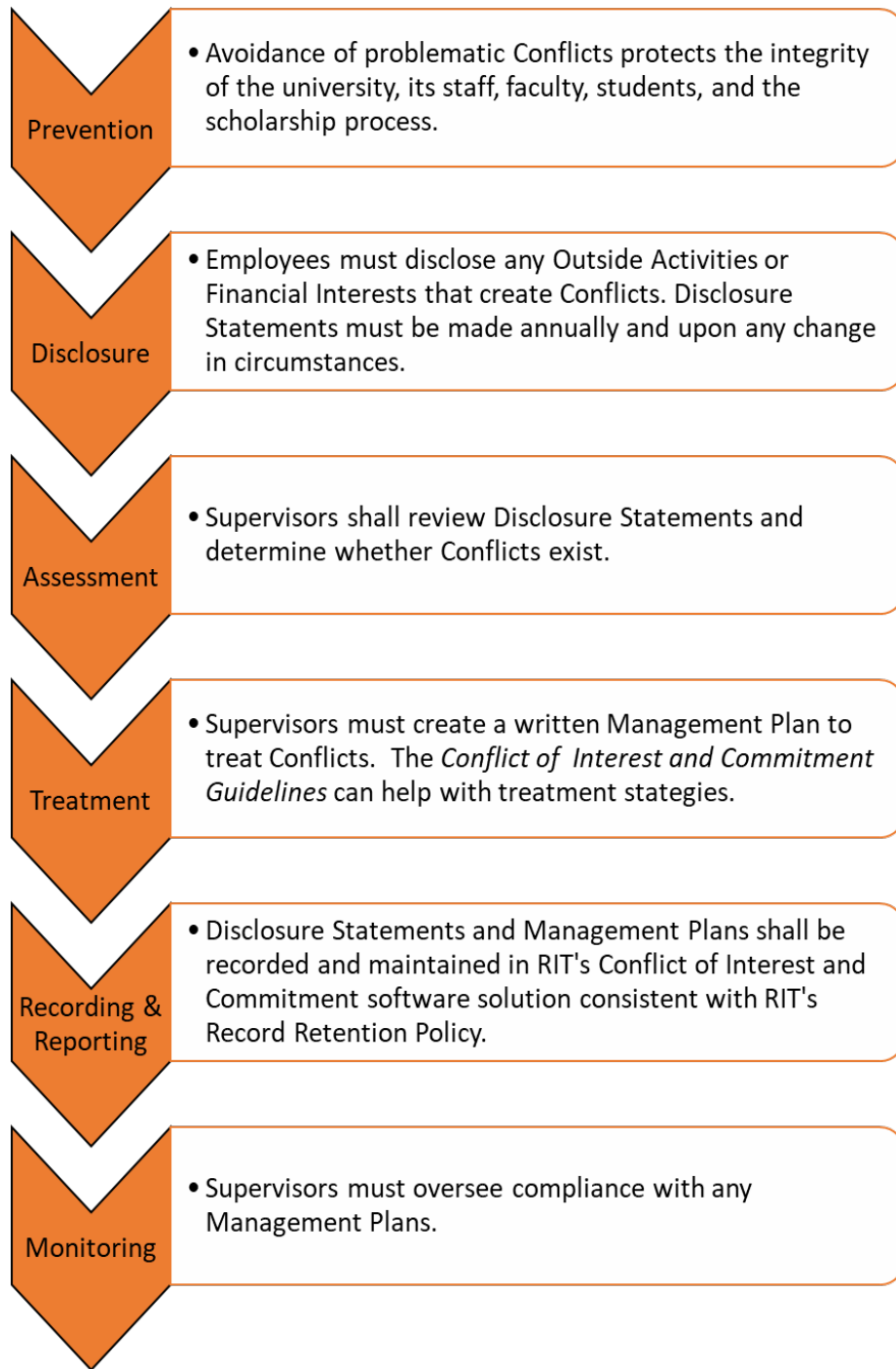
For information about these Guidelines or the Individual Conflict of Interest and Commitment Policy contact:



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I. Conflict of Interest and Commitment Flow Chart



The Individual Conflict of Interest and Commitment Guidelines (“ICIC Guidelines”) provide guidance to the RIT Community regarding the Individual Conflict of Interest and Commitment Policy C4.0 (the “ICIC Policy”) by outlining the process and detailing the procedures by which Conflicts of Interest and Commitment (collectively, “Conflicts”) are disclosed and managed at RIT. The defined terms used in these ICIC Guidelines are defined in the ICIC Policy.

II. General Guiding Principles of Conflicts of Interest and Commitment.

The following are general guiding principles to assist the RIT community in understanding and resolving Conflicts.

1. University Employees in a position to influence a university business decision for which they might receive a personal benefit should disclose the nature of the Conflict to RIT through the Disclosure Statement, as well as to others involved in the decision. Whenever possible, those with potential Conflicts should remove themselves from involvement in the decision. If the individuals should continue to participate in the decision process, they must discuss with their Supervisors and document the potential Conflict.
2. Many university Employees are regularly involved in consulting activities from which they profit financially. As a rule, such activities should be disclosed if they are related to the Employee's University Responsibilities and may not always constitute a Conflict so long as:
 - University resources (laboratories, studios, equipment, computational facilities and/or human resources) are not more than incidentally used without reimbursing the university.
 - Such activities do not unduly interfere with the time and energy committed by the individuals to their primary University Responsibilities. The allowable amount of time dedicated to consulting should be reviewed with Supervisors.
 - Such involvement does not inhibit the publication of research findings developed in the course of the Employee's University Responsibilities.
3. The university actively encourages involvement in professional organizations, panels, advisory commissions, and government, charitable, and community organizations. However, such involvement should not impede the Employee's ability to effectively satisfy their responsibilities to the university.
4. University Employees should not engage in direct competition with the university either personally or through an outside entity in which they have a Financial Interest. In order to avoid such potential Conflicts, the individual should consult the appropriate dean, department head, or administrator.
5. Before committing to Outside Activities, Employees should disclose to Supervisors potential Conflicts.
6. Faculty members must exercise prudence in directing students and supervised Employees toward activities from which the faculty might financially benefit. Faculty are encouraged to consult their Supervisors, deans, department head, or colleagues for an independent evaluation of the activities' educational merits.
7. University Employees should not undertake university research at the expense of fulfilling the mission of the university to serve the needs of an outside entity.

III. Employees Covered by ICIC Policy.

1. The ICIC Policy applies to all Regular Staff and Regular Faculty (“Employees”) as defined in the policy on [Employee Work Classifications \(Policy E01.0\)](#).

2. For purposes of the ICIC Policy, Adjuncts, Student Employees, and other groups (*e.g.*, visiting scholars or consultants) are not Employees covered by the ICIC Policy unless otherwise required by a Supervisor in writing. For example, Student Employees working on sponsored research projects or other sponsored activities may be required to complete a Disclosure Statement pursuant to the terms of the sponsor or the principal investigator of the project.

3. Although nothing in the ICIC Policy prevents officers of the university from completing an Annual Disclosure Statement, officers are not required to do so under the ICIC Policy. (Officers participating in university research may be required to complete an Annual Disclosure Statement as part of that research.) Instead, officers must follow the conflict of interest requirements set forth in the [Rochester Institute of Technology By-Laws \(Article XXII, Conflicts of Interest\)](#).

IV. Roles and Responsibilities of All of the Parties Involved in Disclosure.

Implementing the ICIC Policy will involve the active engagement of many individuals: Employees, Supervisors, the Office of Compliance & Ethics (“OCE”), the Individual Conflict of Interest and Commitment Committee (“ICIC Committee”), divisional vice presidents, and the Office of Sponsored Research Services (“SRS”) at times. This section briefly describes the primary roles and responsibilities of the principal parties involved.

1. **Employees:** The process of determining action and disclosure begins with each Employee. Annually, and when circumstances set forth in the policy dictate, Employees must complete a Disclosure Statement, disclosing the Employees’ Financial Interests, Outside Activities, and relationships that may create or constitute a Conflict or the appearance of a Conflict. If the Employee’s Supervisor agrees that the Employee’s Outside Activities, Financial Interests, or relationships create a Conflict, then the Employee may have input into a written Management Plan, where appropriate. If after working together, the Employee and the Supervisor disagree regarding the treatment of the Conflict, then the Employee has the right to appeal the Management Plan to the ICIC Committee.

2. **First-Level Supervisor:** In general, the first-level Supervisor (the Supervisor to whom the Employee reports directly) directs and evaluates an Employee’s University Responsibilities. Accordingly, they are usually in the best position to determine whether disclosed circumstances conflict with the Employee’s University Responsibilities and can then create an appropriate Management Plan to treat the disclosed Conflict. First-level Supervisors are also usually in the best position to monitor their Employee’s compliance with Management Plans. First-level Supervisors must:

- Review Disclosure Statements.
- Determine whether the statements disclose any Conflicts.

If a disclosure includes a Conflict, the first-level Supervisor must:

- Create a Management Plan to treat the disclosed Conflict, getting input from the Employee where applicable and appropriate.
- Send the Management Plan to the Second-level Supervisor for approval and confirmation of strategy implemented to treat the Conflict.
- Monitor the Management Plan to ensure compliance with its terms.

3. Second-Level Supervisor: A second-level Supervisor means the person to whom an Employee's direct Supervisor reports. Determining whether a Conflict exists and the best course of treatment can sometimes be challenging. Although the university has resources to assist Supervisors, a review by the Second-level Supervisor provides a good sounding board for all of the parties involved.

Second-level Supervisors must:

- Review Disclosure Statements.
- Review proposed Management Plans.
- Approve Management Plans in writing.

4. The Office of Compliance & Ethics: OCE is the office responsible for administering the ICIC Policy. OCE provides assistance and consultation to members of the RIT community who have questions or concerns regarding the ICIC Policy. OCE also provides oversight and support for the disclosure processes. OCE may also bring a Conflict determination or proposed Management Plan to the ICIC Committee for a recommendation.

5. ICIC Committee: The ICIC Committee is the first level of appeal for Employees who disagree with their Conflict determination or their proposed Management Plan. Upon receiving an appeal by an Employee, OCE, or the Office of Sponsored Research Services (SRS), the ICIC Committee shall review the appeal and make a recommendation to the appropriate divisional vice president regarding the appeal. The ICIC Committee should also act as ambassadors for the ICIC Policy and assist in educating Employees regarding how to disclose and manage Conflicts and recommend changes to the ICIC Policy as needed. Members of the ICIC Committee must be trained on the ICIC Policy at the start of their term on the ICIC Committee, and thereafter as provided by OCE.

6. Divisional Vice President: The Employee's appropriate divisional vice president, or their designee, shall review the recommendation of the ICIC Committee. The divisional vice president, or their designee, shall decide, based on the totality of the circumstances, whether the recommendation of the ICIC Committee should be accepted, modified, or rejected. The divisional vice president will then render a determination that will be communicated in writing to the parties, OCE, and, when applicable, SRS. The determination of the divisional vice president shall be final.

7. The Office of Sponsored Research Services: SRS is the office responsible to review Disclosure Statements and Management Plans for Employees, and where applicable, students, involved in externally sponsored research or activities. SRS also provides oversight and support for those individuals involved in externally sponsored research or activities.

V. Timing of Employee Disclosure.

When an Employee is hired at RIT, the Employee must complete a Disclosure Statement to disclose any Financial Interests, Outside Activities, and relationships that create or constitute a Conflict.

1. An Employee's initial Disclosure Statement must be completed *within 30 days* of starting at RIT;
2. A Disclosure Statement must be completed at least annually;
3. A Disclosure Statement must be updated in advance of any changes in Financial Interests, Outside Activities, or relationships, regardless when the last Disclosure Statement was completed, if the changes will create a Conflict. Examples of when an Employee should complete an updated or amended Disclosure Statement include:
 - Before there is a change to any Outside Activities, Financial Interests, or relationships that could cause a Conflict;
 - Before an Employee or Immediate Family or Relative engages in relationships, commitments, or activities (financial, fiduciary, or uncompensated) that could cause a Conflict for the Employee;
 - Before hiring RIT students or other RIT Employees, over whom the Employee has an academic or supervisory relationship;
 - Before directing purchasing opportunities to a company or business in which the Employee or an Immediate Family or Relative holds a Financial Interest.

VI. Determinations Regarding Whether a Conflict Exists and Next Steps.

1. If an Employee discloses a Conflict, then the Employee's first-level Supervisor must review the Disclosure Statement to determine whether the disclosure constitutes an actual, potential, or perceived Conflict. At any point in the process, the first-level Supervisors may consult with a second-level Supervisor and OCE. Additionally, the Employee, the Employee's Supervisor(s), OCE, or the Office of Sponsored Research Services ("SRS") may appeal a Conflict determination to the ICIC Committee.
2. Upon review, if the first-level Supervisor determines that a disclosure does not contain a Conflict, then the first-level Supervisor will sign-off on the Disclosure Statement.

VII. Determinations Regarding a Management Plan and Next Steps.

1. In the event the first-level Supervisor determines that a Conflict does exist, then the first-level Supervisor, with input from the Employee where appropriate, will develop a written Management Plan to treat the Conflict. The Management Plan should provide appropriate time for the Employee to eliminate any existing Conflict if required.
2. Management Plans should be completed within thirty (30) days of receipt of a Disclosure Statement to ensure that Conflicts are timely managed.

3. After the Management Plan is developed (with input from the Employee where applicable) the first-level Supervisor will send the Disclosure Statement and Management Plan to the second-level Supervisor for signature.
4. If all parties agree that the Conflict has been appropriately treated, then the Management Plan will be signed and stored in the software solution for reference and archival purposes.
5. The Employee must follow the Management Plan, and the first-level Supervisor must monitor the Management Plan to ensure compliance with its terms.
6. If the Employee disagrees with the Management Plan, then the Employee and the first-level Supervisor may consult with the second-level Supervisor, OCE, and SRS, where appropriate, for guidance and assistance in managing the Conflict. Both Supervisors and the Employee should work together to come to a resolution that balances the interests of the Employee with the university's expectations that its Employees conduct RIT Business ethically and with integrity.
7. If the Employee and Supervisors are unable to reach agreement regarding treatment of the Conflict, then the Employee, the Employee's Supervisor(s), OCE, or SRS may appeal the Management Plan to the ICIC Committee.

VIII. Appeals of Conflict Determinations and Management Plans.

1. An appeal may be made within ten (10) business days from the notification of the Supervisor's Conflict determination or proposed management plan.
2. When there is an appeal, the co-chairs of the ICIC Committee shall notify all persons concerned, including the Employee, Supervisors, ICIC Committee members, OCE and when applicable, SRS, at the earliest practical date, of the appeal. This should include a deadline for the submission of any additional relevant information.
3. Upon notification of an appeal, and at the earliest possible time, members of the Committee shall disqualify themselves if they have a Conflict or personal bias related to the appeal under consideration. An appropriate representative from the disqualified member's division, department, or governance group will be selected by the divisional vice president or the chair of the related governance group as a replacement.
4. The Employee, Supervisors, OCE, and when applicable, SRS, will have the opportunity to submit any additional relevant information to the ICIC Committee by the deadline provided in the notice of the appeal from the ICIC committee co-chairs.
5. ICIC Committee meetings regarding appeals shall be closed and private.
6. The members of the ICIC Committee shall review all relevant facts related to the appeal. This may include any information submitted by the Employee, Supervisors, OCE, and when

applicable, SRS. It may also include the Disclosure Statement by the Employee and any related documentation, including documentation regarding a Conflict determination and any proposed Management Plans.

7. After reviewing the facts surrounding a referred situation, the ICIC Committee will make a recommendation to the appropriate divisional vice president regarding the Conflict determination or the proposed Management Plan. The recommendation shall be determined by simple majority vote.
8. The ICIC Committee shall make its recommendation within thirty (30) days after receiving the appeal. If the ICIC Committee requires more time to make a recommendation, the extension and the rationale for extending the time shall be documented in writing and shared with the Employee and the Employee's Supervisors.
9. The ICIC Committee's recommendation shall be reviewed by the appropriate divisional vice president or their designee.
10. The divisional vice president or their designee will accept, modify, or reject the ICIC Committee's recommendation within thirty (30) days after receiving the ICIC Committee's recommendation. If the divisional vice president or their designee requires more time to make a determination, the extension and the rationale for extending the time shall be documented in writing and shared with the Employee and the Employee's Supervisors.
11. The divisional vice president's determination is final and shall become the Conflict determination or Management Plan to be followed by the Employee and monitored by the first-level Supervisor.

IX. Individual Conflict of Interest and Commitment Committee.

A. Purpose and Scope of ICIC Committee

The purposes of the Individual Conflict of Interest and Commitment Committee ("ICIC Committee") are to:

1. Review appeals regarding Conflict determinations and Management Plans;
2. Make recommendations to the appropriate divisional vice president regarding an appealed Conflict determination and Management Plan.
3. Recommend changes to the ICIC Policy and Guidelines, as needed.

The ICIC Committee will meet for appeals of Conflict determinations and Management Plans. Records of the meetings (*e.g.*, agendas, summary minutes, appeals documentation, and ICIC Committee recommendations) will be maintained by the co-chairs of the ICIC Committee for five (5) years after the determination by the ICIC Committee. (See [Records Management Policy](#) (Policy C.22). The co-chairs of the ICIC Committee (or the co-chairs' designee(s)) will provide an annual summary report to the University Council, the Academic Senate, and Staff Council.

The members of the ICIC Committee shall keep all information related to disclosed Conflicts (learned in the context of their role as an ICIC Committee member) confidential except where necessary to fulfill requirements of the ICIC Policy or comply with other university policy and/or applicable law.

B. Composition of the ICIC Committee

The ICIC Committee shall be comprised of:

- one (1) representative from the office of the provost
- one (1) representative from the office of a dean or department chair selected by the provost
- one (1) representative from the office of the vice president for finance and administration
- two (2) representatives from the office of the vice president of research
- one (1) member from Academic Senate not already identified as a representative above
- one (1) member from Staff Council not already identified as a representative above

The ICIC Committee shall be co-chaired by the Assistant Vice President for Compliance and Ethics and the General Counsel, both ex officio, non-voting members, or their designees.

ICIC Committee members serve on the Committee for three (3) year terms.

X. Violations of the ICIC Policy.

Supervisors should consider an Employee's completion of the annual Disclosure Statement part of the Employee's performance. Failure to comply with the ICIC Policy may result in disciplinary action up to and including termination. A violation of the policy shall be considered personal conduct that substantially impairs one's fulfillment of institutional responsibilities and shall be adequate cause as defined in RIT's Dismissal of a Tenure-Track Faculty Member for Cause (E23.0) and Dismissal of a Non-Tenure-Track Faculty Member for Cause (E23.1).

XI. Applicability of the University's Grievance Process.

Any employee may grieve any instance in which they believe that a policy has been violated, misapplied or misinterpreted, or a practice has been unfairly administered and, as a result, has adversely affected the Employee. All Regular Staff Employees can utilize the [Staff Grievance Policy \(Policy E.30.0\)](#). All current tenure-track (tenured and pre-tenure track faculty) and non-tenure track faculty classified as Regular Employees in the Employee Classification and Status Policy (Policy E01.0), may grieve under the [Faculty Grievance Policy \(Policy E24.0\)](#). Notably, the grievance processes for Regular Staff and Regular Faculty are used to grieve a process or a procedure and not the outcome of any such process or procedure.

XII. Gifts.

Employees are expected to demonstrate the highest standards of ethics and conduct when transacting business on behalf of RIT, including in their interactions with third parties. No matter

how well-meaning or well-intentioned, the acceptance of a gift from actual or potential vendors can cause the appearance of favoritism, giving the wrong impression that the gift secured preferential treatment from RIT.

Remember, gifts can be tangible items, or they can be in the form of entertainment, travel, food, or opportunities. Favors or gifts of any value should be recognized for their potential influence on the objectivity or judgement with respect to the provider and the recipient of the favor or gift.

Employees are prohibited from soliciting gifts of any value. You may not ask one of RIT's third parties for a personal gift. Also, you may NOT accept gifts of cash or cash equivalents (*e.g.*, VISA gift cards).

There may be times in where it is appropriate for Employees to accept gifts, entertainment, meals, or travel (collectively "Gifts") from a vendor, bidder, contractor, subcontractor or anyone doing business with the university (collectively "Vendor"), provided that: (1) the total value of the Gifts does not exceed \$150 in any 12-month period ("Nominal Value"), and (2) the Vendor is not in the process of bidding, in a waiting period for a contract or contract renewal, or in on-going negotiations with RIT for any goods or services. Contact Procurement Services Office to confirm the status of any Vendor. Prior to accepting any gift(s) over Nominal Value, Employees must disclose the offer of the gift(s) and obtain written approval from their Supervisor.

The gift section in the Conflicts policy is not designed to prohibit reasonable business practices. There may be appropriate gifts such as meetings over meals, corporate items given to participants in meetings and conferences, or token hosting gifts, as long as they promote the university's legitimate business interests and do not influence or appear to influence an Employee's decision-making, or duties to the university. Accordingly, Employees may accept the following Gifts of greater than Nominal Value:

- (1) Charitable gifts made to or for the benefit of the university. Such gifts shall be accepted by the Division of Development and Alumni Relations ("DAR") in accordance with the Gift Acceptance Policy established by DAR;
- (2) Gifts from a potential contributor or donor to RIT when development activities are part of the employee's job responsibilities;
- (3) Gifts to academic, professional, or social events where the Employee is representing the university's interest;
- (4) Gifts of fees for and travel to conferences, business meetings, or similar functions when the Employee is presenting at the conference or business meeting and representing the university's interest;
- (5) Gifts such as meals or beverages from vendors when offered to participants generally at a trade show, exhibit, conference, or other professional meeting;
- (6) Gifts from a current or potential vendor when unrelated to the Employee's job responsibilities when the Employee has a personal existing relationship.

Invitations to purely social events, such as plays, concerts, sporting events, or other entertainment must be subject to prudent judgment regarding whether the invitation places, or may reasonably be perceived to place, the recipient under any obligation or create a Conflict. Prior to accepting such invitations, Employees should consult with their Supervisor.

Supervisors should consider the timing, circumstances, and value of the gift when making this decision. The gift of a lunch in the middle of full day workshop is different from an offer to cover travel to a vacation destination. Supervisors and Employees should ask themselves the following when making a decision: if this gift was published in the news or reported online, would it embarrass the university or the individuals involved? If yes, it's probably best to decline the gift. When in doubt, Supervisors are encouraged to seek guidance from OCE.

Certain divisions or departments may have gift policies that are tailored to the activities of that division or department.¹ Applicable Employees are also subject to those policies. Moreover, all Employees must comply with the requirements of the [Foreign Corrupt Practices Act \(FCPA\) Policy](#) including provisions regarding acceptance of favors, gifts, or entertainment.

XIII. Changes to the ICIC Guidelines

The ICIC Guidelines shall be reviewed and revised periodically by OCE. The ICIC Committee may also recommend changes to the ICIC Guidelines, where appropriate.

XIV. Training

RIT offers Conflict of Interest and Commitment training for any Employee who wishes to better understand the ICIC Policy and practice decision-making skills necessary to avoid Conflicts. The course is required for all Employees upon starting employment at RIT and all members of the ICIC Committee. The multimedia course provides policy requirements and practical tips on this subject matter. All members of the ICIC Committee must be trained on the Conflict of Interest and Commitment policy.

¹ See, e.g., Procurement Services Manual at <https://www.rit.edu/fa/procurement/content/policies-procedures>, the Gift Acceptance Policy for the Development and Alumni Relations <https://www.rit.edu/development/giving/giftpolicy>, and [Administrative Policy and Procedures for Externally Sponsored Projects](#).

XV. Guidance Regarding Management Plans

<p>Red:</p> <p>Actual Conflict of Interest.</p> <p>Management Plan required.</p>	<p>An Outside Activity, Financial Interest, or relationship poses an actual Conflict or is otherwise prohibited by policy. The Outside Activity, Financial Interest, or relationship may go forward only after prior disclosure and <u>only</u> with an appropriate Management Plan in place to eliminate the Conflict, safeguard against bias interfering with university-related decision-making, and provide mechanisms for continued oversight.</p> <p>An example of a Red designation include:</p> <ul style="list-style-type: none"> • Having a Financial Interest in an outside company that conducts business with RIT to which the Employee may be in a position to refer students or staff, resulting in personal gain. The Employee’s Financial Interest in the outside entity may compromise, or have the appearance of compromising, the Employee’s professional judgment in performing their University Responsibilities.
<p>Yellow:</p> <p>Potential or Perceived Conflict of Interest.</p> <p>Management Plan recommended.</p>	<p>An Outside Activity, Financial Interest, or relationship poses a potential Conflict or reasonable likelihood of the perception of one. Activities are likely permissible, but a Management Plan would decrease likelihood of a Conflict developing now or in future.</p> <p>Examples of a Yellow designation include:</p> <ul style="list-style-type: none"> • It is unlikely that the Employee can influence a business decision pertaining to the Financial Interest, Outside Activity, or relationship, but the appearance of influence exists. A Management Plan is recommended. • No Conflict exists, but it is reasonably possible there will be a change in scenario in the future that will require a Management Plan (<i>e.g.</i>, the Employee’s Immediate Family Member is enrolled in a different academic department and not currently assigned to the Employee’s course at this time). Management Plan is not required at this time, but a Management Plan would be recommended and caution should be exercised.
<p>Green:</p> <p>No Actual/Potential Conflict and Generally Permissible Activities.</p> <p>No Management Plan required.</p>	<p>Outside Activity, Financial Interest, or relationship does not appear to present an actual, potential, or perceived Conflict. These disclosed situations may go forward after disclosure without a Management Plan.</p> <p>Examples of a Green designation include:</p> <ul style="list-style-type: none"> • The Outside Activity is considered part of the Employee’s position responsibilities (<i>e.g.</i>, “academic activities” for faculty). • The Outside Activity or Financial Interest will have no opportunity to compromise or appear to compromise the Employee’s professional judgment (<i>e.g.</i>, teaching, research, business decision-making).

XVI. Frequently Asked Questions

Questions Related to General Disclosures

Q. What are some examples of actual, potential, or perceived Conflicts that should be disclosed?

- A. Typical conflicts that would raise concerns of actual, potential, or perceived Conflicts:
- An Employee's job performance is reviewed by someone in the Employee's Immediate Family or Relative.
 - Participating in employment decisions that involve, or directly benefit or disadvantage your Immediate Family or Relative.
 - An Employee has a consensual dating or sexual relationship with the Employee's Supervisor.
 - The company of an Employee's Immediate Family or Relative sells office supplies to the Employee's department.
 - An Employee's spouse will receive a large financial benefit if RIT selects the spouse's technology for use in a new research project.
 - An Employee serves on the Board of Trustees of another institution of higher education.
 - An Employee intends to submit an invention disclosure or patent application with an outside entity or may be named as an inventor by an outside entity if the entity is related to the Employee's field of work.
 - An Employee associating their name with the university in a way that suggests that the Employee's views or opinions represent the views of the university.
 - Competing with the university as an individual or serving as an employee, officer, manager, board member, or contractor of another entity that competes with the university, or through an outside entity owned or operated by an Employee.
 - Accepting a personal gift from a company competing to win business from RIT.

Q. What are some examples of situations that do not require disclosure?

- A. There are situations that generally do not need to be disclosed. The following list is provided only as guidance. Employees who have questions about disclosing situations not listed but similar in nature or function should consult with their immediate Supervisor about their unique situations.
- Serving as an officer, board member, or volunteer in a not-for-profit, professional, community-based, or charitable organization that does not do business with RIT.
 - Receiving an honorarium as a one-time payment for a speaking engagement (note that when payment is part of a consulting arrangement, you should to disclose it).
 - Serving on a governmental panel or commission in which RIT has no interest.
 - Acting as a referee or preparing an article for publication in a professional journal.
 - Attending or presenting at an academic, professional, or technical conference.

Q. What are some examples of University Responsibilities?

A. University Responsibilities include a variety of professional or scholarly activities related to an Employee's work on behalf of RIT such as:

- Teaching undergraduate and graduate courses.
- Advising students.
- Serving on or participating in an RIT committee.
- Conducting research related to the Employee's professional expertise.
- Performing or engaging in an artistic performance related to the Employee's expertise.
- Engaging in professional practice.

Q. What are examples of activities related to an Employee's University Responsibilities?

A. Activities related to University Responsibilities include:

- Consulting or providing professional expertise to a start-up company, non-governmental organization, or other university.
- Using your professional expertise to provide expert testimony.
- Serving on an advisory board or committee in a topical area where you have professional expertise or serving on a committee of a professional organization.
- Other paid work such as writing a textbook.

Q. What are some activities NOT related to university Responsibilities?

A. Examples of activities typically not related to University Responsibilities include:

- Teaching ski lessons.
- Participating on a committee as a parent for your child's school.
- Consulting outside of the Employee's expertise, such as a member of the science faculty being paid to perform in a play.
- Other paid work such as writing a novel or serving on a jury.

Q: I am a faculty member at RIT. Am I allowed to teach at other institutions of higher education?

A: The offer to teach at the second institute should be disclosed and discussed with your Supervisor prior to accepting any employment or appointments at another institution of higher learning. While there may be situations where you are allowed to teach at a second institution of higher education, your first priority must be RIT, and the second position must not interfere with your role or responsibilities, both in and out of the classroom, at RIT.

Q: I serve on a non-profit board. Do I need to disclose this?

A: Disclosure of service on non-profit organization boards is not usually required unless the organization does business with RIT or competes with RIT.

Q: My family member is the sales representative for a company competing to win RIT business. Do I need to disclose this?

A: Yes, you must disclose. The plan to resolve this Conflict may involve screening you from the business selection process to ensure the potential Conflict is properly mitigated. (*See, Case Study No. 3*).

Q: A family member is a student at RIT and has declared a major in the department in which I am a faculty member. Do I need to disclose this?

A: Yes. Whenever possible, Employees should not teach their own children or other close relatives in a course for credit. The potential Conflict could have negative effects on both the student/child, as well as on the faculty member's relation to the other students in the course. In the rare instances in which such enrollment is unavoidable, such as when the parent is teaching a course required for the student's major, the parent should discuss the situation with the chair of the department in advance of the course. All Employees should disclose to their supervisor the enrollment of his or her immediate family member in a class taught by the Employee or any other circumstance where the employee is in a position to deliver academic services to an immediate family member. Disclosure must occur *prior* to enrollment in the class or delivery of the other academic services. In no event should the Employee be grading their own child's work. To avoid an unbiased evaluation, another qualified faculty member should be asked to independently evaluate the work and decide upon the grade.

Q: I am an Employee at RIT. My spouse intends to enroll at RIT as a student. Do I need to disclose this?

A: Yes, you should disclose the relationship (*see, C.23. Policy on Consensual Romantic or Sexual Relationships*).

Q: I published a textbook on the subject I teach at RIT. I want to require my students to purchase this textbook for my course. Is this a Conflict?

A: Yes, because your role of professor at RIT is in conflict with your personal motivation or opportunity to benefit financially from assigning your own book to your students, which calls into question your ability to be fair and unbiased. Indeed, you are not in the best position to judge impartially whether your book is the best book available for the students given the financial benefit you will receive. There is also the appearance of a Conflict.

One way to resolve the Conflict may be to have an independent third party such as your dean, administrative chair, or a committee with sufficient expertise to establish a strict and transparent set of criteria for evaluating and reporting on the book to make an independent determination regarding whether the book should be assigned to the students.

Another way may be to forego the royalties from the sale of the books to the students to avoid both the actual and apparent Conflict. This can be achieved by either (i) offering the book at a reduced price based on the percentage of royalties earned from each sale, (ii) having the publisher deduct royalties for that portion of sales at payment time; or, (iii) if self-published as print-on-demand, by offering the book at cost. The ability to collect royalties from sales to all other institutions would not, however, present a Conflict.

Additionally, you should review RIT's [Intellectual Property Policy](#) to ensure implementation of proper terms and conditions whereby RIT, Personnel, and Students establish and maintain their interests in Intellectual Property created by or used at RIT.

Q. What does it mean to “compete” with RIT?

A: Competition may include for example, soliciting either directly or indirectly any contracts, research awards or grants that the university would be eligible to solicit from a government or private source. It may also include using or allowing the use of courseware created and/or owned by a faculty member in a manner that competes with or diminishes the value of the course to the university.

Research Specific Questions

Q. How do I know if my Financial Interests are related to my University Responsibilities?

A. Principal Investigators (PI) must disclose those Financial Interests that are reasonably related to the PI's University Responsibilities. Each (PI) can make a reasonable, good-faith determination about whether any given Financial Interest is related to their University Responsibilities, rather than simply disclosing everything. However, PIs should ask themselves whether, to the best of their knowledge, the sponsored research or other University Responsibilities that they have could affect the value of the Financial Interest, or could have a financial impact on the entity in which they hold the Financial Interest (even if only in the future). Generally, income received from consulting or speaking on behalf of an entity is usually related because the PI has been retained as a consultant based on their overall expertise in their field. In addition, if an entity in which a Financial Interest is held is involved in the same research project (*e.g.*, as a sponsor or via a subcontract), then it is always related to the PI's University Responsibilities and the Financial Interest and the sponsored research or activity should be disclosed.

Q. If I receive an honorarium or other payment from another university does that need to be disclosed?

A. No. Income from American institutions of higher education, teaching hospitals or research centers is not included in Financial Interest and does not need to be disclosed. However, honoraria or payments from foreign institutions must be disclosed.

Q. I sit on a study section at NIH/NSF, etc. Does my income from that need to be disclosed?

Generally, no. Income from service on a study section for a U.S. government funding agency does not need to be disclosed because it is a government source. However, that if you are a PI and you serve on a proposal review board for a non-profit entity, such as a foundation, any income over \$5,000 is considered a Financial Interest and must be disclosed.

If you are not a PI then you do not need to disclose income from service on a study section for a U.S. government funding agency or a non-profit entity.

Q. I sit on an editorial board for a journal. Does my income from the editorial board need to be disclosed?

A. It depends:

If you are a PI, then if the journal is published by a private organization, either for profit or non-profit, you need to disclose the income. If it is published by an American government agency or an American institution of higher education, then you do not need to disclose the income.

If you are not PI, and the journal is published by a non-profit entity, you do not need to disclose, but if it is published by a for-profit entity, you do need to disclose. Follow the same guidelines as for other income.

Q. Do I need to disclose mutual funds or other investments such as those through TIAA-CREF?

A. Investments such as mutual funds, in which a PI does not have control over the individual securities held, are excluded from Financial Interest and do not need to be disclosed. If you own other investments such as stock in an individual corporation, even if held in a retirement account, and those investments can be bought or sold at your discretion, then you may need to evaluate each such investment in order to determine whether it is reasonably related to your University Responsibilities.

Q. Is income from foreign institutions of higher education, teaching hospitals or governments considered Financial Interests that would require disclosure?

A. Yes, all PIs are required to disclose income and travel received from any foreign institution that is related to their University Responsibilities.

Q. I am developing intellectual property that is no longer owned by RIT. Am I permitted to use the University resources?

A. Use of university resources such as facilities, equipment, Employees, and effort to develop privately-owned inventions or other intellectual property, in the absence of a formal research agreement with the university is a violation of policy.

XVII. Sample Case Studies with General Management Strategies

The following is intended to provide guidance to Employees and Supervisors regarding strategies to mitigate or reduce a Conflict that may fall within the foregoing common categories of Conflicts. As

a general matter, when considering actual, potential, or perceived Conflicts that are disclosed, Supervisors should consider:

- The nature of the disclosure.
- The relation between the Outside Activity, Financial Interest, or relationship and the Employee's RIT position.
- The likelihood that the Outside Activity, Financial Interest, or relationship poses or appears to pose a Conflict, interferes with the Employee's ability to fulfill their employment obligations, compromises the Employee's professional judgment, or results in personal gain for the Employee or the Employee's Immediate Family or Relatives.

Possible outcomes of disclosure may be:

- Permitted as is;
- Permitted contingent on one or more actions for managing the Conflict; or
- Unacceptable and therefore prohibited.

Management of the Conflict should be tailored to the disclosure. Management may include among other things:

- Appropriate disclosure of the Conflict to parties involved in a transaction;
- Recusal from participating in certain negotiations, decisions, or transactions;
- Recusal from managing or supervising particular faculty members, staff or student employees, consultants, temporary agency employees, volunteers, or others engaged by the university;
- Recusal from managing or overseeing certain business transactions;
- Severance of outside relationships that pose conflicts;
- Appropriate monitoring and oversight by university management;
- Updating the disclosure on at least an annual basis, which must address compliance with the Management Plan and provide an update on the current status of the relationship giving rise to the Conflict;
- Requiring a leave of absence;
- For faculty, limiting Outside Activities to a limited number of days per week on average during the contract or consulting period, and also ensuring that it does not interfere with University Responsibilities, create a Conflict or an appearance of a Conflict with any RIT program, or dilute RIT's academic stature;
- Obtaining written approval accepting employment at another college or university while holding an RIT faculty appointment, and ensuring that the concurrent teaching does not interfere with University Responsibilities, create a Conflict or an appearance of a Conflict with any RIT program, or dilute RIT's academic stature; or
- For faculty, requiring faculty to obtain approval from the dean before engaging in instruction or course creation for other outside entities where doing so interferes with University Responsibilities, creates a Conflict or an appearance of a Conflict with any RIT program, or dilutes RIT's academic stature.

Case Study No. 1. Conflict of Commitment of a Staff Member.

A full-time RIT Employee has a second job in the evenings. The Employee is often late to the office, frequently lethargic and unproductive, and sometimes leaves early to get to his other job. The quality of his work and his dependability have declined.

This Employee has a Conflict of Commitment. His outside employment is interfering with his ability to fulfill his responsibilities to RIT. A Management Plan should clarify the Employee's University Responsibilities and clearly identify how the Employee will fulfill his University Responsibilities. If an Employee cannot meet the terms of the Management Plan, then such actions should be documented in performance reviews and addressed with the appropriate Human Resources Manager.

Case Study No. 2. Conflict of Commitment of a Faculty Member

In addition to her teaching and research duties, a faculty member served as a reviewer for two journals, gave the keynote address at four conferences, and also gave lectures at three other campuses.

While there is value in the foregoing outside activities, and the university encourages faculty to engage in them, the sum total of the variety of activities may result in a conflict of commitment. The faculty member's department chair should be aware of the combination of activities that may be creating a Conflict of Commitment. In such a case, a Management Plan should be put in place to ensure that the faculty member's teaching and research responsibilities are being met. According to RIT policy, Outside Activities must not unduly interfere with the time and energy committed by the Employee to primary responsibilities to the university. See, the RIT's Policy for Faculty Extra Service Compensation and Summer Employment, which defines consulting for faculty as "... activities ... carried out on the faculty member's own time, over and above the time expected to be devoted to his or her normal workload."

The Management Plan should start by clarifying the Employee's University Responsibilities, outlining the extent of any external time and effort commitments, and identify how the faculty member will fulfill their University Responsibilities, including scheduled activities such as classes, meetings, and office hours. It should also detail communication plans with the department. If leave will be used to eliminate the Conflict, describe the agreement in the Management Plan.

Clarify with the Employee that they should not use university Resources (*i.e.*, labs, studios, equipment, facilities, email, telephone, web, other employees) in connection with the Outside Activities without reimbursement to the university. Any reimbursement arrangement should be documented in writing before any use.

Case Study No. 3. Conflict of Interest of a Staff Member with Procurement Responsibilities

As part of her responsibilities, an RIT Employee has some influence in awarding the contract for facilities maintenance. Her son owns and operates a company that performs this type of service and has submitted a bid.

Because the Employee is in a position to approve or influence RIT actions that involve the Employee's personal interests, this is a Conflict of Interest arising from the Employee's son's substantial interest in a business entity that is seeking to do business with RIT. (*See also*, Procurement Services Manual, Conflicts of Interest).

Accordingly, the Employee's Supervisor should create a Management Plan that requires the Employee to recuse herself from all negotiations and discussions on behalf of RIT regarding all bids for the project.

Case Study No. 4. Conflict of Interest of Principal Investigator with Purchasing Responsibilities

Dr. Jones is a founder of a company that utilizes technology developed in her lab at RIT. Equity interests and remuneration from this company are related to Dr. Jones's University Responsibilities. Dr. Jones receives federal funding for further development of the technology. Dr. Jones would like to subcontract with her company for a portion of the work to be done.

This is a Conflict and must be disclosed. When creating a Management Plan, the Supervisor should engage RIT's Sponsored Research Office if there is a request or intent to purchase equipment or services from a company in which a faculty member on the award has Financial Interests. Indeed, the university must perform due diligence around the selection or engagement of subcontractors and vendors, particularly when an investigator involved in the purchase has Financial Interests in the company. Sufficient documentation to support decisions around sole source justifications or selection of companies owned by university Employees rather than comparative companies is important. When justifications involve scientific or technical specialization, it is critical to involve individuals with the relevant technical expertise to perform an assessment of the request and aid in the university's decision. If a start-up company is being proposed or selected for a purchase by RIT, ensure the related interest of the faculty member (or other individual with company interests) is disclosed on the vendor selection form, sole source justification form, or bid documentation form (as applicable). All vendors should follow RIT's purchasing policies and procedures. In addition, some research sponsors require advance disclosure of procurement Conflicts.

Case Study No. 5. Conflict of Interest Faculty and Involving Students

Dr. Smith has a management role and a Financial Interest in Smith & Co., a start-up company he started that specializes in the same field as his work at RIT. Dr. Smith is impressed with the work of two of his students that he's currently teaching and working with in his lab at RIT. Dr. Smith believes they would be conscientious workers, and their work at Smith & Co. would also give the students a good opportunity for real-world experience. What should Dr. Smith do?

This is a Conflict Dr. Smith should disclose because his work at Smith & Co. is related to his University Responsibilities, and Dr. Smith is currently instructing, evaluating, or supervising, directly or indirectly, the students' academic work.

Involving students and postdoctoral scholars in faculty start-up company activities can enhance the academic experience and be valuable to the work. However, students are in an inherently vulnerable position and care should be taken to ensure they are engaged voluntarily, the involvement is beneficial to their development, and the activity does not interfere with their academic programs or progress. The Management Plan may include the following mitigating strategies:

- If the faculty member is currently teaching the student, then the outside relationship should be prohibited for the duration of a course. If circumstances are such that the prohibition would be untenable, then in any case where the disclosing Employee has decision-making authority related to the Student based on the Employee's university position (e.g., program acceptance, awards, evaluation, *etc.*), then the Employee should disclose the dual relationship with the student, and a neutral third party should review all university-related decisions made by the Employee related to the student.
- If the faculty member will evaluate the Student's thesis or is the principal research advisor for the student, then a principal research co-advisor must be identified to work with the student to develop a research topic, formulate ideas and structure for, and guide the progress of the thesis/prospectus/dissertation. Members of any evaluation committee should be informed of the Outside Relationship to provide balance and assure quality. The student should be notified that the full committee is aware of the situation and be provided with the name of a "safe harbor" in the case that the student believes her/his academic career is being negatively impacted by the outside relationship. In addition, communication with the student is very important.

Case Study No. 6. Gifts

An RIT Employee, Ali, is part of a department that will be moving into a different building on campus after it is renovated. Several construction companies are bidding for the job. Ali has been to a couple of the initial meetings to discuss overall design concept to help create the bid requirements. Ali recently got an invitation from Jeff to a Buffalo Bills playoff game. Jeff is one of the contractors bidding on the job to renovate the building at RIT.

This is a potential Conflict Ali should discuss with Ali's Supervisor. Gifts, whether tangible presents or something in the form of entertainment, food, or travel, can create actual or apparent Conflicts. A ticket to a Buffalo Bills playoff game would qualify as a gift. If Ali did not already have a personal relationship with Jeff, the timing and circumstances of the gift may create a Conflict. Even if Ali and Jeff had a previous relationship, there is still the potential for a Conflict.

- If Ali and Jeff had a previous personal relationship, Ali should not be on the committee or part of the group deciding whether Jeff's company or another company wins the bid to renovate the RIT building. Even if Ali can be impartial, there is a strong potential for the appearance of bias or favoritism. If Ali is removed from the group deciding which company wins the business, Ali and Ali's Supervisor should discuss whether a Management Plan is still

required. Depending on the circumstances and the history of the relationship between Ali and Jeff, it might be helpful to have Ali's removal from the group of decision-makers recorded in writing. Accepting the ticket in this scenario would require an exception to the Conflicts policy.

- If Ali does not have a previous personal relationship with Jeff, Ali should not accept the ticket. Accepting the ticket from Jeff would create a Conflict and could cause others who are bidding to think Ali showed favoritism, even subconsciously, to Jeff or Jeff's company. Additionally, Ali and/or Ali's Supervisor should work with the Procurement Office to see if there have been any prior incidents of Jeff or his company trying to offer valuable gifts to RIT Employees during a bidding period. Ali and RIT should be on the lookout for such red flags as companies who try to influence contract decisions with incentives.