Chapter 330: Employee Conduct

330.015 Policy on Conflict of Interest

Bd. Min. 1-25-90, Amended 10-05-07, Amended 11-29-07, Amended 3-22-11, Amended 7-27-12.

A. Conflict of Interest -- General Provisions

1. Applicability. This policy is applicable to all University Employees. Additionally, for research involving human subjects, Researchers and certain University Officials must also comply with CRR 410.020 pertaining to Institutional Conflicts of Interest in Human Subjects Research.

2. Policy. University Employees shall faithfully discharge their duties and shall refrain from knowingly engaging in any outside matters of financial interest or commitment incompatible with the impartial, objective, and effective performance of their University Responsibilities and in the conduct of University affairs. They shall not realize personal gain in any form which would influence improperly the conduct of their University Responsibilities. They shall not improperly use University property, funds, position or power for personal or political gain. They shall inform their supervisors in writing of their Outside Interests. Compliance with this policy promotes objectivity in research by establishing standards that provide a reasonable expectation that the proposal, design, conduct, and reporting of research will be free from bias resulting from Employee conflicts of interest.

3. 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. The Chancellor of each Campus may apply sanctions as he/she feels is appropriate. Possible sanctions include, but are not limited to, the following:

   a. Letter of warning or admonishment
   b. Suspension or termination of research compliance committee approvals
   c. Suspension or termination of the privilege to submit sponsored activity proposals
   d. Suspension or termination of sponsored research activity spending authority
   e. Demotion or removal from assigned administrative roles
   f. Referral to Campus Committee on Tenure
   g. Suspension or termination of employment

B. Definitions

1. “Employee” means:

   a. Any person receiving compensation from the University for services rendered, regardless of whether the person is benefit eligible or non-benefit eligible (e.g. full-time or part-time), or classified under other sections of the Collected Rules and Regulations as Academic Staff or Administrative, Service and Support Staff;
b. Any person receiving compensation paid through the University from any funds placed in its hands for distribution; or

c. Any person that has voluntarily elected to enter into an agreement or an agreement entered into on their behalf with the University to be treated as an employee.

d. For purposes of this policy, the receipt of compensation shall not be interpreted to include:
   1. Receipt of student financial aid, including but not limited to, scholarships, grants, loans, tuition waivers and educational fee reductions, generally available to University students and unrelated to any provision of services by the student to the University; or
   2. Independent contractors.

e. 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.

2. “Outside Interest” means:
   a. A consulting or other professional activity or service, paid or unpaid, that is not within the scope of the Employee’s University Responsibilities, and such activity or service is in the general area of expertise for which the Employee is employed by the University. This includes any activity or service that involves the use of the Employee’s expertise, the practice of his or her profession, or any activity or service that contributes to the Employee’s professional competence or development.

3. “University Responsibilities” means:
   a. An Employee’s professional responsibilities on behalf of the University, which may include but is not limited to activities such as research, research consultation, teaching, professional practice, institutional committee memberships and service on University-based panels.

4. “Manage” means:
   a. Taking action to address an actual or potential conflict of interest, which can include reducing or eliminating the conflict to ensure to the extent possible that the Employee’s University Responsibilities will be free from bias.

C. 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.

D. Prohibition Against Acceptance of Gifts

Employees of the University of Missouri shall avoid accepting gifts for personal use, directly or indirectly, from prohibited sources, except as permitted in Section 330.015D.2 below.

1. For the purposes of this policy, the following definitions shall apply:
   a. Gift -- Gift shall mean any tangible or intangible item or items having a monetary value in excess of $75. This maximum value applies to each gift transaction.
b. **Prohibited Source** -- Prohibited source shall mean any person or entity, public or private, outside the University, with interests, financial or otherwise, that may be substantially affected by the recommendations, decisions, performance or non-performance of the official duties of the employee.

2. **Exceptions** -- The following shall not be considered a violation of this policy:
   a. Gifts that are available to the employee on the same conditions as for the general public;
   b. Educational materials utilized in the performance of the employee’s University job;
   c. Awards or honoraria administered by or through the University;
   d. Gifts from the employee’s relatives, by blood or marriage;
   e. Any item of food, refreshment, entertainment or other benefit provided to the employee while attending a meeting, conference or convention provided on the same conditions as for other attendees; provided that if the item could be considered as lavish, than approval must be obtained under subparagraph f below;
   f. Any gift if approved in writing in advance by an administrative superior who is a University General Officer, or in the event of the President, then approval of the Chair of the Board of Curators.

3. Each General Officer approving acceptance of gifts under Section 330.015C.2.f shall report all such approvals annually to the President. 

E. **Responsibilities of University Employees** -- An Employee's outside interests must not interfere with the Employee's University Responsibilities nor represent an unmanageable conflict of interest. Exempt staff and faculty employees shall disclose all outside interests annually, and shall disclose any changes or acquisition of a new outside interest, as such interests arise. All other employees shall disclose outside interests as such interests arise (e.g. transactional reporting). The following situations are illustrative of such activities and interests. This list should not be considered exhaustive.

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, excepting those for technological transfer when the Employee is an inventor in the technology being transferred, 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 disclosure of such interest, in writing, which disclosure shall be forwarded to the official having contract approval authority;
   b. If there is a change in the financial interest of a University Employee during the term of the contract, the change shall be disclosed immediately, in writing, and forwarded to the official having contract approval authority;
   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

Original Policy Language As Of 5 Dec 2014
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, service, or economic development missions, the Employee shall make a disclosure, in writing, The chairperson/supervisor and 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.

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. The chairperson/supervisor and dean/director/supervisor must approve or disapprove in writing the proposed activity. 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 or Provost on campuses having no schools or colleges 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 author. Course instructors or any other employee responsible for selecting, ordering, assigning course materials cannot accept gifts, development grants, or other compensation from any company or organization for the adoption of course textbooks, software or other educational material. See 330.015(C) for a description of gifts.
6. **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. The chairperson/supervisor and dean/director/supervisor must approve or disapprove in writing the proposed activity.

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

- **a.** are related to the professional interest and development of the faculty member or other exempt person,
- **b.** do not interfere with regular duties,
- **c.** do not utilize University materials, facilities, or resources except as provided in the University Business Policy and Procedure Manual, or any campus-specific policies,
- **d.** 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,
- **e.** do not compete with the work of the University, and are not otherwise contrary to the best interest of the University,
- **f.** do not violate federal or state law, and
- **g.** do not represent an unmanageable conflict of interest.

F. **Responsibilities of each Campus:**

Each Campus shall:

1. Coordinate the solicitation and review of disclosures of outside interests from each Employee, including development of campus specific standards and procedures, determine whether a conflict of interest exists, and determine what conditions or restrictions, if any, should be imposed by the Campus to manage such conflict of interest, resolve problems revealed, and enforce sanctions as appropriate.
2. Comply with all laws and regulations regarding conflict of interest, including the provision of initial and ongoing financial conflict of interest reports to the Public Health Service (PHS) as required pursuant to 42 CFR 50.605(b) and 45 CFR 95.5(b). Each campus shall develop and publish corresponding procedures to support implementation of this policy and any other related laws or regulations regarding conflict of interest.

Original Policy Language As Of 5 Dec 2014
G. **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.

H. **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.

I. **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.
If the above modifications to CRR 330.015 are adopted, this Executive Order could be eliminated as each campus would issue procedures to address PHS or other regulatory requirements.
Chapter 360: Compensation

360.020 Summer Appointments and Consultation

Bd. Min. 9-20-74; Amended Bd. Min. 10-14-83, Amended Bd. Min. 1-26-06, Amended Bd. Min. 12-10-10.

A. Summer Appointments for Nine-Month Appointees
   1. For faculty on nine-month appointments, compensation for summer appointments may not exceed one-third of nine-month salary.

B. Consultation
   1. Consultation is a significant means of professional improvement and a form of community service. Time spent in consultation shall not interfere with regular duties. It is the policy of the University to permit consulting activities which:
      a. Are directly related to the professional interest and improvement of the faculty member.
      b. Are in the best interest of the University.
      c. Do not constitute an unmanageable conflict of interest.