

**FACULTY SENATE**

**SOUTHEAST MISSOURI STATE UNIVERSITY**

**FACULTY SENATE BILL 24-A-XX**

Approved by the Faculty Senate  
XXXXXX

**BRIEF SUMMARY:** This bill removes the policy for “Conflict of Interest” from the Faculty Senate Handbook and links to the University Business Policy and Procedures: Conflict of Interest Policy.

**REVISING “CONFLICT OF INTEREST POLICY”**

**BE IT RESOLVED:** Subject to the passage and approval of this bill, the “Conflict of Interest Policy” in Chapter 3 of the Faculty Handbook will be replaced by this bill.

1 **Conflict of Interest Policy**  
2

3 All university employees have an obligation to refrain from acting in circumstances of conflict or  
4 appearances of conflict with the university. Faculty are expected to familiarize themselves and  
5 act in accordance with the university’s official Conflict of Interest Policy  
6 ([https://semo.edu/finance-admin/pdfs/finadm\\_01-07\\_policy.pdf](https://semo.edu/finance-admin/pdfs/finadm_01-07_policy.pdf)).  
7

8 *Preamble*

9 ~~—A fundamental principle of ethics is that any person who exercises discretionary authority~~  
10 ~~on behalf of the University may not use, or appear to use, this authority for their own~~  
11 ~~personal benefits.~~

12 ~~—It is, therefore, the basic policy of Southeast Missouri State University that all members of~~  
13 ~~the University community have a duty to be free from the influence of any conflicting~~  
14 ~~interests (as well as free from the influence of any interests which may appear to be~~  
15 ~~conflicting) when they act on behalf of the University or represent it in negotiations or advise~~  
16 ~~others within the University community with respect to dealing with third parties. Members~~  
17 ~~of the University community are expected to act on behalf of the University on the sole basis~~  
18 ~~of that which is in the best interests of the University without favor or preference (and~~  
19 ~~without prejudice) to the third parties based on personal consideration.~~  
20

21 *General Policy*

22 ~~—The Board of Governors, faculty, employees and agents of the University shall faithfully~~  
23 ~~discharge their duties and shall refrain from knowingly engaging in any outside matter of~~  
24 ~~financial interest incompatible with the impartial, objective and effective performance of~~

25 ~~their University duties. They shall not realize personal gain in any form which would~~  
26 ~~influence improperly the conduct of their University duties. They shall not knowingly use~~  
27 ~~University property, funds, position, or knowledge gained as a result of association with the~~  
28 ~~University for personal or political gain. They shall be alert to and abstain from conduct~~  
29 ~~which has the “appearance” of conflict of interests. They shall inform their supervisors in~~  
30 ~~writing of reasonably foreseen potential conflicts. Faculty and staff members are expected to~~  
31 ~~use their best judgement in carrying out their duties and responsibilities as deemed~~  
32 ~~appropriate to the individual’s profession and the University’s mission.~~

33  
34 *Use of Confidential Information*

35 ~~— Confidential information about the University obtained by reason of position or~~  
36 ~~employment by the University shall not be used for personal financial gain or to the unfair~~  
37 ~~advantage of another person.~~

38  
39 *Outside Business Interests and Employment*

40 ~~— Employees of the University, whether employed full time or part time, should avoid~~  
41 ~~outside business interests or employment which may interfere with the performance of their~~  
42 ~~duties to the University.~~

43 ~~— Commercial transactions with students should be avoided, particularly if the employee has~~  
44 ~~decision-making authority over a student with respect to University matters, such as grades,~~  
45 ~~advisement, academic probation, disciplinary sanctions, scholarships, loans, or student~~  
46 ~~employment.~~

47 ~~— Notification of outside employment for remuneration or of outside business interests~~  
48 ~~requiring substantial personal attention (including consultation requests and employment at~~  
49 ~~other academic institutions) must be given in writing in accordance with the applicable~~  
50 ~~personnel policy.~~

51  
52 *Outside Employment*

53 ~~— Any outside employment for remuneration must be reported in writing to the employee’s~~  
54 ~~supervisor. Prior approval is not necessary (See Business Policies and Procedures Manual:~~  
55 ~~[03-11] Other Employment Practices).~~

- 56  
57 ~~1. **Academic Year**— Faculty members under contract for full-time employment have a~~  
58 ~~paramount responsibility to the University. Notification of any outside employment~~  
59 ~~for remuneration during the academic year, including employment at other~~  
60 ~~institutions, must be given in advance and in writing to the department chairperson,~~  
61 ~~college dean, and Provost. Prior approval is not necessary, but reporting is required.~~  
62 ~~2. **Summer**— Faculty members not under contract to provide services to the University~~  
63 ~~during the summer months may be engaged in other employment.~~
- 64

65 *Consultation*

66 ~~—Consultation, whether income-producing or otherwise, is the application of professional~~  
67 ~~and scholarly expertise in the external community. It is the policy of the University to permit~~  
68 ~~consulting activities that:~~

- 69 1. ~~Are related to the professional interests and development of the faculty member or~~  
70 ~~employee.~~  
71 2. ~~Do not interfere with regular duties.~~  
72 3. ~~Do not utilize University materials, facilities, or resources except as may be allowed~~  
73 ~~under University business policies.~~  
74 4. ~~Are in agreement with the American Association of University Professors/American~~  
75 ~~Council on Education (AAUP/ACE) Statement on Conflict of Interests and with the~~  
76 ~~requirements of accreditation for the particular unit in question.~~  
77 5. ~~Do not compete with the work of the University and are not otherwise contrary to the~~  
78 ~~best interests of the University.~~  
79 6. ~~Do not violate federal or state law.~~  
80 7. ~~Do not represent a conflict of interests under other policies of the University.~~

81  
82 *Patents and Copyrights*

83 ~~—Textbooks, tapes, software, and other learning materials, property, or equipment, for~~  
84 ~~which a patent or copyright is held by an employee of the University or members of the~~  
85 ~~employee's family, may be purchased for use by the University so long as the employee~~  
86 ~~involved does not participate in the decision to make such purchase and any royalties for the~~  
87 ~~purchase or use of such material, property, or equipment are returned to the University, and~~  
88 ~~provided such purchases or use shall not be in violation of R.S. Missouri Sec. 174.220. Also~~  
89 ~~see section D.4 below.~~

90  
91 *Use of University Stationery and Logos*

92 ~~—Neither the name of the University nor any of its graphic identification symbols are to be~~  
93 ~~used in printed materials intended to endorse or promote individual enterprises or to~~  
94 ~~otherwise enhance private gain without the prior written permission of the University~~  
95 ~~President. Official University stationery may not be used in outside business, personal and~~  
96 ~~other private or political activities of employees.~~

97  
98 *Nepotism*

99 ~~—University employees shall not participate in the selection, hiring, promoting, job~~  
100 ~~assignment, demotion, disciplining, or supervision of another employee who is related within~~  
101 ~~the fourth degree of consanguinity of affinity.~~

102  
103 *Disclosure*

104 ~~—University personnel shall promptly notify the appropriate supervisory authority in~~  
105 ~~writing of known conflict of interest situations and shall refrain from participation in the~~  
106 ~~matters involved. This reporting requirement is in addition to, and does not relieve University~~

107 ~~personnel from, the responsibility of making disclosures required by Chapter 105 of the~~  
108 ~~Missouri statutes pertaining to conflict of interests.~~

109  
110 *Sanctions*

111 ~~—Conduct by University personnel that violates state law of the University’s policies,~~  
112 ~~regulations or rules pertaining to conflict of interests shall constitute a breach of duty to the~~  
113 ~~University and shall be subject to disciplinary action, including possible termination of~~  
114 ~~employment. Such conduct may also be subject to criminal prosecution under Chapter 102 of~~  
115 ~~the Revised Statutes of Missouri.~~

116  
117 *Dispute Resolution*

118 ~~—Complaints concerning conflict of interests shall be presented in writing to the Dean of~~  
119 ~~Graduate Studies officer of the University, who shall investigate the complaint and attempt to~~  
120 ~~bring about an informal resolution of the matter. If the matter cannot be satisfactorily~~  
121 ~~resolved informally, the matter shall be referred to the Provost (in case of academic~~  
122 ~~personnel) or the Personnel Director of the University (in case of non-academic personnel),~~  
123 ~~and the matter shall then be handled under the appropriate disciplinary procedures applicable~~  
124 ~~to the employee involved.~~

125  
126 *Non-Discrimination*

127 ~~—The University shall not discharge, threaten, or otherwise discriminate against any person~~  
128 ~~because of report, verbal, or written, of a violation or suspected violation of this policy or of~~  
129 ~~the law relating to conflict of interests.~~

130  
131 *Reservation of Right to Amend Policy*

132 ~~—This policy may be amended at any time, and from time to time, as the Board of Governors~~  
133 ~~may deem necessary or appropriate or as may be required by law. To the extent necessary,~~  
134 ~~any other policies of the University which are in conflict with this policy are deemed~~  
135 ~~amended so as to conform to this policy, and this policy shall be deemed amended, if~~  
136 ~~necessary, so as to conform to applicable law.~~

137 ~~*Approved by Board of Regents—December 5, 1991; State of Statutes as related to Conflict of*~~  
138 ~~*Interest Policy approved by Board of Regents on December 5, 1991.*~~

139  
140 *Statutory Requirements*

141 ~~—All University policies are subject to the requirements of applicable state and federal laws~~  
142 ~~and regulations. Personnel dealing with state and federal authorities in connection with~~  
143 ~~grants, contracts, or other matters are responsible for inquiring into the possibility of conflict~~  
144 ~~of rules or regulations applicable to the particular matter and acting appropriately. Principal~~  
145 ~~applicable Missouri statutory requirements are summarized below, but reference to the full~~  
146 ~~text should be made in the event of questions:~~

- 147 ~~1.—No faculty member, officer or employee of the University shall keep for sale or be~~  
148 ~~interested, directly or indirectly, in the sales of any school furniture or apparatus,~~

- 149 ~~books, maps, charts, or stationery used in the University; nor be interested, directly or~~  
150 ~~indirectly, in any contract or purchase for building or repairing any structure, or for~~  
151 ~~fencing or ornamenting the grounds, or furnishing any supplies or material for the use~~  
152 ~~of the University. (R.S.Mo. Sec. 174.220)~~
- 153 ~~2. No faculty member, officer, or employee of the University shall:~~
- 154 ~~a. Act or refrain from acting in any capacity in which he or she is lawfully~~  
155 ~~empowered to act by reason of any payment, offer to pay, promise to pay, paid by~~  
156 ~~the University (R.S.Mo. Sec. 105.452[1])~~
- 157 ~~b. Use confidential information obtained in the course of or by reason of his/her~~  
158 ~~employment or official capacity in any manner with intent to result in financial~~  
159 ~~gain to himself or herself, his or her spouse, dependent child, or any business with~~  
160 ~~which he or she is associated. (R.S.Mo. Sec. 105.452[2])~~
- 161 ~~c. Disclose confidential information obtained in the course of or by reason of his or~~  
162 ~~her employment or official capacity in any manner except as authorized by law~~  
163 ~~(R.S.Mo. Sec. 105.452[3])~~
- 164 ~~d. Perform any service for the University for any receipt or compensation other than~~  
165 ~~of the compensation provided for the performance of his or her official duties,~~  
166 ~~except on transactions made pursuant to an award a contract let or sale made after~~  
167 ~~public notice and competitive bidding, provided further that such faculty member,~~  
168 ~~officer or employee shall take no part in the establishment of specifications for the~~  
169 ~~contract or in the consideration of the bids. (R.S.Mo. Sec. 105.454[1])~~
- 170 ~~e. Sell, rent, or lease any property to the University for consideration in excess of~~  
171 ~~five hundred dollars per year unless the transaction is made pursuant to an award~~  
172 ~~on a contract let or sale made after public notice and, in the case of property other~~  
173 ~~than real property, competitive bidding, provided that the bid or offer accepted is~~  
174 ~~the lowest received. (R.S.Mo. Sec. 105.454[2])~~
- 175 ~~f. Participate in influencing or making any decision of the University when the~~  
176 ~~result of the decision may be the acceptance of the performance of a services or~~  
177 ~~the sale, rental, or lease of any property to the University for a consideration in~~  
178 ~~excess of five hundred dollars to such faculty member, officer, or employee, or to~~  
179 ~~the spouse or dependent child of such regent, officer, or employee, or to any~~  
180 ~~business with which such faculty member, officer, or employee is associated~~  
181 ~~unless the transaction is made pursuant to an award on a contract let or sale made~~  
182 ~~after public notice and (in the case of property other than real property)~~  
183 ~~competitive bidding, provided that the bid or offer accepted is the lowest received.~~  
184 ~~(R.S.Mo. Sec. 105.454[3])~~
- 185 ~~g. Attempt to influence a decision of the University during his or her term of office~~  
186 ~~of employment and for a period of one year thereafter for any consideration other~~  
187 ~~than the compensation provided for the performance of the official duties of such~~  
188 ~~faculty member, officer, or employee. (R.S.Mo. Sec. 105.454[4]);~~
- 189 ~~h. Perform any service for any consideration for any person, firm, or corporation~~  
190 ~~after termination of his or her office or employment in relation to any case,~~  
191 ~~decision, proceeding or application with respect to which he or she was directly~~

192 ~~concerned or in which he or she personally participated during the period of his or~~  
193 ~~her service of employment. (R.S.Mo. Sec. 105.454[5])~~  
194 ~~i. Serve in a decision-making capacity in any proceeding in which he or she knows~~  
195 ~~that:~~  
196 ~~1. A party to the proceeding is any of the following: himself or herself;~~  
197 ~~his or her great-grandparent; his or her grandparent; his or her parent,~~  
198 ~~stepparent, guardian, or foster parent; his or her child, stepchild, foster~~  
199 ~~child, or ward; his or her uncle or aunt; his or her cousin; any business~~  
200 ~~entity in which he or she has any legal equitable or beneficial interest.~~  
201 ~~(R.S.Mo. Sec. 105.464[1])~~  
202 ~~2. He or she knows the subject matter is such that he or she may receive~~  
203 ~~a direct financial gain from any potential result of the considered as~~  
204 ~~prohibiting participation in any proceeding by reason of the fact that~~  
205 ~~the University is a party to the proceeding. (R.S.Mo. Sec. 105.464[2])~~  
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207 \*\*\*  
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<b>Action</b>	<b>Date</b>
Introduced to Senate	1/17/2024
Second Senate Meeting	
Faculty Senate Vote	
President's Review	
15 Day Review	
Posted to Faculty Handbook	