



Executive Vice President for Finance and Operations

Umbrella Conflict of Interest Policy

Responsible Executive:  
Executive Vice President for  
Finance and Operations  
Issued: October 1, 2018

## **Clemson University Umbrella Conflict of Interest Policy**

### **I. POLICY STATEMENT**

A. Outside Activities: Clemson University encourages faculty, staff, and students to engage in appropriate outside relationships, participate in sponsored research, to consult widely, and to engage in other activities that may benefit not only the participants, but also the University itself, and the larger public.

B. Avoidance of Conflicts. Covered Individuals are expected to avoid Conflicts of Interest and Conflicts of Commitment that have the potential to directly and significantly affect the University's interests, compromise objectivity in carrying out University responsibilities, or otherwise compromise performance of University responsibilities, unless such conflicts are disclosed, reviewed, and managed in accordance with University policies and the law.

C. Prohibited Outside Employment. Generally, University employees are prohibited from engaging in outside employment for pay during the same hours that the individual is being paid for services as a public employee. Approvals and Management Plans provided for under this policy do not relieve faculty members of compliance with the principle of conflict of commitment as defined in University Policies posted in the Faculty Manual or on the Executive Vice President for Academic Affairs and Provost's Web pages such as "Private Outside Employment", "Economic Interest Disclosures for use of Textbooks", and "Faculty Consulting".

D. Existence of a Conflict. The determination that a Conflict of Interest or Conflict of Commitment exists does not in and of itself mean that the conflict is unethical or impermissible; it simply means that the relation of the conflict to the individual's institutional responsibilities must be carefully examined and, in some cases, managed or eliminated.

E. Training and Disclosure. All Covered Individuals shall undergo annual training regarding this Policy and shall file an annual Disclosure Statement with timely updates as

circumstances warrant.

F. Subject Specific Policies. Covered Individuals may also be subject to specific conflict related policies (e.g. the Clemson University Financial Conflict of Interest (FCOI) in Research Policy (“Research COI Policy”) or NCAA Bylaws.) Employees are also subject to the Ethics Policy ([https://hr.app.clemson.edu/poly-proc/view\\_document.php?id=211](https://hr.app.clemson.edu/poly-proc/view_document.php?id=211)).

G. Conflicts of Interest in Human Subjects Research. Conflicts of Interest related to research involving human subjects pose special concerns., Any person with an unmanaged FCOI is prohibited from participating in the conduct of such research. In addition, research involving human subjects where there is a FCOI may only go forward if the design and circumstances of the human subjects research are such that they serve to protect both the human subjects and the objectivity of the data obtained.

H. Compliance with the Law. Nothing in this policy shall be construed to permit, even with disclosure, any activity that is prohibited by law.

I. Affiliates. Affiliates (entities which derive their not-for-profit status from Clemson such as the Clemson University Foundation, and the Clemson University Research Foundation) shall as a condition of continued business with Clemson adopt a policy substantially similar to this Policy, adapted to accommodate those personnel who are not public employees.

## **II. PURPOSE**

This policy is promulgated for the purpose of compliance with federal and state laws, to promote a culture of ethical and compliant behavior, and to promote the public trust in the activities of Clemson University.

## **III. GUIDELINES AND OPERATING PROCEDURES**

A. Definitions. Definitions for this Policy are found in Appendix A.

B. Operational Guidelines. The Executive Vice President for Finance & Operations (“EVPFO) after consultation with the Executive Vice President for Academic Affairs/Provost (“Provost”) and the General Counsel, is authorized to issue Operational Guidelines for the implementation of this Policy, to issue interpretations of this Policy, and to revise Appendix A.

(1) Committee. The EVPFO shall establish a University Conflict of Interest Committee (“UCOIC”) which shall be delegated with the responsibility for the

implementation of this Policy and reviewing, and approving Management Plans for Conflicts of Interest and Conflicts of Commitment excepting that FCOI (research conflicts) shall be referred by the UCOIC to the Financial Conflict of Interest (FCOI) in Research Policy Committee established for adjudication under that policy.

(2) Appeals. Appeals of UCOIC final adjudications shall be made to the EVPFO within ten (10) days. The EVPFO will render the final decision of the University. Appeals for FCOI (research) shall be handled as provided for in the applicable research COI policy.

(3) Centralized Disclosure. The EVPFO and Provost may provide for a centralized or streamlined disclosure process for persons covered by both this Policy and other more specific policies such as but not limited to research COI Policies, the S.C. Ethics Act Statement of Economic Interest requirements, or NCAA bylaws.

C. Violations. Penalties for failure to comply with the requirements of this Policy shall be the same as for any other violation of University policy and may range from a verbal reprimand to dismissal based upon the facts and circumstances of each case. Additionally, privileges such as the ability to make purchases, to conduct research, or to access the University's computer network may be suspended or terminated for failure to comply with this Policy.

D. Other Management Actions: The process for disclosing and managing conflicts as described in this Policy are the minimum steps which must be taken by an employee. It is possible that a particular situation or activity may call for specific steps beyond those outlined here for proper disclosure and/or management or elimination of a conflict.

**IV. RESPONSIBLE DIVISION:** Executive Vice President for Finance and Operations

**V. APPROVAL AND REVISION DATES:** Approved October 1, 2018

**VI. PUBLISHED LOCATION:** <http://www.clemson.edu/human-resources/coi/index.html>

## APPENDIX A -- DEFINITIONS

**“Conflict of Interest”** occurs when a Covered Individual or their Immediate Family member has a personal interest in or receives a personal financial, economic, professional or personal gain or advantage of any kind from the Covered Individual’s position in a manner that may inappropriately influence the Covered Individual’s judgment, compromise the Covered Individual’s ability to carry out Clemson Institutional Responsibilities (the responsibilities of the Covered Individual to perform Clemson activities as defined by management or contract) or be a detriment to Clemson’s integrity.

A conflict of interest exists when an independent observer might reasonably question whether the Covered Individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A conflict of interest depends on the situation, and not on the character or actions of the individual.

**“Conflict of Commitment”** is a term that applies to outside professional and business activities or obligations that result in a Conflict of Interest subject to this policy.

**“Apparent Conflict of Interest”** arises when a Covered Individual is involved in an activity and the circumstances are such that a reasonable person with knowledge of the relevant facts would question the Covered Individual’s impartiality.

**“Financial Conflict of Interest (FCOI)”** means a financial interest that could directly and significantly affect the design, conduct or reporting of research. Significant Financial Interests (SFI) amounts are determined by sponsors and should be reviewed individually. For example, PHS and NSF amounts may differ.

**“Covered Individuals”** are full time and part time Clemson University employees (including faculty, staff, and employed students in their employed capacity), students to the extent they are performing research functions for Clemson University, and any person performing research at or directly through the use of Clemson University resources. Note, members of the Clemson University Board of Trustees are not considered Covered Individuals as they are subject to the Clemson University Board of Trustees Conflict of Interest policy.

**“Disclosure”** is the full recording or specification of the Covered Individual’s or their Immediate Family’s obligations or relationships with an external organization or involvement in external activities. Disclosure should include all items which are considered a Personal Financial or Economic Benefit. Covered Individual’s should disclose Apparent Conflict of Interest so they can be appropriately reviewed and documented.

**“Immediate Family”** includes the Covered Individual’s parents, spouse, siblings, children, stepchildren, and grandchildren or other individual who resides in the same household.

**“Management Plan”** means a written document that outlines specific actions which will be taken or conditions that will be conformed to in order to minimize or eliminate the risk of the Apparent or real Conflict of interest.

**“Institutional Responsibilities”** are defined broadly and include but are not limited to teaching, advising, research, scholarly activities, outreach, administrative and institutional committee service, and service to professional associations or on panels such as peer, institutional, or accreditation review boards.

**“University” or “Clemson”** means Clemson University.

**“Personal Financial or Economic Benefit”** is defined as anything of monetary value, including gifts valued at more than \$50.00, salary, commissions, fees, honoraria, travel and lodging expenses, equity interests (including any ownership stake in a startup company), interests in real or personal property, dividends, royalty, rent, capital gains, intellectual property rights, loans, and forgiveness of debt. "Personal Financial Benefit" does not include (and the following do not have to be listed in the Disclosure):

- compensation or payments received from Clemson;
- payments for participation in seminars, lectures or other educational activities sponsored by and service on advisory or review panels for a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C 1001(a), an academic teaching hospital, a medical center, a professional association or a research institute that is affiliated with an institution of higher education, and reasonable expenses for the same activities as long as acting with the approval of the employee’s supervisor;
- reasonable and customary food and beverages provided while attending education meetings or conferences, social receptions and events, or business meeting;
- any financial interest arising solely by means of investment in a mutual, pension, or other institutional investment fund over the management and investments of which the employee or an associated immediate family member does not exercise control; and investments in any non-publicly traded or publicly traded entities as long as the value of the employee’s remuneration in the past 12 months from such investments was less than \$5,000.