

ROGER WILLIAMS UNIVERSITY

CONFLICT OF INTEREST POLICY

A. DEFINITION

A “conflict of interest” exists whenever an officer, agent or employee (“University Party”) misuses, or creates the appearance of misusing, their position at Roger Williams University (“RWU”) for personal advantage not authorized or benefiting the best interests of RWU. A conflict may occur anywhere along a broad spectrum of actions ranging from overtly criminal conduct to behavior that could potentially lead to a reasonable perception of ethical impropriety.

B. PREFACE

RWU has a long-standing policy of forbidding any activity that creates a conflict between a University Party’s obligations to RWU (including its approved affiliates) and the University Party’s private interests, be they personal, financial, proprietary, familial or political. This policy statement is issued for the guidance and direction of both the University and University Parties. Both the policy and its procedures, enabling enforcement, will be administered fairly and equitably.

C. STATEMENT OF POLICY

As an institution of higher education, serving the State of Rhode Island, the higher education community, and the general public, RWU is cognizant that it occupies a position of trust. RWU therefore accepts an unequivocal obligation to preclude the occurrence of legal and ethical impropriety, including the appearance of impropriety, on the part of its University Parties.

RWU forbids any conduct that places, or carries a reasonable likelihood of placing a University Party’s personal, financial, proprietary, familial or political interest in conflict with the law, RWU’s best interests, RWU’s contractual obligations or RWU policy. University Parties with fiduciary and/or supervisory responsibilities shall not knowingly condone a clear conflict of interest and will be held accountable for enforcing this policy.

To facilitate compliance, RWU requires self-disclosure of an existing conflict or potential conflict. A potential conflict is defined as any circumstance that creates a reasonable doubt as to legal or ethical propriety under this policy or the law.

This policy statement applies to all University Parties.

The specific examples offered below illustrate some of the types of conflict that require both self-disclosure by the University Party and corrective action. The following items are to be

understood as an illustrative guideline, and not as a comprehensive or exhaustive list of prohibitions:

- **Unauthorized** pursuit and/or maintenance of any non-RWU business interest and/or professional endeavor that significantly interferes with the University Party's commitment of time and professional energy to RWU;
- **Unauthorized** utilization of RWU research findings, facilities or derivative tangible or intangible products for private financial advantage, direct or indirect;
- **Unauthorized** utilization of privileged, proprietary RWU information, gained through a position with RWU, including any affiliated enterprise, for utilization in private business or in private, non-RWU-affiliated research or consulting endeavors;
- **Unauthorized** exertion of intentional, direct or indirect influence in contractual matters or other operational matters between RWU (including its affiliates) and any private enterprise in which a personal, financial, proprietary, familial and/or political interest is involved;
- **Unauthorized** acceptance or extension of other than de minimus monetary, personal or other reasonably discernible favors from or to a private enterprise with which RWU conducts business or persons with whom RWU conducts business;
- **Unauthorized** engagement of an RWU student or another University Party as an employee, consultant, or third party contractor of a business, research or consulting venture in which the University Party holds a significant ownership or financial interest;
- **Undisclosed** familial relationship with students or University Parties where one party to the relationship holds either decisional authority, recommending authority, or significant influence over the academic, economic and/or employment standing of the other party;
- **Solicitation or acceptance of personal favors** (including sexual favors) from students or other University Parties or third party contractors in return for positive academic evaluation, financial consideration, improvement in employment status or other significant consideration related to RWU operations;
- **Undisclosed and unauthorized** maintenance of an interest in both a private intellectual, professional, scientific, or technical endeavor and an RWU or affiliated endeavor in the same or a similar intellectual, professional, scientific and/or technical field.

Conflicts of interest may arise unintentionally and certain situations, though not presenting an actual conflict of interest, may carry an unacceptable appearance of impropriety. Additionally, some potential or actual conflict situations may be amenable to RWU and/or affiliate authorized alternative measures to achieve non-conflicting resolution without forfeiture or may be acceptable under close scrutiny and strict adherence to prescribed parameters. Not all conflicts are forbidden. Periodic and situationally specific disclosure, therefore, serves as not

only a necessary measure to ensure compliance with policy but affords potential, compatible resolution to a conflict or the appearance, under reasonable scrutiny, of a conflict of interest. For this reason such disclosure is a necessary policy mandate.

It is not the intent of this policy to authorize or encourage needless intrusion upon any individual's personal behavior or endeavors. It requires self-disclosure. While vigilant enforcement is expected, reckless or malicious publication, including the passing of rumors by third parties is discouraged, may expose the publisher to private legal liability and may be subject to sanctions by RWU.

D. PROCEDURES

1. Disclosure

Self-disclosure is not only the least invasive means of ensuring compliance with this policy but also affords the opportunity for mutually compatible resolution of actual or potential conflicts of interest. The responsibility for full self-disclosure rests with each University Party.

Disclosure necessitated by a developing or potential conflict should be disclosed immediately and directed to the attention of either the University Party's immediate supervisor or, at the University Party's option, RWU's General Counsel. Any developing or potential conflict of or with the General Counsel shall be directed to the attention of RWU's President.

Periodic disclosure is required of each University Party, as part of the formal evaluation processes governing affected University Parties of RWU. Disclosure shall be made either through completion of the attached "Annual Conflict of Interest Disclosure Form" or through certification to RWU in a signed letter, which addresses all issues specified in the RWU-provided form. At least annual conflict of interest disclosure submitted on or before a time reasonably set by the General Counsel, is mandatory and, subject only to the other provisions of this policy, is to be filed with the Office General Counsel. The General Counsel's disclosure is to be submitted to the Board of Trustees' Executive Committee.

2. Consultation and Review

The Office of General Counsel is available at each University Party's discretion for consultation as to whether a specific set of circumstances constitutes a real conflict of interest or the potential for real conflict in violation of this policy.

Such consultation will be treated as confidential to the greatest degree practicable in conformity with RWU regulations and applicable law. Following consultation, responsibility for formal self-disclosure remains with each individual University Party.

All disclosures are subject to review by the Office of General Counsel as advisor to the President, Provost, Vice Presidents and Deans for conformity with policy and procedure.

E. CONSEQUENCES OF CONFLICTS OF INTEREST

Disclosed conflicts will be managed in a manner acceptable to RWU and the University Party wherever feasible and warranted. Conflicts reasonably deemed unmanageable will be forbidden and the acts or omissions driving the unmanageable conflict will be halted.

Undisclosed, known and reasonably discernible conflicts are subject to RWU sanctions as is continuation of any conflict deemed unmanageable and therefor forbidden.

Attached hereto, as Appendix A, is the Conflict of Interest Disclosure Form authorized for disclosures pursuant to this policy.

APPENDIX A

ROGER WILLIAMS UNIVERSITY CONFLICT OF INTEREST DISCLOSURE FORM

Name: _____

Title: _____

University Affiliation: _____

Please indicate the following: ☐ Initial Disclosure ☐ Annual Disclosure ☐ Update

Please answer all questions. Refer to the Conflict of Interest Policy as needed. For “yes” answers please provide details on a separate sheet of paper. Remember, if in doubt, it is always in your best interest to disclose.

Yes No

Do you or any member of your immediate family¹ have a consulting relationship or position with, or a financial interest in, any of the following:

☐ ☐ a sponsor of your research?

☐ ☐ a business that your work at RWU could either advance, evaluate or further develop (e.g. a business that markets, produces or has in pre-market testing a commercial product or product line)?

☐ ☐ any other business in which there could be an appearance of a conflict of interest or which could reasonably appear to be affected by your research interests or educational activities?

☐ ☐ Apart from any items disclosed above, have you performed consulting or engaged in outside employment during the past year?

☐ ☐ Do you or any member of your immediate family have outside (non-RWU) professional or income producing activities involving either RWU students or staff?

☐ ☐ Do you or any member of your immediate family have a relationship or hold a position or appointment with, or a financial interest in, any entity that – to the best of your knowledge - does business, or is seeking to do business, with RWU?

¹ “Immediate family” is your spouse, or domestic partner (consistent with University health benefits policy and procedure) and dependent children, including stepchildren.

- ___ ___ During the past year, have you or any member of your immediate family accepted any gift (including cash), favor, services, travel, entertainment, or hospitality with a value in excess of \$50 from any individual or entity that – to the best of your knowledge - does business, or is seeking to do business, with RWU?
- ___ ___ During the past year, have you utilized RWU facilities or resources, or time during working hours, for non-RWU pursuits or purposes?
- ___ ___ Do you have any familial relationships with RWU students or staff where you are in a position to influence (directly or indirectly) their academic, economic or employment standing with the University?
- ___ ___ Is there any other potential, apparent or real *financial* conflict that could result in a personal financial benefit to you or any member of your immediate family, as related to any personal influence you have in RWU operations, academic or business decisions?
- ___ ___ Do you or any member of your immediate family have any *other* potential, apparent or real non-financial conflict, including relationships, commitments or participation in activities, including uncompensated activities, that may compromise your decisions or judgment in carrying out your RWU responsibilities?
- ___ ___ Is there any other relationship or are there or matters or activities of which you wish to make RWU aware in the context of the Conflict of Interest Policy?

AFFIRMATION

I affirm that I have reviewed the Conflict of Interest Policy, that I understand the Conflict of Interest Policy, and that the information provided in this Disclosure and any attached pages is true, accurate, and complete to the best of my knowledge.

Signature: _____ Date: _____

RETURN this form and any attached additional pages of disclosure items to your supervisor or the Office of General Counsel.

For questions or additional information please contact the Office of the General Counsel at x5379.