Faculty Conflict of Commitment and Interest Policy

1. Introduction

Liberty University's policy and procedures regarding conflict of commitment (COC) and conflict of interest (COI) apply to all members of the faculty including faculty members serving as University officers. School deans are responsible for ensuring implementation of this policy. The Provost and Vice Provost of Research are responsible for interpretation and overall coordination of the policy. Violation of any part of this policy may cause a faculty member to be subject to disciplinary action up to, and including termination. This policy will be modified as necessary to be in compliance with the requirements of external agencies.

2. General Principles

A. Conflict of Commitment

Faculty members owe their primary professional allegiance to the university, and their primary commitment of time and intellectual energies should be to the education, research, and scholarship programs of the institution. The specific responsibilities and professional activities that constitute an appropriate and primary commitment will differ across schools and departments. However, they should be based on a general understanding between the faculty member and his/her department chair and school dean.

Even with such understandings in place, attempts of faculty to balance university responsibilities with external activities, such as consulting, public service or pro bono work, can result in conflicts regarding allocation of time and energies. Conflicts of commitment usually involve issues of time allocation. Whenever an individual's outside professional activities exceed the permitted limits, or whenever a full-time faculty member's primary professional loyalty is not to the university, a conflict of commitment exists. If a situation arises that raises questions of a possible conflict of commitment, faculty should discuss the situation with their department chair, school dean, or the Vice Provost of Research.

B. Conflict of Interest

Liberty University is an institution of public trust; faculty must respect that status and conduct their affairs in ways that will not compromise the integrity of the university or that trust.

A conflict of interest occurs when there is a divergence between an individual's private interests and his/her professional obligations to the university, such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal financial gain. A conflict of interest depends on the situation, and not on the character or actions of the individual.

Conflicts of interest are common and practically unavoidable in a modern research university. Conflicts of interest can arise out of the fact that a mission of the university is to promote the public
good by fostering the transfer of knowledge gained through university research and scholarship to the private sector. Important means of accomplishing this mission include faculty consulting, outside speaking engagements, publications, and the commercialization of technologies derived from faculty research. It is appropriate that faculty be rewarded for their participation in these activities through consulting fees, honoraria, and sharing in royalties resulting from the commercialization of their work. It is wrong, however, for an individual's actions or decisions made in the course of his/her university activities to be determined by considerations of personal financial gain. Faculty should be sensitive even to the appearance of that possibility. Such behavior calls into question the professional objectivity and ethics of the individual, and it also reflects negatively on the university.

Faculty members should conduct their affairs so as to avoid or minimize conflicts of interest, and must respond appropriately when conflicts of interest arise. To that end, the purposes of this policy are to educate faculty about situations that generate conflicts of interest, to provide means for faculty and the university to manage conflicts of interest, to promote the best interests of students and others whose work depends on faculty direction, and to describe situations that are prohibited. Every faculty member has an obligation to become familiar with, and abide by the provisions of this policy. Conflicts of interest must be disclosed to the university when personal financial relationships or activities with outside entities occur that would reasonably appear to be related to a faculty member's institutional responsibilities for research/scholarship, education/teaching, administration or clinical care. All such financial activities and relationships must be disclosed annually and at the time of a specific transaction. Disclosure and university review also allow faculty to comply with federal agency regulations.

Common sense must prevail in the interpretation of these policies. That is, no matter what the circumstances, if an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal financial gain, the relationship should be disclosed to the public during presentations, in publications, teaching, or other public venues.

3. Key Provisions - Summary

Below is a summary of the key provisions of this policy. Faculty should read the document in its entirety to fully understand the spirit of these provisions, the bona fide exceptions, and the requirements for compliance. (See section 4 for discussion and detail for each of the following provisions.)

1. Faculty must maintain a significant physical presence on campus throughout each quarter they are on active duty.
2. Faculty must not allow other professional activities to detract from their primary allegiance to the university. For example, a faculty member on full-time active duty must not have significant outside managerial responsibilities or titles that suggest such responsibilities (e.g., chief operating officer), or act as a PI on sponsored projects that could be conducted at the university, but instead are submitted and managed through another institution (excluding such agreements as Liberty-managed sub-awards or collaborations).
3. Faculty must foster an atmosphere of academic freedom by promoting the open and timely exchange of results of scholarly activities, and ensuring that their advising of students (defined for this policy to include postdoctoral scholars and other trainees) and their supervision of staff are independent of personal financial interests. Faculty should inform students and colleagues about outside obligations that might influence the free exchange of scholarly information between them and the faculty member.

4. Faculty may not use university resources or personnel, including facilities, staff, students or other trainees, equipment, or confidential information, except in a purely incidental way, as part of their outside consulting or business activities or for any other purposes that are unrelated to the education, research, scholarship, and public service missions of the university.

5. Faculty must disclose on a timely basis the creation or discovery of all potentially patentable inventions created or discovered in the course of their university activities or with more than incidental use of university resources. If intellectual property rights are to be claimed, ownership of such inventions is assigned to the university, regardless of the source of funding. The inventor will share in royalties earned. The inventor(s), acting collectively where there is more than one, are free to place their inventions in the public domain if they believe that would be in the best interest of technology transfer and if doing so is not in violation of the terms of any agreements that supported or are related to the work.

6. Faculty must disclose to the university whether they (or their spouse or dependent children) have a financial interest in an outside entity that would reasonably appear to be related to their institutional responsibilities. Disclosures of such interests are also required when the faculty member is involved in a specific transaction, including:

- gifts
- sponsored projects
- technology licensing arrangements
- protocols that use human subjects, animals, or stem cells
- material transfer and collaboration agreements
- certain procurements (e.g., sole source or from a privately-held company)

In such cases, review and approval by the school dean and the Grants Administration Office will be required prior to entering into the proposed arrangement.

7. Financial interests that are disclosed and deemed to be related to one or more of the faculty member's institutional responsibilities will be further reviewed to determine if the financial interest or relationship could have a direct and significant effect on the faculty member's performance of his/her responsibilities. If such a situation exists, the conflict will need to be eliminated or managed according to a plan provided to the faculty member by the school dean and the Grants Administration Office. Other administrative actions, such as disclosure in publications and public talks, may be required when the financial interest is not considered likely to directly and significantly affect performance of institutional responsibilities.

8. On an annual basis, all faculty members must certify to their school deans their compliance with the university's policies related to conflict of commitment and conflict of interest.
They must also disclose information not previously reported about their existing or new financial relationships (or those of their spouse or dependent children) with outside organizations, which would reasonably appear to be related to their institutional responsibilities, as soon as such situations become known to the faculty member.

9. The Grants Administration Office shall establish procedures to ensure timely review of the faculty’s disclosures of potential or apparent conflicts of interest, both annually and at the time of a specific transaction, and to ensure the elimination or appropriate management of such conflicts. School deans will file their own annual disclosures and certifications of compliance with the VP of Research and the Grants Administration Office.

10. The VP of Research shall:

- approve each school dean’s plans for implementing this policy
- interpret policy provisions in consultation with school deans
- respond to faculty wishing to appeal a school dean’s decisions
- report to the Grants Administration Office annually on the status of this policy and its implementation

11. Should a faculty member wish to appeal a decision made by the VP of Research, he or she may present the appeal to the Provost, who will consider the case in consultation with the Faculty Senate and the Grants Administration Office.

4. Discussion and Detail

A. Presence on Campus

Appointment as a faculty member of Liberty University confers the privilege and obligation to pursue teaching, research, scholarship, and clinical care (whichever are appropriate to the position held). In addition, Faculty Senate members are expected to participate in university governance, in the formulation of academic policy, and in the determination of the intellectual directions and academic priorities of the university. Fulfillment of these obligations requires a primary commitment of expertise, time, and energy.

A full-time appointment conveys an obligation for a faculty member to have a significant physical presence on campus, to be accessible to students and staff, and to be available to interact with colleagues throughout every quarter during which he or she is on active duty, unless the department chair and/or school dean has granted specific prior approval for extended or frequent absences from campus. Because requirements for field research and other reasons for absence from campus differ across the university, schools and departments should define for their faculties what qualifies as inappropriate, extended, or frequent absences.

B. Limitations on Outside Professional Activities

Liberty University encourages faculty to become involved in the transfer of knowledge from the university to the public and into the commercial marketplace. It is an appropriate role for the university to facilitate the transfer of the knowledge gained through academic research to applications that can benefit the general population. Moreover, experience gained by faculty in the
course of outside professional activities can enhance their teaching, research or scholarship within
the university. The process of information and technology transfer can create the potential for
conflicts of commitment and/or interest, particularly when there is opportunity for personal
financial gain on the part of the faculty. The intent of this provision is to minimize these conflicts
and provide means of managing them when they arise.

An implicit assumption underlying the university's policy is that such outside professional
activities are a privilege, not a right, and must not detract from a faculty member's full-time
obligation to his/her university duties. When any outside activity detracts from the conduct of
university duties, a conflict of commitment will result. Even activities such as pro bono work,
government service in the public interest, or any outside employment unrelated to the faculty
member's university responsibilities should be managed so they do not take precedence over a
faculty member's primary commitment to the university.

Outside professional activities can also generate conflicts of commitment regardless of the time
involved. Faculty members on active duty are normally prohibited from serving as principal
investigators on sponsored projects submitted and managed through other institutions. This
stipulation is not intended to limit faculty from participating in multi-site training or research
programs for which the university receives a subaward, has a collaborative, or other agreement,
nor is it intended to apply to circumstances in which the faculty member's research requires access
to specialized facilities not available at the university.

Because full-time faculty are expected to devote their primary energies and professional interests
to their university obligations, they may not accept significant managerial responsibilities or titles
that suggest or connote managerial or supervisory responsibilities (e.g., CEO, Director, Scientific
Officer, or Vice President) as part of their outside consulting activities. Normally, it will be
necessary for faculty to take a full leave of absence from their university responsibilities in order
to take on a significant management role in an outside entity. Doing so while on sabbatical is not
permitted. Service on boards of directors or advisory boards is allowed.

Faculty members must establish clear boundaries that separate their university and outside
obligations, so as to avoid questions about their appropriate use of resources and attributions of
products of their work. The Liberty University name and logo may not be used in consulting
activities. Outside activities may not include:

- A promise or assignment to a third party of intellectual property conceived, or first reduced
to practice, in whole or in part, in the course of university responsibilities, or with more
than incidental use of university resources, to the third party
- The extension of research into the consulting activity, such that a third party receives early
or exclusive access to research results

If a faculty member is listed as an author on any publication resulting from performance of
consulting services, a disclosure should be included clearly stating that the contribution to the
publication was as a paid consultant, and was not part of his/her university duties or
responsibilities. The same disclosure should be given in speaking activities related to consulting
services.
C. Free and Open Exchange of Research Results

The integrity of the university as a community of scholars requires the free and open exchange of ideas, and the results of scholarly activities. Faculty are obligated to maintain an atmosphere free from unwarranted external influences. Students and collaborators must be able to pursue topics of interest, have access to available information and facilities, and be able to communicate the results of their work to other scholars and the public. Therefore, faculty must ensure that:

- The results of research or scholarship undertaken at the university are disseminated on an open and timely basis to the broader scholarly community
- The academic activities of students and postdoctoral scholars are free from the personal commercial interests of the faculty member
- The work of students, staff, postdoctoral scholars, and collaborators is not exploited in the course of a faculty member's outside obligations. To this end, a faculty member should be open with his/her students, staff, and colleagues about the faculty member’s involvement with, and obligations to, outside third parties who could benefit from their work or ideas. Similarly, students, associates, and staff should have access to information about the sources of funds that support their research.

This policy requires that consulting, technology licensing, or other agreements with third parties, including nondisclosure or confidentiality agreements, must not delay or prohibit publications resulting from research and scholarship. In addition, faculty should, and in some circumstances will be required to, disclose their financial relationships in publications and public discussions of research or scholarship supported by, or in a field relevant to the interests of the company/organization.

D. Appropriate Use of University Resources, Including Facilities, Personnel, Equipment, and Information

Faculty may not use university resources or personnel, including facilities, staff, students or other trainees, equipment, or confidential information as part of their outside consulting or business activities, or for any other non-university purposes. Inappropriate use of university resources includes the following:

- Assigning tasks to the faculty member's students, staff, or postdoctoral scholars for purposes of potential or real financial gain of the faculty member rather than the advancement of the scholarly field or the students' educational needs.
- Involvement of the faculty member's students or staff in his/her outside consulting or business activities without prior review and approval by the school dean and the VP of Research.
- Granting external entities access to university resources, personnel, or services for purposes outside the university's missions, or offering inappropriate favors to outside entities in an attempt to unduly influence them in their dealings with the university, or for personal financial gain.
- Using confidential information acquired through conduct of university business or research activities for personal gain, or granting unauthorized access of others to such information.
Confidential information includes, but is not limited to, medical, personnel, or security records of individuals; proprietary knowledge about corporate anticipated material requirements or price actions; and proprietary knowledge of possible new sites for government operations, information about forthcoming programs, or selection of contractors or subcontractors in advance of official announcements.

- Providing preferential access to research results, materials, or products generated from university teaching or research and scholarly activities to an outside entity for personal financial gain. (This would not preclude appropriate licensing arrangements for inventions, or consulting on the basis of sponsored project results where there is significant additional work or expertise involved)

E. Disclosure and Ownership of Intellectual Property

All potentially patentable inventions, including patentable software, created or discovered by faculty in the course of their university activities, or with more than incidental use of university resources, must be disclosed to the university on a timely basis. If intellectual property rights are to be claimed, ownership of these inventions is assigned to the university, regardless of the source of funding. The inventor(s), acting collectively where there is more than one, are free to place their inventions in the public domain if they believe that would be in the best interest of technology transfer and if doing so is not in violation of the terms of any agreements that supported or are related to the work.

Institutional management of the commercialization of technologies developed using university resources guarantees that contractual obligations to sponsors are fulfilled. Management of technology also reduces the potential for individual conflicts of interest, since the institutional managers of the assets do not have personal financial interests in the outcomes of licensing processes nor do they participate in making academic or future research decisions.

In this context, "invention" includes tangible research property. The term does not, however, include books, scholarly articles, musical and artistic works, and other forms of educational media, to which the title remains with the creator. In accord with academic tradition, except to the extent required by the terms of funding agreements, the university does not claim ownership to pedagogical, scholarly, or artistic works, regardless of their form of expression. Such works may represent the personal or scholarly beliefs of the author. The protection of academic freedom of the faculty requires that the university not attempt, nor have the right, to control the content or distribution of such works. An additional consideration is that the university does not wish to accept liability for a faculty member's works that are individual forms of expression.

Ownership of computer software requires special consideration. Some forms of software are patentable, and thus, are governed by the university’s policy on patentable inventions. Other forms of software are more like books in that they are digital expressions of scholarly, artistic, or educational works, in which case, title rests with the creator. Rights to software that is not patentable rest with the individual faculty creator, except in the following circumstances: the work is supported by a direct allocation of funds through Liberty University for the pursuit of a specific project, is commissioned by the university, or is otherwise subject to contractual obligations. In addition, university resources are to be used solely for university purposes and not for personal
gain or personal commercial advantage, nor for any other non-university purposes. Therefore, if the creator of a copyrightable work makes significant use of the services of university non-faculty employees or university resources to create the work, he or she shall disclose the work to the Grants Administration Office and assign title to the university. Ordinary use of desktop computers, university libraries and limited secretarial or administrative resources is not considered to be significant.

Title to software created jointly with students or other faculty shall be jointly owned by the creators. Title to software created jointly by faculty and university staff members will be jointly owned between the faculty creator and the university. Faculty must be aware, however, that the creation, upgrade, or maintenance of commercializable software, when done as part of a faculty member's university activities, can lead to the same types of conflicts of commitment and interest as patentable inventions. It is the responsibility of the faculty member to avoid such conflicts. One way of doing so is to voluntarily assign copyright and licensing authority to the university.

This policy is not intended to slow or restrict the transfer of technology, so if the university does not proceed in a timely manner (e.g., sixty days) to initiate patenting of a technology and/or licensing it, the ownership may be reassigned to the creator at his/her request if permitted by contractual obligations. In those cases where the sponsor requires the university to take title, the university may recommend to the sponsor that ownership be assigned to the inventor. When the university is successful in the licensing of a technology created by a faculty member, he or she will share in the royalties earned under the terms of the applicable university policy. Further development of the intellectual property is the responsibility of the licensee, and must be pursued without use of university resources.

F. Faculty Disclosure of Financial Interests in Outside Entities Related to Their Institutional Responsibilities

A faculty member must disclose personal financial interests (or those of his/her spouse or dependent children) to the university when the interest reasonably appears to be related to his/her institutional responsibilities.

Disclosure must be made when the faculty member (or his/her spouse or dependent children) has:

- One or more financial interests, including payment for services, income such as consulting fees, paid honoraria, equity, stock(stock options or other ownership interest, royalties from intellectual property not owned by the university; or salary for spouse
- The financial interest reasonably appears to be related to one or more of the faculty member's institutional responsibilities, including research/scholarship, teaching/education, administration or clinical care.

This information will be reviewed to determine whether a "significant financial interest" (SFI) exists. Criteria to be used to help define SFI include:
any current or pending ownership interests (including shares, partnership stake, or derivative interests such as stock options) in a privately-held entity (e.g., in a "startup" company)
any current or pending ownership interests of $5,000 or more (including shares, partnership stake, or derivative interests such as stock options) in a publicly-traded entity (except when the ownership interest is managed by a third party such as a mutual fund)
any income amounting to $5,000 or more per year per company/organization, including payment for services, consulting fees, honoraria, licensing or royalty income; or any financial interests in a single company/organization (listed above) that amount to $5,000 or more in aggregate.

The faculty member's financial interest in the company/organization will be considered as reasonably appearing to be related to his/her research or other university responsibilities in circumstances such as when the company/organization:

- Sponsors research in which the faculty member is directly involved
- Has interests that could reasonably be considered to have a potential influence on the design, conduct, or reporting of the faculty member's research/scholarship
- Has company interests such that the faculty member's research/scholarship could reasonably be considered to have a possible effect on the company/organization's interests
- Sponsors or makes a product that is under study in any research (including, but not limited to, human subjects or animal research), in which the faculty member is directly or indirectly involved
- Makes gifts to the university of funds or property (including equipment loans), which will be under the control of, or will directly support the teaching or research activities of the faculty member
- Licenses intellectual property in which the faculty member has a financial interest
- Has a Materials Transfer Agreement (MTA) to provide materials used in the faculty member's research, or for materials to be provided by the faculty member
- Is the sole-source provider of materials, services, or of procurements from a privately-held entity
- Provides financial support for the faculty member's trainees (including graduate students and postdoctoral fellows)
- Has products (excluding textbooks) or devices that are used in the faculty member's teaching
- Produces or markets online learning services or materials in which the faculty member has an interest
- Supports the faculty member's participation as a lecturer/speaker in continuing education activities, or online education programs
- Has financial interests that would reasonably appear to be related to the faculty member's administrative duties or clinical care responsibilities

When a “significant financial interest” (SFI) related to the faculty member's institutional responsibilities is identified, the circumstances will be evaluated further. In addition, faculty are strongly encouraged to disclose to the public any financial interests related to their institutional responsibilities, whether or not these interests meet the SFI criteria in order to maximize
transparency. Faculty receiving Public Health Service (PHS) awards must also disclose sponsored travel.

Faculty must complete Collaborative Institutional Training Initiative (CITI) training about COI according to university requirements.

G. Review of Disclosures of Faculty Financial Interests in Outside Entities Related to Their Institutional Responsibilities

When a faculty member makes a disclosure, the school dean and the Grants Administration Office shall review the circumstances to determine whether it represents a significant financial interest (SFI) and reasonably appears to be related to one or more of the faculty member's institutional responsibilities. The circumstances will then be assessed to determine whether the SFI could have a direct and significant effect on the faculty member's performance of these duties. If so, the SFI will be deemed a "financial conflict of interest (FCOI)" as defined by federal regulations. Management options will be provided to the faculty member depending upon whether the conflict involves research/scholarship, teaching/education, administration, or clinical care duties.

The faculty member may decide to discontinue the relationship, divest the financial interest that creates the conflict, or decide not to participate in the specific institutional activity that generates the conflict. In some circumstances, the conflict may be managed by requiring one or more of the following:

- Public disclosure of the significant financial interest;
- Training about conflicts of interest and commitment for involved students and personnel;
- Independent monitoring and oversight of the activity;
- Modification of the activity to remove the conflicted faculty member from participation in all or some portion of the activity
- Other mitigating strategies.

When the significant financial interest is related to research involving human subjects and is greater than $5,000, the situation will be considered a financial conflict of interest (FCOI) as defined by PHS regulation. In such cases, the investigator must provide compelling reasons detailing his/her unique contribution to the study in order to justify continued involvement. Without compelling reasons to maintain direct involvement, or a plan that isolates the investigator from direct interaction with the human subjects, identified patient specimens or research data, the investigator will be required to reduce his/her financial interest below $5,000, or the work may not be done at the university or by the investigator at another location.

When conflicts of interest are related to gifts, faculty must follow university procedures to document the terms of all such gifts so that the exact nature of the exchange is spelled out. Gifts should not create a venue for privileged access to research results, an opportunity for promoting a company's product or products, or provide the company with preferential treatment. Please see Liberty University’s Gift Reporting Policy and Procedure.
Conflicts of interest involving technology transfer, material transfer, or collaborative agreements require review and approval by the VP of Research.

**H. Certification of Compliance with the Conflict of Commitment and Conflict of Interest Policy**

On an annual basis, and at any time when a situation that requires disclosure occurs, all faculty members must certify to their school deans their compliance with the university’s policies related to conflict of commitment and conflict of interest. These reports are considered confidential and will be reviewed only by the school dean or designated individuals such as an associate dean, department chair, senior administrative staff, the VP of Research, university officials in the Grants Administration Office, Internal Audit, or the Office of Legal Affairs. Disclosures that are identified by the review as financial conflicts of interest related to PHS or the National Institutes of Health (NIH) funded research must be reported to the NIH and be made available to the public.

In addition, faculty members must disclose to their school situations that may raise questions of conflict of commitment or interest, as soon as such situations become known to the faculty member, and as required at the time of a particular transaction, such as submission of grants or human subjects research protocols, receipt of gifts, technology licensing, and materials transfer agreements.

**I. Responsibilities of the School Deans**

Each school dean is responsible for the timely collection and review of annual certifications related to conflicts of commitment and conflicts of interest, new disclosures that occur during the year, and (in consultation with the VP of Research and the Grants Administration Office) for the management of conflicts of interest that arise. The review process in each school may be assigned to a faculty senior associate dean and the Grants Administration Office. The school dean or the VP of Research may convene a committee to advise him or her in the evaluation and options for management of conflicts of interest. The committee may include other members of the faculty and/or individuals not otherwise affiliated with Liberty who have no vested interests in the outcome of the proposed arrangements. Individual schools may have more, but not less, restrictive internal policies than those set forth by the university. School deans will file their own annual disclosures and certifications of compliance with the VP of Research and the Grants Administration Office.

**J. Responsibilities of the VP of Research**

The VP of Research in cooperation with the Grants Administration Office is responsible for interpreting and overseeing implementation of and compliance with this policy. He or she is responsible for reviewing and approving each school's mechanisms for implementing this policy, for consulting with school deans to determine appropriate strategies for managing conflict situations, and for reporting annually to the Grants Administration Office on the effectiveness of the policy throughout the university. In addition, the VP of Research shall adjudicate situations in which faculty wish to appeal a decision of a school dean. The VP of Research shall work with school deans to ensure that this policy is implemented with consistency across the university.
K. Appeals of Decisions Made by the VP of Research

Should a faculty member wish to appeal a decision made by the VP of Research, he or she may present the appeal to the Provost, who will consider the case in consultation with the Faculty Senate and the Grants Administration Office.

IMPORTANT NOTE: The Grants Administration Office reserves the right to return conflict of interest findings for further review if questions arise as to compliance with agency policy.

RELATED DOCUMENTS: Financial Interest Disclosure Form