Faculty Handbook Revision Committee
Chapter 10 (11) Revision: Outside Activities and Conflict of Interest (FHRC Recommended Language)

Changes since Senate discussions (February)
- Formerly Chapter 11. All sections and references renumbered.
- No changes related to Senate report on this section.
- In 10.2 Conflict of Interest, there was a reference to “Rules and Regulations of the Section 2.06” which was originally “Rules and Regulations of the Board of Governors Section 2.06” – the “Board of Governors” phrase disappeared somewhere between the 2007 and 2010 version of the HB. In any event, that reference is no longer active and is now replaced by “Bylaws of the Board of Governors Article XII”.
- Some additional stylistic / grammatical adjustments have been made.

Explanation of previous revisions:
Most changes are for stylistic reasons and/or clarification. The discussion of consulting was moved from the general introduction to the section on remunerated outside activities.

The final section was originally titled “External Utterances and Political Activities”. “External Utterances” (which might be construed as limited to actual speech) was replaced by “Free Expression”, which better fit the content of the section.
10. OUTSIDE ACTIVITIES AND CONFLICT OF INTEREST

10.1. OUTSIDE ACTIVITIES

10.1.1. INTRODUCTION

This policy on outside activities applies to all faculty members, including all academic administrators who hold faculty rank. The professional capabilities of University faculty members allow them to make significant contributions to the larger society of which Missouri State University is a part. The University encourages faculty members to participate in activities beyond the campus community. Such involvement in the community may not only benefit society, but may also enhance the prestige and visible contribution of the University. However, employees may not compete with the University or convert business opportunities of the University to their personal gain or advantage or to the gain or advantage of another.

Following paragraph moved to 10.1.2.

Consulting may, in some instances, also constitute a business interest requiring disclosure and approval when the entity for which the employee consults also transacts business with the University or is in competition with the University, or where the consultation itself competes with the work of the University.

Minor edit.
When hiring a person to a full-time position, the University presumes that it has engaged the individual for his or her teaching, and for professional and other University-related activities. Outside activities must therefore be clearly subordinate to and must not interfere with the individual's Teaching, Research, and Service obligations to the University.

A faculty member must reimburse the University for the full value of any material University resource used in any outside activity.

A Department Head or other administrator may request that a faculty member participate in a specific outside activity not normally associated with the position of the faculty member. However, no faculty member shall be coerced (overtly or covertly) into using his or her professional competence beyond the normal responsibilities as a teacher or scholar. No faculty member shall be penalized in any way for refusal to participate in a specific outside activity. However, some positions may specify as a condition of their employment the maintenance of certain professional credentials, which may require outside activities, e.g. clinical practice, to meet those credential requirements. Clarification: certain “outside” activities required for some positions.

10.1.2. REMUNERATED OUTSIDE ACTIVITIES

University policy permits faculty members to engage in remunerated outside activities that are related to their professional interests and development, provided those activities:

- do not interfere with regular University duties and do not involve, on average, more than one work day per week during periods when the University is employing the individual on a full-time basis;
- do not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Head and Dean;
- do not compete with the work of the University, and are not otherwise contrary to the best interest of the University;
- do not violate federal or state law;
• do not represent a conflict of interest (Section 10.2) or violate other policies of the University;
• do not convert confidential information or trade secrets of the University to their personal gain or advantage or to the gain or advantage of others; and
• do not entail a reduction in work load.

Originally in 10.1.1
Consulting may also constitute a business interest requiring disclosure and approval when the entity for which the employee consults also transacts business with the University or is in competition with the University, or where the consultation itself competes with the work of the University.

Because Missouri State University faculty members are hired primarily to teach, outside teaching by full-time faculty members at other institutions of higher education during periods when the University is employing the individual on a full-time basis is discouraged but may be permitted in exceptional circumstances with the knowledge of and written consent of the Department Head, Dean, and Provost.

During periods when the University is not employing the individual on a full-time basis (for example, during the summer session and the intersession periods for a faculty member on a standard academic-year contract), a faculty member may engage in any lawful outside activity, including teaching for another institution, provided that activity:

• does not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Head and Dean; or
• does not represent a conflict of interest (Section 10.2) or violate other policies of the University; or
• does not convert confidential information or trade secrets of the University to his/her personal gain or advantage or to the gain or advantage of others.

If a faculty member accepts supplemental compensation from Missouri State University for teaching or for performing another compensated University-related activity during a period when the University is not otherwise employing the individual on a full-time basis, remunerated outside activities combined with Missouri State University responsibilities must not exceed the equivalent of a full-time work load.

10.1.3. PROCEDURES FOR REPORTING REMUNERATED OUTSIDE ACTIVITIES

Minor edit to recognize that some faculty have 12 month contracts.
Except during the time period, such as summer, when he or she a full-time faculty member is not under contract to the University (unless he/she has agreed to accept supplemental compensation for summer teaching at Missouri State University or for another compensated University-related summer activity), a full-time faculty member who engages in remunerated outside activities must report such activity and obtain approval from the Department Head prior to the commencement of the activity. The Department Head will determine if the activity will interfere with the faculty member's performance of duties at the University or constitute a conflict of interest (Section 10.2). The Department Head must identify the specific nature and extent of the faculty member's diminished effectiveness or the conflict of interest. If an agreement cannot be reached, the matter will be taken to the college Dean who will attempt to reach a resolution satisfactory to both the individual and the administration. If resolution is not possible at the college level, the Provost will make a determination.

Each faculty member shall complete an annual report indicating the nature of all remunerated outside activities performed during the contract period and the amount of time engaged in each of these activities, and shall submit that report to his or her Department Head. Each Department Head will prepare a summary report and submit that summary along with all individual faculty reports to the college Dean. Each Dean will forward the departmental
summary reports and all individual reports from faculty that indicate remunerated outside activities to the Office of the Provost. The Office of the Provost will prepare an annual report for the President.

**10.1.4. NON-REMUNERATED PROFESSIONAL ACTIVITIES**

Faculty members are encouraged to contribute their professional expertise for the advancement of their academic discipline and/or for the benefit of society in general. Such non-remunerated professional activities may be considered favorably in tenure and promotion decisions. Therefore, faculty members should report all such non-remunerated professional activities as part of the annual performance review, regardless of when they occur during the calendar year.

**10.1.5. OTHER NON-REMUNERATED OUTSIDE ACTIVITIES (VOLUNTEERISM)**

Consistent with its mission in Public Affairs, Missouri State University encourages its employees to participate in voluntary activities that benefit our community and society at large. However, the choice whether or not to participate in any particular volunteer activity, or none at all, rests solely with the individual employee.

In an attempt to document its positive impact on the community, the University may request that faculty members report the extent of their involvement in volunteer activities. However, such reporting is entirely voluntary, and no faculty member shall be required to report any such activity, nor shall any faculty member suffer any negative repercussions for declining to report such activities.

Faculty members are expected to limit the total extent of their volunteer activities so that they do not interfere with regular University duties. However, such potential interference shall be monitored through job performance rather than through any type of requirement to disclose the nature or extent of volunteer activities.

**10.2. CONFLICT OF INTEREST**

A Conflict of Interest policy was adopted by the University's Board of Governors in December, 1991. The purpose of this policy is to set forth the applicable provisions of law and assist a faculty member in avoiding improper outside influences in institutionally-related decisions and activities, or use his or her position or the property of the University for personal, financial, or political gain. *(Rules and Regulations of the Section 2.06) (Bylaws of the Board of Governors, Article XII)*

A conflict of interest occurs when any faculty member engages in those economic activities which that are prohibited in Section 11 Chapter 10 or when a faculty member maintains an interest or relationship which that prevents him or her from exercising independent judgment in the best interests of the University.

A faculty member must disclose to his or her Department Head all relevant facts related to activities which that might involve a conflict of interest. Likewise, when seeking external support for a project, faculty must disclose actual or potential conflict of interest.

All faculty administrators (Department Heads, Center Heads, etc.) who are responsible for a budget must submit a report to the Missouri Ethics Commission identifying any conflicts of interest.

**10.2.1. ECONOMIC INVOLVEMENT**

The following policy statements have been derived from Missouri Statutes and govern the conduct of all University
employees: Convert from numbers to bullet points.

- No employee shall keep for sale or be interested in, directly or indirectly, the sale of any furniture or apparatus, books, maps, charts, or stationery used by the University.
- No employee shall be interested in, directly or indirectly, any contract or purchase for building or repairing any structure, fencing or ornamenting the grounds, or furnishing any supplies or materials for the use of the University.
- No employee of the University, acting on his or her own behalf or as a representative for an external agency, shall use University facilities to display or promote for sale to third parties any personal or represented material.

Faculty members are not permitted to receive royalties for the sale of their materials to Missouri State University students. In those cases where it is desired to utilize books, plays, compositions, and other works of faculty members, the faculty member will be required to renounce his or her royalty rights on all sales to Missouri State University students. The faculty member is responsible for making the appropriate arrangements with the Missouri State University Bookstore so that he or she is not in violation of the state statute.

10.3. EXTERNAL UTTERANCES FREE EXPRESSION AND POLITICAL ACTIVITIES

Section title changed a bit to be more consistent with topic

A faculty member at Missouri State University possesses the same constitutional right to free expression as any private American citizen. However, a faculty member should not purport to be a spokesperson for the University unless designated as such by the Provost. (Refer to Section 3.1)

Missouri State University faculty members may engage in political activities/affiliations as long as those activities do not interfere with fulfillment of their professional responsibilities to the University. A faculty member may request a leave without pay for such activities as an election campaign or term of elective office. Application for such a leave must be received by the Department Head on or before April 1 preceding the beginning of the academic year in which the leave is to be taken. The Department Head’s written recommendation must accompany the faculty member’s application prior to a decision by the college Dean. The leave of absence may last no longer than one academic year.

Minor edit

A leave of absence incident related to political activity will be subject in all other determinations to the regulations affecting any leave without pay. The conditions for each individual leave will be specified in writing by the college Dean, and a copy of those conditions will be given to the faculty member. These conditions will not be used to adversely affect the tenure status of a tenured faculty member. However, the time encumbered by a leave without pay will not be counted toward the attainment of tenure.
Revised language

10. OUTSIDE ACTIVITIES AND CONFLICT OF INTEREST

10.1. Outside Activities

10.1.1. Introduction

This policy on outside activities applies to all faculty members, including all academic administrators who hold faculty rank. The professional capabilities of University faculty members allow them to make significant contributions to the larger society of which Missouri State University is a part. The University encourages faculty members to participate in activities beyond the campus community. Such involvement may not only benefit society, but may also enhance the prestige and visible contribution of the University. However, employees may not compete with the University or convert business opportunities of the University to their personal gain or advantage or to the gain or advantage of another.

When hiring a person to a full-time position, the University presumes that it has engaged the individual for his or her teaching, and for professional and other University-related activities. Outside activities must therefore be clearly subordinate to and must not interfere with the individual's Teaching, Research, and Service obligations to the University.

A faculty member must reimburse the University for the full value of any material University resource used in any outside activity.

A Department Head or other administrator may request that a faculty member participate in a specific outside activity not normally associated with the position of the faculty member. However, no faculty member shall be coerced (overtly or covertly) into using his or her professional competence beyond the normal responsibilities as a teacher or scholar. No faculty member shall be penalized in any way for refusal to participate in a specific outside activity. However, some positions may specify as a condition of their employment the maintenance of certain professional credentials, which may require outside activities, e.g. clinical practice, to meet those credential requirements.

10.1.2. Remunerated Outside Activities

University policy permits faculty members to engage in remunerated outside activities that are related to their professional interests and development, provided those activities:

- do not interfere with regular University duties and do not involve, on average, more than one work day per week during periods when the University is employing the individual on a full-time basis;
- do not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Head and Dean;
- do not compete with the work of the University, and are not otherwise contrary to the best interest of the University;
- do not violate federal or state law;
- do not represent a conflict of interest (Section 10.2) or violate other policies of the University;
- do not convert confidential information or trade secrets of the University to their personal gain or advantage or to the gain or advantage of others; and
- do not entail a reduction in work load.
Consulting, in some instances, may also constitute a business interest requiring disclosure and approval when the entity for which the employee consults also transacts business with the University or is in competition with the University, or where the consultation itself competes with the work of the University.

Because Missouri State University faculty members are hired primarily to teach, outside teaching by full-time faculty members at other institutions of higher education during periods when the University is employing the individual on a full-time basis is discouraged but may be permitted in exceptional circumstances with the knowledge of and written consent of the Department Head, Dean, and Provost.

During periods when the University is not employing the individual on a full-time basis (for example, during the summer session and the intersession periods for a faculty member on a standard academic-year contract), a faculty member may engage in any lawful outside activity, including teaching for another institution, provided that activity:

- does not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Head and Dean; or
- does not represent a conflict of interest (Section 10.2) or violate other policies of the University; or
- does not convert confidential information or trade secrets of the University to his/her personal gain or advantage or to the gain or advantage of others.

If a faculty member accepts supplemental compensation from Missouri State University for teaching or for performing another compensated University-related activity during a period when the University is not otherwise employing the individual on a full-time basis, remunerated outside activities combined with Missouri State University responsibilities must not exceed the equivalent of a full-time work load.

**10.1.3. Procedures for Reporting Remunerated Outside Activities**

Except during the time period, such as summer, when a full-time faculty member is not under contract to the University (unless he/she has agreed to accept supplemental compensation for summer teaching at Missouri State University or for another compensated University-related summer activity), a faculty member who engages in remunerated outside activities must report such activity and obtain approval from the Department Head prior to the commencement of the activity. The Department Head will determine if the activity will interfere with the faculty member's performance of duties at the University or constitute a conflict of interest (Section 10.2). The Department Head must identify the specific nature and extent of the faculty member's diminished effectiveness or the conflict of interest. If an agreement cannot be reached, the matter will be taken to the college Dean who will attempt to reach a resolution satisfactory to both the individual and the administration. If resolution is not possible at the college level, the Provost will make a determination.

Each faculty member shall complete an annual report indicating the nature of all remunerated outside activities performed during the contract period and the amount of time engaged in each of these activities, and shall submit that report to his or her Department Head. Each Department Head will prepare a summary report and submit that summary along with all individual faculty reports to the college Dean. Each Dean will forward the departmental summary reports and all individual reports from faculty that indicate remunerated outside activities to the Office of the Provost. The Office of the Provost will prepare an annual report for the President.

**10.1.4. Non-Remunerated Professional Activities**

Faculty members are encouraged to contribute their professional expertise for the advancement of their academic discipline and/or for the benefit of society in general. Such non-remunerated professional activities may be considered favorably in tenure and promotion decisions. Therefore, faculty members should report all such non-
remunerated professional activities as part of the annual performance review, regardless of when they occur during the calendar year.

10.1.5. **Other Non-Remunerated Outside Activities (Volunteerism)**

Consistent with its mission in Public Affairs, Missouri State University encourages its employees to participate in voluntary activities that benefit our community and society at large. However, the choice whether or not to participate in any particular volunteer activity, or none at all, rests solely with the individual employee.

In an attempt to document its positive impact on the community, the University may request that faculty members report the extent of their involvement in volunteer activities. However, such reporting is entirely voluntary, and no faculty member shall be required to report any such activity, nor shall any faculty member suffer any negative repercussions for declining to report such activities.

Faculty members are expected to limit the total extent of their volunteer activities so that they do not interfere with regular University duties. However, such potential interference shall be monitored through job performance rather than through any type of requirement to disclose the nature or extent of volunteer activities.

10.2. **Conflict of Interest**

A Conflict of Interest policy was adopted by the University's Board of Governors in December, 1991. The purpose of this policy is to set forth the applicable provisions of law and assist a faculty member in avoiding improper outside influences in institutionally-related decisions and activities, or use his or her position or the property of the University for personal, financial, or political gain. (Bylaws of the Board of Governors Article XII)

A conflict of interest occurs when any faculty member engages in those economic activities that are prohibited in Chapter 10 or when a faculty member maintains an interest or relationship which prevents him or her from exercising independent judgment in the best interests of the University.

A faculty member must disclose to his or her Department Head all relevant facts related to activities which might involve a conflict of interest. Likewise, when seeking external support for a project, faculty must disclose actual or potential conflict of interest.

All faculty administrators (Department Heads, Center Heads, etc.) who are responsible for a budget must submit a report to the Missouri Ethics Commission identifying any conflicts of interest.

10.2.1. **Economic Involvement**

The following policy statements have been derived from Missouri Statutes and govern the conduct of all University employees:

- No employee shall keep for sale or be interested in, directly or indirectly, the sale of any furniture or apparatus, books, maps, charts, or stationery used by the University.
- No employee shall be interested in, directly or indirectly, any contract or purchase for building or repairing any structure, or for fencing or ornamenting the grounds, or furnishing any supplies or materials for the use of the University.
- No employee of the University, acting on his or her own behalf or as a representative for an external agency, shall use University facilities to display or promote for sale to third parties any personal or
Faculty members are not permitted to receive royalties for the sale of their materials to Missouri State University students. In those cases where it is desired to utilize books, plays, compositions, and other works of faculty members, the faculty member will be required to renounce his or her royalty rights on all sales to Missouri State University students. The faculty member is responsible for making the appropriate arrangements with the Missouri State University Bookstore so that he or she is not in violation of the state statute.

10.3. Free Expression and Political Activities

A faculty member at Missouri State University possesses the same constitutional right to free expression as any private American citizen. However, a faculty member should not purport to be a spokesperson for the University unless designated as such by the Provost. (Refer to Section 3.1)

Missouri State University faculty members may engage in political activities/affiliations as long as those activities do not interfere with fulfillment of their professional responsibilities to the University. A faculty member may request a leave without pay for such activities as an election campaign or term of elective office. Application for such a leave must be received by the Department Head on or before April 1 preceding the beginning of the academic year in which the leave is to be taken. The Department Head’s written recommendation must accompany the faculty member’s application prior to a decision by the college Dean. The leave of absence may last no longer than one academic year.

A leave of absence related to political activity will be subject in all other determinations to the regulations affecting any leave without pay. The conditions for each individual leave will be specified in writing by the college Dean, and a copy of those conditions will be given to the faculty member. These conditions will not be used to adversely affect the tenure status of a tenured faculty member. However, the time encumbered by a leave without pay will not be counted toward the attainment of tenure.