SKIDMORE COLLEGE CONFLICT OF INTEREST POLICY

I. PRINCIPLES

Skidmore College is committed to the highest standards of excellence and integrity in carrying out its educational mission. Consistent with that commitment, each member of the Skidmore community is obligated to conduct the affairs of the College in the best interest of the College and in furtherance of the College's mission, and must not permit outside activities or outside financial interests to interfere with those obligations.

As part of its commitment to excellence, the College expects its faculty to be active in the profession and encourages faculty members to seek and participate in sponsored research, to consult and lecture externally, to engage in artistic performance, and to engage in other activities that may benefit not only the participants but also Skidmore students, the College itself, and the larger public. Similarly, non-faculty employees may consult or engage in other outside activities in ways that benefit themselves as well as the College and the public-at-large. Skidmore recognizes the benefit of such activities and is committed to ensuring that such activities are conducted properly, in accordance with the principles of integrity, openness, trust, and free inquiry that are fundamental to the autonomy and well-being of the College and in accordance with the responsible management of the College's business.

For purposes of this policy, the following definitions apply:

> "Skidmore community" or "campus community" includes members of the Board of Trustees and all College employees (including the President, President's Cabinet, faculty members, and staff members).[1]
>
> "Family" includes the community member's spouse or domestic partner, and the dependent children of either.
>
> "Related Person" means an individual so linked or associated with a community member that a reasonable person would believe that the community member's judgment about or conduct in his or her Skidmore responsibilities could be or appear to be influenced or affected.

When Skidmore community members engage in activities external to the College, the interests and commitments of the various parties may not necessarily coincide and may become complex; occasionally, these interests may conflict with and have the potential to compromise the College's mission and the atmosphere of free inquiry that Skidmore

[1] Students engaged in research may be required to disclose research-related activity as set forth in Section III.A.2.c. Expectations for behavior of students in general are set forth in the *Student Handbook* (including the Skidmore Honor Code).

considers vital. It is sometimes difficult to recognize the possibility for conflicts between the responsibilities of an individual to Skidmore and to external organizations. Under these conditions, the possibility of a perceived or real conflict of interest is significantly heightened.[1]

In pursuit of its own mission, and consistent with the requirements of external agencies, particularly the federal government, Skidmore College has formulated the following policy to identify and address potential, actual, and apparent conflicts of interest. This policy is intended to increase the awareness of all members of the Skidmore College community to the potential for conflicts of interest and to establish procedures whereby such conflicts may be avoided or resolved appropriately.

II. CONFLICT OF INTEREST DEFINED

A. Recognizing a Conflict of Interest

Typically, a conflict of interest has the potential to arise when an individual has the opportunity to influence the College's business, administrative, academic, or other decisions in ways that could lead to personal gain or advantage of any kind. Such a conflict may exist if a Skidmore community member (or a member of the community member's Family or a Related Person) has an external financial interest or fiduciary or other legal obligation that reasonably could be seen as creating an incentive for the individual to modify the conduct of his or her College activities or to influence the conduct of others. Conflicts of interest may arise from stock ownership, board memberships, consulting relationships, and any activity from which the individual derives legal obligations or expects to receive pecuniary or non-pecuniary benefits from an entity outside the College.

Conflicts of interest may arise from many ordinary and appropriate activities, and the existence of a conflict does not necessarily imply wrongdoing on anyone's part. Individuals should be cognizant of the potential for conflicts of interest; when conflicts do arise, they must be identified, disclosed, and either eliminated or resolved appropriately. Some relationships may create an appearance of conflict; those, too, should be identified, disclosed, and resolved or eliminated so that the College maintains public confidence in the integrity of its activities.

B. The Appearance of Conflict of Interest

There are certain cases in which the appearance of conflict of interest is present even when no conflict actually exists. Such apparent conflicts have the potential to do almost as much damage as actual conflicts, undermining the credibility of scholarship and

[1] Engaging in external activities also creates the possibility for conflicts of commitment – i.e., external commitments that interfere with an individual's responsibilities to Skidmore College. The College's expectations regarding conflicts of commitment are set forth in the Skidmore College Conflict of Commitment Policy (see Attachment B).

research as well as College financial decisions and calling into question the integrity of an individual or the College or both. For this reason, it is important for an individual, in evaluating a potential conflict of interest, to consider how others might perceive it. Apparent conflicts must be recognized and avoided.

C. Examples of Activities Not Requiring Disclosure and of Potential Conflicts of Interest

Examples of activities not requiring disclosure and of activities that suggest a potential conflict of interest appear at the end of this policy.

III. PROCEDURES FOR DISCLOSING AND RESOLVING CONFLICTS OF INTEREST

The responsibility for avoiding conflicts of interest rests, in the first instance, with the individual. An essential step in addressing an actual or apparent conflict of interest is for the individual involved to make full disclosure of relevant information to the appropriate supervisor or administrator. As described in greater detail below, certain individuals are required to make regular, annual disclosures, with updates as needed; others need only disclose on an ad hoc basis. When a disclosure is received, the appropriate individual(s) will review it and, in consultation with the individual making the disclosure, determine what, if anything, should be done to avoid or resolve appropriately any conflict.

A. Disclosures

1. Required annual disclosures

   a. Members of the College's Board of Trustees (including the President) are fiduciaries and owe special duties of care and loyalty to the institution as a whole and must keep the College's interests paramount to all others. Trustees are required to submit the Conflict of Interest Disclosure Form on an annual basis. The Vice President for Finance & Administration and Treasurer shall be responsible for administering the annual review of Trustee conflict of interest disclosures and, in consultation with the Trustee Audit Committee and a Trustee making a disclosure, is responsible for eliminating or resolving conflicts as necessary.

   b. Members of the Cabinet are required annually to submit the Conflict of Interest Disclosure Form. The Office of the President is responsible for administering the annual review of Cabinet member conflict of interest disclosures and, in consultation with a Cabinet member making a disclosure, for eliminating or resolving conflicts as necessary.

   c. Other administrators designated by the President or a Cabinet member also are required annually to submit the Conflict of Interest Disclosure Form. The

President, appropriate Cabinet member, or designee is responsible for administering the conflict of interest review for such individuals and, in consultation with an individual making a disclosure, for eliminating or resolving conflicts as necessary.

d. Individuals in one or more of the following categories must submit annually a Conflict of Interest Disclosure Form to the Dean of the Faculty/Vice President for Academic Affairs:

   i. All faculty members serving as department chairs or program directors.
   ii. All faculty members and non-faculty personnel who are responsible for or who could materially influence the design, conduct, or reporting of externally funded research.

   The Dean of the Faculty/Vice President for Academic Affairs is responsible for administering the conflict of interest review for such individuals and, in consultation with an individual making a disclosure, for eliminating or resolving conflicts as necessary.

2. Required disclosures other than in annual disclosure process

   a. Anyone who has an actual or apparent conflict as defined in this policy and has not previously completed an annual disclosure form must complete a form at the time the actual or apparent conflict arises.

   b. Material change from annual disclosure. Whenever significant financial interests, external activities, or internal responsibilities change materially from those described in the annual disclosure, the disclosure must be updated as soon as possible in writing. Updates should be submitted according to the same procedure as the annual disclosures, described above. Whenever possible, individuals should attempt to disclose expected changes or newly anticipated conflicts before they occur, and should seek advice on the restrictions that may result from any anticipated new significant financial interest before accepting such a financial interest. Whenever an application for funding of a new research project is submitted, the investigator will be required to certify that he or she has submitted a complete and accurate conflict of interest disclosure, and that any interests, activities, or responsibilities that have been reported do not present the potential for any actual or apparent conflicts of interest with respect to the conduct of the new research project.

   c. Non-faculty employees (other than Cabinet members and other designated administrators as described above) and students are not required to submit annual disclosure forms unless they are responsible for or could materially influence the design, conduct, or reporting of externally funded research. They are required, however, on an ad hoc basis, to disclose actual or apparent conflicts of interest relating generally to any grant, contract, or other agreement in the College extramural research portfolio, College financial decisions, and other matters whenever they arise. If there is any doubt about the existence of an actual or apparent conflict of interest, the individual should submit a disclosure form for review by the appropriate supervisor or administrator.

3. Individuals receiving grants from external sources must comply with all disclosure requirements of the granting agency.

The confidentiality of the disclosures will be respected as far as possible. In particular, the information on the forms will not be shared except with those who have a need to know.

B. Reviewing and Resolving Conflicts of Interest

In the event that there are unresolved disagreements between a Skidmore community member and the responsible reviewing Cabinet member concerning the application of this policy, such disagreements shall be referred for final resolution to the President.

The Cabinet member and the disclosing individual each will submit a written summary of the issues and relevant facts to the President for review and consideration. The President may request meetings with relevant individuals and may review additional materials necessary to understand the potential conflict. Such materials may include, but are not limited to, appropriate financial information, grant applications, human or animal protocols, or other relevant material.

The President's review will result in one of two determinations: (1) that no material conflict of interest exists and that no further action is necessary; or (2) that a material conflict of interest does exist. If the President determines that a material conflict of interest exists, the President will determine what steps are appropriate to eliminate or resolve the conflict.

The President will provide written notification of his or her decision to the reviewing Cabinet member and the individual. The President will make every reasonable effort to resolve matters referred under this section within 60 days of a referral. The President's decision is final.

In the rare event that exigent circumstances require clarification of the conflict situation before the President is able to fully deliberate and make a final decision, the President may implement interim measures. Such measures might include, but are not limited to, notification to funding sponsors in accordance with sponsor rules or regulations, suspension of research activities, and/or suspension of the use of grant funds.

CONSEQUENCES OF VIOLATION

Violations of this policy may result in disciplinary consequences, up to and including dismissal of the College, in accordance with *Faculty Handbook,* the *Exempt and Non-Exempt Employee Handbook,* and other employee contracts.

EXAMPLES: ACTIVITIES NOT REQUIRING DISCLOSURE AND POTENTIAL CONFLICTS OF INTEREST

The following examples are intended to be illustrative and are not exhaustive.

Examples of Activities Not Requiring Disclosure

The following activities do not require disclosure as an actual or apparent conflict of interest under the terms of this policy[1]:

1. Receiving honoraria, stipends, or royalties for published scholarly works and other writing, creative works, lectures, or presentations.
2. Participating in professional conferences for the purposes of making scholarly presentations or conducting seminars or workshops.
3. Receiving honoraria for service as a special reviewer or on a review panel for academic, governmental, or not-for-profit organizations.
4. Receiving royalties under the College's or another academic institution's royalty distribution policies.
5. Preparing books, articles, software, or creative works relevant to College duties.
6. Earning income from passive investments such as interest or dividends from banks, mutual funds, or stocks and bonds.
7. Receiving salary or consulting fees in an amount not to exceed $5,000 per year for services provided to an outside entity or organization, unless payment from such person(s) or entity(ies) would result in an actual or apparent conflict of interest.

Examples of Potential Conflicts of Interest Requiring Disclosure and Resolution

Since conflicts of interest are sometimes difficult to recognize, Skidmore community members are expected to discuss potential conflicts of interest with the appropriate department chair, program director, supervisor, or Dean or Vice President. Examples of

[1] Activities not requiring disclosure under the terms of this Conflict of Interest Policy could constitute a conflict of commitment if they interfere with an individual's responsibilities to the College. See Skidmore College Standards of Business Conduct Policy paragraph 5 (Conflicts of Commitment) and the College's Conflict of Commitment Policy.

potential conflicts of interest that must be disclosed and either eliminated or resolved appropriately include but are not limited to the following:

1. Using College resources to conduct research that is sponsored by an entity in which the individual, his or her Family members, or a Related Person holds a material financial interest.
2. Serving in an executive or managerial capacity or holding a material financial interest in for-profit or not-for-profit entities doing business with the College.
3. Serving on the board of directors or a major advisory committee of an external entity that sponsors an individual's research or provides gift funds for the use of the individual or his or her department or program.
4. Engaging College community members in consulting activities, activities supported by gift funds, or research sponsored by an entity in which the individual has a financial interest.
5. Conducting testing of products, devices, or services owned or controlled by a business in which the individual, an individual's Family member, or a Related Person has a financial interest or received remuneration.
6. Diverting research opportunities from the College to another academic institution, governmental laboratory, business, or consulting entity.
7. Directing purchasing opportunities to a family-owned company or an associated entity.
8. While acting in the context of his or her College duties, making professional referrals to a business in which an individual, an individual's Family member, or a Related Person has a financial interest.
9. Conducting business activities involving students or members of the College's faculty or staff.