



Policy on Conflict of Interest Financial and Personal Conflict

Scope

This Policy applies to all schools and divisions and all employees at Tufts University, including, without limitation all faculty members, administrators and staff members (“Employees”). In addition, the sections titled *Prohibition Against Using Position or Influence for Personal Gain or Advancement*, *Mingling of Outside Professional Relationship with University Professional Relationships* and *Use of University Resources* also apply to all others who are University or School-appointed lecturers, advisors or mentors to Tufts students and to Schools and Departments at Tufts, whether or not paid (“Advisors”).

Purpose

Tufts University recognizes the importance of providing clear standards aimed at preventing financial or personal conflicts of interest from compromising its Employees’ and Advisors’ objectivity in the performance of their responsibilities. The University is committed to basic values of transparency, integrity of scholarship, and independence as it pursues its mission to create, preserve, and disseminate knowledge through teaching, research, and public service. Accordingly, the University allows and encourages all Employees and Advisors to engage in outside activities and relationships that enhance the mission of the University. All Employees and Advisors are to act with honesty, integrity, and in the best interest of the University when performing their duties, and to abide by the highest ethical standards of research, educational, professional, and fiscal conduct.

Given that the University allows and encourages outside activities and relationships that enhance the mission of the University, potential conflicts of interest and commitment are inevitable. Outside activities should not, however, interfere with an individual’s University obligations. Employees and Advisors must not use their official University positions or influence for gain or advancement for themselves, parents, siblings, spouse or partner, children, dependent relatives, or other personal associates, at the expense of the University.

Employees with 50% or more appointments at the University owe their primary professional commitment to the University. Accordingly, a commensurate commitment of time and intellectual energy should be used to support and enhance the mission of the University. Other part-time Employees owe time and effort commitments to the University commensurate with their appointments.

All actual and potential conflicts of interest or commitment must be disclosed to a designated University official; evaluated; and, if found to be significant, eliminated or managed as described in *Procedures* below.



This Policy is consistent with and is in addition to relevant federal and state law and University policies listed below and with other relevant University policies. Academic or administrative division, department or units may require further disclosure and conflict management than mandated by this Policy as may be deemed appropriate by such division, department or unit and its supervising administrator.

Definitions

A. *Conflict of Interest*

A **conflict of interest or a potential conflict of interest** exists whenever personal, professional, commercial, or financial interests or activities outside of the University have the possibility (either in actuality or in appearance) of (1) compromising an Employee's or an Advisor's judgment; (2) biasing the nature or direction of scholarly research; (3) influencing an Employer's or an Advisor's decision or behavior with respect to teaching and student affairs, appointments and promotions, uses of University resources, patient care, interactions with human subjects, or other matters of interest to the University; or (4) resulting in a personal or Immediate Family Member's gain or advancement at the expense of the University.

B. *COI Steering Committee*

The COI Steering Committee shall consist of members as set forth in the COI Protocol.

C. *COI Review Committee(s)*

Each COI Review Committee shall be appointed as set forth in the COI Protocol.

D. *COI Administrator*

Each COI Administrator(s) shall be appointed by the COI Steering Committee. Immediate Family Member.

E. *Immediate Family Member*

For purposes of this Policy, Immediate Family Members include: (i) a spouse or domestic/common law partner of an Employee or an Advisor, (ii) an Employee or Advisor's child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, or the spouse of any such person; (iii) a person having a step-relationship described in (ii) above; (iv) a parent-in-law or a brother- or sister-in-law of an Employee or an Advisor; or (v) any other relative currently living with an Employee or an Advisor or whose assets such Employee or an Advisor controls.



Policy Statement

Employees and Advisors share the institution's obligation to implement University policies and practices related to conflict of interest and conflict of commitment.

A. *Rights and Responsibilities of University Employees and Advisors*

- i. *Right to Outside Interests:* Employees and Advisors have the right to acquire and retain outside interests of a professional, personal, or economic nature that do not conflict with University interests or with such person's commitment to the University.
- ii. *Professional Commitments:* Employees and Advisors must meet the specific responsibilities and professional activities that constitute their appropriate commitments to their respective schools, colleges, academic departments/programs, and other administrative divisions, departments or units.
- iii. *Requirement to Disclose:* All faculty members and, to the extent selected by the COI Steering Committee, other Employees and Advisors must disclose all actual or potential conflicts of interest or conflicts of commitment annually pursuant to the University-wide annual questionnaire which is coordinated by the COI Administrator(s) (the "Questionnaire") and to such person's appropriate dean, director, or supervisor (or designate) as potential conflicts arise or are identified. The President must disclose all actual or potential conflicts of interest or conflicts of commitment pursuant to the Questionnaire to the Audit, Risk and Compliance Committee of the Board of Trustees.

Even without being asked to complete the annual Questionnaire, all Employees and Advisors must disclose all actual or potential conflicts of interest or conflicts of commitment to such person's supervisor or to the designated conflict of interest officer in such person's school or division. Employees and Advisors must also disclose all actual or potential conflicts of interest or conflicts of commitment as they arise and may also be required to provide additional relevant information concerning disclosed or undisclosed matters as may be requested by such person's supervising authority for the purpose of evaluating actual or potential conflicts of commitment or interest. All disclosures must be made promptly. Any failure to disclose may have serious legal implications for the University as well as for such Employee or Advisor who has failed to disclose.

- iv. *Requirement to Abide by Plans to Resolve Conflicts:* When an Employee or an Advisor has disclosed a potential conflict of interest or conflict of commitment, and the Audit, Risk and Compliance Committee of the Board of Trustees (for President) or the appropriate COI Review Committee has determined that a conflict exists, the Audit, Risk and Compliance Committee of the Board of Trustees or the



appropriately designated COI Review Committee will determine whether further management or elimination of the conflict is required. If required, the appropriately designated COI Review Committee or the Audit, Risk and Compliance Committee of the Board of Trustees (if applicable) will develop a plan in consultation with such person and such person's supervisor, and such person must abide by the terms of the plan.

- v. *Prohibition Against Using Position or Influence for Personal Gain or Advancement:* It is not acceptable for any Employee or any Advisor to use such person's official position or influence to further such person's personal gain or advancement, or that of Immediate Family Members or personal associates, at the expense of the University and against University interest or policy. A faculty member may not be involved in grading or serving as an academic advisor in any capacity involving an Immediate Family Member.

Any gifts (including meals or tickets) or personal financial benefit in excess of (or likely to be in excess of) \$100 from a vendor or any other person or entity doing business with the University (in the aggregate value during a calendar year from such person or entity) must be disclosed as a conflict of interest.

- vi. *Personal Relationship Conflict.* If an Employee is engaged in a personal relationship with such Employee's supervisor or such Employee is an Immediate Family Member of such Employee's supervisor, such supervisor must cease initiating or participating in, directly or indirectly, decisions involving a direct benefit to such Employee. Direct benefits include, but are not limited to, hiring, salary and salary adjustments, promotion and work assignments.
- vii. *Mingling of Outside Professional Relationship with University Professional Relationships:* An Employee or an Advisor or an affiliate company of such person involved in the following professional or financial activities or a promise to do so ("Overlapping Activities") inherently creates a conflict of interest situation: (i) investing in a current Tufts employee, student or postdoctoral fellow's outside company or receiving financial or professional benefit from such company; or (ii) serving on the board of directors or management of such company; or (iii) engaging or hiring Tufts' current employees, postdoctoral fellows or students to assist or support an Employee's or an Advisor's outside business activities (whether or not paid), but excluding instances under which such Tufts employee, student or postdoctoral fellow is invited to speak or present at a conference or a meeting being arranged or coordinated by an Employer or an Advisor.

When an Employee or an Advisor has a direct involvement in a student or postdoctoral fellow's supervision or academic program, including, without limitation, being involved as the academic advisor, an honors/PhD thesis advisor, or a classroom lecturer in the student's concentration, Overlapping Activities with



such student or such postdoctoral fellow create conflicts of interest that must be disclosed to the appropriate COI Review Committee for review.

Any solicitation or engagement of any subordinate Employee (“Subordinate”) to assist in or to support a supervising Employee’s (“Supervisor’s”) outside professional activities (whether or not paid) creates a conflict of interest that must be disclosed to the appropriate COI Review Committee for review.

- viii. *Use of University Resources:* Except as authorized by the Office of University Counsel, Employees and Advisors may make only incidental use of University resources for purposes unrelated to the education, research, scholarship, patient care and public service missions of the University and all non-University activities should be conducted outside of the University. Without limiting the foregoing, the following resources shall be subject to the restriction on use requirement: Tufts’ facilities, personnel, students, equipment, secure internet system, and confidential information (including, without limitation, intellectual property, Tufts’ email and address lists of University faculty, staff, students or alums). Except as authorized by the Office of University Counsel, no Employee or Advisor shall be allowed to use the University address, the University emails or the University name/logo for their non-University activities conducted outside of the University or for the promotion of such activities (for example, a faculty member’s for-profit business).
- ix. *Non-University Professional Activities by a Dean/Director.* All non-University professional activities (including, without limitation, any consulting, any board or advisory position) by the Dean of a School must be pre-approved by the Provost or the Provost’s designee. Deans may not act in a fiduciary capacity (as a director or an officer) for another entity, unless such capacity is approved by the Provost or the Provost’s designee.
- x. *Non-University Professional Activities by President.* All non-University professional activities (including, without limitation, any consulting, any board or advisory position) by President must be pre-approved by the Audit, Risk and Compliance Committee of the Tufts University Board of Trustees.
- xi. *Knowledge of Policies and Procedures:* Employees and Advisors must know and abide by applicable University and School, division, department or unit policies and procedures.
- xii. *Undue Influence:* Any undue influence or impact must be reported in accordance with the COI management plan or to the appropriate dean, department head or such faculty or staff member’s manager.

B. Responsibilities of COI Review Committees



Consistent with this Policy and all other relevant University policies, Financial COI Review Committee and Research COI Review Committee will be appointed as set forth in the COI Protocol. Each COI Review Committee shall evaluate potential conflicts of interest that are referred by the COI Administrator, the Office of University Counsel, an Officer or a Dean.

Following evaluation, each COI Review Committee shall make a decision as to the disposition of the potential conflict of interest. If the decision is appealed, such appeal will be reviewed as set forth in the COI Protocol.

C. *Responsibilities of Officers and Deans*

Consistent with this Policy and all other relevant University policies, Officers and Deans are responsible for ensuring the monitoring of the compliance with this Policy and of the relevant COI management plans.

Violations

Violations of this Policy as determined by the appropriate dean, director, supervisor, or a COI Review Committee are considered misconduct on the part of an Employee or an Advisor and may be subject to institutional sanctions up to and including termination of appointment in accordance with applicable disciplinary procedures.

Violations include but are not limited to situations in which:

- a. An Employee or an Advisor knows of a situation that places such person in a potential or actual conflict of interest or conflict of commitment but fails to disclose it fully, according to the annual Questionnaire or when a potential or actual conflict of interest or conflict of commitment arises; and
- b. An Employee or an Advisor discloses a potential or actual conflict of interest or commitment but fails to abide fully by the required plan for avoiding or managing the conflict.

Disputes and Appeals

When an Employee or an Advisor disputes any action or decision related to a potential conflict of interest or conflict of commitment, existing University policies for disputes of faculty, administrators and staff will be used. Disputes with decisions or actions taken by a COI Review Committee shall be made in accordance with the COI Protocol.

Retaliation



Any act of retaliation or reprisal against an individual for reporting in good faith a potential conflict of interest of another individual or a violation of this Policy by another individual shall be a violation of this Policy. Any use of this Policy to report in bad faith an alleged potential conflict of interest by another individual shall be a violation of this Policy. Such violations will be dealt with through regular administrative processes for violations of University policies.

Revision

The University reserves the right to change this Policy from time to time. Proposed changes will normally be developed by those responsible for this Policy with appropriate stakeholders. The approval entities have sole authority to approve changes to this Policy. COI Protocol may be modified, from time to time, by the COI Steering Committee.

Questions

Please contact fcoi@tufts.edu.

Approval Entity(ies)

Office of Provost
Office of Executive Vice President
Office of University Counsel
Academic Council
Office of the President

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October 6, 2020

Effective Date

October 6, 2020

Executive Sponsor(s)

Michael Howard, Executive Vice President
Mary R. Jeka, General Counsel

Review Cycle

Annually or as determined by the Conflict of Interest Steering Committee

Related Policies

Policy on Conflict of Interest: Institutional Conflict
Policy on Conflict of Interest: Research
Policy on Conflict of Interest: Review Protocol



Policy on Conflict of Commitment: Faculty

Policy on Conflict of Commitment: Non-Faculty Employees