



<b>Effective:</b>	April 2, 2013 (original)
<b>Responsible Executive:</b>	Provost
<b>Applicability:</b>	Auburn University faculty and staff
<b>Review By:</b>	Annually

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(Excerpted from [Faculty Handbook](#) Chapter 8)

Although the primary function of Auburn University is to render service to the people of Alabama through its established programs of instruction, research, and extension, the University recognizes its obligation to make available the services of the many highly trained specialists on its faculty to business, industry, governments, professional societies, or other appropriate groups. Moreover, outside services of a professional nature generally strengthen the faculty member and contribute to improvement of teaching and research programs. Therefore, the University encourages the involvement of its faculty in extramural activities that are consistent with their primary responsibilities to the institution. These activities typically invite a faculty member to use their specialized knowledge to provide advice or judgment about a problem, situation, or area of scholarship in an academic discipline.

Because of the increasing prevalence of various consulting and extramural activities, however, and in view of the inherent problems relating to these, the following guiding principles and policies have been established to prevent conflicts of interest, interference with University functions, or unethical practices:

1. The major criteria to be used in determining whether a particular extramural activity shall be encouraged or permitted are:
  - a. The effect of the activity on the individual and the University, professionally and academically.
  - b. The extent to which the activity will complement the University's programs or interfere with the effective discharge of the faculty member's responsibilities to the University. These responsibilities include not only formal classroom and laboratory activities but also such other duties as student counseling, committee work, preparation of scholarly publications, and

continued professional development.

2. It is the responsibility of the department head/chair and dean or director to exercise judicious control of consulting activities so that no University functions are neglected. It is the faculty member's responsibility to ensure that their teaching is covered during the approved consulting period.
3. The following joint American Association of University Professors and the American Council on Education policy statement "On Preventing Conflicts of Interest in Government- Sponsored Research at Universities" has been adopted as Auburn's basic policy on conflicts of interest (AAUP Policy Documents and Reports, 9<sup>th</sup> Edition, 2001, pp. 144–146):

The increasingly necessary and complex relationships among universities, government, and industry call for more intensive attention to standards of procedure and conduct in government-sponsored research. The clarification and application of such standards must be designed to serve the purposes and needs of the projects and the public interest involved in them and to protect the integrity of the cooperating institutions as agencies of higher education.

The government and institutions of higher education, as the contracting parties, have an obligation to see that adequate standards and procedures are developed and applied; to inform one another of their respective requirements; and to ensure that all individuals participating in their respective behalves are informed of and apply the standards and procedures that are so developed.

Consulting relationships between university staff members and industry serve the interests of research and education in the university. Likewise, the transfer of technical knowledge and skill from the university to industry contributes to technological advance. Such relationships are desirable, but certain potential hazards should be recognized.

4. The president is directed to formulate, implement, and publicize procedures to enforce this policy as required by applicable regulations.

### **Conflict Situations:**

1. *Favoring of outside interests:* When a university staff member (administrator, faculty member, professional staff member, or employee) undertaking or engaging in government- sponsored work has a significant financial interest in, or a consulting arrangement with, a private business concern, it is important to avoid actual or apparent conflicts of interest between government-sponsored university research obligations and outside interests and other obligations. Situations in or from which conflicts of interest may arise are the:

- a. Undertaking or orientation of the staff member's university research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the university and to the sponsoring agency;
- b. Purchase of major equipment, instruments, materials, or other items for university research from the private firm in which the staff member has the interest without disclosure of such interest;
- c. Transmission to the private firm or other use for personal gain of government-sponsored work products, results, materials, records, or information that are not made generally available (this would not necessarily preclude appropriate licensing arrangements for inventions, or consulting on the basis of government-sponsored research results where there is significant additional work by the staff member independent of the government-sponsored research);
- d. Use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's government-sponsored activities (the term "privileged information" includes, but is not limited to, medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements);
- e. Negotiation or influence upon the negotiation of contracts relating to the staff member's government-sponsored research between the university and private organizations with which the staff member has consulting or other significant relationships;
- f. Acceptance of gratuities or special favors from private organizations with which the university does, or may conduct, business in connection with a government-sponsored research project, or extension of gratuities or special favors to employees of the sponsoring government agency, under circumstances that might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

2. *Distribution of effort.* There are competing demands on the energies of faculty members (for example, research, teaching, committee work, outside consulting). The way in which a faculty member divides their effort among these various functions does not raise ethical questions unless the government agency supporting the research is misled in its understanding of the amount of intellectual effort the faculty member is actually devoting to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of faculty members, since the various functions they perform are closely interrelated and do not conform to any meaningful division of a

standard work week. On the other hand, if the research agreement contemplates that a faculty member will devote a certain fraction of effort to the government-sponsored research, or the faculty member agrees to assume responsibility in relation to such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of the faculty member's involvement is to be expected. Each university, therefore, should - through joint consultation of administration and faculty - develop procedures to ensure that proposals are responsibly made and complied with.

3. *Consulting for government agencies or their contractors:* When the staff member engaged in government-sponsored research also serves as a consultant to a federal agency, such conduct is subject to the provisions of the Conflict of Interest Statutes (18 U.S.C. 202–209 as amended) and the president's memorandum of May 2, 1963, "Preventing Conflicts of Interest on the Part of Special Government Employees." When the staff member consults for one or more government contractors, or prospective contractors, in the same technical field as the staff member's research project, care must be taken to avoid giving advice that may be of questionable objectivity because of its possible bearing on the individual's other interests. In undertaking and performing consulting services, the staff member should make full disclosure of such interests to the university and to the contractor insofar as they may appear to relate to the work at the university or for the contractor. Conflict-of-interest problems could arise, for example, in the participation of a staff member of the university in an evaluation for the government agency or its contractor of some technical aspect of the work of another organization with which the staff member has a consulting or employment relationship or a significant financial interest, or in an evaluation of a competitor to such other organization.

Full-time faculty members may be allowed to consult and/or be involved in appropriate continuing education and public service activities for extra compensation a maximum of one workday per week with the consent of their department head/chair and appropriate dean or director. Exceptions to this policy must be approved by the provost upon recommendation of the department head/chair, dean, or director. Consulting and internal activities for extra compensation will be counted against this maximum of one day per week; travel days must be counted as consulting time. This policy is not intended to limit consulting activities of faculty outside the normal workday, during vacation leave, or during the summer for nine-month employees not employed by the University for the summer semester.

A formal application, the Faculty Application for Permission to Engage in Private Consulting form, <https://tigermailauburn.sharepoint.com/sites/FacultyConsulting>, must be filed at least five working days in advance for permission to engage in extramural activities other than the traditional functions in professional, scholarly, or honor societies. The form must be approved by the faculty member's department head/chair and dean or director and by the provost. Copies of approved applications shall be maintained in the Office of Institutional Research and Assessment.

Auburn University will assume no responsibility for the competence of its faculty members with

respect to the performance of extramural professional activities, except those carried out under the auspices of established programs operated by the University.

In connection with extramural professional activities arranged outside established University programs, the name of Auburn University shall not be used for advertising or promotional purposes or in any report or statement that implies approval or endorsement by Auburn University.

Faculty members should not commit specialized University facilities and equipment or other resources to external consulting projects unless such use is specifically approved in writing in advance by the department head/chair or other appropriate administrator. Faculty members will be expected to reimburse the University for the use of specialized equipment and facilities as well as materials. Use of University computer facilities for consulting will also require prior written approval and will be reimbursed at the external user rate. Approval or reimbursement will not be required for the use of the library or office space for consulting activities.