OLD DOMINION UNIVERSITY
University Policy

Policy #6220
POLICY FOR CONFLICTS OF INTERESTS ARISING FROM AN EMPLOYEE'S OR FAMILY MEMBER'S FINANCIAL INTERESTS, EMPLOYMENT AT, OR REPRESENTATION OF OLD DOMINION UNIVERSITY

Responsible Oversight Executive: University Counsel
Date of Current Revision or Creation: December 8, 2009

A. PURPOSE

The purpose of this policy is to ensure all employees of Old Dominion University address conflicts of interests that may result in their personal and private interests being in opposition to their official responsibilities.

B. AUTHORITY

Virginia Code Section 23-9.2:3, as amended, grants authority to the Board of Visitors to establish rules and regulations for the institution. Section 6.01(a)(6) of the Board of Visitors Bylaws grants authority to the President to implement the policies and procedures of the Board relating to University operations.

State and Local Government Conflict of Interests Act, Virginia Code Section 2.2-3100 et seq, as amended

Governor's Executive Order 16 (2006) – Designation of Executive Branch Officers and Employees Required to File Financial Disclosure Statements

C. DEFINITIONS

Conflict of Interests – A personal interest by a University employee or the employee's immediate family member in a contract or transaction to which Old Dominion University is a party.

Contract – An agreement to which Old Dominion University is a party or an agreement that benefits Old Dominion University and involves use of funds appropriated by the General Assembly.

Employee – Any staff, administrator, faculty member, full- or part-time, or classified or non-classified person who is paid by the University.

Immediate Family Member – A spouse or any other person residing in the same household as the employee who is a dependent of the employee or of whom the employee is a dependent.

Personal Interest – A financial benefit or liability accruing to an employee or to a member of the employee's immediate family. The personal interest shall exist by:

1. Ownership in a business where the ownership interest exceeds three percent of the total equity of the business;
2. Income from ownership of a business or property exceeds or may reasonably be anticipated to exceed $10,000 annually;
3. Salary, other compensation, fringe benefits or benefits exceed or may reasonably be expected to exceed $10,000 annually;
4. Ownership value of the real or personal property exceeds $10,000 annually;
5. Personal liability exceeds three percent of the asset value of the business; or
6. An option for ownership of a business, real property, or personal property will consist of (1) or (4) above.

D. SCOPE

This policy applies to all employees of the University. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University.

E. POLICY STATEMENT

1. Prohibited Conduct

   a. No employee shall have a conflict of interests unless the employee falls within the exceptions listed in paragraph 3, below.

   b. No employee shall accept or solicit money or any other thing of value to perform the job assigned to the employee by Old Dominion University other than the remuneration provided by the University for that job.

   c. No employee shall accept or solicit money or any other thing of value from another to appoint, employ, or promote any person within the University.

   d. No employee shall accept or solicit money or any other thing of value to obtain a contract or business with the University.

   e. No employee shall use information obtained by virtue of employment, which is not available to the public, for profit.

   f. No employee shall accept any opportunity when that employee knows or should know that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in his or her official duties.

   g. No employee shall accept a gift where the timing, frequency and nature of the gift could cause a reasonable person to question the employee's impartiality in a matter affecting the donor.

2. Nepotism

   The University prohibits spouses or other members of the employee's immediate family from working at the University unless the Board of Visitors is advised of the conflict and the Board finds that it is in the best interests of the University to allow the dual employment.

   The employee shall not supervise, review or otherwise be under the control of a spouse or a member of the immediate family if employment is permitted.

3. Exceptions:

   a. Contracts with other agencies of State government.

   b. Contracts with a publisher or wholesaler of textbooks or other educational materials for students because the employee has authored or otherwise created the material.

   c. Subject to the approval of the Board of Visitors, a personal interest in a contract for research and development or commercialization of intellectual property between Old Dominion University and a business in which the employee has a personal business interest if

      1. the employee's interest was disclosed prior to entry into the contract;
      2. the employee files a proper disclosure statement and thereafter files a statement on or before January 15 of each subsequent year;
      3. Old Dominion University has a policy that has been approved by the State Council of Higher Education for Virginia (SCHEV); and
      4. Old Dominion University files the annual report with the Secretary of the Commonwealth as required by law.

4. Sanctions

   a. Any person who knowingly violates the Conflict of Interests Act may be prosecuted for a Class 1 misdemeanor and malfeasance in office.
   b. The agreement or contract made in violation may be declared void and a civil penalty assessed.
   c. A violating employee may be terminated.

F. PROCEDURES

1. The employee has the ultimate responsibility to comply with the law.

2. All employees with a potential conflict of interests are required to advise the University of the potential conflict of interests and, when applicable, complete a Statement of Economic Interest.

3. The Department of Human Resources shall annually prepare a list of employees who, due to their job descriptions, are designated by the Commonwealth of Virginia as employees who must complete a Statement of Economic Interest.

4. All employees listed by the Department of Human Resources as being required to file a Statement of Economic Interest must provide the Statement of Economic Interest prior to January 15 of each year.

5. University Counsel shall be responsible for providing Conflict of Interests training to all designated employees as required by law.

6. All employees required to file a Statement of Economic Interest must undergo training as to conflict of interests when initially identified and every two years thereafter.

7. The Department of Human Resources shall be responsible for identifying potential conflicts of interests in new employees, other than faculty, and preparing the necessary resolutions for submittal to the Board of Visitors. Vice Presidents shall be responsible for providing the Department of Human Resources with notice of potential conflicts of interests that may occur as the result of marriage between two employees either within their vice presidential area or another vice presidential area.

8. Any employee may clarify a possible conflict of interests by a formal request for an opinion from the Attorney General of Virginia.

G. RESPONSIBLE OFFICER

University Counsel

H. RELATED INFORMATION

N/A

POLICY HISTORY
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Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

_____ _____
Responsible Officer Signature Date

Policy Review Committee (PRC) Approval to Proceed:

/s/ Donna W. Meeks September 8, 2009
Policy Review Committee (PRC), Chair Signature Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

_____ _____
Responsible Oversight Executive Signature Date

Presidential Approval:

/s/ John R. Broderick December 8, 2009
President Date

Policy Revision Dates: December 1, 1988; August, 1994; December 8, 2009

Scheduled Review Date: December 8, 2014