

## Conflict of Interest or Commitment

The Mission of Palmer College of Chiropractic (College) is communicated through core institutional documents describing our Identity, Vision, Values, Practice Paradigm, Philosophy Statement and other essential elements of this organization, which reinforce our role as The Trusted Leader in Chiropractic Education. One of these core institutional documents is the College's Code of Ethics, comprised of Ethical Principles and Standards of Conduct. Each Ethical Principle is accompanied by Standards of Conduct, which provide further elaboration and context to the Ethical Principles. Although tailored to the roles and responsibilities of faculty, instructional staff, and administrators working in academic affairs, these Principles and Standards of the Code of Ethics outline expected behavioral standards for all College employees.

The Standards of Conduct pertinent to this Conflict of Interest or Commitment policy (Policy) include but are not limited to the following:

1. Avoids conflicts of interest;
2. Understands that personal employee-student relationships are to be avoided and must be disclosed to the College;
3. Does not exploit students for private advantage; and/or
4. Does not engage in outside activities that conflict with the responsibilities and duties that accompany a College appointment.

Accordingly, it is College Policy that actual, potential or perceived conflicts of interest or commitment be avoided where possible. Whenever any member of the College community finds a conflict or the appearance of a conflict, it is such person's affirmative duty to promptly report the matter to designated College officials who will determine whether any conflict may be resolved, managed or eliminated to the satisfaction of the College.

### **SCOPE**

This Policy applies to the entire College community, which is defined as including the Davenport campus (Palmer College Foundation, d/b/a Palmer College of Chiropractic), West campus (Palmer College of Chiropractic West) and Florida campus (Palmer College Foundation, Inc., d/b/a Palmer College of Chiropractic Florida) and any other person(s), groups, or organizations affiliated with any Palmer campus.

## DEFINITIONS

For the purposes of this Policy, the following terms shall have the meanings specified below:

- > The term “**business interest**” refers to involvement as an owner, investor, employee, contractor, consultant, advisor, board member or officer in any business, organization or entity that conducts or may conduct business with the College.
- > The term “**College**” refers to the employer doing business as Palmer College of Chiropractic, Palmer College of Chiropractic Florida and Palmer College of Chiropractic West.
- > The term “**College community**” refers to all students, faculty, staff (including administration), and any other person(s), groups, or organizations affiliated with any Palmer campus.
- > The term “**confidential information**” refers to confidential, secret and proprietary documents, materials and other non-public information, in tangible and intangible form, of and relating to the College and its existing and prospective students, patients, employees, alumni, suppliers, vendors, donors and other associated third parties.
- > The term “**conflict of commitment**” (COC) refers to any circumstance where an employee engages in an external activity that interferes, or may interfere, with fulfillment of the employee's obligations to the College, even if the external activity is valuable to the College or contributes to the employee's professional development and competence.
- > The term “**Conflict of Commitment and/or Interest Management Plan**” refers to the College’s written plan establishing expectations for addressing a COC and/or COI to the satisfaction of the College.
- > The term “**conflict of interest**” (COI) refers to any circumstance in which the employee’s judgment in exercising any College duty or responsibility is, or may appear to be, affected by the employee or relative’s personal, professional, financial or other interest.
- > The term “**employee**” includes all persons employed by the College, including full-time, part-time, temporary and student employees.
- > The term “**external activity**” refers to an employee’s involvement, such as outside employment, business or service activities, with any person, organization or entity that is not owned or operated by the College.

- > The term “**financial interest**” refers to anything of monetary value, including salary, commissions, fees, honoraria, equity interests, interests in real or personal property, dividends, royalties, rents, capital gains, intellectual property rights, and forgiveness of debt. “Financial interest” does not include:
  1. Compensation received from the College; and/or
  2. Any financial interest arising solely by means of investment in a mutual, pension or other institutional investment fund over which the employee or the employee’s relative does not exercise control.
- > The term “**hours of normal employment**” refers to the time in which an employee is scheduled to work.
- > The term “**obligations to the College**” refers to the responsibilities of an employee to perform College-related duties and activities as defined by College administration, College policies, job descriptions, employee handbooks, contracts or collective bargaining agreements.
- > The term “**other personal benefit**” refers to receiving a personal advantage, something of value or special privilege.
- > The term “**relative**” refers to any person who is related to the employee by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

## ADMINISTRATIVE RULES

### *Conflicts of Commitment (COC)*

#### **PRIMARY RESPONSIBILITIES**

The primary responsibility of College employees is to participate in the mission of the College. External activities for all employees should be arranged so as not to interfere with the primacy of College obligations.

Full-time employees are expected to devote their primary professional loyalty, time and energy to their assigned job responsibilities. Part-time, temporary and student employees are expected to devote their professional loyalty, time and energy to their specified job responsibilities in accordance with their agreed-upon time commitments.

## **EXTERNAL ACTIVITIES**

The College recognizes its employees may engage in external activities. To the extent such activities serve the College's interests, as well as those of the employee, the College generally approves of such involvement.

The College reserves the right to determine whether an employee's external activities represent COC. Employees are to disclose participation in external activities that may represent COC.

An employee may be asked to modify or terminate external activities if they are considered by the College to have a detrimental effect on the employee's obligations to the College or the interests of the College.

## ***Conflicts of Interest (COI)***

The integrity of the College and the professional work of its employees depends on appropriate oversight of circumstances and activities that create actual or potential COIs.

## **CLINICAL HEALTHCARE**

Activities that may compromise professional judgment in the delivery of healthcare represent a potential COI.

## **COMPETING BUSINESS**

An employee or relative who possesses a financial interest in a business, organization or entity that offers services or products that compete with the services or products provided by the College represents a potential COI. Employees shall not be involved in soliciting, recruiting or directing the College's students, patients or other employees to outside businesses for services or products the College provides.

## **INTELLECTUAL PROPERTY RIGHTS**

Rights in patents, copyrights, licenses or licensing fees may be a COI when they are related to materials, products or processes being used within the College.

## **PARTICIPATION IN LEGAL PROCEEDINGS**

Being retained by an outside party as an adverse expert witness in any legal proceeding against the College, its clinics, or against any College employees or officials represents a COI and is prohibited.

## **PROFESSIONAL/BUSINESS RELATIONSHIPS**

An employee or relative's professional, business or financial relationship with students, employees, or patients represents a potential COI.

An employee or relative who possesses a business interest in an organization or entity that conducts or may conduct business with the College represents a potential COI.

## **PROMOTION OF NON-COLLEGE BUSINESS INTERESTS**

An employee who promotes or encourages students, patients or employees to patronize a non-College business of the employee, relative or other employee represents a potential COI.

## **RESEARCH**

Activities that may compromise professional judgment in conducting research represent a potential COI and could violate the College's [Research Policy Handbook](#) (this handbook can be accessed on the College portal).

## **SOLICITATION OR ACCEPTANCE OF GIFTS**

No employee shall solicit or accept for personal benefit, or for the benefit of relatives, any gift, payment, favor, loan, gratuity, reward, promise of employment or other subsidy that might influence or appear to influence the judgment or conduct of the employee regarding College business or policy.

## **USE OF COLLEGE NAME AND RESOURCES**

The College's name, seal, brand, trademarks, and other insignia and resources are important assets that may only be used to further its mission and institutional interests. An employee using the College's name or its resources, without written permission, to advance his/her own private interest represents a COI and is prohibited.

In connection with external activities, employees may identify themselves as affiliated with the College by listing their College titles. In so doing, employees must not imply the College supports, sponsors or endorses those activities.

The restrictions in this Policy regarding use of College resources do not prohibit employees from using College electronic communications systems during non-working time as permitted under Section 7 of the National Labor Relations Act.

### **USE OF CONFIDENTIAL INFORMATION**

An employee disclosing confidential information acquired by reason of their College position represents a potential COI. An employee using such information for the benefit of the employee, relatives or others represents a COI and is prohibited.

This Policy does not prohibit employees from disclosing or discussing subject matters such as their wages, benefits, performance evaluations, discipline or other terms and conditions of employment with other employees or third parties, such as union representatives or governmental agencies concerned with workplace matters, as permitted under Section 7 of the National Labor Relations Act (refer to the College's Confidential Information Policy, which may be accessed online in the College's Policy Library).

### ***Identification and Disclosure***

#### **DISCLOSURE OF CONFLICTS**

The College requires disclosure of any COC or COI (whether actual or perceived). It is the responsibility of the employee to disclose actual, potential or perceived conflicts of interest and/or commitment.

To the extent possible, disclosure of an actual, potential or perceived conflict, if applicable, must occur prior to an employee initiating any related external relationship or activity.

Disclosure and management or elimination of conflicts is required whether the non-College relationship or activity is with a for-profit entity, a not-for-profit entity or a charitable foundation.

All employees are required to either acknowledge they have no actual, potential or perceived COC's or COI's or disclose the existence of such conflicts in writing in the following manner:

1. Such acknowledgements or disclosures should be made in writing on a form (Conflict of Interest Disclosure Form available on the College Portal) designated by the College;
2. Completed forms are to be submitted to and maintained by the Office of Human Resources;
3. Disclosures should include a description of the nature and extent of the conflict; and
4. Disclosures are to be made as soon as the employee knows of the conflict, and then annually by June 30th thereafter for as long as the conflict continues to exist.

To the extent possible, employees shall avoid any external relationships or activities identified by the employee as posing a conflict until the conflict has been evaluated and a decision communicated in writing back to the employee by the Office of Human Resources.

When a supervisor becomes aware of a COC or COI that an employee has not disclosed, the supervisor shall notify the Office of Human Resources and require the employee to submit a written disclosure as required by this Policy.

### **UNCERTAINTY REGARDING CONFLICT IDENTIFICATION**

Employees are expected to make a reasonable effort to determine whether their external relationships and/or activities create, or appear to create, such conflicts and disclose them. The existence of a conflict is not always clear-cut. When an employee is uncertain about whether or not an external relationship or activity poses an actual, potential or perceived COC and/or COI, the employee should report it in accordance with the “Disclosure of Conflicts” section of this Policy.

When a supervisor is uncertain about whether or not an employee’s external relationship or activity poses an actual, potential or perceived COC and/or COI, the supervisor should report it in accordance with the “Disclosure of Conflicts” section of this Policy.

### ***Determination and Remedial Action***

#### **DETERMINATION OF CONFLICTS**

The College shall review all disclosures and carefully evaluate all circumstances related to the disclosures of an actual, potential or perceived COC and/or COI before acting to approve or disapprove the relationships and/or activities disclosed.

If the College determines no actual, potential or perceived conflict exists, further review is unnecessary.

Where an actual, potential or perceived conflict exists, the College shall determine if the conflict:

1. Can be resolved to the satisfaction of the College;
2. Requires a management plan; or
3. Must be eliminated.

### **REMEDIAL ACTION**

At any point in the process of reviewing disclosures, the College may take prompt, appropriate remedial action to reduce or eliminate any actual, potential or perceived impact of any disclosed relationship or activity.

### ***Conflict of Interest or Commitment Management Plans***

When a conflict is identified, the College may require the development of a written management plan. Such a plan will specify how the individual will manage or resolve the conflict to the satisfaction of the College. Because each conflict may present unique circumstances, the content of each plan will vary.

A Conflict of Interest or Commitment Management Plan must be reviewed and approved annually for the duration of an employee's employment with the College as long as the conflict exists.

### ***Reports***

#### **NOTIFICATION TO INTERNAL PARTIES**

When a conflict is identified, such disclosures and associated resolutions shall be forwarded by Human Resources each year to the Chief Compliance Officer who will tabulate the disclosures and provide a detailed report to the Audit Committee of the Board of Trustees.

#### **NOTIFICATION TO EXTERNAL PARTIES**

If a conflict is deemed to be unavoidable or unmanageable, the College may notify any affected external agency, institution or individual.



## **STANDARD INSTITUTIONAL POLICY PROVISIONS**

Institutional policies are supplemented by provisions that are applicable to all institutional policies. It is the responsibility of all employees and students to know and comply with these standards.

- > [Standard Provisions Applicable to All Institutional Policies](#)

## **Additional Information**

### **ASSOCIATED POLICIES, PROCESSES AND/OR PROCEDURES**

This Policy is supplemented below. It is the responsibility of all employees and students to know and comply with policies and procedures as supplemented.

#### **POLICIES**

- > [Confidential Information](#)
- > [Research Financial Conflict of Interest](#)

#### **PROCESSES AND/OR PROCEDURES**

- > [Research Policy Handbook](#)

#### **FORMS/INSTRUCTIONS**

- > Conflict of Interest Disclosure Form

#### **OTHER RELATED INFORMATION**

- > N/A

#### **CONTACTS**

- > N/A

# HISTORY

Adopted: ..... December 2, 2016

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