



THE JOHN MARSHALL LAW SCHOOL

Conflicts of Interest and Conflict of Commitment Policy

1. **Commitment to Integrity:** All faculty, staff, and other employees of The John Marshall Law School must act with honesty, integrity, and in the best interest of the law school when performing their duties. They also must abide by the highest standards of research, educational, professional, and fiscal conduct. Outside activities should not interfere with an individual's law school obligations. Employees must not use their official law school positions or influence to further gain or advancement for themselves, parents, siblings, spouse or partner, children, dependent relatives, or other personal associates, at the expense of the law school. However, The John Marshall Law School allows and encourages employees to engage in outside activities and relationships that enhance the law school's mission. As a result, potential conflicts of interest and commitments are inevitable, but these potential conflicts are not necessarily problematic. Rather, the essential point is that should there be any actual, potential or appearance of conflicts between the individual's private interests and his or her professional obligations to the law school, all faculty, staff, and other employees must disclose these potential conflicts of interest in advance so that they can be evaluated and, if necessary, managed or eliminated.
2. **Definitions:** Broadly defined, a potential conflict of interest encompasses external ties or financial interests that may impair, bias, or appear to impair or bias an employee's independent judgment in performing his or her law school responsibilities. Broadly defined, a potential conflict of commitment encompasses situations in which a staff member's external relationships or activities may or may appear to interfere or compete with the law school's mission, or with the employee's ability or willingness to perform his or her job responsibilities in a timely, complete, or ethical manner, or put the law school at risk.
3. **Disclosing, Evaluating, and Managing Potential Conflicts of Interest and Conflicts of Commitment**
 - a. **Disclosing potential conflicts of interest and conflicts of commitment:** The General Counsel and Assistant Dean for Human Resources (General Counsel), acting on behalf of the Dean, is the Law School's Conflict of Interest/Conflict of Commitment manager. Whenever a potential conflict of interest or conflict of commitment exists for a faculty member, staff member, or other employee, he or she must promptly disclose it, in writing, to the General Counsel. Examples of potential conflicts include, but are not limited to:
 - i. Participating in decisions or deliberations where the faculty member's, staff member's, or other employee's own personal financial interests are or could be affected.
 - ii. Participating in decisions or deliberations where a family member or

individual with whom the employee has an intimate relationship is or could be affected, financially or otherwise.

- iii. Hiring or encouraging others within JMLS to hire a family member or individual with whom the employee has an intimate relationship.
- iv. Performing activities outside JMLS for pay (this includes outside employment, consulting, teaching, book contracts, etc.).
 - 1. Exempt employees (e.g., faculty) must report all activities performed outside JMLS for pay, including self-employment.
 - 2. Non-exempt employees must report activities performed outside JMLS for pay, including self-employment, when the other entity has a similar mission to the JMLS or the work is similar to that performed for JMLS (e.g., an employee need not report a second job at a coffee shop but must report a second job at an academic institution or report a job that entails work that is similar to that the employee performs for JMLS).
 - 3. Unless approved under the law school curriculum (e.g., a clinic) or as a requirement of an employee's position at JMLS or as disclosed under (v) below, no employee may practice law on the law school campus. The practice of law is broadly defined as giving legal advice to clients, drafting legal documents for clients, and representing clients in legal negotiations and court or administrative proceedings.
- v. Exempt employees performing not-for-pay activities (e.g., pro bono work, work for professional organizations) for more than 100 hours per semester.
- vi. Exempt employees, including faculty, accepting engagements for pay or not-for-pay that take them away from the law school for more than one day per week, or, for faculty, for more than one full week during a semester or term in which they are assigned to teach.
- vii. Accepting gifts, entertainment, or other items of value from vendors or other third parties, including students and alumni, that have business with the Law School and the value of which exceeds \$100.
- viii. Accepting a gift, other incentive or benefit to gain access to an individual's supervisor, a faculty member, or a dean.

b. Gifts

- i. Employees should not accept any gift of substantial value (more than \$100) from vendors, students, alumni, potential employers, or other third parties who have or are seeking to do business with the Law School.

- ii. Employees are prohibited from accepting a gift of any value that is given in expectation of an actual benefit to the giver. Employees should never expect or solicit gifts.
- c. **Evaluating disclosures of potential conflicts of interest or conflicts of commitment:** The General Counsel will evaluate all disclosed potential conflicts of interest or conflicts of commitment. The General Counsel may require the employee to provide additional information or documentation that may be relevant to evaluating the potential conflict of interest or conflict of commitment. As needed, the General Counsel will consult with the Dean or other deans or department heads.
- d. **Developing plans to manage potential conflicts of interest and conflicts of commitment:** When the General Counsel determines that a potential conflict of interest or conflict of commitment exists that must be managed or eliminated, he or she must develop, in consultation with the employee and the employee's supervisor, a recommended plan for managing the potential conflict. For purposes of this policy, the Vice Dean for Academic Affairs will be considered the supervisor for full-time faculty members and the Associate Dean for Faculty Development will be considered the supervisor for adjunct faculty members. The General Counsel will then provide the plan to the employee's supervisor, who has authority for approving it. The supervisor will provide the employee with a copy of the approved conflict management plan, will obtain the employee's signed acknowledgement of the plan, and will discuss any related ambiguities or issues that arise.
- e. **When procuring goods or services is involved:** When a potential conflict involves a procurement of goods or services, the General Counsel will disclose the conflict or potential conflict to the Chief Financial Officer.
- f. **Research or grant funding:** When a potential conflict involves work performed for a research project or grant, the General Counsel must inform the head of the research or grant project. If the General Counsel determines that a conflict exists that must be managed or eliminated, he or she is responsible to ensure, in consultation with the head of the research or grant project, that the conflict management plan does not conflict with requirements related to the research or grant, or to research or grant funding.

4. Administering the Policy

- a. **Record-keeping and issues of confidentiality and privacy**
 - i. When personal financial or associated documents are provided to the General Counsel, the documents will be placed in a secure file accessible only to the General Counsel, Dean, and, on a need-to-know basis, the employee's supervisor. Where another employee has a legitimate business reason to access the documentation, then the General Counsel may authorize access to the file and provide either copies or information, as may be required for the stated business purpose. If the General Counsel provides copies of information in the

files to another employee, the General Counsel must also ask that employee to maintain the same level of confidentiality for the copied information as applies to the original information or documents.

- ii. Documentation of the disclosure and action taken will be included within the secure file. The documentation may be as simple as identifying the disclosure and, when no further action was required, including a notation to that effect on the disclosure description.
 - iii. In some circumstances, the Law School must disclose potential conflicts to people within or outside the Law School. For example, if a conflict exists within the context of a federally sponsored project, the Law School is required both to disclose the existence of that conflict (without providing identifying information) to the federal government and to indicate whether it has managed the conflict. When possible, the individual to whom the General Counsel authorizes disclosure will be required to maintain at least the same level of confidentiality as applies to the original information.
 - iv. Administrators of this policy will make every reasonable effort to preserve confidentiality and protect the privacy of all parties in the course of investigating a potential conflict of interest or commitment and, as applicable, in developing a plan to manage the conflict.
 - v. Any employee who becomes aware that the General Counsel, supervisor, or other person has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the Dean or President of The John Marshall Law School Board of Trustees. As follow up, the Dean or Dean's designee will investigate the allegation and, where appropriate, take appropriate action.
- b. **Resolving disputes:** When the employee who disclosed an actual or potential conflict disputes the decision about how the matter should be managed or resolved, the employee should first ask that his or her supervisor review the action or decision. If, following the above review, the employee remains unsatisfied with the action or decision, the employee should speak with the General Counsel. If the matter remains unresolved, the employee should speak with the Dean. The Dean's decision is final. If the Dean is the person with the actual or potential conflict, any dispute will be resolved by the President or Executive Committee of the JMLS Board of Trustees.
- c. **Certification and training**
- i. Each Law School employee will be given a copy of this policy at the time of implementation and will be required to acknowledge receipt of the policy by signing a copy of the certification statement below. Upon hire into the Law School, each employee will be provided with this policy by Human Resources and will be required to acknowledge receipt of the policy by signing a certification statement.

- ii. Each September, the General Counsel or the General Counsel's designee will send a notice to all employees attaching the current version of this policy.
 - iii. The General Counsel may conduct or arrange for training relating to this policy.
- d. **Violations:** Violating this policy may be a cause for disciplinary action. In the first instance, the employee's supervisor will evaluate the violation and take appropriate action, if needed. Consultation with the General Counsel may be appropriate. The outcome of the supervisor's review and any actions taken will be documented and included within the secure file maintained by the General Counsel. If appropriate, all relevant documentation may also be included in the employee's personnel file.
- e. **Institutional Affiliation:** Employees may use the name The John Marshall Law School for identification of their affiliation with the Law School when engaged in outside activities. Employees should make reasonable efforts to ensure that indication of their law school affiliation in outside employment or professional practice does not reflect institutional endorsement of any action or position taken by the employee.

Administrative policy adopted August 14, 2017; effective immediately.

Cross-reference: Conflicts of Interest Associated with Academic Programs

- I acknowledge that I have read the Law School's Conflicts of Interest and Conflicts of Commitment Policies. I understand that if I engage in an activity that presents, or may appear to present, a conflict of interest or conflict of commitment, that I will promptly disclose it, in writing, to the General Counsel and Assistant Dean for Human Resources.