

New York University

University Policies

Title: Employee Policy on Conflicts of Interest and Outside Consulting, Employment and Other Activities

Effective Date: May 11, 2017

Supersedes: N/A

Issuing Authority: Office of General Counsel

Responsible Officer: Vice President, Chief Global Compliance Officer, Office of Compliance and Risk Management

Purpose of this Policy

New York University (“NYU” or “University”) is a not-for-profit institution which is dedicated to teaching and research. Employees of the University are expected to carry out faithfully their professional duties in furtherance of the University's mission. All employees have a duty to avoid conflicts between their personal interests and official responsibilities. In particular, employees may not utilize their position with the University for their personal benefit. Employees are expected to consider and avoid not only actual Conflicts of Interest but also the appearance of Conflicts of Interest. These principles are embodied in the NYU *Code of Ethical Conduct* and the *Employee Policy on Conflicts of Interest*.

The purpose of this policy is to provide additional guidance to employees covered by this policy regarding actual, potential or perceived Conflicts of Interest that may arise from engaging in outside consulting, employment and other activities.

Scope of this Policy

Consistent with the *Employee Policy on Conflicts of Interest*, this policy applies to all employees of NYU except for (1) faculty and investigators subject to the Policy on Academic Conflict of Interest and Conflict of Commitment, and (2) senior administrators to the extent subject to the *Conflict of Interest Policy for Trustees, Officers, and Senior Administrators* or a University Affiliate policy approved as exempt from that policy. Certain Schools or units of NYU may have conflicts of interest policies, consistent with this policy that supplement this policy and are tailored to the activities of those Schools or units within NYU. Applicable employees also are subject to those policies.

Policy Description

NYU recognizes that employees have expertise which may have value to outside organizations and association with outside organizations may contribute to their professional growth and bring goodwill and other benefits to the University. Outside consulting, employment and other activities, however, may give rise to actual, potential or perceived Conflicts of Interest. This policy provides guidance to employees covered under this policy on identifying, disclosing and managing Conflicts of Interest, as appropriate.

This policy applies to any circumstance that may constitute a Conflict of Interest, regardless of whether it is specifically described in this policy. The following are descriptions of outside activities that:

- A. Generally do not give rise to Conflicts of Interest
- B. May give rise to Conflicts of Interest
- C. Generally give rise to Conflicts of Interest

Full-time NYU employees covered under this policy owe their primary professional allegiance to NYU, and their primary commitment of time and intellectual energies should be to their NYU job responsibilities. Even when outside consulting, employment and other activities do not constitute a Conflict of Interest, they should not give rise to a Conflict of Commitment with the employees' primary NYU job responsibilities.

A. Outside activities that do not generally give rise to Conflicts of Interest

Professional Activities

Certain professional activities, generally related to the individual's position at the University, do not present Conflicts of Interest. These activities serve to increase job-related skills and expertise and/or provide direct benefit to the University. They include:

- Participation in work-related conferences, seminars, professional associations, advisory panels, visiting committees and the like
- Service as a trustee, director or advisor of an external non-profit organization with University permission

Employees who are invited to serve on boards of non-profit organizations or serve in an advisory capacity to non-profit organizations as a direct result of their University positions may do so with or without remuneration from the organization, and/or reimbursement for related travel or other expenses from the organization, provided they have disclosed the relationship to their supervisors and obtained prior approval as provided in this policy. In some circumstances, these activities may be considered part of the individual's job, carried out during normal working hours with full use of University resources.

Volunteer Activities

Volunteer activities in connection with nonpartisan public service can also contribute to University goals as well as provide valuable public and personal benefit. Employees' primary commitment, however, belongs to the University and these activities should be scheduled so as not to interfere with employees' regular University work commitments.

Employees should refrain from any actions on behalf of these outside organizations where the interests of the University and the organizations are, or could appear to be, in conflict. Even in connection with the most worthy activities, employees should take care not to imply that they are speaking for the University.

In general, activities on behalf of nonpartisan public service are not considered to be part of one's job and therefore should not, except on an occasional basis, be carried out during normal working hours or involve the use of University resources.

B. Outside activities that may give rise to Conflicts of Interest

Employees may have outside consulting, employment or other activities generating income that are unrelated to their University employment and do not affect, either directly or by appearance, the University. These outside activities will generally not give rise to Conflicts of Interest provided that the activities:

- Are not conducted during the employees' normal University working hours
- Are not conducted on University premises
- Do not otherwise interfere with the employees' University job performance
- Do not involve the use of any University resources
- Do not reference the University or the employees' employment with the University for promotional purposes
- Do not provide goods or services to the University
- Do not involve providing services outside the University, individually or through an entity with which the employees are affiliated, that are similar to their job responsibilities at the University

For example, an employee working in the Compliance Office:

- Enjoys painting as a hobby and successfully sells their artwork for profit through an internet website. This outside economic activity generally would not give rise to a Conflict of Interest, provided that the conditions outlined above were met
- Works Sundays as an employee at a supermarket in their neighborhood stocking shelves

C. Generally give rise to Conflicts of Interest

Employees may not utilize their position with the University for their personal economic benefit or the economic benefit of third persons or entities. Outside consulting, employment and other economic activities will generally give rise to Conflicts of Interest if any of the following apply:

- The employee provides services outside the University, individually or through an entity with which the employee is affiliated, that are similar to their job responsibilities at the University

- The employee uses their position at the University or the University's name or trademarks for marketing, advertising, or other promotional purposes
- The employee uses or distributes the University's Confidential Information and/or information that is not publically available which was acquired through their employment at the University
- The employee receives compensation or economic benefit for distributing University information which is generally available to others without charge

For example, an employee working in the Compliance Office may not provide Compliance consulting services to another university, individually or through another entity, for compensation or economic benefit.

Procedures for Implementation

Consistent with the *Employee Policy on Conflicts of Interest*, employees considering or engaging in outside activities covered by this policy, and their supervisors, must comply with the following procedural requirements.

Disclosing Conflicts of Interest

Employees have a duty to disclose on an ongoing basis any current, proposed, or pending situations that may constitute a Conflict of Interest and should disclose the material facts relating to any Conflict of Interest as soon as the existence of a possible Conflict of Interest is known.

An employee must disclose a Conflict of Interest to his or her supervisor. Prior to approving an actual Conflict of Interest, the supervisor must consult with the Office of Compliance and Risk Management.

Any employee or supervisor who has questions about this policy or its application may seek guidance from the Office of General Counsel and/or the Office of Compliance and Risk Management.

Managing Conflicts of Interest

Once a Conflict of Interest is disclosed, the relevant NYU administrator will determine the next steps with respect to the Conflict of Interest. NYU may determine that the Conflict of Interest should be managed, reduced, or eliminated, or NYU may proceed without a management plan. Any management plan will depend upon the facts and circumstances of the specific matter.

Managing Conflicts of Commitment

In reviewing and approving any outside consulting, employment and other activities covered by this policy, supervisors must ensure that there is no Conflict of Commitment with the employees' primary NYU job responsibilities. When such outside activities are approved under this Conflict of Interest policy, supervisors may authorize up to 5 days leave per year, either paid or vacation leave, as provided in this policy. Requests for time in excess of 5 days per years must be approved by the appropriate Dean or Senior Executive.

Enforcement

Violations of this policy are subject to disciplinary action, up to and including termination of the employee's association with NYU, in accordance with the NYU disciplinary policies and procedures applicable to the individual and the policies and procedures of the relevant School or unit, if any. This policy will not be enforced to the extent it is inconsistent with applicable law.

Policy Definitions

A "Conflict of Commitment" is any circumstance in which the outside consulting, employment or other activities of employees covered under this policy compromise or may compromise their ability to meet their primary NYU job responsibilities.

A "Conflict of Interest" is any circumstance in which the personal, professional, financial, or other interests of an employee may potentially or actually diverge from, or may be reasonably perceived as potentially or actually diverging from, their obligations to NYU and the interests of NYU.

"Confidential Information" includes, but is not limited to: medical, personnel, security, academic, background check, conflict of interest, identifiable biometric records and other non-public information about individuals; business records; contracts and business terms; business strategy; business and donor relationships; computer system passwords and security codes; proprietary and competitively sensitive information, including non-public information about anticipated material requirements, price actions, programs, and selection of contractors and subcontractors in advance of official announcements; unpublished grant proposals, non-public research data, manuscripts and correspondence; non-public financial, procurement, health-safety, audit, insurance and claims information; and non-public information relating to internal investigations, pre-litigation and litigation and administrative agency charges, audits and inquiries; and other information whose confidentiality is protected by law or NYU policies.

"NYU" and "University" means the Schools and other units of NYU, NYU's Global Network University sites, and all University Affiliates.

"School" means each NYU school, college, and institute that functions similarly to a school or college (e.g., IFA, ISAW, Courant, and CUSP), each NYU portal campus (e.g., New York and Abu Dhabi), and may also include for purposes of this policy other global sites as designated by the Provost.

"University Affiliates" consist of those entities controlled, directly or indirectly, by the University through (a) ownership of more than 50% of the ownership interests in the entity or (b) the power to appoint or elect a majority of the organization's governing body (e.g., directors or trustees).

Related Policies

[*Code of Ethical Conduct*](#)

[*Employee Policy on Conflicts of Interest*](#)

[*Conflicts of Interest Policy for Trustees, Officers, and Senior Administrators*](#)

[*Policy on Academic Conflict of Interest and Conflict of Commitment*](#)

[*Compliance Complaint Policy*](#)