

## **10.0 Research and Creative Activity Policies**

Because Missouri State University-West Plains is not a research institution, any research conducted by faculty or students under faculty supervision will follow policies established by the University System, unless a Missouri State University-West Plains policy has been specifically identified. While faculty and staff may be named as Principal Investigators (PI) or Project Directors (PO), the University is the actual recipient of the grant or contract and is legally responsible for assuring that a project is conducted in accordance with governmental regulations and sponsor's guidelines.

### **10.1 Extramural Support for Research and Development**

Faculty members must coordinate through the office of academic affairs (and/or the office of sponsored research and programs (OSRP) in Springfield) all requests for outside financial assistance for University research and instructional activities. The office of sponsored research will disseminate current information on government and Foundation financial support, seek potential sponsors for projects, assist faculty in the preparation of proposals, assure that the proposals are processed through the institutional review system prior to submission and maintain adequate time-effort records. Requests for assistance must be submitted on the appropriate forms which are available from the office of sponsored research.

Prior to submission, the principal investigator (PI) or project director (PD) is to obtain approval from all personnel named in the proposal, as well as their department heads, deans or others whose resources are to be committed to the project. Where applicable, prior approval may be required from institutional committees responsible for assuring that projects are designed and conducted in accordance with federal government regulations. All proposals submitted for external financial assistance must be signed by an authorized representative of the University prior to submission.

Once a grant or contract is awarded, the PI/PD is primarily responsible for assuring that the administrative, financial and technical matters associated with a project are managed in accordance with the terms of the grant, as well as relevant governmental regulations and University policies. The PI/PD is to work with the office of grants and contracts to assure proper management of financial matters and with the office of sponsored research and programs on post award administration including issuing of sub-awards, as well as seeking approval to changes in key aspects of grants/contracts.

The OSRP (1) disseminates information about current funding opportunities for federal agencies, foundations and other sources of support; (2) assists faculty in developing proposals and budgets; (3) assures that proposals are in compliance with government regulations and University policies and are processed through the institutional review system prior to submission and (4) assists faculty in implementing grants and contracts. The OSRP also offers training programs to prepare faculty to be competitive in pursuing external financial support.

Faculty must comply with federal and other governmental regulations and University policies whenever externally or internally supported projects involve human subjects, vertebrate animals, bio-hazardous substances (including the use of recombinant DNA methods) and export controlled information and materials. Compliance includes completion of required training programs, obtaining pre-approval from institutional committees and performance of the research, educational or service projects in accordance with an approved protocol. On occasion, this approval may be required prior to proposal submission. The OSRP assists these committees in implementing the relevant University

policies. Information about the application and approval process for each of these areas can be found on the OSRP website, <http://www.srp.missouristate.edu>.

Approval by the University is not required for a fellowship which is totally funded outside the University, although all fellowship applications must be filed with the office of sponsored research. Faculty members receiving such fellowships must make appropriate arrangements with the administration if fellowship obligations require release from normal faculty duties.

## **10.2 Regulatory Guidelines For Research**

Protection of a research environment for free and unfettered pursuit of knowledge is an important University responsibility. Infringement on this freedom must be restricted to those factors which are clearly essential to the protection of research subjects and the public at large.

There exist federal and state laws, regulations and guidelines in several areas which are designed for this purpose. In addition, the University community itself acts through its advisory committees or academic governance bodies to ensure that individual research and scholarly projects incorporate appropriate safeguards.

The University has policies and procedures that assure research, as well as education and service projects where applicable, are conducted in compliance with governmental regulations with regards to animal care and use, bio-hazardous substances, export controlled materials and information and human subjects. Applicable policies and procedures can be found on the office of sponsored research and programs website under University policies, faculty members are to understand that the policies related to animal care and use, biosafety and export control also apply to educational projects, degree or course requirements and service projects.

Faculty members planning to use live vertebrate animals, bio-hazardous substances and human subjects in research projects regardless of the source of support must submit an application to the appropriate University compliance committee for review and approval prior to the start of the project, regardless of the source of funding. In some cases, external funding agencies require that certification of approval by these committees must accompany a proposal. Externally or internally supported projects will not be approved for expenditure of funds, unless the protocol has been approved by the applicable committee(s).

All personnel must be certified as having completed training on the federal regulations and University policy and procedures, as well as in topics related to the specific project and work environment before they can participate in these projects. Online training is generally available in all of these compliance areas through the OSRP website, but project and work environment specific training is to be provided by the PI.

The University also has established a mechanism for persons to report actual or suspected violations of governmental regulations and University policies and procedures related to the aforementioned compliance areas. The University views these "whistleblower" actions as an essential component of its role in monitoring activities to assure compliance with governmental regulations and the ethical standards to which all University personnel should strive.

### **10.2.1 Animal Care and Use**

The use of animals in research, teaching and outreach activities is subject to federal and state laws and regulations. The University has policies and procedures that assure activities will be conducted in an ethical manner in compliance with these governmental regulations. The Institutional Animal Care and Use Committee (IACUC) is responsible for implementing the applicable policy and procedures. Principal Investigators' (PIs) responsibilities include the following.

- a. Understanding and adhering to applicable governmental regulations and University policies and procedures related to the use of animals
- b. Assuring the humane treatment of animals under their supervision
- c. Assuring that all personnel involved in a project understand and comply with applicable governmental regulations and University policies

All personnel potentially exposed to animals and their tissues, fluids and waste, have completed required training and are enrolled in the University's Occupational Health and Safety Program before accessing the work environment.

Persons covered by this policy include faculty, staff and students working with live vertebrate animals, as well as visiting researchers, educators and other bona fide volunteers involved in these activities. Students whose exposure to vertebrate animals is restricted to participation in academic courses and other educational activities are exempt from the policy. These students are to receive training in the care and use of animals from the activity supervisor.

### **10.2.2 Bio-Hazardous Waste Substances**

The University has policies and procedures to assure that activities related to the use of bio-hazardous substances are conducted in a manner that complies with federal and other governmental regulations. Bio-hazardous substances include chemicals, infectious agents, pharmaceuticals, recombinant DNA, genetically engineered organisms and radioactive materials. In addition, there are specific regulations that address agents and toxins defined by federal regulations as being targets of potential terrorist activities. All individuals who work with hazardous substances must accept shared responsibility for operating in a safe manner once they have been informed (a) about the extent of risk and (b) about safe procedures that should be followed.

The Institutional Biosafety Committee (IBC) is responsible for implementing the applicable policy and procedures. Principal Investigators' responsibilities include: Understanding and complying with governmental regulations, University policies and procedures that apply to the acquisition, labeling, use, storage, transport, spill response and disposal of hazardous materials; Assuring that other personnel accessing the work environment understand and comply with these regulations, policies and procedures and general safety requirements applicable to a specific project and laboratory; Posting warnings and restricting entry to work areas containing potentially hazardous materials and Assuring that laboratory personnel have completed required training.

Employees who handle toxic or hazardous substances on behalf of the University are required to maintain, use and dispose of such substances in accordance with applicable state, federal and local laws and regulations as a condition of their employment. The employee may obtain assistance in ascertaining his or her obligations under these laws and regulations from the business office. Any employee who violates any such laws, unless such violation occurs despite reasonable reliance

upon advice given by the business office, shall be deemed to have acted outside the scope of his or her authority.

### **10.2.3 Export Control**

U.S. export control laws apply to the University and its employees and students. In most cases, University based projects are exempt because the work is considered as fundamental research, i.e., the work and its results will be made freely accessible through presentations at professional conferences or published in professional journals. Export control laws are applicable if dissemination of information about the project is controlled by a sponsoring agency or due to the use of a partner organization's confidential information. The following actions by a University employee fall within the export control laws: Sending or transporting materials, hardware, software (or related information) listed on the Department of Commerce's Commodity Control List outside of the U.S. Conveying materials, hardware, software (or related information) listed on the Department of Commerce's Commodity Control List to foreign nationals in this country. Providing "defense services" such as technical assistance or training to foreign persons in the design or use of defense articles then the exemption may not apply.

Faculty also should be sensitive to export control requirements when hosting visiting scientists from other nations. Before embarking on a project that may fall within the export control laws, faculty must review and comply with all Federal Export Control Regulations and the University policy. The office of sponsored research and programs is responsible for implementing the policy and procedures that will assure. University activities are conducted in accordance with export control laws.

### **10.2.4 Human Subject Protection**

Research involving human subjects may lead to physical, psychological and/or social damage and so the university has a responsibility to safeguard subjects' welfare. All research involving human subjects in any way, regardless of the source of support funds, may need to be reviewed and approved by the Protection of Human Subjects Institutional Review Board (IRB) before it is undertaken. Research undertaken by students with faculty supervision is included in this policy.

The University is committed to the ethical standards for the use of human subjects in research as described in the Belmont Report—respect for persons, beneficence and justice—and as required under federal regulations. The Institutional Review Board for the Protection of Human Subjects (IRB) is responsible for implementing the University policy and procedures. In accordance with federal regulations, research is defined as systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Principal Investigators' responsibilities include the following.

- a. Understanding and complying with federal regulations and University policies and procedures regarding the ethical treatment of human subjects
- b. Assuring that other personnel involved in a project understand and comply with these regulations and policies

Assuring that all individuals involved in the design of a research project, as well as the collection and analysis of data have completed training on human subject protection.

This training may include federal regulations and University policies and procedures related to the Health Insurance Portability and Accountability Act (HIPAA) when the research involves individually identifiable health information.

### **10.3 Whistleblower Protection Policy**

The University expects faculty, staff and students to conduct activities related to the aforementioned compliance areas in a manner that is consistent with applicable governmental regulations and University policies. The University provides various mechanisms to assist and encourage persons to come forward in good faith with reports or concerns about suspected compliance issues. Diligent efforts will be made to protect the complainant from retaliation for his/her activities in cooperation with or initiation of, an inquiry or investigation, provided the complaint is not undertaken in bad faith. Procedures for reporting concerns can be found on the OSRP web site under University Policies. The University also provides an Ethics Hotline that allows anonymous telephone or on-line reporting of ethics violations. The Ethics Hotline site is maintained by an independent third party.

### **10.4 Copyright/Patent Policy**

The ownership of intellectual property created by faculty members is determined by the University's Intellectual Property Policy. Faculty members should consult this policy to determine, under particular circumstances, ownership of intellectual property which they have created. The Intellectual Property Policy is included in the Faculty Handbook as Appendix A. The policy will not be changed by the University except through the procedures specified for the amendment or the Faculty Handbook, Section 16.0.

## **11.0 Outside Activities and Conflict of Interest**

### **11.1 Outside Activities**

#### **11.1.1 Introduction**

This policy on outside activities applies to all faculty members and all academic administrators who hold faculty rank. The professional capabilities of University faculty members allow them to make significant contributions to the larger society of which Missouri State University is a part. The University encourages faculty members to participate in activities beyond the campus community. Such involvement in the community may not only benefit society but may also enhance the prestige and visible contribution of the University. However, employees may not compete with the University or convert business opportunities of the University to their personal gain or advantage or the gain or advantage of another. Consulting may, in some instances, also constitute a business interest requiring disclosure and approval when the entity for which the employee consults also transacts business with the University or is in competition with the University or where the consultation itself competes with the work of the University.

When hiring a person to a full-time position, the University presumes that it has engaged the individual for his or her teaching and for professional and other University-related activities. Outside activities must therefore be clearly subordinate to and must not interfere with the individual's obligations to the University.

A faculty member must reimburse the University for the full value of any material University resource used in any outside activity.

A dean or other administrator may request that a faculty member participate in a specific outside activity not normally associated with the position of the faculty member. However, no faculty member shall be coerced (overtly or covertly) into using his or her professional competence beyond the normal responsibilities as a teacher or scholar. No faculty member shall be penalized in any way for refusal to participate in a specific outside activity.

#### **11.1.2 Remunerated Outside Activities**

University policy permits faculty members to engage in remunerated outside activities that are related to their professional interests and development, provided those activities 1) do not interfere with regular University duties and do not involve, on average, more than one work day per week during periods when the University is employing the individual on a full-time basis; 2) do not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Chair and Dean; 3) do not compete with the work of the University and are not otherwise contrary to the best interest of the University; 4) do not violate federal or state law; 5) do not represent a conflict of interest (Section 11.2) or violate other policies of the University; 6) do not convert confidential information or trade secrets of the University to their personal gain or advantage or to the gain or advantage of others and 7) do not entail a reduction in work load.

Because Missouri State University faculty members are hired primarily to teach, outside teaching by full-time faculty members at other institutions of higher education during periods when the University is employing the individual on a full-time basis is

discouraged but may be permitted in exceptional circumstances with the knowledge of and written consent of the provost.

During periods when the University is not employing the individual on a full-time basis (for example, during the summer session and the intersession periods for a faculty member on a standard academic-year contract), a faculty member may engage in any lawful outside activity, including teaching for another institution, provided that activity 1) does not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Chair and Dean; 2) does not represent a conflict of interest (Section 11.2) or violate other policies of the University and 3) does not convert confidential information or trade secrets of the University to his/her personal gain or advantage or to the gain or advantage of others.

If a faculty member accepts supplemental compensation from Missouri State University for teaching or for performing another compensated University-related activity during a period when the University is not otherwise employing the individual on a full-time basis, remunerated outside activities combined with Missouri State University responsibilities must not exceed the equivalent of a full-time work load.

### **11.1.3 Procedures for Reporting Remunerated Outside Activities**

Except during the summer when he or she is not under contract to the University, a full-time faculty member who engages in outside activities for which he or she is remunerated must report each such activity to his or her dean prior to, when possible, the commencement of the activity. If in the Dean 's judgment the activity will interfere with the faculty member's performance of duties at the University or constitute a conflict of interest (see section 11.2), it is the responsibility of the Dean to discuss and attempt to resolve the problem with the faculty member. The Dean must identify the specific nature and extent of the faculty member's diminished effectiveness or the conflict of interest. If an agreement cannot be reached, the matter will be taken to the Vice Chancellor of Academic Affairs who will attempt to reach a resolution satisfactory to both the individual and the administration. The dean will make a final determination.

Because Missouri State University-West Plains faculty members are hired primarily to teach, outside teaching by full-time faculty members is permitted only with the knowledge of and written consent of the Vice Chancellor of Academic Affairs, except during the summer when Missouri State University faculty members are not under contract.

### **11.1.4 Non-remunerated Professional Activities**

Faculty members are encouraged to contribute their professional expertise for the advancement of their academic discipline and/or for the benefit of society in general. Such non-remunerated professional activities may be considered favorably in tenure and promotion decisions. Therefore, faculty members should report all such non-remunerated professional activities, regardless of when they occur during the calendar year.

### **11.1.5 Other Non-Remunerated Outside Activities (Volunteerism)**

Consistent with its mission in public affairs, Missouri State University encourages its employees to participate in voluntary activities that benefit our community and society

at large. However, the choice whether or not to participate in any particular volunteer activity or none at all, rests solely with the individual employee.

In an attempt to document its positive impact on the community, the University may request that faculty members report the extent of their involvement in volunteer activities. However, such reporting is entirely voluntary and no faculty member shall be required to report any such activity, nor shall any faculty member suffer any negative repercussions for declining to report such activities.

Faculty members are expected to limit the total extent of their volunteer activities so that they do not interfere with regular University duties. However, such potential interference shall be monitored through job performance rather than through any type of requirement to disclose the nature or extent of volunteer activities.

## **11.2 Conflict of Interest**

A faculty member should avoid improper influences in institutionally related decisions and activities or the use of his or her position or the property of the University for personal, financial or political gain.

A conflict of interest occurs when any faculty member engages in those economic activities which are prohibited in section 11.2.1 or when a faculty member maintains an interest or relationship which prevents him or her from exercising independent judgment in the best interests of the University.

A faculty member must disclose to his or her Department Chair and Dean all relevant facts related to activities which might involve a conflict of interest.

### **11.2.1 Economic Involvement**

The following policy statements have been derived from Missouri Statutes and govern the conduct of all University employees:

1. No employee shall keep for sale or be interested in, directly or indirectly, the sale of any furniture or apparatus, books, maps, charts or stationery owned by the University.
2. No employee shall be interested in, directly or indirectly, any contract or purchase for building or repairing any structure or for fencing or ornamenting the grounds or furnishing any supplies or materials for the use of the University.
3. No employee of the University, acting on his or her own behalf or as a representative for an external agency, shall use University facilities to display or promote for sale to third parties any personal or represented material.

Faculty members are not permitted to receive royalties for the sale of their materials to Missouri State University students. In those cases where it is desired to utilize books, plays, compositions and other works of faculty members, the faculty member will be required to renounce his royalty rights on all sales to Missouri State University students. The faculty member is responsible for making the appropriate arrangements with the Drago College Store so that he or she is not in violation of the state statute.

## **11.3 External Utterances and Political Activities**



A faculty member at Missouri State University-West Plains possesses the same constitutional right to free expression as any private United States citizen. However, a faculty member should not purport to be a spokesperson for the University unless designated as such by the chancellor (see section 3.2).

Missouri State University faculty members may engage in political activities as long as those activities do not interfere with fulfillment of their professional responsibilities to the University. A faculty member may request a leave without pay for such activities such as an election campaign or term of elective office.

Application for such a leave must be received by the Dean on or before April 1 preceding the beginning of the academic year in which the leave is to be taken. The Dean's written recommendation must accompany the faculty member's application prior to a decision by the dean of the college. The leave of absence may last no longer than one academic year.

A leave of absence incident to political activity will be subject in all other determinations to the regulations affecting any leave without pay. The conditions for each individual leave will be specified in writing by the Vice Chancellor of Academic Affairs and a copy of those conditions will be given to the faculty member. These conditions will not be used to adversely affect the tenure status of a tenured faculty member. However, the time encumbered by a leave without pay will not be counted toward the attainment of tenure.