

Conflict of Interest Policy

A. Statement of Principles

The purpose of this policy is to safeguard the integrity and reputation of Seton Hall University School of Law, its faculty, and researchers in the matter of conflicts of interest. Independent judgment is essential for faculty—particularly in scholarship, but also in teaching and service. Receipt of compensation or other direct or indirect benefits from various sources has the potential to compromise that independence, and may sometimes actually do so. Thus, each faculty member has the responsibility to avoid the receipt of benefits that will compromise his or her independent judgment exercised in his or her research, teaching, and service to the Law School. Faculty members, under this policy, include full-time and part-time professors and researchers.

Additionally, this policy aims to ensure that external sponsors will not have an expectation of a particular result in any covered activity completed by a faculty member of the Law School.

Faculty members must avoid compromising their academic integrity through improper receipt of benefits that influence their independent judgment. Moreover, they must disclose receipt of benefits to appropriately manage appearances of conflicts of interest.

When a faculty member is unsure about whether a conflict of interest requiring disclosure of benefits in regard to a covered activity exists, the faculty member should consult with a member of the administration designated by the administration as the conflicts management officer. Given the realm of concerns that are potentially unique to the The Center for Health & Pharmaceutical Law and Policy, the Gibbons Institute of Law, Science and Technology, and any other uniquely situated centers within the Law School, it may be advisable to appoint different persons to advise on potential conflicts arising in those spheres.

To manage any conflict, the designated member of the Law School administration and the faculty member may consult with the Law School Dean (or a designated Associate Dean) and/or a committee of faculty representatives formed to assist in the resolution of the conflict. In most instances, appropriate disclosure will be sufficient.

B. Financial Conflicts of Interest

A faculty member shall disclose the material facts relating to receipt of direct or indirect payment for, or any personal economic interest in, any covered activity that the professor undertakes in a professorial capacity, or take such other steps to manage the conflict as shall be

agreed upon by the faculty member and Dean, Associate Dean, or committee, as appropriate. Covered activities under this policy include any published work, oral or written presentation to conferences, drafting committees, panels, legislatures, and the like, any expert testimony submitted in legal proceedings, and teaching and service performed in connection with his or her responsibilities to the Law School.

A faculty member is deemed to possess a material economic interest if he or she or an immediate family member has a material financial interest in the source of funding or in the subject matter of the covered activity, or if he or she or an immediate family member will receive or can reasonably anticipate receipt of a material financial benefit from the faculty member's participation in the covered activity. Immediate family members include parents, siblings, a spouse or partner, children, or dependent relatives.

A faculty member shall disclose the fact that views or analysis expressed in any covered activity mentioned above were developed in the course of representation of or consultation with a client when a reasonable person would be likely to see that fact as having influenced the position taken by the faculty member. Disclosure is not required for representation or consultation that is sufficiently remote in time that a reasonable person would not expect it to be disclosed by the faculty member. Disclosure shall include the identity of any client where not prohibited by the governing Code or Rules of Professional Conduct. If such guidelines prohibit the disclosure of the identity of the client, then the faculty member shall generally describe the client, interest represented, or both.

C. Financial Conflict of Interest for Externally Sponsored Projects.

This policy is aimed to avoid distortion of research results and address challenges that call into question the credibility and objectivity of the research and findings made by the faculty member, thereby harming the reputation of the Law School. The potential for improper influence is at its weakest when the given research involves doctrinal exposition or a policy argument that is informed by no claim to special access to realities of the physical and social world beyond common sense. By contrast, research that results in making a claim to special authoritative knowledge of some aspect of the physical world which is then used to inform policy arguments and/or make particular recommendations, presents greater potential for ethical problems and concerns, because distortion of results by financial interests is possible.

Any Law School faculty member who is funded by or is responsible for the conduct, design, reporting, or approval of any externally funded project is required to disclose, as set forth in Section A, all known significant financial interests and those of his or her family members that would reasonably appear to be affected by such a project. No faculty member should accept funding conditioned on an expectancy, explicit or implied, that the results of the research will come to a particular conclusion or point in a particular direction. In addition, no faculty members should accept funding conditioned on secrecy of any part of the result or resulting data, or on pre-publication review or approval by the funding source.

In general, it is desirable to obtain funding from outside sources that maintain neutral positions regarding the subject matter and outcomes of the research. Though sometimes it may be necessary to accept independent funding (or “no-strings” money) from a source with an obvious outcome preference, the faculty member should be careful to take all appropriate steps to design the research to insulate the results from the hopes and desires of the funding source so as to be objective and neutral.

Additionally, public disclosure of the funding source is required only where a faculty member’s activities result in the publication or presentation of a topic directly related to research that was funded by a particular outside source.