# Conflicts of Interest and Commitment

## Effective:
September 1, 2006

## Responsible Office:
Vice President for Academic Affairs and Research

## Vice President:
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## Approved:
President

## Brief Description:

1. **INTRODUCTION**

The University encourages and supports outside interactions of its faculty and student employees with federal, state, and local governments, and with business and industry as important parts of their research, education, and public service activities. In limited cases, similar opportunities are encouraged for University staff members as well. Since outside interactions also carry with them an increased potential for conflicts of interest and/or commitment, either actual or perceived, it is important to communicate the following points:

   (a) many conflicts that are properly disclosed can be adequately managed without detriment to the reputation, integrity or position of the institution and the individual;

   (b) in most cases, problems associated with actual or perceived conflicts of interest or commitment do not arise from the conflicts *per se*, but rather are the result of a failure to openly acknowledge and actively manage them;

   (c) it is important to outline the institutional process for identifying, assessing and managing these potential conflicts to assure that both the integrity of the University and the core activities of its faculty, staff and students are protected;

   (d) there is a need to provide flexibility for individual campuses to establish procedures in identifying and managing of potential conflicts of interest and commitment that are consistent with the intentions of this policy; and

   (e) it is critical to establish guidelines, in accordance with requirements from federal agencies including the Public Health Service (PHS) and National Science Foundation (NSF), for those relationships with outside organizations that will help to assure the primacy of academic integrity and delineate the bounds of acceptable conduct for those who conduct any type of research and particularly research involving human subjects.

This administrative policy statement is designed to facilitate implementation of the general conflict of interest policy adopted by the Board of Regents on 4/26/75 (see Attachment 1), to outline the University’s approach to identifying and evaluating potential conflicts of interest and commitment issues for all employees and the institution, and to assist in carrying out the shared responsibility of addressing
conflict of interest and commitment issues. This administrative policy also provides institutional guidelines for the campuses of the University of Colorado to follow in developing more detailed procedures that minimize potential conflict situations. The policy applies to all employees, including but not limited to administrators, faculty members, research associates, research assistants, professional staff members, as well as consultants. Attachment 2 to this policy provides guidelines for evaluating disclosures and examples of conflict situations. Nothing in this policy shall be construed to be inconsistent with other Regental policies and Administrative Policy Statements including the Discovery and Patents policy last adopted on 3/02/06 (Faculty Handbook Section V.) and the policy on conflict of interest and nepotism adopted 10/27/72. With the acceptance of an appointment at the University of Colorado, employees shall adhere to the Board of Regents and policies and state and federal laws and regulations related to conflict of interest and commitment.

II. DEFINITIONS

A. Conflicts of Commitment

The term "conflict of commitment" refers to situations in which outside relationships or activities (such as professional consulting for a fee) adversely affect, or have the appearance of adversely affecting, an employee's commitment to his/her University duties or responsibilities. Such activities are encouraged insofar as they are conducted in accordance with University policy (including the one-sixth rule), promote professional development of faculty, and student employees, and enrich their contributions to the institution, to their profession and to the community. Consulting relationships, for example, may serve to create conduits for the exchange of information and technologies that enhance the University environment and permit faculty to test the soundness of their ideas. Regent action 6/12/48. Separate policies apply to faculty in the School of Medicine, who are subject to separate guidelines and required to direct all outside professional activities through University Physicians Incorporated (UPI).

B. Conflicts of Interest

The term "conflict of interest" refers to situations in which financial or other personal considerations may adversely affect, or have the appearance of adversely affecting, an employee’s professional judgment in exercising any University duty or responsibility in administration, management, instruction, research and other professional activities. The bias such conflicts could conceivably impart may inappropriately affect the goals of research, instructional, or administrative programs. The education of students, the methods of analysis and interpretation of research data, the hiring of staff, procurement of materials, and other administrative tasks at the University must be free of the undue influence of outside interests.

The mere appearance of a conflict may be as serious and potentially damaging as an actual distortion of instructional, research, or administrative goals, processes, or outcomes. Reports of conflicts based on appearances can undermine public trust in ways that may not be adequately restored even when the mitigating facts of a situation are brought to light. Apparent conflicts, therefore, should be disclosed and evaluated with the same vigor as actual conflicts.

III. DISCLOSURE, REVIEW AND MANAGEMENT

AAU guidelines on conflicts of interest and commitment recommend that academic institutions should have adequate procedures for identifying potential conflicts through annual disclosure, and ensure rigorous and consistent review of such disclosures. A disclosure in and of itself is not suggestive of any impropriety; rather, it is customary and usual and benefits both the individual and the University. Indeed, full disclosure of relevant information and the establishment of a public record are in the best
interest of both the University and its faculty and student employees. Disclosure should not unnecessarily restrict or preclude any employee’s activities. In fact, activities that may at first appear questionable may be deemed acceptable and permissible when all facts regarding the activity are examined. The disclosure process may take different forms at each campus, and this is appropriate given the unique organizational issues faced by each. At a minimum, conflict management plans must ensure adequate intra-University coordination among the various offices involved, including where appropriate sponsored programs administration, institutional review boards, Technology Transfer Office, and responsible campus administrators so as to protect the integrity of the University’s academic and research enterprise.

In the development of campus processes, each campus shall adhere to federal regulations mandated by NSF and/or PHS for conflicts of interest and commitment and the guidelines established in this policy. Responsibility to oversee implementation of this policy on a campus rests with the chancellor. The chancellor shall designate an institutional official who will be responsible for developing more specific written procedures for supplementing this policy. Once a conflict has been disclosed, it must be evaluated, and if it is identified as an actual conflict, a management plan must be developed and implemented. At a minimum, the procedures should include:

1. Requisite annual disclosures by employees that contain sufficient information to satisfy the requirements of NSF and/or PHS.
2. A description of how disclosures will be reviewed and centrally inventoried.
3. A description of how responsible officials are to identify and be informed of potential conflicts.
4. A description of how this process will be published and reported back to responsible administrators.
5. A description of the process for developing conflict management plans and of the procedures for implementing and overseeing conflict management plans.
6. A description of the process by which an employee may appeal a decision regarding a conflict.
7. A description of how the campus will provide training and advice to academic administrators, faculty, staff and students about conflict of interest and commitment issues, including required disclosures and management plans.
8. A description of how the campus process will be reviewed and validated on a regular basis.
9. A description of procedures for ensuring intra-campus coordination among all organizations with a role in oversight of conflicts as may be applicable: the employee, his/her department or organizational unit, sponsored programs office, Institutional Review Board, technology transfer, and appropriate University officers.
10. A description of the process by which the campus will make available publicly its implementation procedures for this policy.
11. A description of how the institution will establish adequate enforcement mechanisms and provide for sanctions where appropriate.

IV. CAMPUS PROCEDURES

Responsibility for development of processes to implement this policy rests with the chancellor for each campus. The chancellor of each campus, with assistance from appropriate employee groups, shall be responsible for developing more specific written procedures for implementing this policy. These guidelines may be implemented differently at each campus, and this is appropriate given the unique
organization and orientation of each campus. A campus may choose to develop more restrictive policies for itself or individual schools, which is also appropriate provided that school and campus policies are consistent with the University policy.

V. REVIEW OF CAMPUS IMPLEMENTATION AND PROCEDURES

To ensure that the University successfully implements this administrative policy statement, campus procedures will be subject to periodic review by the Vice President for Academic Affairs and Research. When necessary, the Vice President for Academic Affairs and Research shall convene a meeting of the responsible officials from each of the campuses to review and report on issues addressed by the campuses in their respective implementation strategies.

VI. CONTACTS

A. The Responsible Office will respond to questions and provide guidance regarding interpretation of this policy. Office of the Vice President for Academic Affairs and Research 303-492-8911 (main number)

VII. HISTORY

ATTACHMENT 1

Regent Policy

Source: Regent Action 4/26/75 (Faculty Handbook Section V.)

Resolved, because it is essential to the effective operation of the University of Colorado that administrative officers and other employees of the University be independent and impartial in all actions involving the University, that public office not be used for private gain, and that there be complete public confidence in the integrity of the University, now, therefore,

Be it resolved: that it is the policy of the Board of Regents that the University shall conduct its affairs so that no member of the University community shall derive private gain from his/her association with the University except as provided by explicit policies of the University.

ATTACHMENT 2

A. Evaluating Disclosures

Those evaluating disclosures at each level of review need a framework for determining the permissibility of activities and for assessing the degree to which disclosed activities may pose risk to the employee, the institution, and other entities that may be affected. Presented below are sample questions for use in evaluating potential conflicts of interest or commitment. The list is not inclusive and other questions related to special circumstances should be added as appropriate.

When presented with the facts of a given situation, the reviewer must first determine if there is legitimate cause for concern related to the appropriateness of behavior or potential for bias in the professional activities of the staff member. The following questions are suggested for this initial determination.

1. Has all relevant information concerning the individual’s activities been acquired (i.e., has there been full disclosure)?

2. Does the individual’s relevant financial or other personal interests suggest the potential for conflicts or the appearance of conflicts or bias?

3. Does the individual’s reported external time commitments exceed permissible levels?

4. Is there any indication that the individual in his or her professional role has improperly favored any outside entity or appears to have incentive to do so?

5. Has the individual inappropriately represented the University to outside entities?

6. Does the individual appear to be subject to incentives that might lead to conflicts or bias?

7. Is there any indication that obligations to the University are not being met?
8. Is the individual involved in a situation that might raise questions of bias, inappropriate use of University assets, or other impropriety?

9. Could the individual’s circumstances represent any possible violation of federal or state requirements?

10. Do the current engagements of the individual represent potential conflicts between outside interests (e.g. working on projects simultaneously for competing business entities)?

11. Could the proposed activity withstand public scrutiny?

If it appears that there is genuine cause for concern, the reviewer must ascertain whether appropriate controls are in place to deal with possible conflicts. The reviewer should ask, as relevant:

- Will the negotiation of relevant research affiliations or other contracts be handled by disinterested representatives of the institution?

- Will the research work plan receive independent peer review prior to its initiation?

- Are there mechanisms in place to prevent the introduction of bias into research projects (i.e., Is the protocol doubled-blind? Are research subjects randomly selected?)?

- Will the project be supervised by someone with no conflicting interests?

- Are there means to verify research results (e.g., independent corroboration in another lab, FDA review)?

- Will data and materials be shared openly with independent researchers? If not, who determines accessibility to such resources?

- Will the product of a collaborative effort with an outside party be published in the peer-reviewed scientific literature?

- Will the sponsor and/or relevant parties receive acknowledgement in public presentations of the research results?

- The goal in applying these questions should be to determine the correct mode of dealing with any real or apparent conflicts as discussed earlier.
B. Examples of Conflict Situations

Activities and situations that could present conflicts of interest or commitment can be divided into three categories:

1. Activities that ordinarily are permissible;
2. Activities that appear to present potential conflicts of interest or commitment;
3. Activities that clearly present such serious problems as to be incompatible with University policies.

The separation into categories is imperfect and the following list of examples is not exhaustive.

1. Activities that ordinarily are permissible include:
   a. Participation in scientific or professional association activities, editorial responsibilities, or service on scientific review boards and panels;
   b. Acceptance of honoraria for commissioned papers and occasional lectures;
   c. Performance of professionally related activities such as consulting, textbook authorship, involvement with professional societies, participation on review panels, etc.
   d. Service as a consultant to outside organizations, provided the arrangement does not unreasonably restrict publication of research results obtained within the University;
   e. Service on boards and committees of organizations, public or private, that does not distract unduly from University obligations;
   f. Performance of duties that are specified under Regental approved agreements such as the School of Medicine faculty practice plan.

2. Activities that appear to present potential conflicts of interest or commitment:
   a. Relationships that might enable an employee to influence the University's dealings with an outside organization in ways leading to personal gain or to improper advantage for anyone. For example, an employee could have a financial interest in an enterprise with which the University does business and be in a position to influence relevant business decisions. Ordinarily such problems may be resolved by full disclosure as well as making appropriate arrangements that clearly exclude that employee from participating in the decisions.
   b. Situations in which the time or creative energy an employee devotes to extramural activities, including those listed in the section above, appears substantial enough to compromise the amount or quality of his or her participation in the instructional, scholarly, and administrative work of the University itself.
c. Activities (research projects, conferences, teaching programs, remunerative consulting agreements, etc.) for which employees are personally remunerated that involve, or might reasonably be perceived to involve, the University, its name, its employees, its laboratories, computers or other facilities and equipment.

d. Activities that violate or might reasonably be perceived to violate any of the principles governing research supported by funds administered through the University insofar as these principles are relevant to individual behavior.

3. Activities that present such serious problems as to be incompatible with University policies:

a. Situations in which the individual assumes responsibilities for an outside organization that divert his or her attention from University duties, or create other conflicts of loyalty.

b. Use for personal profit of unpublished information emanating from University research or other confidential University sources, or assisting an outside organization by giving it unreasonably exclusive access to such information (this section does not supersede Regental policy on classified research); or consulting under arrangements that impose obligations that conflict with University patent policy or with the University's obligations to research sponsors.

c. Circumstances in which research that could and ordinarily would be carried on within the University is conducted elsewhere to the disadvantage of the University and its legitimate interests.