MEMORANDUM

SUBJECT: Conflict of Interest Policy

DATE: March 22, 1995

FROM: William J. Studer, Director of Libraries

TO: All Library Faculty & Staff

Attached is a draft of an intended “Conflict of Interest” policy to be adopted by the University. As you see, comments are being requested by April 17.

Since such a policy potentially affects any one of us at given times, I felt it best to distribute the draft statement widely and ask for any comments you may have to be sent to me by April 12 so that I can send one collective “commentary” document from the Libraries to Vice President Hayes.

c:Mar95\ConfInt.wjs
MEMORANDUM

TO: College Research Officers
    Council of Deans
    President’s Executive Committee

FROM: Edward F. Hayes  

SUBJECT: Draft Conflict of Interest Policy

DATE: March 17, 1995

An Ad Hoc Committee, working with Professor James Meeks, has been meeting regularly since late Autumn Quarter to develop the attached Draft Conflict of Interest Policy. At this time, the Committee would like to receive comments from the University community regarding the draft. Please do not hesitate to share this Draft with others that may have an interest.

In order to keep this process moving, it would be helpful to have your comments by April 17, 1995. A quick turnaround is requested since the University must have a Conflict of Interest Policy in place by June 28, 1995 in order to continue receiving external research funds from some federal agencies like NSF and NIH.

The current draft is posted on the OASIS menu on MAGNUS and can be accessed as follows: University Senate; University Research Committee; Conflict of Interest.

Please send your comments on the draft policy either to me or directly to Professor James Meeks, College of Law, 313 Law Building, 55 West 12th Avenue.

EFH/jh

Attachment

cc: James E. Meeks
    Ad Hoc Committee
I. Introduction: Policy Statement

The mission\textsuperscript{1} and vision\textsuperscript{2} statements of The Ohio State University make clear that the University community is committed to providing an environment in which education, scholarship and public service flourish. Specifically: 1) administrative services, facilities, and technology are expected to enrich the academic experience; 2) human resources are expected to complement our promise; and 3) ideas, inventions and creative work are to be made accessible to external constituencies. The growing financial and administrative complexities of these endeavors require that the University community collectively and individually reaffirm their commitment to conducting University activities in accordance with sound ethical, academic, and legal principles and practices. The increased interactions between members of the University community and its external constituencies have also increased the likelihood that situations will arise in which there is a \textit{real or perceived} conflict between an individual's obligations to the University and his/her obligations to an external constituency or to his/her personal interests. Such situations present potential "conflicts of interest".

The purpose of this document is to alert members of the University community to situations that may represent a material conflict of interest\textsuperscript{3} and to establish a mechanism whereby such conflicts may be fairly resolved to the satisfaction of the individual, the University and its external constituencies. The mechanism of resolving potential material conflicts is based on the assumption that discussion, disclosure and possibly oversight are the most appropriate means for handling conflicts of interest because of the complexity and diversity of University obligations and because the perception of what constitutes a conflict of interest may vary among individuals. Further, this policy will serve to protect the integrity of the University and its members and to assure external constituencies that their trust in the University as a comprehensive public research university is well-placed.

II. Who is covered?

This policy applies to all persons employed by The Ohio State University, including faculty (as defined in University Rule 3335-5-19), administrative and professional personnel, and classified and student employees. Such persons are bound by the conflict of interest statutes of the State of Ohio (Ohio Revised Code, Chapter 102 and sections 2921.42 and

\begin{itemize}
  \item [1] Functional Mission Statement for The Ohio State University, March 1994.
  \item [2] Adopted by The Ohio State University Board of Trustees, December 4, 1992.
  \item [3] A conflict of interest is considered to be material if it violates the law or if an ordinary person would conclude that the activity would or could compromise decisions made on behalf of the University or undermine the integrity of University business, research, teaching or service activities. Material conflict of interest does not include expressions of views possibly inconsistent with the interests of the University, even when expressed for personal gain. Thus, criticism of University activity or policy is not covered by this policy.
\end{itemize}
2921.43) and may also, depending upon the activity involved be subject to federal government conflict of interest laws. Persons covered by this policy shall henceforth be termed "principals".

III. When does a conflict of interest situation exist?

A conflict of interest situation exists when a principal is, or may be in a position to influence University business, teaching, research or service, in ways that could lead to personal gain for him/herself or his/her family, give improper advantage to others, or undermine the integrity of the business, teaching, research or service activities in which the principal is involved as part of his/her employment with the University.

Personal gain, as used here, may include any form of compensation, financial or otherwise. However, personal gain does not fall within this policy if it results from:

(1) salary or other compensation, royalties, or other properly approved remuneration from the University;
(2) income from activities unrelated in any way to one's position at the University;
(3) income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
(4) income from service on advisory committees or review panels for public or nonprofit entities;
(5) an interest arising solely by reason of investment in a business by a mutual, pension, or other institutional investment fund over which the principal exercises no control;
(6) income otherwise exempted by law or University policy.

[We would appreciate those reviewing this draft policy to suggest other specific kinds of personal gain that should be automatically excluded here.]

Examples, illustrating possible material conflicts of interest:

Conflict of interest situations arising in the conduct of University business, teaching or service, may involve, but not be limited to, situations where the possibility of personal gain may compromise, or appear to compromise, decisions regarding the purchasing of equipment, textbooks, supplies, services or real estate, the hiring or evaluation of personnel, the selection of vendors, the operation of private business initiatives, and the letting of contracts.

Conflict of interest situations arising in the conduct of research may involve, but not be limited to, situations where the possibility of personal gain may compromise, or appear to compromise, decisions involving the designing, conducting or reporting of research, including field testing and clinical trials. Such decisions may also involve the choice of vendors, the letting of contracts, the operation of private business initiatives related to the research, or the hiring or evaluation of personnel.
Definitions:

Family: Family means at least the spouse and dependent children of the principal, but may have a broader definition if the law or contract involved provides a broader definition.

Material Conflict of Interest: A conflict of interest is considered to be material if it violates the law or if an ordinary person would conclude that the activity would or could compromise decisions made on behalf of the University or undermine the integrity of University business, research, teaching or service activities. Material conflict of interest does not include expressions of views possibly inconsistent with the interests of the University, even when expressed for personal gain. Thus, criticism of University activity or policy is not covered by this policy.

Principals: Principals include persons employed by The Ohio State University, including faculty (as defined in University Rule 3335-5-19) administrative and professional personnel (reference forthcoming), and classified and student employees (reference forthcoming).

IV. Administration of the Policy

There shall be a University Administration Conflict of Interest Committee, which shall consist of the Senior Vice President for Academic Affairs and Provost, the Vice President for Research, the Vice President for Human Resources and the chair of the Conflicts of Interest Policy Advisory Committee. Each vice presidential member may appoint a designee to perform his or her duties on the Administration Committee.

The Administration Committee shall be responsible for administering the Conflict of Interest Policy.

The Provost or his or her designee shall serve as the chair of the Administration Committee.

The Administration Committee shall resolve conflict of interest matters brought to it by the Conflicts Officer(s) or by a Principal appealing a course of action recommended by the Conflicts Officer(s).

The Administration Committee shall, as need arises, suggest to the President and the Board of Trustees amendments to this Policy.

The Administration Committee shall designate one or more Conflicts of Interest Officer(s) who shall provide staff support for the Administration Committee, and shall serve as the liaison between the Administration Committee and other members of the University community.

The Conflicts Officer(s) shall educate faculty, students and staff concerning University policies governing conflicts of interest.
The Conflicts Officer(s) shall, in consultation with the Administration Committee and advice from the Conflicts of Interest Policy Advisory Committee, design procedures consistent with this Policy for the reporting of potential conflicts of interest and shall prepare a disclosure form to be used when reporting potential conflicts of interest.

Disclosure forms shall be filed with the Conflicts Officer(s), who shall review these forms and bring to the attention of the principal any potential material conflict of interest.

The Conflicts Officer(s) shall, with the assistance of the Legal Advisor, evaluate reported conflicts, or potential conflicts, and shall assist principals in managing activities to avoid conflicts of interest.

The Conflicts Officer(s) shall report to the Administration Committee any faculty member or employee of the University who:

(a) fails to file a report when required to do so;

(b) is suspected of knowingly filing a false or misleading report;

(c) participates in a transaction that in the judgment of a Conflicts Officer, constitutes a material conflict of interest for which no mutually satisfactory resolution has been found;

(d) refuses to cooperate with a Conflicts Officer in analyzing and resolving a potential conflict of interest.

When, after consultation with the Principal involved, it appears to a Conflicts Officer that a material conflict of interest is presented, the Conflicts Officer shall work with the Principal to restructure the project or activity to avoid the conflict of interest. If such consultation results in a mutually agreeable plan to resolve the conflict of interest, the plan shall be documented and constitute a public record.

If the Principal disagree(s) with a Conflicts Officer's decision that a material conflict of interest exists or does not find acceptable the recommended plan to resolve the conflict of interest, the Principal may appeal to the Administration Committee for final resolution.

When a potential material conflict of interest matter is presented to the Administration Committee, either by a Conflicts Officer or appeal by a Principal, the Administration Committee may decide that:

(1) There is no material conflict of interest present, in which case the matter shall be closed.
(2) There is a material conflict of interest but it is manageable by compliance with specified conditions. In this event, the Principal may agree to the terms necessary to manage the conflict of interest, as set forth by the Administration Committee. Resolution of the matter shall be documented and constitute a public record.

(3) There is a material conflict of interest that cannot be managed.

The Administration Committee shall instruct the Principal and the appropriate supervising authority within the University to take whatever action is deemed necessary to eliminate the material conflict of interest, including, if appropriate, removal of the Principal from the situation presenting the material conflict of interest.

The Principal may at any time seek a determination from an appropriate outside ethics commission or the funding source, if one is involved, that there is no conflict of interest. If the appropriate outside ethics commission or funding source makes such a determination and, if it is inconsistent with a decision of the Administration Committee, the Administration Committee shall reconsider its position.

The Vice President for Legal Affairs shall designate a Conflicts of Interest Legal Advisor who shall provide assistance to the Administration Committee, the Conflicts Officer(s) and Principals with respect to the requirements of State and Federal law and University Rules. The Legal Advisor shall also assist the Conflicts Officer(s) in providing information concerning the requirements of State and Federal law and University Rules to individual members of the University community who consult the Conflicts Officer(s) or the Administration Committee.

The Principal shall be clearly informed that the Legal Advisor is the attorney for the University, and is counsel to the Principal only to the extent that the Principal is acting within the scope of his or her employment responsibilities with the University.

V. Policy Advisory Committee

There shall be established a Conflicts of Interest Policy Advisory Committee. This Advisory Committee shall be appointed by the President and report to the University Administration Conflict of Interest Committee. The Advisory Committee shall consist of five tenured faculty members, appointees to be recommended by the Faculty Council, one administrative and professional employee to be recommended by the Vice President for Research, one administrative and professional employee to be recommended by the Vice President for Business and Administration, one classified employee to be recommended by the Staff Advisory Council and one graduate student to be recommended by the President of the Council of Graduate Students. The faculty members of the Advisory Committee need not be members of the University Senate.

One faculty member of the Advisory Committee shall initially be appointed to a term of one year. Two faculty members shall initially be appointed to terms of two years; and two faculty members shall initially be appointed to terms of three years. Thereafter, all faculty
members shall serve terms of three years. The administrative and professional members, the
classified employee member and the graduate student member shall serve terms of one year,
but are eligible for reappointment.

The chair of the Advisory Committee shall be elected annually by the entire
membership of the Advisory Committee and shall be one of the tenured Faculty members.

The Advisory Committee shall review the conflicts of interest policy and the
procedures for its implementation to ensure that it effectively and fairly meets the interests of
the University and the members of the University community and that it is consistent with the
requirements of state and federal law. The Advisory Committee shall submit an annual report
to the President with copies provided to the University Administration Conflict of Interest
Committee and to the University Senate.

VI. Reporting Requirements

Principals in the following categories are required to report to the Conflicts Officer(s)
whether there is a possible conflict of interest in the conduct of University business or
research.

a. Principal Investigators of funded research and others designated by Principal
Investigators as having a significant decision making role in the proposing,
conducting, and reporting of funded research.

b. Principal administrative officials, defined by Rules of the University Faculty
3335-3-17(A), plus persons designated by these officials as occupying an
administrative position in which a decision may be made that poses the
possibility for a conflict of interest.

A report to the Conflicts Officer(s) from these Principals is required (1) annually; (2) at any
time a new transaction or activity is proposed that might involve a conflict of interest; or (3) at
any time there is a material change in interests involved that might present a conflict of
interest.

Principals, other than those described in categories a. and b. above, are also required
to report to the Conflicts Officer(s) any time a transaction or activity is proposed that might
involve a conflict of interest.

Principals shall consult with the Conflicts Officer(s) as necessary to determine if
reporting is required.

VII. Disciplinary Action

If a Principal, who is required under this policy to file a conflict of interest report, fails
to do so or fails to disclose a potential conflict of interest in such report, the Principal may be
subject to discipline under the appropriate University disciplinary rules and procedures. If the conflict of interest involves a research project administered by the University, through OSURF or otherwise, any action required by the funding agency will also be taken.

For faculty the appropriate disciplinary Rule is 3335-5-04. For students acting in their employment the appropriate disciplinary process is set out in Section 10.10 of the Operating Manual. For staff members the appropriate disciplinary Rules and Procedures are governed by the following:

a) for administrative and professional employees, by Section 8.15 of the Operating Manual;

b) for classified civil service employees not included in a collective bargaining unit, by Rules for Classified Civil Service;

(c) for bargaining unit employees, by procedures available under the applicable collective bargaining agreement.

Intentional or reckless disregard for this policy shall constitute grave misconduct, involving possible discharge for cause of a staff employee or an untenured or tenured faculty member, or disqualification of a student to occupy an employment position with the University.

VIII. Miscellaneous Provisions

An outside agency shall be notified of any final action taken by the University in regard to a possible conflict of interest involving a program sponsored by that outside agency.

The initial conflict of interest forms filed with the University and any documented action to manage a possible conflict of interest shall be available to the public upon request to the office in which the records are kept. The University shall make a reasonable attempt to maintain confidentiality of individual, private financial data of principals which are provided to the University in an effort to comply with this policy.

This policy, upon adoption by the Board of Trustees of The Ohio State University, shall be applicable to all ongoing grants, projects or programs, and to all future transactions. It shall have no application to closed purchases, transactions or research grants.
ESTABLISHMENT OF A CONFLICT OF COMMITMENT POLICY

Synopsis: Approval to establish a Conflict of Commitment Policy is proposed.

WHEREAS the National Institutes of Health and the National Science Foundation encourage research institutions to adopt conflict of commitment policies to assist their faculty in determining when their external activities are so substantial as to interfere with their institutional teaching, research and service responsibilities; and

WHEREAS the Faculty Conflict of Interest Advisory Committee has proposed the attached Conflict of Commitment Policy in consultation with the Office of Academic Affairs, the Office of Research, and the Faculty Senate; and

WHEREAS the proposed Conflict of Commitment Policy was approved by the University Senate on June 1, 2005:

NOW THEREFORE

BE IT RESOLVED, That the attached Conflict of Commitment Policy be approved, effective immediately.
CONFLICT OF COMMITMENT POLICY

I. PREAMBLE

Faculty at The Ohio State University accept an obligation to avoid conflicts of commitment in carrying out their University education, research, scholarship or service responsibilities. This policy is intended to assist faculty members, including administrators and staff with faculty appointments, in avoiding these conflicts and in finding a balance between activities that enhance the University's core purpose - to advance the well-being of the people of Ohio and the global community through the creation and dissemination of knowledge - and those that detract from it.

II. STATE AND FEDERAL LAWS AND REGULATIONS

Federal regulations require the University to adopt a policy governing conflicts of interest in research. In addition, faculty members should be aware that they are also subject to various provisions of Ohio law governing ethics and conflicts of interest in public employment. Additional information about the requirements of Ohio law may be obtained by consulting the Office of Legal Affairs.

III. DEFINITION

For purposes of this policy, a conflict of commitment exists when external or other activities are so substantial or demanding as to interfere with the individual’s teaching, research, scholarship or service responsibilities to the University or its students.

IV. POLICY

Ohio State University full-time faculty members, including administrators with faculty appointments, owe their primary professional allegiance to the University, and their primary commitment of time and intellectual energies should be to the education, research, service and scholarship programs of the institution. The specific responsibilities and professional activities that constitute an appropriate and primary commitment will differ across schools and departments and will be based on academic practice and/or specific written agreement between the faculty member and his or her department chair and/or college dean.

Even with such understandings in place, however, attempts by faculty to balance University responsibilities with non-University related external activities can result in conflicts regarding allocation of professional time and energies. Conflicts of commitment usually involve issues of time allocation. For example, whenever a faculty member's outside consulting activities (as defined in the University's Policy on Paid External Consulting at http://oga.ohio-state.edu/handbook/paidexternal.html) exceed the permitted limits (normally one eight hour day per week or less, as may otherwise be established by formal College or Departmental policy) or whenever a full-time faculty member's primary professional obligation is not to Ohio State, a conflict of commitment exists.

Faculty should disclose and discuss external commitments with their department chairs and/or deans. If an activity cannot be managed by the faculty member and his/her chair or dean to avoid a conflict of commitment or the reasonable appearance of a conflict of commitment, the faculty member must refrain from participating in the activity.

Examples of situations that, absent prior department or college review and approval, may create an actual or a perceived conflict of commitment are presented below. The examples are by no means exhaustive, and are provided only as samples of some commonly encountered situations.

1. Teaching at another university during on-duty quarters in an academic year, or otherwise representing yourself as a faculty member of another university.
CONFLICT OF COMMITMENT POLICY (contd)

2. Use of one's professional expertise during on-duty quarters in an academic year to provide services that compete with services provided by an academic or service entity within the University.

3. Participating in private business activities to the detriment of your University education, research, scholarship or service responsibilities.

4. Conducting research or novel scientific investigation as a private consultant to outside entities, which should be conducted more appropriately as research sponsored through the Ohio State University Research Foundation.

Failure to comply with this policy may result in administrative or disciplinary actions against the faculty or staff member in accordance with the procedures set forth in Faculty Rule 3335-5-04. If the conflict of commitment involves a research project administered by the University, whether or not that administration is through the Ohio State University Research Foundation, any action required by funding or regulatory agencies will also be taken. The procedures for reporting such conflicts and management plans shall be promulgated by the Office of Academic Affairs in consultation with the Conflict of Interest Policy Advisory Committee.
University drafts conflict of interest policy for research

Final policy will include faculty, staff and students

By Earle Holland

The University is releasing a new interim policy on managing conflicts of interest involving University research. That interim document precedes a broader, Universitywide policy that will cover all faculty, staff and student employees when approved next fall.

The interim policy is aimed at fulfilling requirements of both federal funding agencies and state ethics laws. Cases of real conflicts of interest involving researchers, as well as the perceptions of such conflicts, have caused serious problems at some major universities.

But more than that, the authors of the policy say it raises an important issue that the University must discuss — the ethical responsibilities of University faculty and staff as public employees.

"The increased interactions between members of the University community and its external constituencies have also increased the likelihood that situations will arise in which there is a real or perceived conflict between an individual's obligations to the University and his or her obligations to an external constituency or to his or her personal interests," the policy explains.

The federal government has mandated that institutions receiving federal funds for research must have such a plan in place. The National Science Foundation set a deadline of July 1, while the National Institutes of Health set the date at Oct. 1. NSF officials said that their deadline will most likely be extended to coincide with that of NIH. Those two agencies support nearly a third of Ohio State's externally funded research.

The interim policy focuses solely on research activities and sets up the University Research Committee as an advisory committee to monitor and advise on the implementation of the policy. Additionally, the policy calls for the naming of a "conflict of interest officer" and a legal advisor to help faculty and staff manage situations where conflicts are possible.

"This is primarily a management process, not a disciplinary one," said James Meeks, professor of law and special assistant to the vice president for research, who has worked on the policy. "The challenge will be to structure any kind of arrangement that has the potential for conflicts of interest to the mutual satisfaction of the individual involved, the University and any interested external constituencies."

Along with the federal mandate for the policy, Meeks said that state ethics laws present other problems. "There are very significant conflicts of interest statutes applicable to all university employees — including faculty — as public employees. Most of our community is unaware of them."

He said that a major thrust of enacting the interim policy is to begin the process of informing and educating the University family to these laws and to set up a procedure for either avoiding or managing potential conflicts of interest.

"We want to educate faculty and staff to the existence of these state laws and their obligation to follow them," Meeks said, "and set up a procedure to avoid or manage potential conflicts."

According to Meeks, researchers would be responsible for bringing any potential conflicts to the attention of the new conflicts officers and legal advisor. Once this was done, the parties would work toward a solution acceptable to all parties. Failure to report such conflicts and a refusal to work within the new system would be covered by other existing University regulations.

"We have to do this in a way that will make it workable without being bureaucratic," said Lynne Olson, associate professor of veterinary biosciences and former chair of the University Research Committee.

"I think it is extraordinarily important that the discussions over this issue take place," she said, adding that faculty and staff need to consider the fact that they are also public employees. "We need to focus on what is ethically and academically sound, not just what is legally defensible."

The new interim policy comes at a time when the University is facing great public interest in obtaining records once considered to be confidential. Recent court decisions by the Ohio Supreme Court have reduced the institution's ability to withold much information. In following the new interim policy, researchers would be required to provide the University with information which had been thought private. Meeks said that he believed some of this information and the discussions with legal advisers would be protected by attorney-client privilege.

Olson said that the University officials are "acutely aware" of the concerns over public records involving potential conflicts of interest. She said that it was the intent of the policy to insure the privacy of University staff and faculty as much as possible.

The interim policy is the result of more than two years of discussion between University officials and representatives of specific University committees and groups affected by this issue. A letter to researchers from Edward Hayes, vice president for research, explaining the new policy should be mailed this week.
OSU drafts interim conflict of interest policy

Q & A

Interim Conflict of Interest Policy

Why is the University drafting a policy on conflict of interest?

The University’s policy on conflict of interest is intended to ensure that University employees do not use their position for personal gain. The policy is designed to promote clarity and fairness by providing guidance to employees about what constitutes a conflict of interest and how to manage it.

Policy applies to

All University employees, including faculty, staff, and administrators.

Policy applies immediately to

Research activity

Plan will affect all employees in the University’s research activities.

I. Introduction

Policy Statement

The amount and nature of research conducted by the University is essential to the University’s mission to serve the public good. To this end, the University must ensure that its policies are designed to protect the integrity of the research process and to prevent any potential conflicts of interest.

Policy applies to

All University employees, including faculty, staff, and administrators.

Policy applies immediately to

Research activity

Plan will affect all employees in the University’s research activities.

I. Introduction

Policy Statement

The amount and nature of research conducted by the University is essential to the University’s mission to serve the public good. To this end, the University must ensure that its policies are designed to protect the integrity of the research process and to prevent any potential conflicts of interest.
Principal appealing a course of action recommended by the Conlicts Officer(s). The Vice President for Research shall designate one or more Conlicts of Interest Officers who shall provide staff support for the Vice President for Research, and shall serve as the liaison between the Vice President for Research and other members of the University community.

The Conlicts Officer(s) shall educate faculty, students, and staff concerning University policies governing conflicts of interest. The Conlicts Officer(s) shall, in consultation with the Vice President for Research and advice from the Conlicts of Interest Policy Advisory Committee, provide for below at V, design procedures consistent with this Policy for the reporting of potential conflicts of interest and shall prepare a disclosure form to be used when reporting potential conflicts of interest.

Disclosure forms shall be filed with the Conlicts Officer(s), who shall review these forms and bring to the attention of the Principal any potential material conflict of interest. The Conlicts Officer(s) shall, with the assistance of the Legal Advisor, provided for below, evaluate reported conflicts, or potential conflicts, and shall assist Principals in managing activities to avoid conflicts of interest. The Conlicts Officer(s) shall report to the Vice President for Research any faculty member or employee of the University who: (a) after specific notification from a Conlicts Officer of a requirement to do so, fails to file a report; (b) is suspected of knowingly filing a false or misleading report; (c) participates in a transaction that, in the judgment of a Conlicts Officer, constitutes a potential conflict of interest for which no mutually satisfactory resolution has been found;

(d) refuses to cooperate with a Conlicts Officer in analyzing and resolving a potential conflict of interest.

The Vice President for Legal Affairs shall designate a Conlicts of Interest Legal Advisor who shall provide assistance to the Vice President for Research, the Conlicts Officer(s) and Principals with respect to the requirements of State and Federal law and University Rules. The Legal Advisor shall also assist the Conlicts Officer(s) in providing information concerning the requirements of State and Federal law and University Rules to individual members of the University community who consult the Conlicts Officer(s) or the Vice President for Research.

The Principal shall be clearly informed that the Legal Advisor is the attorney for the University, and is counsel to the Principal only to the extent that the Principal is acting within the scope of his or her employment responsibilities with the University.

When, after consultation with the Principal involved, it appears to a Conlicts Officer that a material conflict of interest is present, the Conlicts Officer shall work with the Principal to restructure the project or activity to avoid the conflict of interest. If such consultation results in a mutually acceptable plan to resolve the conflict of interest, the plan shall be documented and constitute a public record.

If the Principal disagrees with a Conlicts Officer’s decision that a material conflict of interest exists or does not find acceptable the recommended plan to resolve the conflict of interest, the Principal may appeal to the Vice President for Research for final resolution.

When a potential material conflict of interest matter is presented to the Vice President for Research, either by a Conlicts Officer or appeal by a Principal, the Vice President for Research may decide that:

(1) There is no material conflict of interest present, in which case the matter shall be closed.

(2) There is a material conflict of interest but it is manageable by compliance with specified conditions. In this event, the Principal may agree to the terms necessary to manage the conflict of interest as set forth by the Vice President for Research. Resolution of the matter shall be documented and constitute a public record.

(3) There is a material conflict of interest that cannot be managed.

The Vice President for Research shall instruct the Principal and the appropriate supervising authority within the University to take whatever action is deemed necessary to eliminate the material conflict of interest, including, if appropriate, removal of the Principal from the situation presenting the material conflict of interest.

The Principal may at any time seek a determination from an appropriate outside ethics committee or the funding source, if one is involved, that there is no conflict of interest. If the appropriate outside ethics commission or funding source makes such a determination and, if it is inconsistent with a decision of the Vice President for Research, the Vice President for Research shall reconsider his/her position.

V. Policy Advisory Committee

The University Research Committee shall act as the Conflict of Interest Policy Advisory Committee to the Vice President for Research during the effective period of this Interim Policy.

VI. Reporting Requirements

Principals in the following categories are required to report to the Conlicts Officer(s) whether there is a possible conflict of interest in the conduct of University research:

a. Principal Investigators of funded research and others designated by Principal Investigators as having a significant decision making role in the proposing, conducting, and reporting of funded research.

b. Principal administrative officials designated by the Vice President for Research as having a significant role in supervision of externally funded University research activity. Such Principal administrators shall only be designated if their position might entail a danger of material conflicts of interest.

A report to the Conlicts Officer(s) from these Principals is required: (1) annually; (2) at any time a new transaction or activity is proposed that might involve a conflict of interest; or (3) at any time there is a material change in interests involved that might present a conflict of interest. The list of individuals required to file reports shall be reviewed by the Conlicts Officer(s) for continued accuracy at least once each year. Principals, other than those in the categories a. and b. above, are also required to report to the Conlicts Officer(s) any time a transaction or activity is proposed that might involve a conflict of interest.

Principals shall consult with the Conlicts Officer(s) as necessary to determine if reporting is required.

VII. Disciplinary Action

If a Principal, who is required under this policy to file a conflict of interest report, fails to do so or fails to disclose a potential conflict of interest in such report, the Principal may be subject to disciplines under the appropriate University disciplinary rules and procedures. If the conflict of interest involves a research project administered by the University, through OS-URF or otherwise, any action required by the funding agency will also be taken.

For faculty the appropriate disciplinary Rule is 3335-5-04.