



Policy

UNIVERSITY POLICY AC -11.02 – 05/13

TO: University of West Florida Community

FROM: Dr. Judith Bense, President

SUBJECT: Conflicts of Interest Policy

Responsible Office: Academic Affairs

The central mission of the University of West Florida ("University" or "UWF") is education with excellence in teaching, research, and service. University employees are committed to this mission and recognize their primary professional responsibility is to the University. The knowledge and skills of these individuals make outside employment and service attractive and beneficial to industry, government, and the community. The University encourages employees to engage in appropriate outside relationships in order to provide for professional and personal development. However, prior to engaging in such activities, members of the University community are required to disclose any real or potential conflicts of interest. The University will review the disclosure to determine whether a conflict exists and will endeavor to manage it whenever possible.

In addition, those research and educational activities sponsored by federal or state government have specific requirements due to regulations governing disclosure, management, reduction, or elimination of conflicts or the appearance of conflicts of interest.

This policy has been developed in order to comply with these requirements and to allow for UWF employees to contribute their expertise and knowledge to external entities and to develop professionally as a result of those collaborations. This document provides the guidelines, references, and procedures for that process.

I. PURPOSE

The University Conflict of Interest Policy is established to provide safeguards to prevent employees or other University-related individuals ("covered individuals") from using their positions or relationships with the University for purposes that are, or give the appearance of being, in conflict with professional conduct and/or University responsibilities, duties, and activities or which are in conflict with the interests of the University. Covered individuals shall not engage in conduct that is dishonest or fraudulent nor shall they accept duties, obligations, gifts or favors of monetary value, or engage in private business or professional activities which conflict with policies of the University, the State of Florida or the Federal government and its agencies.

This policy defines terms and relationships between the University and covered individuals. It also provides guidance as to how to disclose, evaluate, avoid, reduce, or eliminate a real or potential conflict of interest. This policy summarizes the applicable laws and regulations,

including federal grant requirements (Federal Acquisitions Regulations ("FAR"), Office of Management and Budget "OMB"), National Institutes of Health-Public Health Service ("NIH/PHS"), National Science Foundation ("NSF"), and specific agency policies and procedures), Florida state law (Chapter 112), UWF Human Resources Employment Policy (HR-15.00-2004/07), and UWF-UFF Collective Bargaining Agreement (Article 21).

II. COVERED INDIVIDUALS - Who is governed by this Policy?

The following individuals are covered by this policy and their conduct and activities shall be governed by it: Faculty including Chairs, Deans, and Directors within the Academic Affairs Division; researchers, students and staff who are employed in the Academic Affairs Division or who are engaged in funded research or activities; and members of the Institutional Review Board for Human Research Participants or the Animal Care and Use Committee.

III. BASIC PRINCIPLES OF CONFLICT OF INTEREST

A. Definition of a Conflict of Interest

A "conflict of interest" occurs in any situation in which a person serves or represents two distinct entities or must choose between two conflicting interests. For purposes of this policy, a "conflict of interest" encompasses situations in which a person has the potential to neglect or breach a duty to one entity to the benefit of another and situations in which a person has the potential to use his or her position with one entity to advance personal gain or the gain of another entity. In this document, the term "conflict of interest" will be used to describe all actual, potential, or apparent conflicts. Although it is usually the case that a disclosure is not required for work during summer and other periods when covered individuals are not in pay status, it is important to note that this responsibility applies to work which might meet this definition and a disclosure may be advisable.

B. Relevant Policies, Law, Regulations, and Provisions

The University's personnel and resources must be used for the promotion of the mission of the University and the public interest. UWF employees including student-employees must adhere to the applicable ethical obligations set forth in Chapter 112, Part III, Florida Statutes. The University has promulgated its Policy HR-15-2004/07, Employee Code of Ethics, dealing with outside activities and financial interests. UWF in unit faculty are also governed by the UWF Board of Trustees/United Faculty of Florida Collective Bargaining Agreement ("CBA"), Article 21, "Conflict of Interest/Outside Activity."

A consistent tenet in the cited provisions is that an employee may participate in activities and hold financial and other interests as long as these activities and interests do not conflict with the employee's duties and ethical responsibilities to the University. No employee shall have any interest (financial or otherwise, direct or indirect), engage in business transactions or professional activity, or incur any obligation that conflicts with the full and competent performance of the employee's duties, or conflicts with the best interests of the University.

C. Overview of Additional Requirements for Federally Funded Research

Federal conflict of interest laws and regulations are applicable to faculty and staff members and student employees who work under certain federally-sponsored programs or who have appointments to University committees related to sponsored programs (IRB, ACUC, Research Misconduct). Any UWF employee who submits a proposal to a federal agency or conducts research or other activities under a federal grant or contract must adhere to the applicable requirements of the funding agency, including those involving disclosure and regulation of outside activities and financial interests.

IV. OUTSIDE ACTIVITIES SUBJECT TO CONFLICT OF INTEREST REGULATIONS AND REPORTING

A. Outside Activity

Covered individuals should recognize that certain outside activities, whether compensated or uncompensated, and financial interests may provide a basis for a conflict of interest. These activities and interests must be reported and approved prior to engaging in the activity or acquiring the interest. Outside activities include consulting, employment, management, holding office in a decision-making body, or other contractual relationships. The following is a non-exclusive list of examples of outside activities and financial interests which must be reported and approved prior to engaging in the activity:

1. Outside activities in which there is more than an incidental use of University facilities, equipment, and/or services;
2. Outside activities in which a University student or employee is supervised by an individual who also supervises or evaluates them at the University;
3. Management, employment, consulting, and contractual activities with, or ownership interests in, an entity which does business with the University. In the case of material financial and managerial interests, the information required extends to interests of the employee's spouse/partner and children;
4. Management, employment, consulting, or membership on decision-making bodies and other contractual activities with, or ownership interest in, a business entity which competes with the University;
5. Candidacy for public office;
6. Required use of books, supplies, equipment, or instructional resources at UWF when they are created or published by the employee or by an entity in which the employee has a financial interest;
7. Professional activities, including, but not limited to: consulting, teaching at another institution, employment as an expert witness, and participating in an activity in which an honorarium is to be received; however, no reporting is required where the honorarium is less than \$500.00 per engagement;

8. Business activities, including service on the board of directors or other management interests or positions, with regard to a business entity with activities in the same discipline or field in which the faculty or staff member is employed;

9. Any employment, contractual relationship, or financial interests of the employee which may create a continuing or recurring conflict between the employee's interests and the performance of the employee's public responsibilities and obligations, including time commitments. This includes any outside activity in which the employee is required to waive rights to intellectual property and any outside activity or financial interest with a business entity which supports the employee's research or other activities at the University;

10. Outside activities and financial interests required to be reported under federal contract and grant regulations;

11. If not otherwise required to be reported as stated above, other activities which the employee should reasonably conclude may create a conflict of interest, including a conflict of time commitment, should be reported. This report should be completed as soon as the circumstances become known to the individual. For example, this includes situations in which an honorarium in an amount greater than \$500 is received and the employee was unaware of the honorarium at the time of agreeing to engage in the activity.

B. Responsibility

1. The responsibility for adhering to the laws, regulations, guidelines, provisions, guidelines and policies on conflict of interest and outside activities rests with the covered individual. A covered individual must provide sufficient information to those with the review and oversight responsibility to enable them to make an informed decision concerning the allowance of the outside activity or financial interest and developing an appropriate management plan. Failure of the individual to report such potential conflicts may be deemed a cause for disciplinary action.
2. Any covered individual engaging in outside activities must recognize that (s)he is performing such activities as an individual and may not represent that (s)he is acting on behalf of the University. For example, an employee may not use UWF letterhead or a UWF email address in conducting outside activities. The employee must take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in the outside activity as a private citizen and not as an employee, agent, or spokesperson of the University.

V. ALLOWABLE ACTIVITIES

Some activities of covered individuals for organizations outside the University may be considered to be within the scope of their University duties. For example, service for certain professional organizations may be considered within the individual's responsibilities, and if so, would not be an "outside activity" requiring disclosure unless compensation is received.

In order for these activities to be exempt from disclosure, such activities must be included as part of the covered individual's University responsibilities. However, any use of University resources in support of these activities must be disclosed and approved by appropriate University officials. Further, even when these activities are considered within the scope of the individual's duties, the individual should remain aware of conflict of interest considerations that may arise when performing work for organizations separate from the University.

VI. MANAGEMENT PLAN CONSIDERATIONS

Methods to manage, reduce, or eliminate a conflict of interest are many and varied. Some of the more common ones are:

- A. Making public disclosure of significant financial interests;
- B. Monitoring of activity or research by independent reviewers;
- C. Modifying the activity or research plan;
- D. Abstaining from voting or participating in discussions which may inure to personal benefit;
- E. Disqualifying participation in all or part of the activity funded by the outside entity;
- F. Identifying an alternate hiring official, supervisor or evaluator;
- G. Identifying an alternate individual who would draft or develop specifications, requirements, invitations for bids for goods or services and the evaluation of responses subject to price, quality and other factors;
- H. Divesting of significant financial interests;
- I. Severing relationships which have been determined to create a conflict or potential conflict of interest;
- J. Taking appropriate leave of absence or annual leave for period of performance; or
- K. Requiring competitive bidding or competitive pricing.

VII. RESPONSIBILITIES

The covered individuals, Chairs/Directors, Deans/Vice Presidents, Provost, Associate Vice President for Research ("AVPR") and Director of Research and Sponsored Programs ("DRSP") are all responsible for being familiar with the regulations, laws, policies, provisions and guidelines of the governing units identified in this policy regarding potential conflicts of interest. If a proposed activity involves sponsored research, instruction or other activity, they must also be familiar with the rules, regulations, and guidelines of outside agencies which fund either a contract or grant or receive a proposal for sponsored research and educational activities. They are also responsible for providing information and guidance to other researchers, employees, students, or participants in projects or sponsored research,

instruction or other activities regarding their responsibility in relation to individual projects and sponsors. Responsibilities of each level are:

A. Responsibilities of Covered Individuals:

1. Promptly disclose all potential conflicts of interest as soon as they are determined and update the disclosures as required.
2. Adhere to all applicable laws, regulations, guidelines, provisions and policies related to conflicts of interest and ethical obligations.

B. Responsibilities of Chairs/Directors and Deans/Vice Presidents (or designees):

1. Review Reports of Outside Activity/Conflict of Interest promptly and with care to ensure that requirements are adequately assessed, monitored, and evaluated.
2. Assist covered individuals in developing a resolution plan that will manage, reduce, or eliminate potential conflicts of interest.

C. Responsibilities of Provost (or designee):

1. Review Reports of Outside Activity/Conflict of Interest promptly and with care to ensure that requirements are adequately assessed, monitored, and evaluated.
2. Assist in developing or approving a resolution plan that will manage, reduce, or eliminate potential conflicts of interest.
3. Consult with AVPR DRSP on disclosures of conflict of interest to ensure that requirements for sponsored research and educational activities are documented and managed according to applicable rules, regulations, and guidelines.

VIII. REPORTING, REVIEW AND MANAGEMENT PROCEDURES FOR CONFLICTS OF INTEREST

A. Most conflict situations that are of concern and allowable under the law can be handled through disclosure and establishment of appropriate conditions and monitoring requirements. However, some situations present irresolvable conflicts and to that extent they must be prohibited. Generally, if a conflict situation is permitted, specific guidelines and expectations are established prior to permitting the activity. Guidelines for disclosure, review and oversight include:

1. Covered individuals are responsible for disclosing their real or potential conflicts of interest. Such individuals and the University benefit from disclosure and discussion of potential problems. The necessity for disclosing outside professional and financial activities is not intended to discourage academic and public service activities when compatible with University obligations and regulations.
2. The department chair, center/institute director, or supervisory official is responsible for the first review of disclosures of individuals under his or her authority. Review should include:

- a. Determination of whether a real or potential conflict of interest exists for outside activities and financial interests and a recommendation as to whether the conflict of interest should be approved, disapproved, or managed and comments regarding the decision;
 - b. If usage of University resources is disclosed, appropriateness of usage and impact on operations should be determined and a recommendation as to whether the usage should be approved, disapproved, or managed and comments regarding the decision;
 - c. Determination of conflict of time and/or commitment and a recommendation as to whether the conflict should be approved, disapproved, or managed and comments regarding the decision;
 - d. Forwarding the disclosure with recommendation to the Dean/Vice President.
- B. The Dean/Vice President receives the disclosures from the Chairs/Directors/Supervisory Officials and reviews the recommendations and comments. If (s)he agrees with the recommendation, (s)he approves and forwards the disclosures to the Provost. If (s)he disagrees, (s)he recommends an alternate action, adds comments regarding the recommendation, and forwards the document to the Provost.
- C. The Provost will review the conflict of interest submittals and submit them to the DRSP for determination of any grant-related impact or concerns to be considered.
- D. The DSRP will review the disclosures in relationship to sponsored activities. If none are found, (s)he will note and return disclosures to the Provost for further action. If a relationship to sponsored activities is identified, the disclosures will be returned to the Provost with comments and recommendations for action.
- E. The Provost will review the disclosures and make a final decision as to approval, disapproval, management, or further review. If the Provost recommends further review or seeks recommendations for management of the disclosure, it may be forwarded to an advisory review group ("Review Group") on conflict of interest. Members of the Review Group will be appointed by the Provost at the time of referral.
- F. The Review Group will review the disclosures, recommendations, and comments. The Review Group may request information from and discuss the conflicts of interest with covered individuals, Chairs/Directors, Deans/Vice Presidents, University personnel and external consultants as they deem appropriate. The Review Group will document its research and findings and submit a recommendation to the Provost for final action. The Review Group may recommend approval, disapproval or management of a disclosure to the Provost. If management of a disclosure is recommended, the Provost may approve a management plan coordinated with the covered individuals, Chairs/Directors and Deans/Vice Presidents. The plan should include identification of responsible parties for implementation and follow-up.

IX, ADDITIONAL REQUIREMENTS FOR FEDERALLY FUNDED RESEARCH

Federal regulations require that, when federal funds are allocated through a grant or contract, the University must examine conflicts and, where appropriate, report them to the federal agency. Federal regulations require that the University manage, reduce, or eliminate any actual or potential conflicts of interest that may be presented by certain compensated outside activities and other financial interests of persons involved in sponsored research projects funded by the federal government. The primary purpose of the federal regulations is to prevent bias in the design, conduct, or reporting of research projects.

Principal investigators and others working on projects funded by a federal agency must abide by these requirements. Any employee submitting a grant or contract proposal to the Public Health Service or the National Science Foundation, through the University, or participating in the Small Business Innovation Program or Small Business Technology Transfer Program conducting research or educational activities pursuant to such a federal grant or contract at the University as an "investigator" and must report any "Significant Financial Interest" that would reasonably appear to be affected by the proposed/funded research activities, including interests maintained in entities that would be so affected. An "investigator" is defined as the principal investigator ("PI"), co-PI(s), multiple PIs, or any other employee responsible for the design, conduct, or reporting of the proposed or funded research or educational activities. For the purpose of determining a Significant Financial Interest, an "investigator" also includes such an employee's spouse/partner, dependent children.

The institution must make information available concerning identified Financial Conflicts of Interest ("FCOIs") held by senior/key personnel upon written request and update such information as necessary. This information will include at a minimum the Investigator's name; the Investigator's title and role with respect to the research project; the name of any entity in which a Significant Financial Interest ("SFI") is held; the nature of the SFI; and the approximate dollar value of the SFI, or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value.

Prior to engagement in research related to any NIH/PHS-funded grant or contract or at least every four years, each investigator must complete training in FCOI. Training must be repeated immediately upon (1) institutional FCOI change in a manner that affects investigator requirements, (2) an investigator is new to the institution, or (3) an institution finds an investigator noncompliant with the institution's FCOI policy or management plan.

A "Significant Financial Interest" ("SFI") refers to: salary or any other payments for services not otherwise identified as salary, such as consulting fees honoraria, and paid authorship; equity interests, such as stocks and stock options; and intellectual property rights, such as patents, copyrights, and royalties. An SFI does not refer to salary or remuneration from the University; income derived from seminars, lectures or teaching engagements sponsored by public or nonprofit entities; income derived from service on advisory committees or review panels for public or nonprofit entities; or salary, royalties or other payments that, when aggregated for the investigator and a spouse/partner and dependent children, did not exceed \$5,000 in the twelve months preceding the disclosure and are not expected to exceed \$5,000 over the next 12 months. An equity interest that, when aggregated for the investigator, spouse/partner, and dependent children, does not exceed \$5,000 and does not represent more than a five percent ownership interest in any entity is also not considered a SFI.

It must be emphasized that compensation and other FCOI, although not SFIs for the purposes of the federal regulations, may still need to be reported under University procedures. FCOIs must be disclosed at the time of the submission of the proposal, but approval of the outside activities and financial interests (with conditions if warranted) need not occur until the project has been funded. All "investigators" on NSF and PHS proposals must disclose their FCOI to Research and Sponsored Programs concurrently with the proposal submittal.

The "Sponsored Research Disclosure of Financial Interest" form (with the "Disclosure of Outside Activities and Financial Interests" form if needed) must be part of the package submitted for review and approval through the usual departmental, college, and unit approval process using the Internal Routing Form ("IRF"). It is the principal investigator's responsibility to ensure that "Sponsored Research Disclosure of Financial Interest" forms are obtained from all investigators in order to meet proposal application deadlines. The Division of Research and Sponsored Programs requires at least three business days to review proposals.

If there is no FCOI at the time of submission of the proposal, but such an interest develops at any point prior to funding, it must be reported and approved prior to the time the project is funded. The federal regulations also require filing of a new disclosure upon obtaining a new FCOI and annual disclosures during the course of the research. Detailed PHS and NSF requirements can be found at their websites. Small Business Innovation Program ("SBIR") and the Small Business Technology Transfer Program ("STTR") are covered under the Small Business Act (15 USC 638) and the Federal Acquisition Regulations ("FAR"). The OMB Guidelines for Administration of Grants and Agreements with Institutions of Higher Education are found in OMB Circular A-110.

In sponsored research activities, additional concerns must be addressed. Individuals who serve on the Institutional Review Board for Protection of Human Research Participants ("IRB") and the Animal Care and Use Committee ("ACUC") or other decision-making bodies must exercise particular care and diligence in reporting and managing any potential conflicts to ensure that matters which may affect decisions in these areas are protected from external influence. If a conflict or a potential conflict is determined to exist, a procedure to mitigate or manage the conflict satisfactorily may be required.

Approved By:

Dr. Judith A. Bense, President

Date: 6/6/13

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