

CONFLICT OF INTEREST AND COMMITMENT POLICY

A. INTRODUCTION

This policy is established to comply with the regulations of the Public Health Service (PHS), the National Science Foundation (NSF), and The University of Texas at Tyler, to promote objectivity in research by requiring that an employee of the university who applies for grants or contracts from the federal government for research or other educational activities or otherwise submits a proposal for sponsored research funding from any entity ensures that there is no reasonable expectation that the design, conduct, and reporting of the research will be biased by any significant financial interest of an investigator responsible for the research or other educational activity.

Researchers must have an approved, current, signed, *Certification of Compliance for Conflict of Interest and Commitment Form* on file with the Office of Sponsored Research (OSR) before a proposal can be processed. This form must also be renewed annually. Based upon federal regulations and the university's objective to maintain a research environment that promotes faithful attention to high ethical standards, this policy relating to conflicts of interest will be administered in conjunction with Texas laws setting forth standards of conduct, Texas Government Code, Chapter 572, and the Code of Ethics of The University of Texas System, Part One, Chapter III, Section 4, Regent's Rules and Regulations.

B. BACKGROUND

The U.S. Public Health Service (42CFR Part 50) and the National Science Foundation (GPM310) have issued regulations and policies requiring institutions that apply for research funding to assume responsibility for ensuring that the financial interests of the employees of the institution do not compromise the objectivity with which their research is designed, conducted, or reported.

In recent years, in order to achieve objectivity in research, the issue of conflict of interest has become increasingly important. University faculty and staff members have taken on new and different functions in addition to the traditional roles of teaching, research, and public service. Spin-off companies transferring technology developed in the laboratory, extensive consultative activities, and various types of public service involvement are encouraged by both federal and state agencies, and by the university as necessary for the public good. Government agencies, becoming more concerned about the extent and type of these activities as they relate to funded and proposed research and scholarly activities of faculty and staff, have issued regulations which require universities to develop, publish, and enforce institutional policies which comply with certain federal mandates. Key in these policies is the requirement for regular, timely, and full disclosure of actual or potential conflicts of interests as they relate to

significant financial interests which could reasonably be seen by an impartial observer as affecting the design, conduct, or reporting of research or educational activities funded or proposed for funding by an external sponsor.

To meet the requirement of the federal regulations, The University of Texas at Tyler has adopted this policy of Conflict of Interest and Commitment for investigator financial disclosure and will continue in effect until rescinded or modified by appropriate University authority.

This policy applies to all investigators who submit proposals to and/or direct sponsored projects supported wholly or in part by the U.S. Public Health Service, the National Science Foundation, or other U.S. Government agencies that adopt conflict of interest, financial disclosure, and objectivity in research requirements similar to those contained in this policy. This policy also applies to and is passed down to sub-grantees, including commercial contractors, who contract with the university under a grant or contract that is supported wholly or in part by the U.S. Public Health Service, the National Science Foundation, or other U.S. Government agencies that adopt conflict of interest, financial disclosure, and objectivity in research requirements similar to those contained in this policy.

C. DEFINITIONS

For the purposes of this policy, the following definitions will apply:

1. "INSTITUTION," "UNIVERSITY," and "UT Tyler" mean The University of Texas at Tyler.
2. "INVESTIGATOR" means the principal investigator, co-principal investigator, director, co-director, research scientist, or research associate and any other person at UT Tyler who is responsible for the design, conduct, or reporting of research or educational activities. This definition includes anyone who is paid by or whose work is supported by a grant or contract whether the support is internal or external (e.g., graduate students, postdoctoral fellows, but not technicians or clerical employees) and includes the spouse and dependent children of the investigator.
3. "RESEARCH" means a systematic investigation designed to develop or contribute to generalizable knowledge. As used in this policy, "RESEARCH" includes any activity for which research funding is available from a federal agency through a grant, cooperative agreement, contract, or other assistance award.

4. "CONFLICT OF INTEREST" or "SIGNIFICANT FINANCIAL INTEREST" means anything of monetary value, including but not limited to:

- a. salaries or other payments for services (e.g., consulting fees or honoraria);
- b. equity interests (e.g., stocks, stock options, or other ownership interests); and,
- c. intellectual property rights (e.g., patents, copyrights, and royalties from those rights).
- d. The term does not include:
 - 1) salaries, royalties, or other remuneration from UT Tyler;
 - 2) income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
 - 3) income from service on advisory committees or review panels for public or nonprofit entities; or,
 - 4) financial interests in business enterprises or entities if the value of this interest does not exceed \$10,000 per annum in salary, fees, or other continuing payments or represent more than a five percent (5%) ownership interest for any one enterprise or entity when aggregated for the investigator and the investigator's spouse and dependent children.

D. GUIDELINES

1. Each investigator is required to disclose the following Significant Financial Interest(s):
 - a. Any significant financial interest of the investigator that would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor; or
 - b. Any significant financial interest of the investigator in an entity whose financial interest would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor.
2. Regardless of the above minimum requirements, a faculty or staff member, in his or her own best interest, may choose to disclose any other financial or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest. Disclosure is a key factor in protecting one's reputation and career from potentially embarrassing or harmful allegations of misconduct.

3. Each investigator who has significant financial interest requiring disclosure must complete an annual *Certification of Compliance for Conflict of Interest and Commitment Form* and attach all required supporting documentation. The completed certification of compliance form must be submitted to the Associate Vice President for Research (AVPR) annually or as changes occur.

E. PROCEDURES

1. Each UT Tyler investigator must:
 - a. Read and understand the policies and procedures contained in this policy and its regulatory basis pertaining to conflict of interest, objectivity in research, and significant financial interests.
 - b. Accept his or her responsibility to disclose significant financial interests to the AVPR and the University Research Council by completing, signing, and submitting the *Certification of Compliance for Conflict of Interest and Commitment Form* on or before a date which allows adequate time for preliminary review prior to the proposal deadline date.
 - c. Update the *Certification of Compliance for Conflict of Interest and Commitment Form* as changes occur, or at a minimum annually, so that the statement of significant financial interests on file is current and accurate while an award is pending or while an award is in force.
 - d. Submit the *Certification of Compliance for Conflict of Interest and Commitment Form*, along with the proposal, making the following certification to UT Tyler and to the federal agency prior to proposal submission:

"I have read and understand The University of Texas at Tyler policy, *Conflict of Interest and Commitment*, and I have disclosed all significant financial interests as required by it. I will comply with the provisions of the policy to report changes in my significant financial interests and will comply with conditions or restrictions imposed by UT Tyler to manage, reduce, or eliminate actual or potential conflicts of interest and commitment."

2. Certification of Compliance
 - a. The *Certification of Compliance for Conflict of Interest and Commitment Form* will be reviewed for potential conflict of interest and/or commitment. If a potential conflict appears to exist, the AVPR will forward a copy of the form with supporting documentation to the University Research Council. This Council, along with the AVPR, will discuss the conflict with the investigator(s) and then recommend to the IPAC, appropriate action that should be taken by the University

Research Council to manage, reduce, or eliminate that conflict. The IPAC will take action on the recommendation, deciding the appropriate action to be taken. The University Research Council will carry out the IPAC's recommended action in concert with the AVPR. The AVPR will then:

- 1) Notify the investigator(s) of the requirements of the Council.
 - 2) Assist the investigator(s) in taking appropriate action to manage, reduce, or eliminate the actual or potential conflict of interest.
 - 3) Certify to the awarding component of the federal agency regarding the existence of significant financial interests and management thereof prior to expenditure of any federal funds.
 - 4) Notify the awarding component of the federal agency, within 60 days of a conflict report to the AVPR, of the identification and management, reduction, or elimination of any significant financial interest that originates or becomes known to UT Tyler after an award has been made and funds are expended.
 - 5) Maintain confidentiality, to the extent permitted by law, on all disclosures and records of actions taken to manage significant financial interests for at least three years beyond the termination or completion of the award or until resolution of any action by a federal agency involving the records, whichever is longer, and make these records available for audit by authorized agencies.
- b. Should any investigator disagree with the findings and/or decisions of the University Research Council, that investigator may appeal those findings/decisions to the UT Tyler Provost and Vice President for Academic Affairs (Provost), in conjunction with the Intellectual Property Advisory Committee (IPAC). In such cases, the Provost, in consultation with the IPAC, will review all of the materials relating to the action in question, discuss the findings/decisions with the investigator and the AVPR, and make a final decision as to the action.
- c. Examples of conditions or restrictions that might be imposed to manage actual or potential conflicts of interest include:
- 1) Public disclosure of significant financial interests;
 - 2) monitoring of research by independent reviewers;
 - 3) modification of the research plan;
 - 4) disqualification from participation in all or a portion of the research

funded by the federal agency;

- 5) divestiture of significant financial interests; and/or
- 6) severance of relationships that create actual or potential conflicts.

F. Enforcement and Penalties for Failure to Comply

Enforcement of the requirements of this policy is the responsibility of the Academic Deans, the University Research Council, the IPAC, and the Provost. Assessing the nature of a violation and administering a penalty to a UT Tyler faculty or staff member who violates this policy are the responsibilities of the Provost.

Penalties for violation of this policy range from a reprimand and immediate corrective action to dismissal from the university for falsely certifying that no action or potential significant financial interests exist. The procedures followed in cases involving a faculty member are found in the University's Handbook of Operating Procedures. In cases involving a staff member, the procedures followed are found in the University's Employee Handbook.