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UNO Website: ORCA FCOI Policy

UNO Office of Research and Creative Activity University of Nebraska at Omaha

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University of Nebraska at Omaha
Academic and Research Financial Conflict of Interest Policy

This document describes the University of Nebraska at Omaha's (UNO) Financial Conflict of Interest (COI) policies and procedures under Board of Regents Policy RP-3.2.8. This policy is intended to cover only conflicts of interest related to academic affairs and research. It does not supersede existing university policies covering conflicts of interest in purchasing or other business practices.

The guiding principle of the UNO COI policy is that apparent or actual conflicts of interest should be identified and managed and/or eliminated as appropriate. In many cases, public identification of the COI constitutes management of the conflict.

Covered Persons

According to RP-3.2.8 the following are covered under BOR policy:

"Personnel Affected by Conflict of Interest and Conflict of Commitment Policy. *Covered Person* shall mean:

- 1) University administrative officers and employees, specifically including any University employees with delegated signature, purchasing or contracting authority on behalf of the University;
- 2) University employees and faculty engaged in outside employment or other activities specified in this policy (tech transfer/use of University facilities or equipment) that may create a *Conflict of Interest*; and
- 3) Sponsored Research investigators, including University employees, faculty, staff and support personnel (managerial/professional and office/service positions), volunteers, trainees, students, contractors and other persons under the direct control of the University of Nebraska, whether paid by the University of Nebraska or not, who participate in *Sponsored Research*"

Thus, the individuals covered under UNO's Conflict of Interest Policy are faculty and professional staff. Office and service staff fall under this policy only if they are engaged in sponsored research.

According to RP-3.2.8 a COI is defined:

"*Conflict of Interest* shall mean situations when a *Covered Person's* direct or indirect personal financial interests may compromise, or have the appearance of compromising, the *Covered Person's* professional judgment or behavior in carrying out his or her obligations to the University of Nebraska. This includes indirect personal financial interests of a *Covered Person* that may be obtained through third parties such as a *Covered Person's Immediate Family*, business relationships, fiduciary relationships, or investments. *Immediate family* shall mean an individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption of the *Covered Person*."

Under UNO policy a COI occurs when a Covered Person engages in activities that in *fact* or *appearance* 1) benefit the Covered Person's personal interests at the expense of the University's interests; or 2) impede the Covered Person's ability to carry out his or her duties to the University, including the open dissemination of information.

Financial Conflict of Interest

Financial COI to be managed and reported under this policy include only Significant Financial Interests. Such an interest is defined as anything of monetary value exceeding \$5,000 that has been received in the previous twelve months or is anticipated to be received in the next twelve months from sources that may reasonably be perceived as affecting a Covered Person's research or other duties to the University. The limit for equities is \$5,000 or more than 5% ownership in a single entity. In all cases these values are the aggregate for the Covered Person and his or her immediate family.

Examples of Significant Financial Interests that must be reported to the University include, but are not limited to:

- Salary or other remuneration received from sources outside of the University of Nebraska.
- Other income, payment, or transfer of items of monetary value, including sponsored travel, in exchange for services performed by the Covered Person.
- Intellectual property rights (e.g. patents, copyrights, and royalties from such rights).

Excluded under this policy are:

- Salary or other remuneration from the University.
- Income from non-recurring seminars or lectures sponsored by nonprofit or public entities.
- Income from service on review or advisory committees for nonprofit or public entities.
- Royalties from books.

Consistent with applicable federal regulations (see 76 Federal Register #165, page 53256) Covered Persons receiving funding through the Public Health Service must complete financial COI training prior to engaging in research related to any PHS-funded grant or contract, and at least every four years. Such training shall immediately occur under the following circumstances: 1) any change in the University's Conflict of Interest policies or a revision to this policy that affects the requirements of Covered Persons thereunder; 2) a Covered Person is new to the University; or 3) a Covered Person is found to be non-compliant with this policy or a management plan.

Conflicts of Commitment and Outside Activities

The following aspects of COI policy apply only during the period of time during which the Covered Person is under contract to the University. Thus, faculty on nine-month appointments

are not required to report the activities outlined below during the three month period that they are not under contract; however, they remain obligated to report financial conflicts of interest that occur during those three months.

The University encourages faculty and professional staff to pursue professional activities outside of the University, as these activities often serve to enhance the employee's professional contribution to the University. However, these activities may create a conflict of commitment (a type of COI) if they impede the Covered Person's ability to carry out his or her duties to the University. Board of Regents Policy limits outside professional activity to two working days per month. Further, it limits commitments for paid, outside activity to less than two years. Greater time commitments require specific approval of the Board of Regents.

Outside professional activities may create a conflict of interest, even if they do not create a conflict of commitment. This situation can arise if the activities of the Covered Person benefit or appear to benefit the organization for which the person is acting at the expense of University interests or policies. This is of special concern in cases involving the use of University facilities and equipment when fees are charged by the outside organization.

Activities for a professional organization with which an employee is associated do not constitute the type of professional activity coming within the scope of this policy, unless a professional service is provided to the organization for which the employee is paid a professional fee commensurate with the actual value of the professional service provided.

Under UNO policy, the following must be reported:

Professional activities outside the university for which the employee is remunerated if that remuneration rises to the level of a Significant Financial Interest as defined in this document. The report must include the type of activity, the time commitment of the activity, the duration of the activity, and the approximate amount of remuneration.

Procedures

Conflicts of Interest as defined in this document will be identified and disclosed in the following cases:

- 1) During sponsored project proposal submission.
- 2) During sponsored project/contract award negotiation.
- 3) During the initiation of technology transfer to external parties.
- 4) During hiring and annually after employment begins (faculty and professional staff only).

In cases 1 and 2, COI disclosure forms will be collected by the Office of Sponsored Programs and Research (SPR) upon proposal submission and award negotiation. In case 3, the Office of Research and Creative Activity (ORCA) will work with the University Technology Development Corporation to ensure that UNO investigators complete disclosure forms. In case 4, disclosure forms will be collected by UNO's Office of Human Resources (HR) upon initiation of the hiring

process and at yearly intervals. In cases 1 through 3, disclosures from Covered Persons that identify a potential COI will be forwarded to ORCA and passed on to the University Committee on Conflict of Interest (UCCOI) (see details of composition below). This Committee will develop suitable management (or elimination) plans that will be provided to ORCA which will forward them to the Covered Person, his or her chair or director, and the appropriate dean. If the activity includes human subjects, non-human vertebrates, biosafety-regulated or radioactive materials, the appropriate university compliance committee also will review the research activity, in light of the potential or perceived conflict of interest in the research management plan. In case 4, disclosures from Covered Persons with an identified potential COI will be forwarded by HR to the UCCOI, which will develop and pass management plans to HR, which will forward them to ORCA, the Covered Person, his or her chair or director, and the appropriate dean.

Concerns regarding the management plan by those being managed will be brought to the attention of ORCA or HR, as appropriate. The appropriate office will present the concerns, in writing, to the UCCOI for reconsideration. If concerns remain after reconsideration, the matter may be appealed. An appeal will be presented to, and decided by, a majority vote of an appeal board comprised of the Associate Vice Chancellor for Research and Creative Activity (AVCRCA), a representative designated by the Vice Chancellor for Business and Finance, and three deans, to include the dean supervising the Covered Person. The decision of the appeal board will be final.

If circumstances surrounding a COI under a management plan change, the Covered Person may request a modification of the management plan by contacting ORCA or HR, as appropriate. The office contacted will relay the request for modification to the UCCOI for consideration and action.

A panel to include the AVCRCA, a representative designated by the VC for Business and Finance, and a representative designated by the Academic Freedom and Tenure Committee will review, suggest changes, and validate the COI program every two years.

Each Covered Person operating under a management plan must produce an annual report updating the status of both the conflict and the management plan. This report will be due to ORCA or HR, as appropriate, no later than two months prior to the date that the annual campus report is due to the Chancellor, or sooner if required by the federal sponsoring agency. This document will be reviewed by the UCCOI to determine compliance, with review results reported to ORCA and HR. Disclosures and management plans will be kept on file in ORCA and HR for 7 years after cessation of the conflict.

Noncompliance with the conditions of a management plan will trigger the UCCOI to report noncompliance to ORCA and HR. The office with oversight will report the noncompliant activities to the Covered Person's supervisor and ask that the management plan be implemented immediately and in full. The status of compliance with the management plan will be assessed on a monthly basis for a period of 12 months following the original finding of

noncompliance. If at any time the Covered Person is not compliant, the person may be reassigned to an activity in which there is no potential or perceived conflict of interest in research. Further such failure or refusal to disclose or comply may be deemed a violation of this policy and Board of Regents Policy 3.2.8 and shall be cause for consideration of further disciplinary, employment, and/or academic action.

An annual COI report will be generated by ORCA and HR according to NU BOR guidelines and submitted to the Chancellor for review. The Chancellor will submit the report to the President. COI information and COI management plans will be reported to federal funding agencies as required.

The UCCOI will work with ORCA and HR to develop materials and provide COI training directly to deans, chairs, and directors who will be responsible for passing this information to their faculty, staff, and students. Guidance concerning avoidance of COI will be provided within each college by college designees in conjunction with the UCCOI and ORCA. This training will include information regarding institutional conflicts of interest. A website will be developed and posted to include the University's COI policy, examples of COI and management strategies, the pertinent federal regulations, and training materials. Disclosures, management plans, and other material relevant to each COI will be maintained by the appropriate office for seven years after the COI has ended. Information regarding COI and management plans will be made publicly available only upon specific, formal request.

In the case of federally funded research, UNO shall make available (within five business days of any written request) the following information concerning Significant Financial Interests related to the Sponsored Research project:

- a. That the Significant Financial Interest was disclosed and is still held by the Covered Person;
- b. That the University has determined that the Significant Financial Interest relates to the sponsored research project; and
- c. That the University has determined that the Significant Financial Interest is a financial Conflict of Interest. At a minimum, the publicly available information should include the Covered Person's name, title, and position as it relates to the federally funded research project; the name of the entity in which the Significant Financial Interest is held; the nature of the Significant Financial Interest; and the approximate dollar value of the Significant Financial Interest, permissible in dollar ranges, or a statement that the Significant Financial Interest's value cannot be readily determined through reference to public prices or other reasonable measures of fair market value. The University should also note in its written responses that the information provided is current as of the date of the correspondence and is subject to updates within sixty days of the identification of new Significant Financial Interests and should be subsequently requested.

University Conflict of Interest Committee

The UCCOI will be comprised of one member recommended by the Vice Chancellor for Business and Finance, three faculty members recommended by the Faculty Senate, and one member from Academic and Student Affairs recommended by the Senior Vice Chancellor for Academic and Student Affairs. The committee will be appointed to and report to the Chancellor. The AVCRCA will serve in an ex-officio capacity.

Committee members will serve for three year terms with the possibility of reappointment. All members will receive training in COI identification and management. The committee will be charged with responding quickly in the identification of conflicts and the development of management plans and will be encouraged to work with faculty members throughout the process.