



Policy Title: Conflicting University Duties
Category: Conflict of Interest
Policy Number: 120
Sponsor: Director of Compliance and Risk Management
Effective Date: April 27, 2005

INTRODUCTION AND PURPOSE. This document describes the University's conflict of interest program as it is generally applied to conflicting University duties.

CANCELLATION. None.

SCOPE AND APPLICABILITY. This applies to all employees and all persons who exercise authority on behalf of the University that involve or relate to a conflicting University duty, as defined in this document. When a specific scenario policy exists that addresses the matter, that specific scenario policy will supersede this policy.

POLICY STATEMENTS.

The University has a conflict of interest program designed to ensure that the good faith performance of University duties is not compromised by the incentives and inhibitions associated with a conflicting University duty and to avoid even the appearance of impropriety.

Conflicting University duties need to be identified, disclosed, and resolved to ensure that each University duty is performed in good faith as well as create the accurate appearance that each is performed in good faith. The purpose is not to label any particular conflicting University duty as improper. University duties that are in conflict (or apparent conflict) are each beneficial in isolation.

Although individuals have a role in identifying, disclosing, and making recommendations concerning their own conflicting University duties, any determination to allow those individuals to perform a conflicted University duty should be made by another.

DEFINITIONS.

Conflict of interest program. The conflict of interest program is designed to ensure that the good faith performance of University duties is not compromised by the incentives and inhibitions associated with a conflicting interest and to avoid even the appearance of impropriety. The program consists of three steps:

1. identifying the conflicting interest;
2. disclosing the matter to the appropriate authority; and
3. resolving the matter consistent with conflict of interest policies.

Conflicting University duty. A conflicting University duty is when the incentives or inhibitions associated with one University duty create an actual or apparent bias or improper influence upon the good faith execution of another University duty involving discretionary authority. One example is the incentives associated with being a Principle Investigator on a research protocol (a

University duty) creates an actual or apparent bias or improper influence upon the good faith reviewing of that protocol as a member of the Institutional Review Board (another University duty).

PROCEDURES.

1. Identifying the conflicting University duty involves a self-assessment (each person shall perform a self-inquiry to determine whether he or she has a conflicting University duty as defined in this policy).
2. Once the conflicting University duty is identified, the individual with the conflict shall disclose the matter to his or her supervisor (or both supervisors if the different duties are under different supervisors) for resolution (unless the individual will no longer perform one of the University duties in conflict, in which case the conflict no longer exists). Information to be disclosed includes:
 - a. the specifics of both University duties;
 - b. a proposed plan to resolve the matter that ensures the actual (and the accurate appearance of) good faith execution of the University duty.
3. The supervisor or supervisors shall decide which duties will be allowed to be performed by the individual. The supervisor shall not allow the individual to perform both University duties unless the supervisor is convinced a particular plan is followed that effectively ensures the actual (and the accurate appearance of) good faith execution of the University duty.
4. Factors that shall be considered in the determination of whether an effective plan is possible and, if so, the specifics of that plan include:
 - a. the nature of the University duties in conflict;
 - b. the effect upon the University and others if one or both of the University duties were not performed in good faith;
 - c. the appearance to a reasonable person in the public whether the University is acting with integrity and in accordance with ethical principles;
 - d. the availability of a qualified and willing alternate; and
 - e. the effectiveness of methods short of disqualification, such as:
 - (1) independent observer of activities,
 - (2) additional oversight or approval layers,
 - (3) reduction of one or both of the University duties, and
 - (4) revealing the University duty or duties to specified person(s).
5. In making this determination, the supervisor(s):
 - a. shall not have a conflicting interest (if so, the supervisor shall decline to make the determination and refer it to his or her supervisor); and
 - b. may seek the advice and counsel of others who do not have a conflicting interest.

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POINTS OF CONTACT.

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REFERENCES AND RELATED POLICIES.

Conflict of Interest 100 (Conflict of Interest Program).