

**POLICY ON CONFLICT OF INTEREST FOR RESEARCH
AND SPONSORED PROGRAMS**

I. INTRODUCTORY NOTE.

A. This policy is established in accordance with the National Science Foundation grantee standards. The intent of the regulations is to promote objectivity in research by establishing standards to ensure there is no reasonable expectation that the design, conduct, or reporting of research supported by sponsored funding will be biased by any conflicting financial interest of an Investigator.

B. In recent years, the issue of conflict of interest has become increasingly important. University faculty and some staff members have taken 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. Governmental agencies and universities, becoming more concerned about the extent and type of these activities as they relate to funded and proposed research as well as scholarly activities of faculty and some staff, have issued regulations that 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 significant financial interest 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.

II. DEFINITIONS.

A. Investigator. -- An Investigator means the principal investigator, co-principal investigator, and any other person at the University who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding.

B. Chair/Director/Unit Head. – Chair/Director/Unit Head means the chair, or equivalents of other units such as the director of a center or institute, in whom primary administrative authority resides. If a conflict exists for a chair/director/unit head, the term refers to the head of the next level of administrative authority in the normal reporting line.

C. Immediate family. -- Immediate family means the Investigator's spouse, domestic partner, parents or children.

D. Significant financial interest. -- Significant financial interest means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options, or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights).

This term includes (but is not limited to):

1. payments in excess of \$10,000 including salary, consulting fees, royalty or licensing payments from intellectual property, honoraria and/or gifts received within the past 12 months or anticipated for the next 12 months (excluding salary and other payments for services from the University or through the University);
2. equity interest worth more than \$10,000 or more than 5% of the business entity as determined by reference to its publicly listed price (excluding mutual funds);
3. any equity interest if the value cannot be determined by reference to publicly listed prices (e.g., start-up companies);
4. a position as director, officer, partner, trustee, employee, or any other position of management; or
5. patent rights or royalties from such rights whose value may be affected by the outcome of the research, including royalties under any royalty-sharing agreement involving the University.

The term does not include:

1. salary, royalties, or other remuneration from the University;
2. income from seminars, lectures, or teaching engagements sponsored by public or nonprofit identities;
3. income from service on advisory committees or review panels for public or nonprofit entities;
4. an equity interest that, when aggregated for the Investigator and immediate family, meets both of the following tests: Does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a five percent ownership interest in any single entity; or
5. salary, royalties or other payments that when aggregated for the Investigator and immediate family are not expected to exceed \$10,000 during the next twelve months.

III. GENERAL PRINCIPLES.

A. A conflict of interest may take various forms but exists when there is a divergence between an individual's private interests and his or her professional obligations to the University such that an independent observer might conclude there is a possibility of influence by considerations of gain, financial or otherwise, for the individual or his or her immediate family. A conflict of interest depends on the situation and not on the character or the actions of the individual.

B. Conflicts of interest can arise out of the fact that a mission of the University is to promote public good by fostering the transfer of knowledge gained through University research and scholarship to the private sector. Two important means of accomplishing this mission include consulting and commercialization of technologies derived from University research. It is appropriate that individuals be rewarded for their participation in these activities through consulting fees, sharing in royalties resulting from commercialization of their work, ownership and/or other associations with spin-off companies. It is wrong, however, for an individual's actions or decisions, made in the course of his or her University activities, to be improperly influenced by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual and reflects negatively on both the institution and the external sponsor of the research activity.

C. Members of the academic community should conduct their affairs so as to avoid or minimize conflicts of interest, and must respond appropriately when apparent conflicts of interest arise. To that end, the purposes of this policy are to educate individuals about situations that generate conflicts of interest; to provide means for individuals and the University to manage, reduce, or eliminate conflicts of interest; and to describe situations that are prohibited. Every member of the academic community has an obligation to become familiar with, and abide by, the provisions of this policy. If an Investigator is unsure about what is meant by the term "conflict of interest" in the context of this policy, he or she should seek clarification from the department chair, college dean, Director of the Office of Research and Sponsored Programs, or the Vice Provost for Research.

IV. STATEMENT OF POLICY.

A. Policy.

1. It is the policy of The University of Tulsa that every Investigator shall disclose and manage conflicts of interest relating to research and sponsored programs as more specifically set out herein.
2. Pursuant to the regulations regarding Codes of Conduct, Investigators should not participate in the award or administration of a contract supported by funds where a real or apparent conflict of interest would be involved (e.g., where the Investigator, his or her immediate family, or the University or its employees, officers, or agents have a significant financial interest in a firm or business that would receive money or anything else of significant value from an award) without a management plan approved by the Vice Provost for Research.
3. Investigators and their immediate families shall neither solicit nor accept gratuities, favors, or anything beyond nominal monetary value from contractors, entities, or parties to subagreements who would be significantly affected by the research or educational activities funded or proposed for funding.
4. Collaborators/subrecipients/subcontractors must either comply with this policy or provide a certification that they are in compliance with Federal and University policies regarding investigator significant financial interest disclosure and that their portion of the project is

in compliance with their institutional policies. It shall be the responsibility of the Investigator to make reasonable inquiry and to insure collaborator/subcontractor compliance.

5. The University of Tulsa Office of Research and Sponsored Programs will appropriately inform the funding agency concerned if the department chair, college dean, or Vice Provost for Research determines that a conflict of interest cannot be satisfactorily managed.

B. Disclosure and Certification of Compliance for Research and Sponsored Programs.

1. All Investigators (without exception) must make confidential disclosure according to the University's policy on conflict of interest as outlined herein, of all significant financial interests of the Investigator (including immediate family):
 - a) that would reasonably appear to be affected by research or educational activities funded or proposed funding; or
 - b) in entities whose financial interests would reasonably appear to be affected by such activities.

This disclosure must be made prior to the submission of a proposal using the disclosure form at the end of this document (see Attachment A).

2. In addition, Investigators must disclose *ad hoc*, any time during the year, new situations in which significant financial interests are obtained and which may raise questions of conflict of interest as soon as such situations become known to the Investigator.
3. The chair/director/unit head (if he/she reports directly to a dean) will review the disclosure form and forward it to the dean of the appropriate college as indicated on the disclosure form.
4. The dean (or a chair/director/unit head who does not report directly to a dean) will review the financial disclosure, determine whether a conflict of interest exists, and determine what conditions or restrictions, if any, should be imposed by the institution to manage, reduce, or eliminate such conflict of interest. A conflict of interest exists when the reviewer(s) reasonably determine(s) that a significant financial interest could directly and significantly affect the design, conduct, or reporting of the research or educational activities in question.
5. Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate actual or potential conflicts of interest that should be included in a management plan include, but are not limited to:
 - a) public disclosure of significant financial interests;
 - b) monitoring of research by independent reviewers;

- c) modification of the research plan;
 - d) disqualification from participation in that portion of the research that would be affected by the significant financial interests;
 - e) divestiture of the significant financial interest; or
 - f) severance of the relationships that create the conflicts.
6. Following review and approval of a management plan by the dean or the chair/director/unit head, the Investigator's disclosure and the dean's findings and recommendation shall be submitted to the Vice Provost for Research for his or her review and approval.
 7. Records of all financial disclosures and of all actions taken to resolve conflicts of interest will be maintained in the appropriate dean's office until at least three years after the termination or completion of the sponsored project award to which they relate, or the resolution of any government action involving those records, whichever is later.
 8. Failure of any Investigator to comply with this policy shall constitute grounds for disciplinary action consistent with the procedures set forth in the *Statement on Academic Freedom, Responsibility and Tenure* or any applicable employment policy.
 9. Information supplied in accordance with this policy shall be deemed confidential unless public disclosure is required under Section 5a) as a remedy for a conflict of interest. Any persons receiving such information not required to be publicly disclosed under Section 5a) who fail to maintain its confidential character shall be subject to disciplinary action consistent with the procedures set forth in the *Statement on Academic Freedom, Responsibility and Tenure* or any applicable employment policy.

V. PROCEDURAL DETAIL.

A. Responsibilities of academic deans and chairs/directors/unit heads. Each chair/director/unit head, dean, Director of the Office of Research and Sponsored Programs, and the Vice Provost for Research is responsible for the timely review of disclosures. The dean shall use his or her discretion and knowledge of local conditions to set up a system that works well for the college. Each college's plans for distribution, receipt, processing, and review of all financial disclosure forms shall be submitted and approved by the Director of the Office of Research and Sponsored Programs and the Vice Provost for Research.

B. Responsibilities of the Vice Provost for Research. The Vice Provost for Research is the University official responsible for interpreting and overseeing implementation of and compliance with this policy. The Vice Provost for Research or his or her designee is responsible for reporting and certifying the University policy for disclosure and for keeping the appropriate external funding agency informed where the rules require notice to the agency.

C. Appeal of decisions made by the dean or by the Vice Provost for Research. Should an Investigator wish to appeal a decision made by the dean or by the Vice Provost for Research, he or she may petition the Committee on Faculty Grievances as specified in the *Statement on Academic Freedom, Responsibility and Tenure* or, in the case of non-faculty, any other appropriate grievance mechanism.

D. Implementation. This policy is effective October 1, 1995. This policy was last revised March 2014.