

CONFLICT OF INTEREST POLICY FOR RESEARCHERS AND SCHOLARS

No: _____

Date: November 23, 2004
UC/ASC/RPC Version

Authority: Wisconsin Administrative Code Chapter UWS 8
Faculty Document #2229
The University of Wisconsin System Mission
Select Mission of the University of Wisconsin-Milwaukee
UWM Administration

I. INTRODUCTION

The purpose of this policy is to assist in the identification and management of actual and potential conflicts of interest. In order to sustain public confidence in UWM's educational, research, and other scholarly activities, UWM will act to identify and manage actual or potential conflicts of interest of employees who are engaged in outside activities or participating in research projects. Such actions are in accordance with UWM's academic mission and state regulations. A written and enforced policy on conflict of interest identification and management is required by the federal government for research funded under Public Health Service grants, agreements, and contracts, including the National Institutes of Health and the Department of Health and Human Services [Code of Federal Regulations, Title 42, Part 50, Subpart F, Section 50.604], and by the National Science Foundation [NSF Grant Policy Manual, Chapter V, Section 510].

II. CONFLICT OF INTEREST FOR RESEARCHERS AND SCHOLARS POLICY

(Hereafter referred to "Conflict of Interest Policy")

A. Definitions

1. Conflict of Interest

Conflict of interest refers to situations in which significant financial interests or other personal considerations may affect or have the appearance of affecting a UWM researcher's professional judgment in the conduct or reporting of research and scholarly activities.

2. Other Personal Considerations

Other personal considerations refers to any non-monetary benefit, including, but not limited to, the promise of additional professional title or increased control over the administration of research funds, which affects or has the appearance of affecting the judgment of a UWM researcher.

3. 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 earned from outside enterprises or entities), equity interests in business enterprises or entities (e.g., stocks, stock options, or other ownership interests), and intellectual property rights (e.g., patents, copyrights and royalties from such rights) for the researcher, researcher's spouse or domestic partner, and immediate family.

Significant financial interest does not include university related remuneration such as salaries, benefits, and royalties; investments in mutual funds; or a financial interest in business enterprises that does not exceed \$10,000 or represent more than 5% ownership interest for any one enterprise or entity, whichever is smaller.

4. Researcher

A Researcher is any UWM employee involved in the research activities including the development of research proposals and the performance of research projects.

B. Principles Governing Conflict of Interest Management

1. General Statement of Principle

Researchers are expected to avoid conflicts of interest because of their potential to affect UWM's interests, compromise UWM's objectivity in fulfilling its mission, or otherwise compromise the researcher's performance. In no event shall the design, conduct or reporting of research be biased by any conflicting financial interest of the researcher(s).

2. Compatibility with UWM Duties

Researchers should report situations that would cause the researcher's interests to appear to be incompatible with his or her duties and obligations to UWM.

3. Diversion of Potential Opportunities

Researchers should not divert to an external entity in which the researcher has a significant financial interest opportunities that could have been performed by UWM (for instance, research support, delivery of services or training).

4. Use of Facilities

Except as otherwise set forth in UWM policies and procedures, including (but not limited to) S-23, UWM facilities and resources should not be used for non-UWM activities.

5. Compliance with Government Policy

State and federal agencies require that research they sponsor be free of bias due to financial interests or other personal considerations of the researcher and institution, that funds are expended as intended, and that the commitment of

time and effort is appropriate. Failure to comply may jeopardize existing or future funding. Most governmental agencies require that the institution assume responsibility for ensuring that these concerns are addressed. Therefore, researchers must cooperate to ensure that UWM can resolve and/or manage conflicts in conformity with regulations of the granting agencies.

6. Adherence to UWM and University of Wisconsin System Missions

Agreements with external entities shall not undermine the university's mission or basic academic principles, including but not limited to, the development and dissemination of knowledge. Likewise, no activity should impede or diminish the educational experience of UWM students. Interference in the choice of the scholarly pursuits or diversion of university resources from UWM's mission is not permissible.

C. Disclosure of Potential Conflicts of Interest

The Vice Chancellor for Research shall manage the presentation of conflict of interest matters before the Conflict of Interest Committee. That process begins with the full disclosure of a potential conflict of interest by the researcher. Full disclosure of potential conflicts is in the interest of the researcher as it demonstrates good faith and it protects his or her and UWM's reputation. There are several different means for disclosure:

1. Preliminary Discussions

Prior to writing a proposal or entering into a transaction involving a significant financial interest, researchers are encouraged to consider whether a conflict of interest may emerge. Early discussion with and review by the chair or director and the dean of relevant financial information may help to identify existing or potential conflicts of interest.

2. Discussion During the Performance of a Research Project

Researchers may confront situations during a project that were not anticipated but which may give rise to a conflict or the appearance of a conflict. In such cases, researchers are encouraged to discuss the situation with their dean to initiate an examination of an actual or potential conflict of interest.

3. Financial Disclosure and Outside Activities/Interest Form

In the Spring of every year, researchers shall submit to their chair or director a form that contains a listing of outside activities and financial interests. This form shall be on file prior to any proposal submission. It is important that this form be updated as additional significant financial interests or outside activities are acquired throughout the year.

The researcher's chair or director shall review the information from discussion with the researcher (if any) and the completed disclosure form, indicate whether or not a potential conflict exists, sign and forward to the dean. If a potential conflict is found, the dean will notify the researcher, the Office of Research Services and Administration, and the appropriate chair or director. The chair, director or dean may propose conditions to manage

or eliminate the conflict on the Transmittal Form and in a memo to the Vice Chancellor for Research.

If, after review, the dean, chair or director does not believe that a conflict is present, they shall indicate so in the signature space on the Transmittal Form.

4. Administrative Assessment of Conflicts of Interest

The dean will refer any actual or potential occurrences of conflict to the Vice Chancellor for Research. The Vice Chancellor for Research will refer the matter to the Conflict of Interest Committee as described in Section D (1) and D (2) below.

If at anytime the chair, director or dean does not feel sufficiently informed to determine whether a conflict exists, he or she may ask the researcher for additional information or documentation.

D. Conflict of Interest Management Procedure

1. Conflict of Interest Committee Composition and Chair

a. Committee's Role

The Committee has three roles. First, the Committee must evaluate each case by reviewing all pertinent documentation relating to the case and making a determination whether an actual or potential conflict of interest exists. Second, the Committee shall recommend actions to manage conflicts. Third, the Committee should advise the Vice Chancellor for Research and the Research Policy Committee about recommended changes to this policy.

b. Composition

The Conflict of Interest Committee shall be a standing administrative committee that works closely with the Vice Chancellor for Research. The Committee shall be composed of seven voting members and five non-voting members who shall be appointed by the Chancellor according to the following guidelines:

Three elected members of the Faculty Ethics Committee. Each shall serve three-year terms.

Two additional tenured faculty members selected to ensure that the committee has at least one member from each of the four faculty divisions (i.e., arts and humanities, natural sciences, social sciences, professions). The Vice Chancellor for Research, in consultation with the University Committee, shall recommend them for service, and each shall serve three-year terms.

Two full-time academic staff members involved in research or research administration. The Vice Chancellor for Research, in consultation with

the Academic Staff Committee, shall recommend them for service, and each shall serve three-year terms.

The Provost shall recommend one senior administrator from the Office of Academic Affairs for annual service on the Committee (*ex officio*, non-voting).

One senior administrator from the Office of Administrative Affairs shall be recommended for annual service on the Committee by the Vice Chancellor for Administrative Affairs (*ex officio*, non-voting).

The Chair of the Research Policy Committee (*ex officio*, non-voting).

The Director of Research Services and Administration shall be the Committee's *ex-officio* non-voting secretary.

The Technology Transfer Manager shall serve as an *ex-officio* non-voting Committee member.

c. Chair

The Committee shall elect the Chair annually from among the seven voting members of the Committee.

2. Committee Process

a. Confidentiality

The Conflict of Interest Committee shall review all information relevant to a matter taking precaution to protect confidential information, consistent with all applicable federal and state law.

b. Researcher's Right to Presentation

Upon finding that an actual or potential conflict of interest exists, the Committee shall give the researcher an opportunity to present information to the Committee per UWS 8, Wis. Admin. Code.

The Technology Transfer Manager shall be available to answer questions relevant to the preparation or process of the presentation to the Committee.

The researcher shall have the burden of proof in any disputed matter. All Committee hearings will be closed pursuant to UWS 8.035, Wis. Admin. Code.

c. Conflict of Interest Management Plan

A conflict of interest management plan may be developed and presented by the researcher in consultation with his or her chair or director and dean. The management plan shall consist of:

- A description of the proposal under consideration;

- A description of what actual or potential conflict of interest issues are implicated by the proposal; and
- A description of the means proposed to rectify actual or potential conflicts.

The Committee may endorse the management plan without change or propose alternate provisions.

d. Committee's Recommendation

The Committee shall recommend to the Vice Chancellor for Research what conditions and restrictions, if any, should be imposed by UWM to manage the actual or potential conflicts.

3. Vice Chancellor's Determination

The Vice Chancellor for Research, with due regard for the Committee's recommendations, shall assess the whether the proposed management plan is consistent with UWM's academic principles and the development and dissemination of knowledge. The Vice Chancellor for Research may require any conditions or restrictions he or she deems necessary in order to ensure that the researcher and UWM are not compromised by a research project.

The Vice Chancellor for Research may allow the research or scholarly activity to go forward without imposing conditions or restrictions if he or she concludes that potential negative impact of the conflict is outweighed by the interests of scientific progress, technology transfer, or public health and welfare and that the research is also permissible under applicable regulations. The Vice Chancellor for Research shall inform the researcher and his or her dean in writing of his or her findings prior to the initiation of the proposed activity. The University Committee or the Academic Staff Committee will be copied. The Institutional Review Board for the Protection of Human Subjects in Research and the Institutional Animal Care and Use Committee will be copied when applicable.

If the Committee and/or the Vice Chancellor are unable to manage a conflict of interest, the Vice Chancellor for Research will inform the affected parties that the researcher may not engage in the proposed research or transaction.

4. Appeal

Faculty members may appeal the Vice Chancellor's determination to the Faculty Appeals and Grievances Committee. Academic staff members may appeal the determination to the Academic Staff Hearing and Appeals Committee. These committees may then make recommendations concerning the research proposal in question to the Provost. The decision of the Provost regarding conflict of interest matters shall be final.

III. RECORDS

UWM will maintain records of all financial disclosures and of all actions taken to resolve actual or potential conflicts of interest until five years after the termination or completion of the activity which gave rise to the conflict or the resolution of any legal action involving the aforementioned activity.

IV. EMPLOYEE RESPONSIBILITY

Employees will be held accountable for full disclosure of significant financial or other personal interest, or potential activities that might be presumed to interfere with the employee's duties or responsibilities to UWM as defined in this policy and for compliance with any conditions or restrictions imposed by UWM in order to manage any actual or potential conflict of interest. Failure to abide by the policy may result in sanctions imposed on the employee under, for all persons holding faculty rank, UWS 6.01, Wis. Admin. Code and UWM Policies and Procedures 5.40 *et seq.* or, for all academic staff members, UWS 13.01, Wis. Admin. Code and UWM Academic Staff Policies and Procedures Chapter 111.