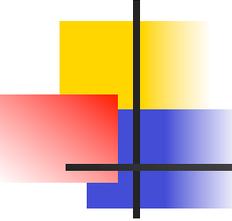


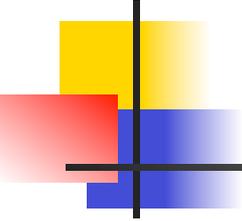
Professional Commitment of Faculty and

Conflicts of Interest and Conflicts of Commitment



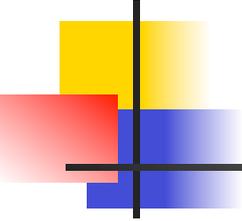
Goal of Presentation

- Become familiar with the COI Process & COI Program at UMCES
- Clear up some misconceptions surrounding COI – it's not a BAD thing!
- Provide additional information for reference when you might need it..



Why are these Policies & Procedures Created?

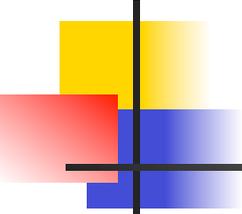
- Federal Requirements
- State Law
- Board of Regents Policy



Where Are UMCES Policies located?

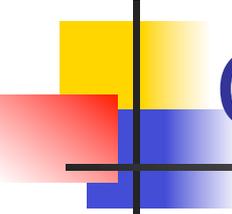
- UMCES Web Site

- <http://www.umces.edu/about/policies>
 - http://www.umces.edu/sites/default/files/pdfs/umces_original_policies.pdf. These are original policies in process of being converted to:
 - <http://www.umces.edu/about/consolidated-policies>. Current on-going effort and includes all BOR policies.



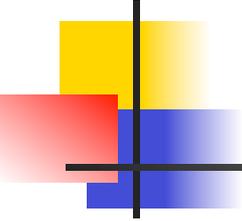
Conflicts of Interest and Conflicts of Commitment

- BOR II-3.10 Professional Commitment of Faculty
- BOR III-1.11 Conflict of Interest in Research or Development
- UMCES VII-1 & -3 (old) to be II-3.10 Policy and Procedures on Conflict of Interest and Conflict of Commitment
- State Ethics Law, Sections 15-501 *et seq.* of the State Government Article of the Annotated Code of Maryland



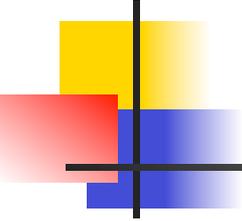
Conflicts of Commitment: General Principles

- UMCES appointment carries a major professional commitment to the university's mission and goals
- UMCES Mission is advanced when personnel forge links outside UMCES in capacities that relate to their professional expertise
- Such outside activities are encouraged **but** may create the possibility of real, potential, or apparent **conflicts of interest and commitment**



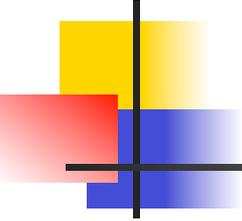
General Policy Overview

- UMCES employees have an obligation to **report** actual or potential ethical, legal, financial, or other conflicts of interest and commitment
- Working with supervisors and institutional management, UMCES employees must either find means to **resolve or to manage** any conflicts, **or** they must **not participate** in the activities that give rise to them



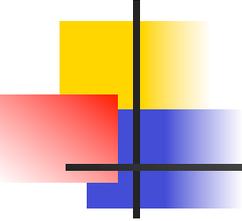
Conflicts of Commitment

- May arise when outside professional activities or other significant commitments (in or outside UMCES) interfere with employee's (faculty or staff) meeting his/her primary job responsibilities to UMCES.



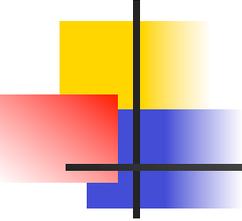
Conflicts of Interest: UMCES

- May arise when a UMCES employee is in a position to gain financial advantage or personal benefit from his/her position, either through:
 - outside professional activities or
 - actions or decisions at UMCES



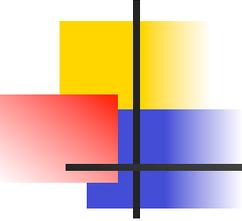
Conflicts of Interest: State Ethics Law

- UMCES employees are State employees
- COI in context of State Ethics Law
 - Restricts the relationships (employment, consulting and other) and financial interests that UMCES employees may have with outsiders that do or seek to do business with UMCES or the State



Conflicts of Interest: State Ethics Law

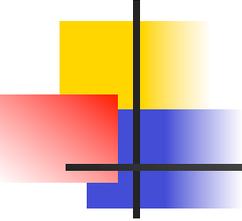
- COI in context of State Ethics Law
 - Prohibits other things like:
 - Participating in certain matters involving a business entity if employee/family has interest in business
 - Using prestige of office or confidential information for private gain
 - Asking for or accepting certain gifts



Key Items: Full and Prompt Disclosure

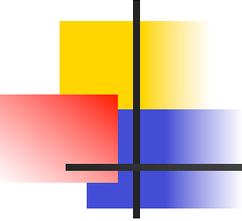
- What to Disclose

- Significant professional activities outside UMCES or the unit
- Other situations where a conflict or *perception* of conflict may occur



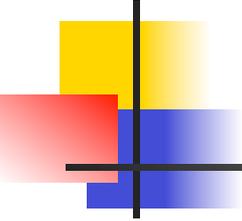
Key Items: Full and Prompt Disclosure

- When to Disclose
 - As situations arise, inform Lab Director/Unit Head
 - Proposal for sponsored project
 - In context of formal UMCES reporting process
 - Consulting reports –



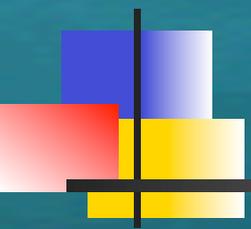
Resolving Conflicts of Commitment

- Normally resolved at level of Lab/Unit Head
- Would proceed to next higher level of supervision if not resolved

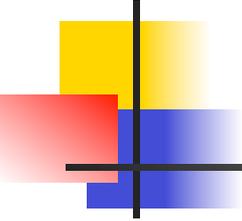


Resolving Conflicts of Interest Unrelated to Research or Development

- COI under State Ethics Law
 - State Ethics Commission has sole authority to interpret State Ethics Law
 - Consult with State Ethics Commission, as needed
 - Activities may be suspended, pending determination by State Ethics Commission

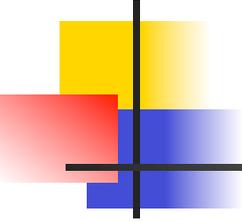


Resolving Conflicts of Interest in Research or Development



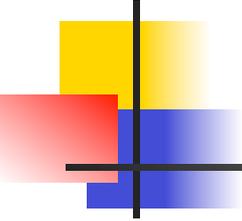
What is COI in Research or Development?

- State Ethics Law defines and prohibits conflicts of interest by state employees
 - Sections 15-501 through 508
 - Exempts employees of State universities from certain conflict of interest provisions under certain circumstances
 - Permits relationships with entities involved in research or development **IF** university adopts policies and procedures



UMCES COI Principles

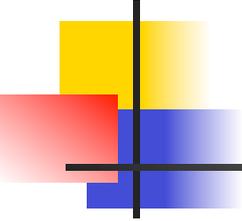
- UMCES employees may have relationships with entities engaged in R or D, or having a direct interest in the outcome of R or D, ***IF*** the relationship is disclosed and approved under UMCES COI procedures.



Definitions

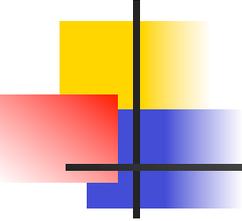
■ **Relationship**

- Any interest, service, employment, gift, or other benefit or relationship with a non-State entity, which would otherwise be prohibited by State Ethics Law
- Includes spouse or other relative



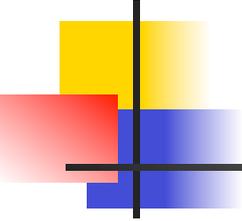
More Definitions

- **Research or Development**
 - Basic or applied R or D, including the development or marketing of UMCES owned technology, the acquisition of services by an entity for R or D purposes, or participation in State Economic Development programs



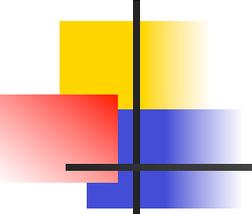
Disclosure

- Initial disclosure to Lab/Unit Head
 - If real **or** perceived COI in R or D, submit COI in Research or Development Form



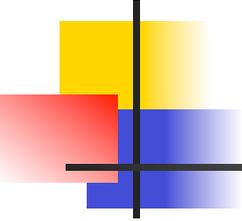
More Disclosure

- Obtain COI Form from website or ORAA
- When to file
 - for initial approval – BEFORE activity
 - annual confirmation, as requested
 - change in circumstances
 - when relationship ends



More Disclosure

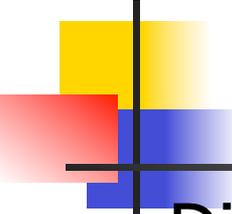
- COI Form (cont.)
 - Contents
 - full description and supporting documentation
 - Submit with proposed management plan, as appropriate to manage, reduce or eliminate real or potential COI
 - through Lab Director to COI administrator (ORAA)
 - Likely to become part of the public record



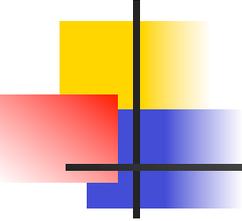
Review

- COI committee reviews and makes recommendation to President (through VP for Administration)
- Restrictions may be imposed to manage, reduce, or eliminate, any actual, or potential COI

COI Management Plan can include:

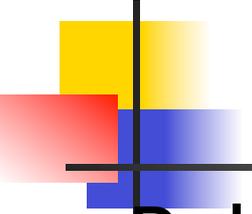


- Disclosure to sponsor and/or participants – including students - in the project
- Disclosure to other researchers, in publications, presentations, etc.
- Modification of research plan
- Removal of conflicted PI from the authority to make financial decisions within the research
- Restriction of consulting with entity creating real or potential conflict for a time period.



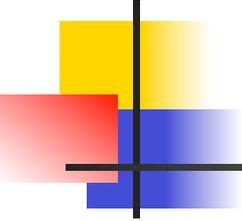
Requirements for Approval

- Relationship may not
 - Give improper advantage
 - Lead to misuse of students or employees
 - Interfere with employees' responsibilities



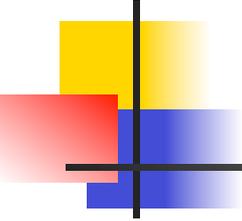
More Requirements

- Relationship may not (cont.)
 - Constitute a harmful interest (an interest found to be so influential as to impair impartiality in the conduct of research, the interpretation of results and/or the determination of research, professional or employment priorities)
 - Present an unacceptable COI
 - Otherwise violate policies, procedures or best interest of UMCES



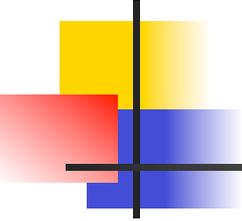
Approval

- President's decision is final
- Approval may be withdrawn
 - Misrepresentation
 - Change in circumstances
- Approval is filed with Chancellor and State Ethics Commission



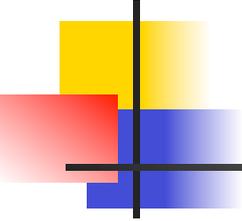
Continuing Obligations After Approval

- Ensure improper advantage is not given to outside entity
- Do not disclose unauthorized data to outside entity



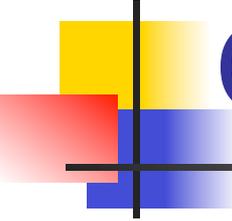
More Obligations

- Adhere to BOR & UMCES policies
 - Professional commitment & outside consultancy
 - NSF or other sponsor requirements, as appropriate



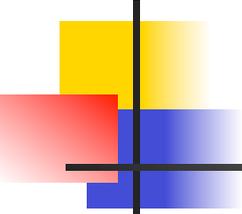
Standards for Outside Professional Activities “Consulting”

- Generally permitted so long as no COI or COC
- Consulting within UMCES, USM or State agency
 - Payment not allowed without advance approval from President
 - Payment for work on UMCES contracts or grants (would be rare and usually requires sponsor prior approval)



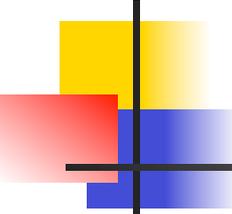
Consulting - Key Items

- Modest use of UMCES resources (e.g., office, computer, phone) generally allowed
- Use of UMCES staff and/or other employees is generally not allowed
- May not convey UMCES endorsement of outside work



Consulting - More Key Items

- Consulting agreements may not conflict with UMCES policy on intellectual property without Chancellor's and/or President's written consent, as appropriate
- Take care to ensure that outside activities do not conflict with other UMCES Policies



Remember -

- *Conflict is NOT negative!*

Competing interests are everywhere and not inherently bad. It is not unusual to occur out of researchers activities -

Disclosure and Proper Management is the KEY

- *Disclosure is good!*

This is your means of protection!

- required by state law
- individual responsibility