

Executive Policy - Academic Affairs

E5.214 CONFLICTS OF INTEREST AND COMMITMENT

I. INTRODUCTION

Employees of the University of Hawai'i (University) and the Research Corporation of the University of Hawai'i (RCUH) have a special obligation to commit their time, efforts, and intellect to its educational, administrative, service, research, and scholarship missions. The University does, however, encourage its employees, where appropriate, to pursue outside activities and sponsored research that may benefit not only the University but also the public, as well as to expand upon the employee's intellectual capabilities. In so doing, University employees are expected to act ethically and with the utmost integrity. Executive Policy E5.214 addresses concerns regarding conflicts of interest. Conflicts of interest refer to situations in which an employee's financial, professional, or other personal interests may influence, or appear to influence, the employee's judgment in fulfilling his or her responsibility to the University. Conflicts of interest may also include institutional or individual financial, scholarly, and organizational conflicts of interest, as well as conflicts of commitment. As a steward of public funds, the University has a responsibility to ensure that all of its activities—whether institutional or individual and particularly those related to teaching, public service, administration, and research—do not threaten the integrity of the University's and faculty's activities.

Executive Policy E5.214 is based primarily on the National Science Foundation (NSF) conflict of interest policies (http://www.nsf.gov/pubs/manuals/gpm05_131/gpm5.jsp#510) and Public Health Service (PHS) regulations (*42 CFR Part 50 Subpart F and 45 CFR Part 94*), but also includes broader requirements and disclosure standards specific to the University. For Project Directors (PDs) and Principal Investigators (PIs) serving designated roles on funded grant awards, guidelines under this policy should be considered in conjunction with rules of the granting agency. PDs and PIs are also required to abide by the University's Office of Research Services (ORS) Financial Conflict of Interest (FCOI) policies and procedures (APM A8.956) and specific instructions for required disclosures. In the cases of private for-profit commercial

sponsors of research, the employee should contact the University's Office of Technology Transfer and Economic Development (OTTED), <http://www.otted.hawaii.edu/>. John A. Burns School of Medicine faculty and staff may obtain additional guidance from the "JABSOM Policy on Interactions with Industry" (http://jabsom.hawaii.edu/jabsom/about/doc/coi_final_11_11_10.pdf). E5.214 is set forth in accordance with the relevant provisions of Chapter 84 of the Hawai'i Revised Statutes.

II. OBJECTIVES AND SCOPE

A. To promote integrity and objectivity in instruction, research and other scholarly activities, public service, document review, and administrative decision-making at the University through disclosure and management or elimination of:

- 1) Individual financial conflicts of interest;
- 2) Institutional financial conflicts of interest;
- 3) Organizational conflicts of interest;
- 4) Scholarly and scientific conflicts of interest; and
- 5) Conflicts of commitment;

B. To promote adherence to all applicable Federal and State laws and regulations, and University policies and procedures by:

1. Helping employees and investigators recognize conflicts of interest and commitment;
2. Assisting employees and investigators in managing, or, when necessary, eliminating, conflicts of interest and conflicts of commitment; and
3. Establishing a mechanism for disclosing and reviewing all relevant relationships with outside entities.

C. SCOPE

This policy applies to all faculty members, staff and administrators, including employees of the University, all Research Corporation of the University of Hawaii (RCUH) employees involved in University research activities, and all students who are either employed or receiving stipends

as a result of their involvement in University research activities.

III. GUIDING PRINCIPLES

- A. Commitment to Ethical Conduct. The University encourages and supports outside activities on the part of its employees that are consistent with the strategic plan and missions of the University, and which may benefit society. However, it is vital that these activities be conducted ethically to maintain integrity in research and scholarship. Outside interest(s) and activities may potentially affect University business, research, education, administration, or decisions in ways that could result in an inappropriate personal gain or confer an improper advantage.

Employees are expected to separate their University and private interests in accordance with state law, federal regulations, and University procedures and policies. The University is committed to ensuring that teaching, research, public service, administration, and business operations are performed in accordance with the highest standards of ethical conduct, and to preserving the public's trust in the integrity of activities undertaken by the University and its employees.

- B. Appropriate Research Activity for the University. Research projects undertaken by faculty and other researchers must be conducted in accordance with the missions of the University; i.e., promising significant contributions to scholarship and knowledge and, when possible, providing appropriate opportunities for students.
- C. Open Environment for Teaching and Research. The teaching and research environment should promote the free exchange of ideas, information, and materials among students and faculty. Selection of students for participation in research projects should serve the student's best interests and should not be influenced by private economic or professional interests of the principal investigator, project director, mentor, or professor.
- D. Open Publication and Sharing of Research Results. Consistent with the Board of Regents policy, (<http://www.hawaii.edu/offices/bor/policy/borpch12.pdf>), minimal limitations, if any, should be placed on the investigator's ability to freely publish and otherwise

disseminate information about research activities and results in the manner of his or her choosing.

E. Appropriate Use of University Facilities and Resources.

In accordance with Hawai'i Revised Statutes (§84-13), University resources, including "...state time, equipment or other facilities..." cannot be used for private business purposes. However, with respect to state time, faculty members can "... engage in consulting, contract, or private employment during the duty period..." if such activity does not "... exceed one (1) day or an accumulation of eight (8) hours per calendar week excluding Sundays and holidays"

(July 2009 - June 2015 Agreement between the University of Hawai'i Professional Assembly and the University of Hawai'i Board of Regents (UH-BOR)).

F. Employee's Responsibility for Disclosure. Individuals who accept employment at the University, are otherwise appointed to a position at the University, or are providing services to the University as a Research Corporation of the University of Hawai'i (RCUH) employee, are responsible for self-disclosing, in writing, any personal potential or actual, significant financial interest or other conflict of interest. Definitions of conflict of interest are set forth in Administrative Procedures APM A5.504. Unless excluded, each employee is required to annually declare whether he/she has personal significant financial interests or other conflicts of interest. Those individuals who may qualify for exemptions from the disclosure requirement are identified in APM A5.504. **Failure to report significant financial interests as defined in APM A5.504 and/or APM A8.956 constitutes a violation of this policy. Further, the failure of an employee to self-disclose a financial conflict of interest, or failure to adequately resolve a conflict when so directed, may be grounds for disciplinary action up to and including termination of employment.**

Disclosure forms are found in Attachment A of APM A5.504.

G. Outside Activities. The University encourages external activities that enhance an employee's value to the University or that provide a public service. Such service to outside educational, professional, scientific, artistic, cultural, civic, business, or other organizations is permissible under the terms of this policy and APM A5.504 (i.e., as long as the activity does not pose an unresolved conflict of interest or commitment).

A conflict of interest can create an appearance of impropriety even if no improper act results from it. The existence of a conflict, in and of itself, may not present a violation of this policy. Individuals and the institution are expected to appropriately manage and resolve conflicts to avoid the appearance of impropriety. The conflicts of interest committee, described in APM A5.504, has been established to assist with management and resolution of conflicts of interest and commitment.

- H. Institutional Financial Conflicts of Interest. The principles that guide and limit the activities of individuals also apply to activities of senior administrators who represent the University. To be disclosed and managed or avoided are conflicts of interest on the part of trustees, senior managers or academic units where there is an external relationship or financial interest in a private entity that has a financial interest in University research or scholarly activity. Service by senior administrators or trustees of the University on boards of organizations that have significant business activities with the University may also result in a conflict or the appearance of a conflict.
- I. Organizational Conflicts of Interest. When providing advice or services to governmental agencies or private sector entities, the University is to avoid biases or the appearance of biases, particularly when there is the possibility of gaining an unfair advantage in competition for financial or other resources as a result of providing the advice or services.
- J. Scholarly Conflicts of Interest. The University expects its scholars to adhere to the highest standards when requested to review and comment on the works of other scholars. Bias should not influence a reviewer's evaluation of the works of others. This is particularly true when the reviewer has the potential for personal, financial or professional gain through negative, wrongful or unfair criticism that may damage the reputation of a colleague and/or lessen the colleague's chances of obtaining funding, publishing a manuscript, or obtaining a promotion.
- K. Conflicts of Commitment. Employees of the University are hired to perform assigned duties in support of the interests and official functions of the University.

Conflicts of commitment may arise when the employee's outside interests and work exceed, in terms of time committed, what

is expected by the University, in accordance with the terms of his or her employment contract. In addition, there may be a conflict of commitment if the outside work differs significantly in character from the official functions of the University.

Commitment issues are to be addressed by the senior administrator communicating directly with the employee. This is to be regarded as an administrative matter not requiring involvement of the Conflict of Interest Committee, as described in APM A5.504.

IV. PROCEDURES

- A. If questions or concerns arise regarding conflicts of interest or commitment, the Office of Research Services, Compliance section should be contacted.
- B. The procedures and processes that apply to conflicts of interest and commitment issues are found in APM A5.504 and A8.956. This policy and related procedures shall be amended and updated as necessary.