Conflict of Interest Policy

General Description

Policy Summary:
Conflicts of interest occur when employees are in a position to influence decisions on policy, purchases or research where they may directly or indirectly receive financial benefit or give improper advantage to associates/family. Conflicts of commitment arise when employees are involved in outside activities that substantially interfere with their primary responsibility to Trinity University.

For purposes of this policy, employees include all faculty, staff, contractors, vendors, volunteers, and other third parties. Italicized words are defined in the Terms and Definition section.

Purpose:
Trinity University expects all employees to exercise good judgement, professional commitment, and the highest ethical standards in their extramural activities that can in any way affect Trinity University. Trinity University promotes objectivity in research by establishing standards to ensure that the design, conduct, and reporting of research will be free of any financial conflict of interest. Every employee has an obligation to avoid any activity, agreement, business investment or interest, or other situation that could be construed to be in conflict with the Trinity University’s interest or to interfere with the employee’s duty to serve the Trinity University. Where existing outside interests contravene the policy, the employee will be permitted a reasonable period, not to exceed three months, to make adjustments or to manage the conflict as approved by the Conflict of Interest Committee.

Scope:
This policy applies to all faculty, staff, contractors, vendors, volunteers, and other third parties.

Exceptions:

1. Specific exceptions may be made by the Conflict of Interest Committee upon application in writing by the employee. Such exceptions shall be wholly discretionary and shall be adopted at such times and under such conditions as will serve the interests of Trinity University.

2. The Conflict of Interest Committee will determine whether an actual or potential conflict of interest exists, and determine what conditions or restrictions, if any, should be imposed by Trinity University to manage, reduce or eliminate such conflict of interest. Each member of the Conflict of Interest Committee must be in attendance to consider the exception. Absentees will be considered negative votes. The President of Trinity University will make the decision in the case of a tie vote.
I. POLICY
It is the policy of Trinity University that:

A. No employee shall have a direct or indirect interest in any business enterprise that is a competitor of Trinity University or has dealings with Trinity University as a supplier. An employee in a position to influence a University business decision for which he/she may receive material benefit should disclose the nature of the conflict to his/her immediate supervisor, and, where possible remove himself/herself from involvement in the decision. If the employee continues to participate in the decision process, discussion with supervisors and documentation of the potential conflict should be presented to the Conflict of Interest Committee.

B. No employee shall seek or receive, for personal or any other person’s gain, any payment, whether for services or otherwise, loan (except from a bank), gift or discount of more than nominal value, or entertainment that goes beyond common courtesies usually associated with accepted business practice from any business enterprise that is a competitor of Trinity University or has current or known prospective dealings with Trinity University as a supplier or could benefit from the employee’s submission of research data.

C. No employee shall, for personal or any other person’s gain, deprive Trinity University of any opportunity for benefit that could be construed as related to any existing or reasonably anticipated future activity of Trinity University.

D. No employee shall, for personal or any other person’s gain, make use of or disclose confidential information learned as a result of employment by Trinity University. Any information that has been acquired in connection with sponsored research by Trinity University employees cannot be withheld from the sponsoring organization(s) for personal benefit.

E. No employee shall have any outside interest that materially interferes with the required time or attention that the employee must devote to Trinity University. Employees should not undertake or orient activities to serve the
needs of an outside organization at the expense of fulfilling the Mission of Trinity University.

F. Before considering outside employment or consulting activities, an employee should discuss potential conflicts of commitment or interest with his/her appropriate supervisor. Employees regularly involved in consulting activities from which they profit financially, are not in conflict so long as:

1. Trinity University resources (laboratories, studios, equipment, computational facilities, and/or human resources) are not used more than incidentally without reimbursing Trinity University.

2. Such activities do not unduly interfere with the time and energy committed by the employees to their primary responsibilities to Trinity University. The allowable amount of time dedicated to consulting will be governed by the Consulting Policy (Faculty Handbook Chapter 4(E)).

3. Such involvement does not inhibit the publication of research findings developed in the course of the employee’s regular Trinity University activities.

G. Trinity University actively encourages involvement in professional organizations, panels, advisory commissions, government, charitable and community organizations. However, such involvement should not become so dominant that Trinity University employees no longer effectively satisfy their responsibilities to Trinity University.

H. Faculty members must exercise prudence in directing students and supervised employees toward activities from which the faculty might financially benefit. In particular, no faculty member should profit unduly from the sale of textbooks or other course materials to students at Trinity University. See Faculty Handbook Chapter 5, Section XIV, On-Campus Sales of Instructional Materials to Students.

I. No employee shall act or be involved in any situation that potentially conflicts with the principle that this policy is intended to implement.

J. The employee will cooperate with Trinity University officials in ensuring that Significant Financial Interests do not bias research or other activities carried out under the auspices of externally sponsored projects.
1. No employee shall have a direct or indirect interest in any business enterprise that is a competitor of the university or has dealings with the university as a supplier. An employee in a position to influence a university business decision for which he/she may receive material benefit should disclose the nature of the conflict to his/her immediate supervisor, and, where possible remove himself/herself from involvement in the decision. If the individual(s) continue to participate in the decision process, discussion with supervisors and documentation of the potential conflict should be presented to the Conflict of Interest Committee.

2. No employee shall seek or receive, for personal or any other person's gain, any payment, whether for services or otherwise, loan (except from a bank), gift or discount of more than nominal value, or entertainment that goes beyond common courtesies usually associated with accepted business practice from any business enterprise that is a competitor of the university or has current or known prospective dealings with the university as a supplier or could benefit from your submission of research data.

3. No employee shall, for personal or any other person's gain, deprive the university of any opportunity for benefit that could be construed as related to any existing or reasonably anticipated future activity of the university.

4. No employee shall, for personal or any other person's gain, make use of or disclose confidential information learned as a result of employment by the university. Any information that has been acquired in connection with sponsored research by university members cannot be withheld from the sponsoring organization(s) for personal benefit.

5. No employee shall have any outside interest that materially interferes with the required time or attention that the employee must devote to the university. Employees should not undertake or orient activities to serve the needs of an outside organization at the expense of fulfilling the mission of the university.

6. Before considering outside employment or consulting activities, an employee should discuss with his/her appropriate supervisor potential conflicts of commitment or interest. Employees regularly involved in consulting activities from which they profit financially, are not in conflict as long as:
   1. University resources (laboratories, studios, equipment, computational facilities, and/or human resources) are not used more than incidentally without reimbursing the university.
   2. Such activities do not unduly interfere with the time and energy committed by the individuals to their primary responsibilities to the university. The allowable amount of time dedicated to consulting will be governed by the Consulting Policy.
   3. Such involvement does not inhibit the publication of research findings developed in the course of the individual's regular university activities.

7. The university actively encourages involvement in professional organizations, panels, advisory commissions, government, charitable and community organizations. However, such involvement should not become so dominant that university members no longer effectively satisfy their responsibilities to the university.
8. Faculty members must exercise prudence in directing students and supervised employees toward activities from which the faculty might financially benefit. If a potential conflict exists, faculty are encouraged to consult their department chair or dean for an independent evaluation of the activities' educational merits.

9. No employee shall act or be involved in any situation that potentially conflicts with the principle that this policy is intended to implement.

II. STANDARDS FOR COMPLIANCE

A. Prohibitions of this policy should be construed broadly rather than narrowly. A conflict of interest may be deemed to exist even though it may not result in financial loss to Trinity University, regardless of the motive of the employee involved. If a possible conflict of interest arises, the employee is encouraged to discuss the matter with the appropriate Vice President designated by the Conflict of Interest Committee to determine whether such a conflict in fact exists and, if so, how it may be resolved.

B. Disclosure of Significant Financial Interests

Each Investigator who is/will be responsible for the design, conduct, or reporting of research or educational activities funded by federal monies OR funded by other external sources in excess of $10,000 will submit an Annual Disclosure Statement to the Associate Vice President of Academic Affairs: Budget and Research (AVPAA:B&R). Significant financial interests of an Investigator’s family must also be disclosed on the Annual Disclosure Statement.

Annual Disclosure Statements should be submitted between the first business day of April and the last business day of April or upon request of the AVPAA:B&R. Disclosure must also be made before applying for any U.S. Public Health Service (PHS) grant and within 30 days of any change pertaining to the financial interests of the Principal Investigator or other decision-making project staff.

C. Training in Conflict of Interest Policies and Principles

Each Investigator who is/will be responsible for the design, conduct, or reporting of research or educational activities funded by the U.S. Public Health Service (PHS) must complete training in Conflict of Interest principles:

• prior to engaging in research related to any grant or conduct funded
by the PHS;

• at least every four years while PHS funding is active;

• if the Institutional Conflict of Interest policies change;

• when the Investigator is found noncompliant with Trinity University’s Conflict of Interest Policy or management plan.

D. Review of Significant Financial Interests
All disclosures of Significant Financial Interests will be reviewed by the Research Integrity Committee to determine whether the Significant Financial Interests constitute conflicts of interest in relation to the Investigator’s or Project director’s externally funded research.

E. Investigation
In the event that an intentionally undisclosed Significant Financial Interest is discovered, the Research Integrity Committee may remand the Investigator or Project Director to the Vice President of Academic Affairs for review. If the undisclosed Significant Financial Interest is related to PHS-funded research, the AVPAA:B&R is responsible for conducting a retrospective review of the Investigator’s research and notifying the cognizant agency of all actions taken within 120 days.

In the event of any suspected violation of this Policy outside of research, the Conflict of Interest Committee shall have authority to direct the Internal Audit company to investigate immediately. In the case of suspected violation of this policy within research, the Research Integrity Committee will investigate and make a recommendation to the Conflict of Interest Committee.

F. Findings of Conflict of Interest
In the event that the Research Integrity Committee judges a Significant Financial Interest to constitute a real, potential, or perceived conflict of interest in relation to the funded research or project, a plan must be put in place to manage, reduce, or eliminate the conflict. The management plan may include any of the following or an alternative action deemed reasonable by the committee and the Investigator:
• monitoring of research by independent reviewers,
• modification of the research plan to avoid conflicts of interest,
• disqualification of Investigators from the portion of the funded research that could create conflicts of interest,
• divestiture from Significant Financial Interests,
• severance of relationships that create conflicts of interest,
• disclosure of potential financial conflict of interest to all research participants, journal reviewers, and the public.

Failure to comply with the management plan within three months or prior to start of work on the PHS-funded project may be grounds for disciplinary action as determined by the Trinity University conflict of interest policy.

If an Investigator is found to be in noncompliance, or if research results are found to be biased as a result of the financial conflict of interest, the Research Integrity Committee and the Investigator will devise a mitigation plan and the AVPAA:B&R will report all actions taken to the cognizant agency.

The Conflict of Interest Committee will inform the President in a timely manner (i.e., 24 business hours) of any decisions concerning an employee being asked to reduce or eliminate certain business interests.

III. RECORDKEEPING

If the Conflict of Interest finding is related to PHS-funded research, the AVPAA:B&R will notify the cognizant agency of the following information within 60 days of becoming aware of the Conflict of Interest:

* Grant/Contract number,

* Project Director/Principal Investigator (PD/PI) or Contact PD/PI,
* Name of Investigator with financial conflict of interest,

* Whether financial conflict of interest was managed, reduced, or eliminated,

* Name of the entity with which the Investigator has a financial conflict of interest,

* Nature of financial conflict of interest, e.g., equity, consulting fees, travel reimbursement, honoraria,

* Value of the financial interest, and

* A description of how the financial interest related to PHS-funded research and the basis for Trinity University's determination that the financial interest conflicts with such research.

The AVPAA:B&R will be responsible for documenting all actions taken by Trinity University with respect to each Significant Financial Interest. Relevant documents will be retained for 3 years after the completion of the grant, where completion is marked by the date of submission of the final expenditures report.

In the case of findings of financial conflict of interest, the AVPAA:B&R is responsible for completing annual reports about financial conflict of interest findings and mitigation actions to the cognizant federal agency and making up-to-date financial conflict of interest information available within five days of any request.

All financial disclosures must be updated during the pendency of a research award, either on an annual basis or as new reportable significant financial interests are obtained.
Performance Evaluation

Consequences of Policy Violation:

Violation of this policy may be grounds for disciplinary action. *Trinity University* will make the final determination for disciplinary action. Many actions are available and may be taken in a fashion consistent and commensurate with the nature of the proven acts of misconduct. Examples include:

- Suspension of eligibility to seek external funding or IRB approval, or to supervise research students
- Probation
- Reduction in rank or salary
- Suspension or termination of employment

The AVPAA:B&R shall be responsible for appropriate dissemination of this policy.

Requirements

Approvals:

VP for Finance and Administration
VP for Academic Affairs

Terms and Definitions:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>Activities</td>
<td>Includes both direct activities and financial interest in the activities of other businesses.</td>
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<td>Business</td>
<td>Any corporation, partnership, proprietorship, firm, franchise, association, holding company, joint stock company, receivership, trust, or any other legal entity organized for profit. This does not include mutual funds over which the investigator has no control, or any governmental committee, community, political, academic, charitable, religious, social, or professional non-profit organization.</td>
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<td>Conflict of Interest Committee (CIC)</td>
<td>A group made up of all Vice Presidents charged with determining what to do in cases of employees’ conflicts of interest.</td>
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<td>Employee</td>
<td>Includes all faculty, staff, contractors, vendors, volunteers, and other third parties.</td>
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<td>Equity Interests</td>
<td>Ownership or control of stock, stock options, or other investment instruments.</td>
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<td>Facilities</td>
<td>Excludes the employee’s office, office equipment, and incidental supplies (e.g., copying, fax, internet service).</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<td>Family</td>
<td>Spouse and dependent children.</td>
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<td>Intellectual Property</td>
<td>Includes organized information, ideas, fabrication methods, devices, or substances that are patented or copyrighted or have that potential, and that are partially or fully owned by Trinity University. Excludes any intellectual property for which the investigator or employee holds a license from Trinity University or which is in the public domain.</td>
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<td>Investigator</td>
<td>The principal investigator, co-principal investigators, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded by a federal grant.</td>
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<td>Trinity University</td>
<td>Includes all divisions and departments operated by Trinity University.</td>
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<td>Research Integrity Committee (RIC)</td>
<td>A group composed of the AVPAA:B&amp;R, the Controller, and the chairs of the Institutional Review Board (IRB) and the Institutional Animal Care and Use Committee (IACUC). This group is charged with reviewing disclosures of significant financial interest related to externally funded programs in order to determine if a conflict of interest exists. If a conflict of interest exists, the RIC can devise and recommend a plan to manage the conflict to the CIC.</td>
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<tr>
<td>Significant Financial Interest</td>
<td>Means anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include: (1) Salary, royalties, or other remuneration from the applicant institution; (2) Any ownership interests in the institution, if the institution is an applicant under the SBIR Program; (3) Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities; (4) Income from service on advisory committees or review panels for public or nonprofit entities; (5) An equity interest that when aggregated for the Investigator and the Investigator's spouse and dependent children, 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 (6) Salary, royalties or other payments that when aggregated for the Investigator and the Investigator's spouse and dependent children over the next twelve months, are not expected to exceed $10,000.</td>
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<td>Small Business Innovation Research Program (SBIR)</td>
<td>Means the extramural research program for small business that is established by the Awarding Components of the Public Health Service and certain other Federal agencies under Pub. L. 97-219, the Small Business Innovation.</td>
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<tr>
<td>Public Health</td>
<td>Means an operating division of the U.S. Department of Health and Human</td>
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<td>Term:</td>
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<td>Service (PHS)</td>
<td>Services, and any components of the PHS to which the authority involved may be delegated.</td>
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Related Documents

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<tr>
<th>Document Type</th>
<th>Document Name</th>
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<tr>
<td>Policy</td>
<td>Faculty Handbook 2020-2021</td>
<td>ACAD-0002</td>
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Related Content:
US CFR is 42cfr50: [https://ori.hhs.gov/fedreg42cfr50](https://ori.hhs.gov/fedreg42cfr50)

Revision Management

Revision History Log:

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<td>Gary Logan</td>
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<td>8/2/2019 2:14 PM</td>
<td>Jennifer Gilmore Adamo</td>
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