

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

CONFLICT OF INTEREST

Number 02.01.54

Division Academic Affairs

Date January 2016

Purpose The purpose of this policy is to set forth guidelines and procedures in identifying and resolving actual and potential conflicts of interest. The policy also pertains to all sponsored projects of full and part-time faculty conducted by the faculty member through the university.

Policy A conflict of interest exists when a faculty member's responsibility for teaching, research, or service is threatened or harmed because of an external relationship which directly or indirectly affects the financial interest of the faculty member, a family member or associate. For the purposes of this policy, "family" is defined as spouse, domestic partner, children, parents, parents-in-law, siblings, and other relatives. In addition, a conflict of interest exists when a faculty member makes more than a de minimus use of university academic, administrative, or other resources, or influences university decisions in such a way that could or does lead to personal gain or improper personal advantage or advantage to a family member or associate.

Faculty members, both full-time and part-time, must insure that their conduct meets high ethical standards. This includes identification and disclosure of actual and potential conflicts of interest and a mechanism to address such conflicts. Situations in which concern about possible conflicts may arise include but are not limited to the following:

- a. Any situation in which the actions of the faculty member in discharging his or her duties as an employee of the university may directly or indirectly affect the financial interest of a family member or associate.
- b. Any situation in which the faculty member provides services (See Section 9.4.2) or material for the university and receives payment beyond normal compensation as a university employee.

- c. Any situation in which a faculty member makes more than a de minimus use of university resources (including its students and its name) in such a way that could lead to personal gain, improper personal advantage or advantage to a family member or associate.
- d. Any situation in which a faculty member, family member or associate participates in a private business venture that directly competes against the university, especially if the competitive ability of the business can be enhanced as a result of the faculty member's position at UAH.
- e. Any situation in which a faculty member participates in a private business utilizing his or her professional expertise derived from professional background and qualifications essential to the faculty position in such a manner as to compete with the university, especially in activities that could be done by the faculty member as a funded activity through the university.
- f. Any situation in which the faculty member teaches for another institution.

In situations in which UAH is engaged in or has the intent to engage in a sponsored project with an external commercial organization, a conflict of interest may occur if the faculty member has an existing affiliation with the organization, a subcontractor or vendor. Such affiliation may include, but not be limited to the following: 1) faculty member is officer, director, trustee, partner, employee, board member or agent; 2) faculty member is owner or beneficial owner of the voting stock or controlling interest; or 3) faculty member receives significant income from the funding organization, a subcontractor or vendor. The Office of Research Administration retains copies of appropriate federal guidelines on acceptable affiliations. Faculty members are expected to comply fully and promptly with all policy components, and principal investigators on sponsored projects must complete the appropriate disclosure form before proposal submission or whenever a potential conflict arises during the course of a sponsored program.

Procedures

Disclosure of Potential Conflicts of Interest

The university and its faculty have the obligation to identify and resolve any potential for conflict of interest. Identification of potential conflict of interest may also be required by state or federal laws and by the regulations of various funding organizations such as the National Science Foundation. Timely disclosure of circumstances that could, reasonably, be perceived as involving conflict of interest, even though no actual conflict of interest exists, can prevent disruptive allegations of misconduct and can better enable the university to protect its faculty against unwarranted allegations of impropriety.

Faculty members with possible conflict of interest, or those engaging in activities that could be perceived as involving conflict of interest that could affect the university, must consult with their chair and dean to seek resolution of the issue. A plan of action may be established to provide a course of action to prevent conflicts.

To aid in identifying potential conflict of interest and to insure compliance with the regulations of certain funding agencies, principal investigators seeking external funding for university approved projects must file a disclosure form with the submission of the project proposal (Appendix J). While the grant or contract is pending or in place, disclosure must be filed whenever there is a change from the situation described in the latest disclosure form.

All faculty members having substantial ownership of a private business or corporation which is engaged in activities that are based primarily on the faculty member's background and qualifications which are essential to a faculty member's position at the university, must disclose such ownership and activities to their chair and dean, and must obtain approval for any such activities engaged in by the faculty member during the academic year. Such activities must be reviewed at least annually. Disclosure and request for approval of such activities must be processed using the form employed for approval of consulting activities as given in Appendix J.

Certain sponsors of funded projects such as governmental agencies may have varying disclosure requirements. These requirements may differ from those established in this policy such as other disclosure items, amounts, timing of disclosure, and other conflict of interest considerations. In such instances, the legal requirements will prevail.

Professional Review Committee

When an alleged or potential conflict arises, the faculty member, with the assistance of the chair and dean, acts to achieve appropriate resolution of the issue. If resolution is not to the satisfaction of the faculty member or the dean, the case may be referred to the provost by either party. The provost refers the file to a professional review committee that reviews the situation and makes written and timely recommendation(s) to the provost. The professional review committee, an ad hoc committee, is comprised of five tenured faculty members, three from the faculty member's college and two from outside the college. The members of the committee are appointed by the provost from a list of twelve eligible faculty members, four each suggested by the faculty member, the respective department chair, and the dean. At least one member from each list must be included. The members appointed elect the chair of the professional review committee. The provost may appoint appropriate ex officio, non-voting members. A simple majority of voting members is required for action. Except in unusual circumstances, deans and other administrators within the academic setting will not serve on the professional review committee. If the faculty member is not satisfied with the professional review committee's findings, the faculty member may appeal following the normal grievance procedure (Appendix E), beginning with an appeal to the provost.

After proposed activities have been reviewed and a plan of resolution submitted to and approved by the provost, the university has the obligation to defend the activity given that the faculty member complies with the plan of action, other appropriate university policies, disclosure requirements, and the law.

Review Procedures

Unless other policies or procedures apply, any allegation of violation, by a faculty member, of the Conflict of Interest or Consultation Policies shall be reported in writing with supporting documentation to the faculty member's chair and dean. The faculty member against whom the allegations are made will be provided a copy of the written allegations at the time of the first review by the chair and dean. If the allegations involve the dean, the allegations are reported to the provost who assumes the role of the dean in the following process. It is the duty of the chair and dean to review and discuss the allegations with all parties involved, including the faculty member accused of misconduct. If the

matter cannot be resolved at this level, then a professional review committee is formed to investigate the allegations independently. It is the duty of this committee to determine if, to the committee's best judgment, the weight of evidence substantiates the allegations and to make recommendations regarding the resolution of the case. These recommendations may include, but are not limited to, recommending that:

- a. all charges be dismissed,
- b. appropriate sanctions be imposed without specifying the sanctions, or
- c. specific sanctions be imposed.

The committee prepares a report of its findings and recommendations and submits it to the provost. The provost communicates his or her decision to the faculty member and includes a copy of the committee report. Sanctions may not be imposed on a faculty member unless

- a. the faculty member agrees, in writing, to accept the sanctions, or
- b. the sanctions are consistent with the findings of the professional review committee.

Sanctions may not include long-term suspension or the termination of a tenured faculty member. In extreme cases, however, procedures leading to suspension for more than one month or for the termination of a tenured faculty member may be initiated as a result of the committee's findings, with the committee's report being admissible evidence in these proceedings. In every case, of course, the faculty member has full right to appeal through normal university grievance procedures.

Willful violations of this policy such as failure to disclose an actual or potential conflict, or failure to follow a plan of action established by the appropriate dean or the provost, will result in sanctions being imposed upon the faculty member.

Throughout the process all persons involved must maintain the highest possible standards of ethics. Confidentiality must be insured to the greatest extent possible consistent with the carrying out of reviews and all involved must strive to maintain impartiality.

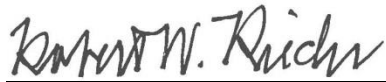
Records pertaining to disclosure and professional review committee proceedings are maintained in the Office of the Provost and access will

be permitted only to the faculty member, and others who, under existing law, have the right to review such records.

Review

Academic Affairs will review this policy every five years or sooner as needed.

Approval

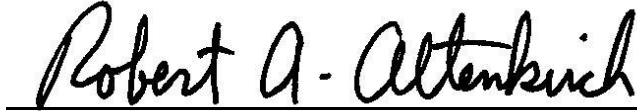


Chief University Counsel



Provost and Executive Vice President for Academic Affairs

APPROVED:



President