



Organizational Conflict of Interest

Introduction

It is the policy of The University of Alabama in Huntsville (UAH) to identify, and avoid or manage, actual or perceived Organizational Conflicts of Interest (OCI) related to research activities in accordance with federal and other sponsor requirements. OCI awareness and disclosure is the responsibility of all faculty, staff, and students at UAH. For purposes of this guidance, OCIs occur only in relationship to government-sponsored research activities.

Background

An Organizational Conflict of Interest (OCOI) may result when factors create an actual or potential conflict of interest on an contract, or when the nature of the work to be performed on the contract creates an actual or potential conflict of interest on a future acquisition. In the latter case, some restrictions on future activities of the contractor (University) may be required.

The University of Alabama in Huntsville (UAH) receives funding for research activities from a number of U.S. government agencies. As a condition of certain funding, UAH must adhere to requirements set forth in the [Federal Acquisition Regulations \(FAR\)](#), [Defense Federal Acquisition Regulations](#), and/or contracts. Clauses relating to Organizational Conflicts of Interest (OCI) are common. The purpose of these requirements is to ensure that the research serves the national and public interest and is guided solely by the objective results of the scientific method. Furthermore, recipients of federal funds sometimes receive information considered to be proprietary, confidential and sensitive which must be protected from inappropriate disclosure.

An OCI is a circumstance in which UAH (or a representative thereof) may have unequal access to government information or the existence of a conflicting role(s) that might bias UAH's judgment in the proposal for, or conduct of, research. The existence of an OCI may mean that UAH is unable or potentially unable to render impartial assistance or advice to the Government, UAH's objectivity in performing the research is or might be impaired, or UAH may have an unfair competitive advantage.

Definitions:

“Organizational Conflict of Interest (OCI)” means that because of other activities or relationships with other entities, the institution is unable to 1) render impartial assistance or advice to the Government, 2) cannot perform the federal contract work in an objective way, or 3) has an unfair competitive advantage compared to other entities.

“Conflict of Interest (COI)” means a potential or actual conflict of interest arises when an individual's commitments and obligations to the University or to widely recognized professional norms are likely to be compromised by a person's other interests or commitments, particularly economic, especially if those interests or commitments are not disclosed.

OCI focuses on the institution (and everyone within the institution) and potential or actual conflicts, whereas COI focuses on individuals only. Removing an individual from a project may resolve a potential COI issue, but not a potential OCI issue.

Types of OCI:

- Unequal access to information: an unfair competitive advantage resulting from obtaining information not generally available to others seeking federal funding.
- Impaired objectivity: assessing performance or evaluating products of someone within your own organization or a direct competitor seeking federal funding.
- Biased ground rules: having provided engineering or technical assistance or written the work requirements for a funding opportunity where someone within your own organization is an applicant.

Identification, Disclosure, and Management

Federal Acquisition Regulation, [Subpart 9.5 Organizational and Consultant Conflicts of Interest](#)

- Prescribes responsibilities, general rules, and procedures for identifying, evaluating and resolving organizational conflicts of interests;
- Provides examples to assist contracting officers in applying these rules and procedures to individual contracting situations; and
- Implements [section 8141](#) of the 1989 Department of Defense Appropriation Act, Pub.L. 100-463, 102 Stat.2270-47 (1988).

The objectives of an OCI program are to identify actual or perceived conflicts and if appropriate disclose them to the sponsor and mitigate or manage the conflict through an OCI Certification. The goal of this is to prevent or manage circumstances where UAH may have biased judgement or an unfair competitive advantage.

How OCI differs from COI and FCOI:

OCOI:

- biased ground rules – preparing/writing specifications or work statements that are used in a funding opportunity
- impaired objectivity – evaluating or assessing performance of products/services of others within same organization
- unequal access to information – gaining access to non-public information (i.e., budget(s)/budget information, statements of work, evaluation criteria, etc.) through performance of a federal contract

COI/FCOI:

- accepting over-scale honoraria for lectures at companies whose economic or political interests are affected by an investigator's research
- accepting a paid consultancy with a company having an interest in your research
- influencing the negotiation of contracts, including research contracts or licensing contracts, between the University and a company in which you have a financial interest
- Using students to perform services for a company in which you have a financial interest

Members of UAH's research community are required to disclose their activities that may give rise to an OCI. These activities (on behalf of the U.S. government) include but are not limited to:

- Contracts to provide scientific, engineering and technical direction;
- Serving as an advisor and providing analysis, assistance or evaluation services;
- Preparing specifications and work statements for funding opportunities;
- Having access to proprietary, confidential or sensitive data.

Such activities may have been undertaken as an employee of UAH or independently as a consultant or volunteer. Disclosure of such activities occurs as part of UAH's annual Conflict of Interest disclosure and certification process.

In the event a potential OCI is identified and related to proposed or ongoing research at the university, Office of the Vice President for Research and Economic Development will work with the Office of Sponsored Programs, the government's contracting officer/program manager, the impacted UAH personnel and their departments and others as necessary to neutralize or mitigate the OCI.

Management of the OCI may include recusal from certain activities, maintaining confidentiality of data review of work by an independent third party, and the completion of a OCI Certification.

Questions related to this guidance should be directed to rscompliance@uah.edu.