

University of Alabama at Birmingham

CONFLICTS OF INTEREST POLICY

April 13, 2005

(Replaces policy dated September 30, 1996)

[Edited February 11, 2009, for change in unit name and link]

See also the following related items:

UAB "Conflicts of Commitment Policy"

UAB "Policy Concerning Use of UAB Resources by External Entities"

UAB policy entitled "Acceptance of Benefits, Awards, and Prizes from External Entities"

"Consulting Outside UAB" ["External Consulting"] and "Consulting Within UAB" ["Internal Consulting"] in the UAB *Faculty Handbook and Policies*

"External Employment and External Consulting" and "Internal Consulting" in the *You & UAB Handbook for Faculty and Staff*

Policy 611 "External Employment and External Consulting" and Policy 612 "Internal Consulting" in the *Human Resource Management Personnel Policies and Procedures Manual*

Rule 106 of the Board of Trustees of the University of Alabama "Ethics - Conflicts of Interest - Members of The Board of Trustees and Senior Administrators"

Introduction

In the complex environment of a major university such as UAB, many situations arise which may be, or which may appear to be, conflicts of interest for UAB employees (including faculty) or UAB investigators (in the case of extramurally funded research and educational activities). Complete disclosure and expeditious review of such conflicts or potential conflicts is in the best interest of the faculty, staff, investigators, and administration.

The appearance of a conflict of interest can be as damaging as an actual conflict, so care must be taken to avoid the appearance of a conflict as well as an actual conflict.

Policy Statement

Without administrative approval, employees are prohibited from engaging in outside activities from which they, their families, or their businesses will gain financially because of the employee's position at UAB or because of the use or disclosure of UAB information. Employees are required to disclose such situations and, if so directed, to eliminate or manage the conflict of interest. Employees should avoid situations that create potential or actual conflicts of interest or that appear to be conflicts of interest.

Persons who accept employment at UAB make a commitment to UAB that includes the appropriate and responsible use of UAB information and resources. Employees must ensure that both their use of UAB information and resources and their outside obligations, financial interests, and activities do not interfere

CONFLICTS OF INTEREST POLICY

April 13, 2005

Page 2

with, nor appear to interfere with, their primary obligations to UAB. It is the responsibility of the involved employee to disclose in writing any potential or actual conflict of interest. The failure of an employee to disclose a conflict of interest or failure to eliminate or appropriately manage a conflict when so directed may be grounds for disciplinary action up to, and including, discharge.

The University of Alabama at Birmingham encourages external activities that enhance an employee's value to UAB; that enhance UAB's presence in the local, national, or international communities; or that provide public service. Such service to outside educational, professional, scientific, artistic, cultural, civic, business, or other organizations is permissible under the terms of this policy as long as any potential or actual conflict of interest caused by such service is processed using this policy.

This Conflicts of Interest Policy covers compensation received by UAB employees (including faculty) for consulting activities under UAB consulting guidelines. If the consulting activities do not relate to extramurally funded activities, the exemptions from prior approval as stated in the consulting guidelines shall apply. If the consulting activities relate to extramurally funded UAB activities, the stipulations of this Conflicts of Interest Policy (including prior approval requirements) and requirements of the Conflict of Interest Review Board shall apply.

Disclosure, Determination, and Resolution of Conflicts of Interest *Not* Involving Extramurally Funded Research or Educational Activities

Disclosure of Conflicts of Interest Not Involving Extramural Funding

If a potential or actual conflict of interest does not involve extramurally funded research or educational activities, the involved employee is responsible for disclosing such conflict of interest in writing (see next paragraph) to his or her supervisor, department/unit head, or other appropriate administrative official as soon as the employee becomes aware of a conflict of interest or of a potential conflict of interest. Examples of conflicts of interest not involving extramurally funded research and/or educational activities are included in Attachment A.

The Disclosure of Relationships with External Entities form must be used to disclose such a conflict of interest or potential conflict of interest. If the completed Disclosure of Relationships with External Entities form indicates that a potential conflict of interest exists, the completed form must be submitted to one's supervisor, department/unit head, or other appropriate administrative official.

The official receiving a completed Disclosure of Relationships with External Entities form should notify the appropriate dean, appropriate vice president, Provost, or CEO of the UAB Health System.

Determination of Conflicts of Interest Not Involving Extramural Funding

This policy and the examples included in Attachment A should be used to determine if a conflict of interest exists.

If necessary, the vice president, Provost, or CEO of the UAB Health System may consult with other administrative officials to determine if a conflict of interest exists.

CONFLICTS OF INTEREST POLICY

April 13, 2005

Page 3

An employee (including faculty) making a disclosure should be sent a written response indicating the determination of whether or not a conflict of interest exists.

Disputes concerning the possibility that a situation or activity is, will be, or could lead to, a conflict of interest should be resolved at the next administrative level up to, and including, the appropriate vice president, Provost, or CEO of the UAB Health System. If satisfactory resolution cannot be achieved, the faculty member or employee may use the appropriate grievance procedure to resolve the dispute.

Resolution of Conflicts of Interest Not Involving Extramural Funding

A plan for eliminating, or managing, the conflict of interest must be created. (See below.)

Disclosure by the employee of the conflict of interest and adherence to the plan must be updated annually.

Management of Conflicts of Interest Not Involving Extramural Funding

If a conflict exists, permission for the employee (or faculty member) to participate in the proposed activity or to continue to participate in an existing activity may be denied. However, if it is determined that the activity is in the best interest of UAB and that it requires the participation of the employee (or faculty member) in question, the supervisor and/or department/unit head shall recommend in writing a plan that will allow participation of the person involved but that will provide sufficient supervision, control, accountability, and/or approval. This plan must be approved by the department/unit head or dean and by the vice president, Provost, or CEO of the UAB Health System, as appropriate. Such a plan also should provide a means by which it can be determined in the future that the conflict has been monitored or eliminated.

Disclosure, Determination, and Resolution of Conflicts of Interest Involving Extramurally Funded Research and Educational Activities

UAB policy and federal regulations apply to the management of conflicts of interest involving extramural funding. The UAB Conflict of Interest Review Board is responsible for policies and procedures relating to such conflicts of interest involving extramural funding. Those policies and procedures are included on the Conflict of Interest Review Board World Wide Web site that can be accessed from the UAB Home page through the "UAB Faculty and Staff Resources" link or directly at the following World Wide Web address: <http://main.uab.edu/show.asp?durki=30255>. The Conflict of Interest Review Board site contains all the information, forms, policies, and procedures needed for complying with UAB policy and federal regulations concerning conflicts of interest involving extramural funding.

Examples of conflicts of interest involving extramurally funded research and/or educational activities are included in Attachment B.

CONFLICTS OF INTEREST POLICY

April 13, 2005

Page 4

Applicability

This policy applies to all employees of the University of Alabama at Birmingham (both faculty and staff). In the case of extramurally funded research and educational activities, the policy also applies to any person who is responsible for the design, conduct, or reporting of extramurally funded research or educational activity. (See the definitions on the Conflict of Interest Review Board World Wide Web site as indicated above.)

In addition to being covered by this UAB policy, senior UAB administrators (the President, vice presidents, deans, and Athletic Director) also are covered by Rule 106 of the Board of Trustees of the University of Alabama.

Forms

Copies of the Disclosure of Relationships with External Entities form mentioned in this policy may be obtained from one's department/unit head, from the Conflict of Interest Review Board, from the UAB Home page through the "UAB Faculty and Staff Resources" link.

Attachments

The attachments to this policy may be revised without affecting the policy itself.

Implementation

The Vice President for Financial Affairs and Administration is responsible for overall implementation of this policy and for development and enforcement of procedures to implement the non-extramurally funded section of this policy. The Vice President for Research and Economic Development is responsible for the development and enforcement of procedures to implement the extramurally funded section of this policy.

Conflicts of Interest Policy

April 13, 2005

ATTACHMENT A

Examples of Conflicts of Interest Not Involving Extramurally Funded Research and/or Educational Activities

NOTE: These examples are not part of the Conflicts of Interest Policy and are presented here only as illustration.

Activities that constitute, or have the potential to create, conflicts of interest not involving extramurally funded research and/or educational activities include, but are not limited to, the following:

1. Holding, either directly or indirectly, a position of managerial control or financial interest in an external entity which provides services competitive with services rendered by UAB. Competition with UAB is inappropriate for any UAB employee regardless of his or her position at UAB.
2. Using UAB resources (employee time or UAB space, equipment, or supplies) to benefit an external entity. See also the UAB "Policy Concerning Use of UAB Resources by External Entities."
3. Competing, either directly or indirectly, with UAB in the purchase or sale of property or property rights, interests, or services.
4. Disclosing information obtained through UAB employment for personal profit or gain or for the profit or gain of a family member.
5. Using information obtained through UAB employment for personal profit or gain or for the profit or gain of a family member.
6. Accepting benefits, gratuities, or special favors from external entities which do, or are seeking to do, business with UAB. This type of activity also is covered by the policy entitled "Acceptance of Benefits, Awards, and Prizes from External Entities."
7. Assigning, or requiring for a course, a textbook from which the person assigning or requiring the textbook receives, or will receive, income or royalties.

Conflicts of Interest Policy

April 13, 2005

ATTACHMENT B

Examples of Conflicts of Interest Involving Extramurally Funded Research and/or Educational Activities

NOTE: The UAB Conflict of Interest Review Board is responsible for policies and procedures relating to conflicts of interest involving extramural funding. Its World Wide Web site can be accessed from the UAB Home page through the "UAB Faculty and Staff Resources" link or directly at the following World Wide Web address: <http://main.uab.edu/show.asp?durki=30255>.

NOTE: These examples are not a part of the Conflicts of Interest Policy and are presented here only as illustration.

NOTE: As used here, the term "investigator" includes any UAB employee, student, or trainee who is responsible for the design, conduct, or reporting of extramurally funded research or educational activity. The term includes principal investigators, project directors, co-principal investigators, co-project directors, and other faculty investigators and faculty project personnel. The term also may include staff, trainees, students, administrators, and other collaborators who have such responsibilities.

Activities that constitute, or have the potential to create, conflicts of interest involving extramurally funded research and/or educational activities include, but are not limited to, the following:

1. Serving as an investigator in a clinical trial in which the investigator or a member of his or her immediate family has a significant financial interest.
2. Serving as an investigator in the evaluation or the development of a technology, process, or product owned or controlled by a business in which the investigator or a member of his or her immediate family has a significant financial interest.
3. Assigning students, postdoctoral scholars, or other trainees to projects (supported by a business through sponsored research or gifts or supported by a government agency) in which the investigator or a member of his or her immediate family has a significant financial interest.
4. Receiving research funding (sponsored research or gifts) from a business in which the investigator or a member of his or her immediate family serves on the board of directors or advisory board.
5. Holding, either directly or indirectly, a position of managerial control or financial interest in a business engaged in commercial or research activities directly related to the investigator's UAB responsibilities.

6. Taking administrative action on behalf of UAB with respect to any supported research activity (sponsored research or gift) in which the investigator or his or her immediate family has a financial interest in the sponsor or donor.
7. Making professional referrals to a business in which the investigator (while acting in the context of his/her UAB duties) or a member of the investigator's immediate family has a financial interest of which the investigator reasonably should be aware. Excluded are consulting activities that conform to the UAB consulting guidelines and to the UAB Conflicts of Interest Policy.