

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE
INSTITUTIONAL CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT
POLICY

Number: 06.09.05

Division: Administration - Office of Risk Management and Compliance

Date: January 1, 2024; Revised December 7, 2024

Purpose To provide guidance on identifying, acknowledging, and appropriately managing Conflicts of Interest (COI) and/or Conflicts of Commitment (COC) in compliance with Board Rule 106.2 and the State of Alabama Ethics Law, Ala. Code § 36-25-1, et. seq.

standards set out in this Policy clarify specific requirements applicable to certain groups within the University community at UAH.

The primary goals of this Policy are to: (a) prevent the personal interests and activities of employees from adversely or inappropriately influencing UAH operations; (b) provide a framework for recognizing and managing employee conflicts of interest and conflicts of commitment; (c) provide education and guidance to help minimize even the appearance of conflicts of interest and conflicts of commitment; and (d) standardize University-wide procedures for the disclosure, review, management, and approval of actual or possible conflicts of interest.

This Policy supersedes any conflicting language related to conflicts of interest and conflicts of commitment in other University policies and handbooks. This Policy does not displace or supplant any obligations of senior administrators under Board Rule 106 of the Board of Trustees of the University of Alabama, or any obligations of UAH employees under the Alabama Ethics Law, Code of Alabama 1975 § 36-25-1, et. seq., or f10.re f 8n under e1es v04 (cs) 105 06 [(.)-5 (-)Tj -ink <</MCow

or indirectly affect, or have the appearance of affecting, an individual's professional judgment in exercising any University duty or responsibility. Typically, a Conflict of Interest may arise when an individual has the opportunity or appears to have the opportunity to influence the University's business, administrative, academic, clinical, research, or other decisions in ways that could lead to improper financial, professional, or personal benefit or advantage of any kind, whether or not the value is readily ascertainable. Examples of scenarios that may create a COI can be found on the Compliance web page: <https://www.uah.edu/compliance>.

Employee: Any faculty member, staff member, undergraduate student employee, graduate student employee, postdoctoral employee, graduate research assistant, graduate teaching assistant, or contracted worker, regardless of the number of hours worked, and whether permanent, temporary, or on-call. Generally speaking, any individual earning W-2 reportable wages from UAH would be classified as an employee for the purposes of this Policy.

External Activity: An activity not included within someone's University employment responsibilities and performed for an entity other than UAH, whether or not for compensation, that draws on the professional knowledge, skill, and/or talents that employees utilize to fulfill their Institutional Responsibilities at UAH, including but not limited to the following:

- x external employment;
- x consulting;
- x lecturing, presenting, performing, or speaking;
- x establishing and/or supporting a start-up company;
- x serving as an expert witness;
- x serving on a board of directors or similar governing body;
- x serving on a scientific advisory board; or
- x appointments or other commitments to other academic institutions or research institutes.

Internal Activity: Activities performed for or on behalf of UAH by a UAH employee. Internal Activities may include, but are not limited to, Institutional Responsibilities as defined herein, non-instructional activities performed for additional compensation, volunteer activities, consulting/advising another UAH department/unit, providing instructional services for additional compensation, and service on committees/boards/etc.

Professional Public Service Activities: Activities specifically enumerated below, when provided for or on behalf of the groups specifically enumerated below, and when such are considered part of an employee's Institutional Responsibilities, whether or not separately compensated:

- x professional studies (e.g., attendance at scientific meetings);
- x seminars, lectures, performances, presentation, or continuing education sessions;
- x service on review panels (e.g., participation in manuscript review, grant/contract review, academic program review, etc.);
- x service on advisory committees; or
- x service on a board of directors or similar governing body

and where those activities are performed for or provided to:

- x U.S. federal, state, or local government agencies;
- x institutions of higher education, academic teaching hospitals, medical centers, or research institutes affiliated with an institution of higher education, whether in the U.S. or abroad;
- x nonprofit/philanthropic entities, professional societies, or professional associations that are not affiliates of or affiliated with industry or other for-profit entities;
- x organizations accredited or approved by the appropriate independent boards or bodies governing oversight of continuing professional education activities; or
- x civic groups.

Significant Financial Interest (SFI): Thresholds (i.e., types and amounts) of financial interest of employees or their spouse or dependents that reasonably appear to be related to the employee's Institutional Responsibilities as set forth below:

- x With regard to any publicly-traded entity, SFI exists if the value of the financial interest received from the entity in the current or prior calendar year exceeds \$1,000 in the aggregate.
- x With regard to any non-publicly traded entity, a SFI exists if:
 - o the value of any remuneration received from the entity in the current or prior calendar year exceeds \$1,000 in the aggregate; or
 - o the employee or a spouse or dependent(s) holds any equity interest (e.g., stock, stock option, or other ownership interest).
- x With regard to intellectual property rights and interests (including but not limited to patents and copyrights), a SFI exists for any intellectual property licensed, optioned, or that has generated income/revenue.

- x SFI does not generally include remuneration for Professional Public Service Activity with U.S. entities, textbook royalties, peer reviewed journal editorship activities for publishing companies, or other related items as determined by the Institutional Conflict of Interest Review Board.

Unit Head: Dean, chair, director, officer, associate or assistant vice president, vice president, or president, who has executive management responsibilities for supervising a department, unit, center, college, or division, or the next higher-level supervisor (e.g., dean, assistant/associate vice president, etc.) in the event the employee with a COI/COC is the head of a unit (e.g., department chair, director, etc.).

Related Policies

- x 02.01.55 – Nepotism Policy
- x 06.01.03 – Appropriate Use of IT Resources
- x 06.01.06 – Electronic Mail and Other Electronic Communications
- x 06.01.11 – Telecommunications Policy
- x 06.02.01 – Staff Handbook
- x 06.04.04 – Business Services Policy Manual
- x 07.01.03 – Research Conflicts of Interest and Conflicts of Commitment Policy

x Faculty Handbook AID 46 >>>BDCv-6.6 (i/LBody <098 0.6 (ID c2_0 1 Tf -4.293 81.217 >BDC Co6 >>>BD

COI and COC Disclosure and Management

activities do not interfere with or appear to interfere with the Institutional Responsibilities of employees.

- x Review submitted requests for compatibility with the interests of UAH as a public academic institution and compliance with state law or policy related to the use of UAH resources or facilities.
- x Determine whether requested external activities are more properly conducted as official UAH activities.
- x Provide direction and supervision for proper accounting of employees' time for purposes of external or internal activities.
- x

creating the entity. ORMC will assist with reviewing and routing any submitted information to other University departments or leadership as needed to ensure potential conflicts are appropriately addressed.

In addition, each employee must, within thirty (30) days of discovering or acquiring (e.g., through marriage, purchase, inheritance, or other means) a new actual or potential COI or COC, submit an updated disclosure in accordance with the Institutional Conflict of Interest and Conflict of Commitment Procedures.

Disclosures in accordance with the Institutional Conflict of Interest and Conflict of Commitment Procedures must be completed by all new employees within the first thirty (30) days of employment. Disclosures must be updated prior to participation in any funded research, in accordance with this policy and policy 07.01.03, or any time circumstances require.

All employees will receive an annual email notice regarding this Policy, and a link to the location of the Policy and the related procedures. This information will be available throughout the year for employees who need to disclose any changes in circumstances as they occur. The University has the right to address or review all potential conflicts of interest or conflicts of commitment.

While all conflicts must be disclosed, not all conflicts can be managed via a Conflict Management Plan. If a Conflict Management Plan cannot be implemented, the disclosed activity may not be approved or allowed to occur.

Annual Conflict of Interest and Conflict of Commitment disclosures required under this Policy must not be confused with the following:

- x The annual Statement of Economic Interests required of certain public employees by the Alabama Ethics Commission;
- x Any disclosures required for research active individuals as outlined in the UAH Research Conflicts of Interest and Conflicts of Commitment Policy (07.01.03); or
- x Any disclosures required of University executive leadership by Board Rules 106, 406, and other relevant rules and Chancellor proclamations.

External Activities Required to be Reported

The following activities require reporting. This is not an exhaustive listing:

- x Employment outside of UAH
- x Private consulting, advising, or speaking
- x Teaching and/or research appointments for another entity other than UAH
- x Seeking an elected public office
- x Serving as an expert witness or legal consultant
- x Practicing as a licensed professional
- x Service on a board of directors
- x Presentation at professional meetings where the employee is not representing UAH and in which an honorarium is being paid

- x Professional activities provided in a foreign country, or directing the activities of others in a foreign country
- x

or apparent COI, and may not solicit or accept gratuities, favors, or anything of monetary value, from contractors, subcontractors, or vendors.

Any employee who is not involved in a contract or purchase but who becomes aware of an actual or apparent COI on the part of an UAH employee or on the part of a vendor, contractor, or subcontractor, must report the matter in accordance with the UAH Duty to Report and Protection from Retaliation policy (06.09.03).

Gifts, Awards and Prizes

Solicitation or acceptance of non-staff gifts, favors, or prizes, gratuities, or other things of value by UAH employees is prohibited if such solicitation or acceptance influences, or has the appearance of influencing, education, research, purchasing, or other official UAH business decisions.

UAH employees may accept gifts, awards, and/or prizes provided that acceptance of these does not influence education, research, purchasing, or other official business decisions and provided that acceptance does not

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subject to the requirements of the Research Conflicts of Interest and Conflicts of Commitment Policy (07.01.03).

All employees involved in sponsored programs or activities, as defined in Policy 07.01.03, and whether or not such programs or activities are managed by or through the Office of Sponsored Programs, shall be subject to the requirements of Policy 07.01.03 and additionally to this Policy for all other actual or potential conflicts not covered by Policy 07.01.03 or which, if identified under Policy 07.01.03, extend beyond a research or sponsored activity.

Implementation

The Provost and the CAO are responsible for the overall implementation of this Policy. Coordination of the requirements included in this Policy is the responsibility of the ORMC. The Vice President for Research and Economic Development is responsible for the development and enforcement of policies and procedures related to research and sponsored program conflicts of interest and conflicts of commitment as provided for in Policy 07.01.03.

Institutional Conflict of Interest Review Board (ICIRB)

The Provost and the CAO shall appoint and chair the ICIRB which shall be composed of five members, including the Provost and the CAO. The ICIRB shall be responsible for reviewing and approving or disapproving all research and sponsored program activities that require review under this Policy. The ICIRB shall report to the Provost and the CAO on a quarterly basis. The ICIRB shall also be responsible for reviewing and approving or disapproving all research and sponsored program activities that require review under this Policy. The ICIRB shall report to the Provost and the CAO on a quarterly basis. The ICIRB shall also be responsible for reviewing and approving or disapproving all research and sponsored program activities that require review under this Policy. The ICIRB shall report to the Provost and the CAO on a quarterly basis.

