

Conflict of Interest & Commitment Policy

POLICY INFORMATION

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PURPOSE AND SUMMARY

To serve the university community by helping protect their reputations and the integrity of their work, and by preventing unethical behavior, promoting objectivity in research, and ensuring conflicts of interest and commitment are appropriately eliminated or managed.

SCOPE

All University Employees.

POLICY

To assist you effectively, all University Employees must:

1. Disclose Outside Interests, Outside Employment, Outside Professional Commitments, Institutional Financial Interests, and Substantial Interests, and adhere to any requirements created to manage or eliminate those conflicts;
2. Ensure their Institutional Responsibilities receive their full effort, attention, and commitment, and obtain written approval prior to engaging in Outside Employment or Outside Professional Commitments; and
3. Follow training requirements established by the Conflict of Interest Program;
4. Investigators must also disclose all sponsored and non-sponsored research projects to the Conflict of Interest Program prior to Conducting Research;

5. University Administrators must additionally disclose Significant Financial Interests of the University.

COMPLIANCE AND RESPONSIBILITIES

The purpose of this policy is to assist faculty and members of the university community conduct their work efficiently and effectively, free from distraction and accusations arising from perceived conflicts; and to protect them from liability arising from the actual or apparent misuse of time or university assets.

Since the Conflict of Interest Program generally, or in the case of purchasing and contracting decisions specifically, the Chief Procurement Officer, is responsible for interpreting, administering and enforcing this policy, they can better serve you by having complete and timely filing of your conflict declarations.

Your full cooperation is expected should an investigation, review or recommendation be made by the conflict official, in order to best protect your employment with the university.

If you have any doubt about a possible conflict of interest, file the necessary paperwork, and the Conflict of Interest Program office will work with you to ensure the best outcome. The Conflict of Interest Program is here to serve you. If you have any questions or feel the need to anonymously report an issue, you can reach out through the University's Ethics & Compliance Hotline, (866) 364-1908 or hotline.arizona.edu.

Mandatory reporting is designed to protect you and your work. It helps avoid the potential sanctions for violations of the policy which may include, but are not limited to:

- Additional training requirements or management terms;
- Suspension of an individual's funding or research privileges;
- Discipline, up to and including termination;
- Any contract entered into in violation of Arizona Revised Statutes §§ 38-503 – 38-511 is voidable or subject to cancellation at the option of the Arizona Board of Regents and the University; and
- A violation of Arizona Revised Statutes §§ 38-503 – 38-511 may result in criminal penalties.

DEFINITIONS

Conduct of Research, Research and Research Project mean any organized program of scientific inquiry that involves a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge that is performed at or under the auspices of the University. Research includes non-sponsored research, research fellowship and training programs, and research-related activities in undergraduate, graduate and postdoctoral education. The Conduct of Research includes the design, development, testing, evaluation, conduct, reporting, review, and oversight of such program of scientific inquiry.

Consultant means an individual or firm that provides professional advice or services on a sponsored project for a fee, but is not a University employee.

Institutional Financial Interests means, collectively, the Significant Financial Interests of the University and Significant Financial Interests of University Administrators as defined in the Conflict of Interest Program's Guidelines and Procedures.

Investigator means any person who shares the responsibility for the design, conduct, or reporting of Research. This includes but is not limited to the Principal Investigator (PI), Co-PI, Co-Investigator, Project Director (PD), Co- PD, Senior/Key Personnel, and any other persons involved in the Conduct of Research, regardless of title or position, who are responsible for the design, conduct, or reporting of Research performed by or under the auspices of the University. This may include students, trainees, collaborators, volunteers, and Consultants if those individuals have some degree of independence in performing some aspect of design, conduct, or reporting of the Research.

Outside Employment refers to any employment relationship outside of the University. Outside Employment may or may not be a professional activity and may or may not be compensated, but does require a time commitment.

Outside Interests means a person's, and his/her Family Members', Significant Financial Interests (SFI) and Significant Personal Interests (SPI) as defined in the Conflict of Interest Program's Guidelines and Procedures.

Outside Professional Commitments are professional activities that are related to an individual's professional expertise, outside of an individual's Institutional Responsibilities, for the benefit of an external entity or individual and/or not covered by a fully executed written agreement between the University and the external entity. Outside Professional Commitments may or may not be a professional activity and may or may not be compensated, but do require a time commitment.

Subrecipient is a party that receives a subaward or subcontract from the University under a University sponsored project and is accountable to the University for the use of the funds provided by the subaward.

A **Substantial Interest** is any interest, which cannot be defined as a Remote Interest and which confers a pecuniary or proprietary interest, either direct or indirect.

University Administrator is any individual in a position of administrative leadership of a recognized University college, academic department, business, or other administrative unit, where a regular job requirement is to make institutional decisions on behalf of the University of Arizona. The role of a University Administrator includes, but is not limited to, the following positions (whether such positions are staffed on an interim, full-time, or part-time basis):

- University Vice/Associate/Assistant Presidents
- University Provost
- University Vice/Associate/Assistant Provosts
- University Deans
- University Vice/Deputy/Associate/Assistant Deans
- University Directors
- University Department Heads/Chairs
- University Business Officers/Managers
- University Division Chiefs, Center Heads/Directors
- University Employees with the authority to sign agreements on behalf of the University of Arizona
- University Employees whose Institutional Responsibilities include participation in any manner in contracts or services related to research administration, research contracting, research compliance, responsible conduct of research, sponsored projects services, or technology transfer and who are in a position to influence decisions or commit University resources in the performance of his/her Institutional Responsibilities.

- Individuals who serve as Chairs on the University's Institutional Review Board committees, regardless of whether such individuals are employees of the University

University Employees means all University employees, including but not limited to faculty, University Staff, graduate and undergraduate student employees, temporary employees, all persons affiliated with the University, including Designated Campus Colleagues, who Conduct Research at or under the auspices of the University, and Research subrecipients and consultants.

FREQUENTLY ASKED QUESTIONS

What federal laws and regulations are applicable to conflicts of interest?

Public Health Service (PHS) Regulations

- Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought ([42 C.F.R. Part 50, Subpart F](#))
- Responsible Prospective Contractors ([45 C.F.R. Part 94](#)) (Note: this link opens a PDF document.)
- [FDA rules on Investigator Conflict of Interest: 21 CFR 54.4](#)

National Science Foundation (NSF) Regulations

- [Award and Administration Guide Chapter IV, Part A. Conflict of Interest Policies](#)

What state laws are applicable to conflicts of interest?

- [Arizona Revised Statutes § 38-503](#)

What if someone who is participating in a Research Project funded by the PHS/NIH does not comply with this policy?

In accord with PHS/NIH policy (42 CFR § 50.605(3)), a retrospective review will be conducted if the Conflict of Interest Program determines that an Investigator participating in any University project funded by the PHS/NIH (excluding Phase I SBIR/STTR grants) has not (a) complied with this Policy; or (b) complied with a required FCOI management plan; or (c) disclosed a SFI or SPI in a timely manner to allow appropriate review and management. Consistent with PHS/NIH grants policy 42 CFR § 50.606(c), "in any case in which a determination is made that a PHS/NIH-funded project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by an Investigator with an FCOI that was not managed or reported by the Institution as required, the Investigator will be required to disclose the FCOI in each public presentation of the results of the research and to request an addendum to previously published presentations."

Does the public have access to conflict of interest information?

For Research Projects funded by PHS/NIH agencies, excluding Phase I SBIR/STTR grants, the University is required to respond within five (5) business days of receipt of a written request from a member of the public for information regarding determination of an FCOI of senior/key personnel for the funded project. Such public requests must comply with the requirements of 42 CFR § 50.605(a)(5) and 45 CFR § 94.5(a)(5) of the NIH grants policy.

Pursuant to A.R.S. § 38-509, all disclosures of Substantial Interests, as defined by A.R.S. § 38-502, are available for public inspection.

RELATED INFORMATION

[\[Link to guidelines and procedures.\]](#)

Arizona Revised Statutes §§ 38-503–38-511

REVISION HISTORY

This policy incorporates and replaces the following policies:

1. Conflict of Commitment Policy
2. Conflict of Interest (UHAP) Policy
3. Conflict of Interest in Purchasing Policy
4. Consulting or Other Outside Employment Policy
5. Individual Conflict of Interest in Research Policy
6. Institutional Conflict of Interest Policy