



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. V– CONFLICTS 1.0

CONFLICT OF INTEREST AND/OR COMMITMENT IN RESEARCH

ADMINISTRATIVE POLICY

I. PURPOSE

This policy on conflict of interest and commitment is applicable to anyone involved in the design, conduct or reporting of research at North Carolina A&T State University. As such, the policy is applicable not only to faculty and non-faculty EHRA employees, but also to all other university employees, students, visiting scientists and scholars, and external contractors and consultants engaged in research. The policy supplements the policies and regulations of North Carolina A&T State University and the University of North Carolina System Office as well as state and federal law and regulations.

The individual faculty member or employee is responsible for complying with the laws, policies, and regulations on conflict of interest and commitment. In the case of externally sponsored research, the principal investigator, co-investigators and senior personnel are responsible for ensuring that all potential conflicts of all members of their research teams are reported and managed as required by this policy. Furthermore, all externally sponsored research requires the disclosure of all conflicts of interest prior to the submission of the research proposal.

II. CONFLICT OF COMMITMENT

- A. Activities:** Conflict of commitment relates to an individual's distribution of time and effort between obligations to university employment and participation in activities outside of university employment. A conflict of commitment occurs when the pursuit of external activities involves an inordinate investment of time or is conducted in such a manner as to interfere with the employee's fulfillment of university responsibilities.

An employee's engagement in external activities, whether or not using professional expertise and regardless of compensation or financial gain, must not interfere with his/her obligation to carry out all university responsibilities in a timely and effective manner. An employee's external activities that involve time commitments to the extent that they interfere with his/her university responsibilities, are unacceptable. An employee must avoid overcommitting his/her participation in externally funded projects to a level that makes it impractical to devote adequate time to all active projects; department chairs and deans are expected to manage these levels of faculty involvement in projects.

- B. Oversight:** Department chairs and deans are responsible for evaluating the workload and productivity of faculty conducting research at the university; others performing research are similarly evaluated by a designated supervisor. Formal occasions for determining whether an individual is devoting sufficient time and energy to university responsibilities include periodic and annual reviews of performance; scheduled reviews incident to promotion, reappointment or tenure decision, or post-tenure review; and review of Notices of Intent to Engage in External Professional Activity for Pay, which must be filed by all EHRA employees prior to engaging in external activities for pay.

III. CONFLICT OF INTEREST

- A. Activities:** Conflict of interest relates to situations in which financial or other personal considerations may compromise or create the appearance of compromising an employee's objectivity in fulfilling his/her university responsibilities. While a conflict of interest may be nonfinancial, often conflicts of interest result when an individual's decision making may be compromised because of potential financial gain.

All researchers are required to fully disclose all conflicts of interest to their designated supervisor. Certain activities that normally cause conflict of interest but may be permissible with full disclosure, administrative approval and ongoing oversight include (i) receiving compensation from an entity doing business with the university, (ii) receiving financial support to conduct research when a member of employee's family serves on the board or executive position of an organization that provides financial support, (iii) accepting support for research under conditions that it is to be held confidential or that the results are unpublished, (iv) consulting for a licensee of the university's intellectual property, or (v) serving as an officer of a company that has a research agreement including a subcontract or a license agreement with the University.

The following activities are always unallowable:

- Deriving a benefit from a contract that the employee is helping to administer;
- Influencing other persons in charge of administering a contract if the employee will derive a direct benefit from the contract;
- Soliciting or receiving any benefit in exchange for recommending the award of a contract;
- Benefiting financially or helping someone else benefit from confidential information;
- Utilizing university resources including services, facilities, equipment, supplies or

personnel in the course of carrying out externally compensated activities without prior approval and/or without reimbursing the university;

- Using the services of a student at any time or another employee during university time to advance the externally compensated employee's professional activities for pay;
- Claiming any university responsibility for the conduct or outcome of external activity undertaken solely by the employee; or
- Making any use of the name or marks of the University for any purpose other than professional identification.

B. Oversight: Employees must report any external professional activity for pay at least ten (10) days in advance of commencing such activity. Reporting is accomplished by completing the Notice of Intent to Engage in Professional Activities for Pay form. If the proposed external activity appears to create a conflict of interest, the administrative approval process will require the development of a Conflict of Interest Management Plan.

Annually, all EHRA Employees are required to file a disclosure by completing the Conflict of Interest (COI) disclosure form. The COI form must be updated and resubmitted at the time of submitting any proposal for external funding, whenever circumstances change, or new reportable events occur. The disclosing employee's Unit Head will review the COI disclosure and approve for submission to the Dean and then to the Provost if there are apparent conflicts of interest.

IV. ENFORCEMENT AND SANCTIONS

The Provost will appoint a standing Conflict of Interest and/or Commitment Committee consisting of one member from the Division of Research and Economic Development staff, three tenured faculty with active research programs or expertise in the field of research ethics; one non-Faculty EHRA employee, and one additional member to be added on an ad hoc basis who shall be from the unit of the employee whose conflict is under review. The Committee will serve in an advisory capacity to the Provost. The Committee will make recommendations for management, mitigation, or elimination of the conflict of interest. This committee will also advise the Provost on matters relating to enforcement and sanctions to employees who violate this policy.

Enforcement mechanisms for non-compliance with this policy may be determined on a case-by-case basis and may include, but are not limited to:

- Withholding of funds for the project involved
- Additional training
- Suspension of the research
- Revocation of designated role on project and replacement by another individual
- Suspension
- Discharge from employment

V. RELATED POLICIES

- UNC Policy Manual 300.2.2, Policy on Conflict of Interest and Commitment
- UNC Policy Manual 300.2.2[G] UNC Policy Manual, 300.2.2.2 [R]
- N.C. General Statute Sections 14-234, 14-236 and 133-32
- NC A&T: HR (Annual Certification/2004 and Secondary Employment/2008):
<http://www.ncat.edu/provost/docs/Conflict%20of%20Interest%20Statement.pdf>
- NC A&T: Purchasing: <http://www.ncat.edu/divisions/business-and-finance/purchasing/policies/conflict.html>

Approved by the Chancellor

Date policy is effective: upon approval

First approved: February 25, 2019

Revised: