

**THE TEXAS A&M UNIVERSITY SYSTEM
HEALTH SCIENCE CENTER INTERNAL POLICIES**

12.01.99.Z1.04 Conflicts of Commitment and Interest

Approved March 23, 2010

Supplements System Policy 12.01 and 07.01

This internal policy presents and discusses circumstances surrounding education/training, research and service/outreach activities that can create real or perceived conflicts of commitment and conflicts of interest for faculty, staff and trainees. It establishes requirements for compliance and financial disclosures. This policy applies to all members of the Texas A&M University System Health Science Center (HSC). Component deans/director are responsible for ensuring implementation of guidelines associated with this policy. The Vice President for Academic Affairs is responsible for interpretation and overall coordination of the policy. The Vice President for Research may oversee research-specific issues in consultation with the Vice President for Academic Affairs. Violation of any part of this policy may cause a faculty member, staff member or trainee to be subject to sanctions. This policy will be modified as necessary to be in compliance with external agencies.

1. GENERAL PRINCIPLES

1.1. Conflict of Commitment

Members of the HSC community owe their professional allegiance to the HSC, and their primary commitment of time and intellectual energies should be to the education, research and scholarship programs of the institution. The specific responsibilities and professional activities that constitute that commitment will differ across components and departments, but they should be based on a general understanding between the faculty member, staff member or trainee and his or her department chair and component dean/director. Even with such understandings in place, however, attempts of faculty, staff and trainees to balance HSC responsibilities with external activities - such as consulting, public service or *pro bono* work - can result in conflicts regarding allocation of time and energies. Conflicts of commitment usually involve issues of time allocation. Whenever an individual's outside consulting activities (as defined in Texas A&M University System Regulation 31.05.01 Faculty Consulting, External Employment and Conflicts of Interest) exceed the permitted limits, a potential conflict occurs. A conflict of commitment exists when too large a proportion of an individual's professional activities are focused on tasks or goals that do not assist the HSC in carrying out its mission.

1.2. Conflict of Interest

A conflict of interest occurs when there is a divergence between an individual's private interests and his or her obligations to the HSC such that an independent observer might reasonably question whether the individual's professional actions or decisions (e.g., research results or commentary on scientific matters) are determined by considerations of personal gain, financial or otherwise rather than a commitment to seeking and transmitting scientifically sound information.

Conflicts of interest are common and practically unavoidable in a modern research university. Therefore, it is paramount that policies and procedures be put in place to manage potential conflicts of interest. At the HSC, conflicts of interest can arise out of the fact that a mission of the HSC is to promote public good by fostering the transfer of knowledge gained through HSC research and scholarship to the private sector. Two important means of accomplishing this mission include consulting and the commercialization of technologies derived from research. It is appropriate that individuals be rewarded for their participation in these activities through consulting fees and sharing in royalties resulting from the commercialization of their work. It is wrong, however, for an individual's actions or decisions made in the course of his or her HSC activities to be determined by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual, and it also reflects negatively on the HSC. The HSC is an institution of public trust; all members must respect that status and conduct their affairs in ways that will not compromise the integrity of the HSC.

Faculty, staff and trainees should conduct their affairs so as to appropriately manage conflicts of interest when they arise. To that end, the purposes of this internal policy and guidelines are to educate individuals about situations that generate conflicts of interest, to provide means to manage conflicts of interest, to promote the best interests of trainees and others whose work depends on faculty direction, and to describe situations that are prohibited. Every individual has an obligation to become familiar with, and abide by, the provisions of this internal policy. If a situation of potential conflict of commitment or interest arises, individuals are urged to discuss the situation with the department chair, component dean/director, or the Vice President for Academic Affairs (or Vice President for Research, where appropriate).

2. KEY PROVISIONS

Faculty, staff and trainees are urged to read the associated guidelines to fully understand the spirit of these provisions, *the bona fide* exceptions, and requirements for compliance.

- 2.1. Faculty, staff and trainees must not allow other professional activities to detract from their service to the HSC.
- 2.2. Faculty, staff and trainees must foster an atmosphere of academic freedom by promoting the open and timely exchange of results of scholarly activities, ensuring that

advising of trainees is independent of personal commercial interests, and informing trainees and colleagues about outside obligations that might influence the free exchange of scholarly information between them and the faculty member.

- 2.3. Faculty, staff and trainees may not use HSC resources, including facilities, personnel, equipment, or confidential information, except in a purely incidental way, as part of their outside consulting activities or for any other purposes that are unrelated to the education, research, scholarship, and public service missions of the HSC.
- 2.4. Faculty, staff and trainees must disclose on a timely basis the creation or discovery of all potentially patentable inventions created or discovered in the course of their HSC activities or with more than incidental use of HSC resources according to HSC Rule 17.02.01.Z1 [Intellectual Property, Patents, Copyrights, Information Technology, and Classified Proprietary Research](#). The inventor will share in royalties earned, as established by HSC Rule 17.02.01.Z1 [Intellectual Property, Patents, Copyrights, Information Technology, and Classified Proprietary Research](#), HSC Internal Policy 17.02.01.Z1.01 [Management of Technology Commercialization Through Patents and Licensure of Intellectual Properties](#), and TAMUS policy 17.01 Intellectual Property Management and Commercialization.
- 2.5. Faculty, staff and trainees must disclose to the HSC whether they (or members of the immediate family, as defined in the guidelines accompanying this internal policy) have consulting or employment relationships with, and/or all financial interests in an outside entity before the HSC will approve proposed arrangements between the entities and HSC such as:
 - a) gifts;
 - b) sponsored projects;
 - c) technology licensing arrangements; and
 - d) certain procurements.

In such cases, approval by the component dean/director will be required prior to entering into each proposed arrangement.

- 2.6. The component deans/director may establish an independent oversight committee to take steps including (but not limited to) reviewing the appropriateness of the proposed activity to be conducted at the HSC, overseeing the conduct of the activity, and ensuring open and timely dissemination of results of such activities. Such advisory committees may be appropriate for activities related to education, training and research, clinical studies, and service/outreach activities raising questions of conflict of interest.
- 2.7. To achieve research, educational and institutional goals, interactions of the HSC components with industry/private sector groups, organizations and representatives are necessary. To assure that real and perceived conflicts of interest arising during or as a result of those interactions are managed appropriately, appropriate guidelines offered by health-related professional organizations such as the American Association of

Medical Colleges, the Association of American Colleges of Pharmacy and others should be examined and adopted by HSC components in a manner that assists faculty, staff and trainees in managing conflicts of interest without unduly limiting or prohibiting contact with industry or private sector organizations.

- 2.8. All faculty and staff must certify in writing to the component deans/directors their compliance with the HSC internal policy related to conflict of interest and commitment. Faculty members will do so at the time of initial faculty appointment; staff members will do so at the point of hire; and trainees will do so at matriculation. All must also disclose information about their (and their immediate family members) financial relationships with outside organizations that are sponsors of their teaching or research programs or are otherwise involved in current, proposed or pending financial relationships with the HSC that involve the individual. All will be reminded by the component dean/director of their compliance with this policy and guidelines on an annual basis.
- 2.9. Component deans/director shall establish procedures to ensure timely review of disclosures of potential or apparent conflicts, and to ensure (in consultation with the Office of the Vice President for Academic Affairs for education or training related conflicts, and the Office of the Vice President for Research and Graduate Studies for research related conflicts) the appropriate management of such conflicts.
- 2.10. The Vice President for Academic Affairs (or Vice President for Research, where appropriate) shall hear appeals to decisions regarding conflict of commitment and interest.
- 2.11. Should an individual wish to appeal a decision made by the Vice President for Academic Affairs or Vice President for Research, he or she may present the appeal to the President only on the basis that the decision was made in violation of the academic freedom of the individual or for an illegal reason or for inadequate consideration of the faculty member's record of professional accomplishment.

OFFICE OF RESPONSIBILITY

Vice President for Academic Affairs