



UNIVERSITY OF MARYLAND
EASTERN SHORE

Policy on Conflict of Interest and Conflict of Commitment in Research

1. PURPOSE

This policy on conflict of interest and commitment is applicable to anyone involved in the design, conduct or reporting of research at the University of Maryland Eastern Shore. As such, the policy is applicable not only to faculty and non-faculty UMES 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 University of Maryland Eastern Shore 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, contracts and any type of external funding requires the disclosure of all conflicts of interest prior to the submission of the research proposal.

This policy, as approved by the University of Maryland Eastern Shore Office of Research, defines the responsibilities and procedures required to mitigate personal and institutional Conflicts of Interest, Conflicts of Commitment, and undue Foreign Influence at the University of Maryland Eastern Shore.



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This Conflict of Interest and Conflict of Commitment Policy implements Board of Regents' policies on Professional Commitment of Faculty (11-3.10) and [Conflicts of Interest in Research or Development \(III – 1.11\)](#). This policy is required by [State Ethics Law](#) and failure to comply with this policy may be a violation of State law. This policy also correlates with [USM Nepotism policies](#).

II. POLICY

All UMES officials and employees shall comply with this policy and procedures. The University of Maryland Eastern Shore is designed to promote objectivity in scholarly activities. By requiring review of disclosures of interests made by our investigators (faculty, trainees, students, staff and subcontractors) relating to their institutional responsibilities, the policy establishes standards that provide a reasonable expectation that the design, conduct and reporting of such activities will be free from bias resulting from individual financial and obligatory conflicts of interest.

Federal guidelines and USM and University of Maryland Eastern Shore policies require that an actual, perceived, or potential conflict of interest (COI) in research be eliminated or mitigated. Research and any other personnel involved in the design, conduct, or reporting of research have an institutional responsibility and **must disclose** any financial interests or relationships that could result in a COI.



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III. OVERVIEW

Conflicts of interest occur when university members are in a position or in situations in which financial or other personal considerations may compromise or have the appearance of compromising an employee's professional judgement in administration, management, teaching, research and other professional activities.

IV. CONFLICTS OF INTEREST

The role of the Conflict of Interest Disclosure is to determine whether an investigator's relationship with an internal or external entity creates a situation that could introduce bias into a research project conducted at the University of Maryland Eastern Shore or by any University of Maryland Eastern Shore investigators, and, where this occurs, to manage it. The term "conflict of interest" denotes situations in which current or former officials or employees of UMES are in a position to gain financial advantage or personal benefit arising from their status (or former status) as UMES officials or employees. The State Ethics law generally restricts the relationships that a University employee may have with an internal or external entity that does or seeks to do business with the University due to the potential for such conflicts of interest.



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- 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 the 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 license of the university's intellectual property, or (v) serving as an officer of a company that has a research agreement including 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;



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- 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:** Annually, all UMES Employees are required to file a disclosure by completing the Conflict of Interest (COI) disclosure form **prior** to submission of any proposal. ***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.*** If there are apparent Conflicts of Interest, the Office of Research will review the COI disclosure and decide if the disclosure will be need to be processed for additional signatures. If the COI form is processed for additional signatures and a waiver is granted, the administrative approval process will require the implementation of the



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Conflict of Interest Management Plan, as noted on the COI disclosure form, which must be signed off and approved by all required UMES Administrators, per the Conflict of Interest Disclosure form.

V. CONFLICTS OF COMMITMENT

- A. Activities:** Conflict of commitment relates to an individual's distribution of time and effort between obligations to the university employment and participation in activities outside of university employment. Conflicts of commitment arise when university members' involvements in outside activities substantially interfere with their primary commitments to the university: to teach, conduct research and meet related obligations to students, colleagues and the university.
- B. Oversight:** Employees must report any external professional activity for pay to their Unit head and also the Office of Research. 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 UMES 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 to the Office of Research and their Unit head.



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VI. DISCLOSURE OF BOTH CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT

In most situations, conflicts of interest and commitment can be managed to help protect the credibility of the work being done and the reputation and integrity of our people and the University, and the first step in helping manage those conflicts is disclosure. Most of the recent enforcement actions by the federal government have resulted from failure by the individuals in question to disclose their relationships and seek an appropriate management plan.

VII. ENFORCEMENT AND SANCTIONS

The Office of Research will appoint a standing Conflict of Interest and/or Commitment Committee. 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 Office of Research, Provost, Human Resources and the President 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*
- *Suspension of the research*
- *Revocation of designated role on project and replacement by another individual*
- *Suspension*
- *Discharge from employment*