

General Policy: GE0002 - Conflicts of Interest & Commitment	
Version: 1	Effective Date: 04/07/2022

## CONFLICTS OF INTEREST & COMMITMENT

### SECTION 1. POLICY STATEMENT

University employees and researchers interact with outside peers, businesses, governments, organizations, and others to benefit themselves, the University mission, and the public at-large.

The University encourages its employees and researchers to explore these outside activities. No matter the outside activity or circumstances involved, each employee and researcher must (1) act and make decisions with absolute credibility, integrity, and objectivity, (2) fulfill their primary commitment to the University and the best interests of its mission, and (3) understand and comply with state and federal requirements. The intent of this policy is to supplement state and federal requirements, University policies and procedures, and other Campus procedures to better protect the University, its employees, and researchers.

Compliance is achieved together. University employees and researchers must:

- (1) make complete, accurate, and timely disclosures of all outside activities required by the [OID Form](#) (the form also requires disclosures of certain family member activities),
- (2) provide all related supplementary information,
- (3) cooperate with any inquiries by the University, and
- (4) address the substance of every potential, real, or perceived conflict throughout all management and/or elimination efforts concerning the conflict with the University.

These requirements must be met by all employees and researchers covered by this policy, even if no outside activities are disclosed.

Determining whether an outside activity constitutes a potential, real, or perceived conflict is not the responsibility of a University employee or researcher, but of the University itself. The University must ensure review of employee and researcher disclosures to determine whether an outside activity is a potential, real, or perceived conflict that could interfere with or influence the discloser's actions or decisions. Such conflicts are commonly referred to as "conflicts of interest" and/or "conflicts of commitment", but definitions may vary slightly by governmental authority. If such a conflict exists, the University must manage or eliminate it.

Failure to disclose or manage outside activities may result in severe consequences that result in possible funding loss, research disqualification, work disruption, termination, and other [penalties](#). Undisclosed outside activities and unmanaged conflicts are prohibited by this policy.

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## **SECTION 2. REASON FOR THE POLICY**

The University holds itself to the highest scientific and ethical standards. University employees and researchers must have a unified commitment to honesty and transparency and demonstrate it by adhering to this policy.

Training may be required for certain employees and researchers.

## **SECTION 3. SCOPE AND APPLICATION**

### **3.1 WHO DISCLOSES OUTSIDE ACTIVITIES**

This policy applies to all University employees and researchers, but seasonal employees, event staff, and undergraduate students are not required to disclose their outside activities.

A researcher is any individual, regardless of title, position, or compensation, who is responsible for the design, conduct or reporting of research at the University (which may include third party collaborators, consultants, and/or subcontractors).

### **3.2 WHEN TO DISCLOSE AND UPDATE OUTSIDE ACTIVITIES**

New University employees and current University employees in a new University position must disclose outside activities within 30 days of their effective employment date.

University employees and researchers must update and disclose outside activities annually and then, again, prior to engaging in a new outside activity (but no later than 30 days after engagement). It is recommended that University employees and researchers actively update their supervisors as to their outside activities.

Researchers must disclose outside activities prior to commencing a sponsored project; however, if the research is to be funded by the Public Health Service or its designees, researchers must disclose and/or update outside activities using the OID Form prior to making such proposal and then provide ongoing updates throughout the project. The University cannot release any project or research funds until it has completed its review of the OID Form.

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### 3.3 WHAT OUTSIDE ACTIVITIES TO DISCLOSE

No regulatory document or policy can describe every outside activity and, as a result, no institution or agency can predict every potential, real, or perceived conflict. Yet, it is well-established that outside financial interests, roles, commitments and other incentives from outside sources, whether foreign or domestic, are usually involved when potential, real, or perceived conflicts arise.

Uncertainty, doubt, or confusion is not an excuse for failing to disclose. University employees and researchers should err towards disclosing the outside activity and [contact](#) a subject matter expert, including their supervisor, for any additional guidance. As a rule of thumb, when in doubt, disclose.

### 3.4 CONFLICT OFFICERS, COMMITTEE REVIEWS, AND MANAGEMENT PLANS

The chief executive officer of each Campus shall serve as the conflict officer, or may designate employees to serve as conflicts officers, to oversee the University's compliance with this policy and any state and federal requirements, including any training requirements. The conflicts officer shall establish one or more committees to assist in carrying out its responsibilities to: (1) review [OID Form](#) disclosures; (2) determine whether a conflict exists, (3) work with University employees and researchers to prevent, manage or eliminate conflicts (i.e., via independent reviewers, reassignment of responsibilities, modifying research plans, or other methods to reduce or minimize the effects of a conflict), and (4) appropriately notify, report and document the results of the review and actions taken, whether or not it can be resolved.

If necessary, conflict officers will provide instructions to department heads, supervisors, and others to ensure that they understand their responsibilities in reviewing and identifying conflicts. Upon request by a conflict officer, Institutional Review Boards, Institutional Animal Care and Use Committees, and other relevant committees shall fully cooperate to help make any required determinations. Further, conflict officers should consult with the University's Office of the General Counsel, as needed, with respect to the interpretation of any regulations or other guidance.

Management plans for conflicts may also include, but are not limited to, the following conditions and restrictions:

- Public announcements of conflicts (e.g., when presenting or publishing the research);
- Announcements of conflicts directly to participants (e.g., if involving human subjects);
- Appointment of an independent monitor capable of taking measures to protect the design, conduct, and reporting of research against bias resulting from the conflict;
- Modification of the research plan;
- Substituting a researcher;
- Changing a University employee's or researcher's responsibilities;
- Disqualifying a research investigator from participation in all or a portion of the research;

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- Reducing or eliminating the conflict (e.g., sale of an equity interest); or
- Severing the relationship(s) creating a conflict.

All management plans will be monitored by the conflict officer on an ongoing basis until completion. University employees and researchers must comply with any conditions or restrictions imposed by the University to manage a conflict and must always cooperate with the conflict officer to ensure that the University is able to manage the same.

#### **SECTION 4. PENALTIES/DISCIPLINARY ACTION FOR NON-COMPLIANCE AND CONFIDENTIALITY**

Compliance with this policy is a condition of employment and/or participation in research for all University employees and researchers, and those who fail to comply are subject to discipline, up to and including termination of employment, as well as potential ineligibility to submit grant applications or supervise students, and disqualification from further participation in research. Faculty may be subject to disciplinary action under applicable rules set forth in faculty handbooks and codes of conduct. Researchers who are University students (including residents and fellows) are subject to disciplinary action under applicable student conduct rules. Further, certain conflicts violate state law and may result in criminal and civil penalties.

Non-compliance with the provisions of this policy includes, but is not limited to, failing to timely disclose outside activities, failing to complete training requirements, intentionally filing an incomplete, erroneous, or misleading disclosure, failing to provide additional information as required, or failing to follow an approved plan for preventing, managing, or eliminating a conflict.

The University will make every reasonable effort to limit voluntary disclosure of [OID Form](#) information to those within and outside the University, subject to compliance with the Tennessee Public Records Act and University policies.

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## SECTION 5. RESPONSIBLE OFFICIAL & ADDITIONAL CONTACTS

Location	Name (Title)	Telephone Number (xxx) xxx-xxxx	Email/Web Address
UT-Knoxville	Kim McCulloch (Associate Vice Chancellor, Finance & Administration) & Sarah Pruet (Assistant Vice Chancellor for the Responsible Conduct of Research; Institutional Research Integrity Officer)	(865) 974-4204  (865) 974-9918	<a href="mailto:kmccul13@utk.edu">kmccul13@utk.edu</a>  <a href="mailto:spruett1@utk.edu">spruett1@utk.edu</a>
UT-Chattanooga	Laure Pou (Assistant Vice Chancellor for Human Resources) & David Deardorff (Director of Research Integrity)	(423) 425-5742  423-425-5569	<a href="mailto:laure-pou@utc.edu">laure-pou@utc.edu</a>  <a href="mailto:david-deardorff@utc.edu">david-deardorff@utc.edu</a>
UT-Martin	Petra McPhearson (Sr. Vice Chancellor for Finance and Administration)	(731) 881-7800	<a href="mailto:prencher@utm.edu">prencher@utm.edu</a>
UT-Southern	Robby Shelton (Vice Chancellor of Finance and Administration) & Jamie Hlubb (Assistant Vice Chancellor, Human Resources)	(931) 363-9890  (931) 424-7379	<a href="mailto:rshelt19@utsouthern.edu">rshelt19@utsouthern.edu</a>  <a href="mailto:jhlubb@utsouthern.edu">jhlubb@utsouthern.edu</a>
The University of Tennessee Health Science Center	Steven L. Youngentob, PhD (Senior Associate Vice Chancellor for Research) & Melanie Burlison (Assistant Vice Chancellor/UTHSC Privacy Officer)	(901) 448-1278  (901) 448-8030	<a href="mailto:syoungen@uthsc.edu">syoungen@uthsc.edu</a>  <a href="mailto:mburliso@uthsc.edu">mburliso@uthsc.edu</a>
UT - Institute for Public Service	Rumira Xhaferaj (Chief Business Officer & Budget Director) & Herb Byrd (Vice President of Public Service)	(865) 974-0968  (865) 974-6621	<a href="mailto:rumira.xhaferaj@tennessee.edu">rumira.xhaferaj@tennessee.edu</a>  <a href="mailto:hbyrdiii@tennessee.edu">hbyrdiii@tennessee.edu</a>

## SECTION 6. POLICY HISTORY

**Revision 1:** 10/01/2017 (formerly FI0125)

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## SECTION 7. RELATED POLICIES/GUIDANCE DOCUMENTS

- Guidance Documents: What To Disclose | Do I Disclose | Disclosures For Research Activities  
Faculty Handbooks: [UTK](#) | [UTM](#) | [UTC](#) | [UTHSC](#) | [UTSouthern](#)
- UT Websites: [UTK Division of Finance & Administration](#) | UTK Foreign Engagements | [UTK Research Integrity](#) | [UTK Workshops & Tutorials](#) | [UTK Export Control](#)
- Tennessee Laws ([Tennessee Code Annotated](#)): §8-31-103 | §10-7-503, §504 | §12-2-208, §412, §415, §416, §417 | §12-4-101, §102, §103, §104, §106, §114, §115, | §49-9-3101 (Public Chapter No 344) | §49-9-207, §1308
- Federal Laws: [NIH: 42 CFR 50, Subpart F, Promoting Objectivity in Research](#) | [NSF: Grants Policy Manual, Section 510 CONFLICT OF INTEREST POLICIES](#); [2 CFR 200](#) | [PHS: 45 CFR Part 94: Responsible Prospective Contractors](#)
- University Policies & Related Procedures:
  - Financial: [FI0130 – Fraud, Waste and Abuse](#) | [FI0205 - Sponsored Projects](#) | [FI0207- Sponsored Projects - Salary Policy](#) | [FI0315 - Gifts](#) | [FI0405 – Procurement](#) | [FI0420 - Contracts](#) | [FI0540 - Independent Contractors](#) | [FI0620 - Capital Outlay](#) | [FI0625 - Lease of Real Property by or to the University](#) | [HR0122 - Employment of University Employees by Other University Personnel](#) | [FI0715 - Entertainment, Group Arranged Events, Food and Housing Purchases for UT Sponsored Conferences and Seminars](#) | [FI0717 - Employee Gift Acceptance Policy](#) | [FI0900 - Fringe Benefits Provided to Employees](#)
  - HR: [HR0105 – Employee Status](#) | [HR0115 – Employment of Relatives](#) | [HR0122 - Employment of University Employees by Other University Personnel](#) | [HR0130 – Personnel Files and Release of Information](#) | [HR0580 – Code of Conduct](#) | [HR0280 – Sexual Harassment & Other Discriminatory Harassment](#) | [HR0525 - Disciplinary Action](#)
  - Research/Other: [RE0001 - The University of Tennessee Policy and Procedures on Responsible Conduct in Research and Scholarly Activities](#) | [RE0002 – Policy on Visitors Engaged in Research](#) | [BT0024 – Statement of Policy on Patents, Copyrights, and Other Intellectual Property](#)