



**Conflict of Interest Committee Charter and Procedure**

**April 2021**

### Document Change Control

<b>Revision Number</b>	<b>Date of Issue</b>	<b>Author(s)</b>	<b>Description</b>
Version 1.0	20200421	KF	Draft
V2	202005	MO & SN	Updates
V3	20200608	KF	Updated to working version.
V4	20200622	KF	Single committee under Provost with "Panels" to review specific items.
V5	20201005	SH	Formatting and minor wording revisions throughout to increase clarity.
V6	20202019	MO & SH	Added Recusal & Delegation sections; Removed table of contents; Corrected COI Website link
V7	20210421	SH	Added COIC function independently and free from coercion.

## Conflict of Interest Committee Charter

### Mission

The Conflict of Interest Committee will administer the [University of Oklahoma's Conflict of Interest \(COI\) policy](#) to preserve the integrity of the University and its members and maintain compliance with applicable federal regulations, while respecting academic freedom and acknowledging the desire of some to participate in outside scholarly and entrepreneurial activities.

The COI Office and Committee, including all voting, ex-officio, and specialized competency and expert reviewers, shall function independently and free from coercion and outside influence. COI Committee members, through the COI Officer, shall report incidents of influence or coercion that directly affect the integrity of the review process to the Office of Internal Audit. The Office of Internal Audit shall investigate allegations of coercion and outside influence and report findings to the appropriate University official.

### Function

The COI Committee (COIC) will review individual COI disclosures as assigned by the COI Officer (COIO). The COIC will complete the review and determine the resolution of each disclosure.

The COIC supports the University community in addressing disclosed conflicts of interest related to the following:

- Impartiality
- Self-Dealing
- Use of University Resources
- Gifts
- Use of Employee/ Students
- Conflicts of Commitment
- Endorsement
- Confidential University information

Following review, the COIC will make one of the following determinations:

1. No conflict exists;
2. Potential conflict, permissible within specific limits/criteria;
3. Manageable conflict requiring a management plan; or
4. Unmanageable conflict

### Composition and Structure

The COIC consists of the positions below, with the Faculty and Staff Senate appointment approved by the Senior Vice President and Provost and the President. The COIC shall represent a wide range of disciplines. Individuals with specialized competencies and expertise will be selected by the Senior Vice President and Provost or invited by the Committee to assist in the review of potential conflicts that require expertise beyond or in addition to that available on the Committee.

The Committee composition is as follows:

- Voting Members:

- Faculty members recommended by Faculty Senate (4)
- Staff members recommended by Staff Senate (3)
- Senior Vice President and Provost or designee
- Vice President for Research or designee
- Specialized Competency and Expertise Voting Members:
  - Office of Compliance representative or designee
  - Human Resources (HR) representative or designee
  - Operations representative or designee
  - Purchasing representative or designee
- Ex officio Members, Non-Voting:
  - COI Officer (COIO, required)
  - Office of Legal Counsel (OLC) representative or designee (required)
  - Office of Technology Commercialization (OTC) representative or designee (optional, disclosure-based)
  - Institutional Review Board (IRB) representative or designee (optional, disclosure-based)
  - Financial Services representative or designee (optional, disclosure-based)

### **Membership Terms**

- The COIC Chair is selected by the Senior Vice President and Provost for a one-year renewable term.
- COIC members are recommended by the Faculty and Staff Senates and appointed by the Senior Vice President and Provost.
- Committee membership term is a three-year renewable term; provided, however, that the first Committee shall have members appointed to one-, two-, and three--year terms.

### **Schedule & Quorum**

- Committee meetings are to be scheduled on at least a quarterly basis but will occur more frequently if disclosures are pending or another need arises.
- A quorum must be present for any votes, and a quorum consists of a simple majority of voting COI Committee members at the time of the vote. Issues that come to a vote require a simple majority of voting members present to pass.

### **Recusals**

- Before the review process has begun, Committee members must notify the COIC of any conflict of interest with the materials to be reviewed. The Committee member should briefly specify the nature of the conflict of interest and indicate whether or not they believe that they can review the disclosure impartially.
- The COIC will review the member's COI and make a determination on how to proceed. Possibilities include: (1) allowing the committee member to complete the review without limitation, or (2) having the committee member recuse themselves from reviewing those disclosures where a conflict of interest exists.

## Reviewing Conflict of Interest Disclosures

### 1. Evaluation.

Disclosures are submitted through REDCap by faculty and staff who believe they have a real or apparent conflict of interest, as defined by the University's Conflict of Interest policy. The COIO receives, reviews, and provides an administrative assessment of each disclosure and then assigns disclosures to the COIC.

The COIC will first determine if there is a potential or actual conflict of interest (COI) that could (or could be seen to) affect the professional activities of the employee. The COIC considers disclosures on a case-by-case basis and conducts the review and determination process in a manner that is intended to foster, not hinder, community, business, and research relationships.

If the COIC determines that the disclosed interest does not compromise or appear to compromise the commitments of the individual to the University and is not detrimental to its interests, the COIC may determine that no conflict exists.

If the COIC determines that the disclosed interest could (or could appear to) compromise the commitments of the individual to University, the COIC may determine that a conflict exists. Committee members will work to propose a resolution strategy to manage the conflict. In some instances, the COIC may determine that the conflict is unmanageable and that the individual cannot proceed with the commitments or activities disclosed, unless the individual eliminates the conflicting interest or situation. During the review process, the individual may be invited to meet with the COIC to answer questions or discuss ways to manage the identified conflict.

The COIC will consider at least the following questions, as applicable, in reviewing a disclosure:

- Has all the relevant information concerning the employee's activities been acquired (i.e., has there been full disclosure)?
- Do the employee's relevant interests or activities suggest the potential for conflicts or the appearance of conflicts or bias?
- Is there any indication that the employee in his or her professional (University) role has improperly favored any outside entity or appears, to an uninvolved person, to have incentive to do so?
- Has the employee inappropriately represented the University or his/her relationship to the University to outside entities?
- Does or would the employee appear, to an uninvolved person, to be subject to incentives that might lead to conflicts or bias?
- Is there any indication that the employee's obligations to the University are not being met or would not be met if the activity is approved?
- Is the employee involved in a situation that might raise questions of bias, inappropriate use of University assets, or improper use of other resources?
- Could the employee's circumstances with relation to the proposed activity represent any possible violation of federal or state requirements? Of University policy?
- Do the current engagements/proposed activities of the employee represent potential conflicts between outside interests (e.g. working on projects simultaneously for competing business entities?)
- Could the proposed activity withstand public scrutiny?

## 2. Delegation

The COI Office shall be responsible for delegating routine matters to the COIO. The COIO shall administratively assess disclosure forms to ensure completeness and determine the initial level of review. The COIO shall assign disclosure forms to either the COI Chair or specialized competency and expertise member for review; or assign the disclosure to the full Committee for review.

The COIO shall report all actions taken on behalf of the COIC to the full Committee at each meeting.

## 3. Initial Recommendations

The COIC may make one of the following determinations:

- No conflict exists;
- Potential conflict, permissible within specific limits/criteria when the disclosed information does not represent a possible source of bias or an inappropriate activity;
- Conflict exists, permissible with a management plan to avoid bias or inappropriate activities or the appearance of such; or
- Unmanageable conflict, inconsistent with law and/or University policy.

### 3a. In Cases in Which the Activity is Permitted, But Requires a Management Plan:

The COIC should consider the following essential components for the management plan, as applicable:

- Full disclosure of financial/business interests;
- Safeguards to ensure research integrity;
- Safeguards for students and employees involved in the employee's proposed activity;
- Management by divestiture or eliminating the situation
- Possible management plan options include but are not limited to:
  - Public disclosure of all relevant information
  - Modification to the research work plan
  - Divestiture of relevant personal interests
  - Termination or reduction of involvement in the outside activities
  - Termination of inappropriate student and employee involvement in the activities
  - Severance of outside relationships that pose conflict/perceived conflict
  - Supervision of activities or interests by an independent party or supervisor

### 3b. Additional Input on Management Plans:

In making review and management decisions, the COIC may consult with others on- or off-campus on an as-needed basis. These others may include campus administrative offices, as well as covered individuals (all individuals employed by the University whether full- or part-time and the spouse/domestic partner, parent, child, stepchild, or sibling of an Employee or a member of the Employee's household, if applicable) and unit heads, particularly when the management plan will likely require unit-level implementation and/or monitoring.

#### **4. Management Plan Notification.**

If a management plan is approved by the COIC, the COIO will send an electronic notification of the approval with a copy of the approved management plan to the employee, the employee's supervisor or Chair, the individual responsible for oversight of plan, and/or Human Resources as appropriate. The following offices and committees are notified as applicable:

- Office of Research Administration (ORA)
- Grants and Contracts Accounting (GCA)
- Purchasing
- IRB
- Institutional Animal Care and Use Committee (IACUC)

All management plans shall require that the employee: (1) submit a new disclosure within 30 days of any changes to the managed activity or o the employee's ability to comply with the management plan, and (2) certify annually in writing to the COIO that the employee is in compliance with the terms of the management plan. Compliance is subject to review at any time by the COIO and the COIC, as well as University administration.

#### **5. Minutes, Reports, and Evaluation**

The COIC will maintain written minutes of its meetings that will be filed with the COI Office. At least annually, this Charter shall be reviewed and reassessed by the Committee, and any proposed changes shall be submitted to the Senior Vice President and Provost for approval.