

UNMHSC Conflict of Commitment and Outside Activity

Statement

Faculty and Staff have a primary professional obligation to act in the best interests of UNMHSC; their primary professional commitment of time and intellectual energies is expected to be toward supporting the HSC's mission of education, research, and clinical service. Considerations of personal gain from Outside Professional Activities or Financial Interests, as defined below, must not influence the decisions or actions of Faculty or Staff in performing their responsibilities. This document outlines requirements for disclosure of Outside Activities and Financial Interests; educates Faculty and Staff about situations that generate Conflicts of Interest and Conflicts of Commitment; provides guidance to individuals and the institution to manage or eliminate such conflicts; promotes the best interests of students and others whose work depends on Faculty and Staff direction; and describes situations that are prohibited.

Purpose

UNMHSC Faculty and Staff are expected to conduct the affairs of the HSC consistent with high ethical and legal standards and in a manner that will further the interests of the UNMHSC community.¹ As part of this responsibility, the HSC expects Faculty and Staff to apply their time and effort appropriately, to use HSC resources toward ends, and to avoid any interaction that creates, or appears to create, a Conflict of Interest or Conflict of Commitment, as defined below. When the application or use of time or resources results in inappropriate personal advantage, or is detrimental to the HSC's mission, that use of time or resources represents a conflict between one's interest and that of the HSC. Accordingly, to protect the financial well-being, reputation, and legal obligations of the HSC, and to protect the community from questionable circumstances that might arise and to resolve any apparent or real conflicts, this clarification of existing policy is being issued. ^{2,3,4,5}

Definitions ([See HSC Conflict of Interest FAQs](#))

Conflict of Commitment: A situation where an individual engages in outside activities, either paid or unpaid, that interferes with or is similar to the individual's primary professional obligation and commitment to UNMHSC.

Conflict of Interest: a situation in which an individual's financial, professional, or other personal considerations may directly or indirectly affect, or have the appearance of affecting, the individual's professional judgment in exercising any UNMHSC duty or responsibility.

Financial Interest: A financial interest is anything of monetary value, including a fiduciary relationship with an outside entity. Financial interests are the most important component or components of a conflict of interest for researchers.

Institutional Responsibilities: responsibilities expected and performed on behalf of UNMHSC for which a Faculty or Staff member is employed and compensated by UNMHSC.

Outside Professional Activity: any paid or volunteer activity undertaken by a Staff or Faculty member outside the scope of one's employment at UNMHSC. Outside Professional Activities may include consulting, participation in civic or charitable organizations, working as a technical or professional advisor or practitioner, or holding a part-time job with another employer, whether working in one's occupation or another.⁶

Guiding Principles

To avoid a conflict between personal or professional interests and UNMHSC interests, individuals must not be in a position to act on behalf of or make decisions for the HSC if their personal economic gain or interest may directly or indirectly influence, or have the appearance of influencing, the performance of their UNMHSC duties.^{2,3} Good judgment of Faculty and Staff is essential, and no list of rules can provide direction for all the varied circumstances that may arise. If a situation raising questions of Conflict of Interest or Conflict of Commitment arises, Faculty and Staff are urged to discuss the situation with their school dean, supervisor or the UNMHSC Conflict of Interest Office.^{2,5}

Access to information collected in connection with this document will be limited to those with a need to know and will be shared in accordance with policy and federal regulations.

Conflict of Commitment

Faculty and Staff owe their primary professional allegiance to UNMHSC²; their primary professional commitment of time and intellectual energies is to the education, research, clinical work, and other programs supporting the HSC's mission. A Conflict of Commitment occurs when a Staff or Faculty member's professional loyalty is not to UNMHSC because the time devoted to outside activities is similar to their employment duties or expectations. Attempts to balance responsibilities with outside activities – such as consulting, government service, public service, or pro bono work unrelated to the faculty members UNMHSC responsibilities – can result in conflicts regarding allocation of time and energy. Conflicts of Commitment usually involve issues of time allocation. Faculty and Staff intending to engage in an external activity that involves significant effort outside of the HSC and that may present a Conflict of Commitment must have written approval from the relevant department chair and dean or vice chancellor. Individuals may be required to take a leave of absence from the HSC to proceed with the external activity if it cannot be managed appropriately.

Conflict of Interest

Considerations of personal gain must not influence the decisions or actions of individuals in discharging their responsibilities. Such incentives might create a perception of impropriety and, therefore, require that such conflicts be identified, and then managed, reduced, or eliminated. The following activities are examples of situations that may raise questions regarding an apparent or real Conflict of Interest:

1. Undue personal gain from funds or resources;
2. Excessive or unauthorized use of time or resources for professional, charitable, or community activities;
3. Exploitation of students for private gain;

4. Compromise of priorities due to personal financial considerations;
5. Unfair access by an outside party to UNMHSC programs, services, information, or technology;
6. Selection of an entity as a vendor by an individual who has a personal or economic interest in that entity; this includes engaging a relative as an independent contractor, subcontractor, or consultant; or
7. Acceptance of a gift or favor from an Entity (or representative of an Entity) conducting (or seeking to conduct) business with UNMHSC, when a Faculty or Staff member is in a position to influence or inform decision-making relative to engaging the Entity on behalf of UNMHSC.
8. Activity that has the perception or appearance of compromising an employee's actions or judgments in the administration, management, or performance of their professional activities.

UNMHSC will exercise oversight and care in eliminating or managing Conflicts of Interest that do or may arise because of an individual's personal interest in activities related to their Institutional Responsibilities. The HSC will not accept or enter into agreements, contracts, gifts, or purchases that give rise to a Conflict of Interest unless the conflict can be eliminated or appropriately managed through administrative oversight to protect the interests of the individual and the HSC.

Appropriate Use of Resources

UNMHSC resources are to be used only in the interest of the UNMHSC. Faculty and Staff may not use UNMHSC resources, including facilities, personnel, equipment, or confidential information, as part of their outside consulting activities or for any other non-UNMHSC purposes. Inappropriate use of UNMHSC resources includes, but is not limited to, the following examples:

1. A Faculty member assigning students, Staff, or postdoctoral scholars UNMHSC tasks to advance the Faculty member's own monetary interest rather than to advance the scholarly field or educational needs;
2. Granting external Entities access to UNMHSC programs, resources, services, information, or technology for purposes outside the UNMHSC's mission;
3. Offering inappropriate favors to outside Entities in an attempt to unduly influence them in their dealings with the UNMHSC; and
4. Using for personal gain, or granting others unauthorized access to, confidential information acquired through conduct of UNMHSC business or research activities.

Situations that May Create a Conflict of Interest or Conflict of Commitment

Outside Professional Activities

Staff: A Staff member wishing to engage in an Outside Professional Activity that may present a Conflict of Commitment or Conflict of Interest must provide a written request to the Staff member's immediate supervisor or department/unit head prior to engaging in the activity. Permission is left to the discretion of the supervisor or department/unit head and may be given if the proposed activity does not compete

with UNMHSC activities and does not interfere with or detract from the performance of the Staff member's UNMHSC duties. Any outside activity using UNMHSC time and resources, or that are similar to the employees UNMHSC job function or obligations are not allowed. Outside Professional Activities that use UNMHSC resources or an individual's time on the job, thereby competing with the UNMHSC or conflicting with the performance of the job, present a Conflict of Commitment or Conflict of Interest and are not permitted.

Faculty: Appointment as a Faculty member of UNMHSC confers the obligation to pursue teaching, research, and/or UNMHSC service. Fulfillment of these obligations requires a primary professional commitment of expertise, time, and energy. Faculty engagement in Outside Professional Activities is a privilege and not a right and must not detract from a Faculty member's obligation to UNMHSC duties. A full-time appointment conveys an obligation for a Faculty member to have a significant physical presence on campus, to be accessible to students and Staff, to carry the member's share of committee responsibilities, to meet any assigned obligations, and to be available to interact with UNMHSC colleagues, unless the relevant department chair and/or school dean has granted specific prior approval for extended or frequent absences from campus. Activities such as pro bono work, government service in the public interest, and any outside employment unrelated to the Faculty member's UNMHSC responsibilities must be managed so they do not take precedence over a Faculty member's primary professional commitment to the UNMHSC.

Other limitations in general:

1. Generally, faculty involved in clinical activities related to their duties as UNM employees should contract those services through their department.
2. Faculty members conducting outside professional activities that do not represent a conflict of interest or a conflict of commitment while on private time, while on annual leave, while on leave without pay, or while on University time must do so as independent agents and not as representatives of the University of New Mexico.
3. Speaking arrangements with outside vendors represent a risk and should be contracted through a professional services agreement with UNM and their department so to assure the activity is educational and not a marketing activity.
4. Significant management roles (those that involve substantial supervision of the work of others and/or day-to-day responsibility for operating decisions) in private business typically are demanding both in terms of time and energy. Because full-time Faculty are expected to devote their primary professional energies and interests to their UNMHSC obligations, they may not accept significant managerial responsibilities as part of their Outside Professional Activities. It will be necessary for a Faculty member to obtain the permission of the member's chair and school dean and may require an unpaid leave of absence from his or her UNMHSC responsibilities in order to take on a significant management role in an outside Entity.
5. Certain Outside Professional Activities, such as submitting or directing a program of research or scholarship at another institution that could be conducted appropriately at UNMHSC, can generate conflicts regardless of the time involved. Absent express approval by the Vice Chancellor for Research and Dean, UNMHSC Faculty are prohibited from serving as principal investigators on sponsored projects submitted and managed through other academic, federal, or commercial institutions. This stipulation does not apply to subcontracts awarded to the UNMHSC; it is not

intended to limit Faculty members' participation in multi-site training or research programs, nor is it intended to apply to circumstances in which the Faculty members' research requires access to facilities not available at UNMHSC. Outside Professional Activities that are unrelated to a Faculty Member's Institutional Responsibilities and do not use UNMHSC resources do not need to be disclosed.⁵

Faculty Use of Students in Outside Professional Activities

Student involvement in Faculty enterprises may provide the potential for substantial benefits to the education and career development of the student. Such involvements need to be guided to avoid Conflicts of Interest or interference with the student's primary educational and research duties. Before engaging in these activities, whether paid or unpaid, Students and Faculty must seek approval from the school's dean or the dean's designee prior to presenting the request to the conflict of interest committee.

Faculty Use of Staff in Outside Professional Activities

Faculty and others in a supervisory capacity may not require those they supervise to perform services outside those related to their UNMHSC positions. It may be appropriate for Staff to assist Faculty members in their Outside Professional Activities, depending upon the nature and extent of the Staff involvement and whether it is on an incidental or infrequent basis. However, because such involvement is a potential source of conflict between Faculty members and their Staff, any Staff involvement must be approved by the relevant department chair, dean or vice chancellor and discussed with the Staff member.⁶

Financial Interests

Financial Interests create Conflicts of Interest when they provide, or appear to provide, an incentive to a Faculty or Staff member to affect a UNMHSC decision or other UNMHSC activity (for example, because of the possibility for personal gain) and when the Faculty or Staff member has the opportunity to affect the UNMHSC decision or other UNMHSC activity (for example, because the Faculty or Staff member is the principal investigator for a research project or has UNMHSC purchasing authority relative to use of an external vendor). If there is both sufficient incentive from the Financial Interest and opportunity to affect the UNMHSC activity or decision, a Conflict of Interest exists.

For purposes of this document, "Financial Interest" is one or more of the interests defined below held by a Faculty or Staff member and/or an Immediate Family Member, if the interest reasonably appears to relate to one's Institutional Responsibilities⁷:

1. Salary, royalties or other payments for services, such as consulting fees or honoraria, unless they are expected to total \$5,000 or more over the next 12 months when aggregated for the investigator and his or her spouse and dependent children.
2. Equity interests, such as stocks, stock options or other ownership interests, unless they amount to \$5,000 or more in value and represent *any* in a single entity when aggregated for the investigator and his or her spouse and dependent children.
3. Intellectual property rights, such as patents and copyrights, and royalties from these rights.

Financial Interests DO NOT include the following interests:

1. Salary, royalties or other remuneration from UNM (including payments or other technology commercialization proceeds through the Science & Technology Corporation @ UNM).
2. Income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities.
3. Income from service on advisory committees or review panels for public or nonprofit entities.
4. Interests in widely held investment funds only if:
 - (a) The investigator does not exercise control over or have the ability to exercise control over the fund's financial interests; and
 - (b) Either (i) The fund is publicly traded or available, or (ii) Its assets are widely diversified.
5. Interests in blind trusts if the investigator has no knowledge of the trust assets.

Disclosure Requirements

Upon hire and on an annual basis, Faculty and Staff members must provide information on the nature and extent of their Outside Professional Activities and Financial Interests related to their Institutional responsibilities. This is done by using the Smartsheet disclosure form managed by your department's administrator.

Disclosure Updates

Faculty members are expected to update their disclosure information outside of the annual disclosure process if an Outside Professional Activity or Financial Interest arises with the potential to impact one's Institutional Responsibilities in a meaningful or significant way.

Sources

- 1 **Administrative Policies and Procedures Manual - Policy 3720: Employee Code of Conduct and Conflicts of Interest**
<https://policy.unm.edu/university-policies/3000/3720.html>
- 2 **Faculty Handbook Policy C130 Policy Concerning Outside Employment and Conflicts of Commitment**
- 3 **Faculty Handbook Policy E110 Conflict of Interest in Research**
- 4 **Regents Policy Manual Policy 5.10 Conflicts of Interest in Research**
- 5 **Policy for HSC Faculty Outside Professional Activities**
- 6 **HSC Conflict of Interest FAQs** <https://hsc.unm.edu/research/coi/common/pdf/coi-faq.pdf>
- 7 **Additional HSC COI Reporting Requirements Due to 2011 Revised Federal Regulation**
<https://hsc.unm.edu/research/coi/common/pdf/additional-coi-reporting-req-v-5-26-15.pdf>