I. PURPOSE.

As expressed in Executive Policy E5.214 entitled “Conflicts of Interest and Commitment,” the University of Hawai‘i (University) is committed to promoting identification, disclosure, and elimination or management of conflicts of interest in operations of the University and activities of its employees. This includes institutional and individual financial, scholarly, and organizational conflicts of interest, as well as conflicts of commitment. These procedures are intended to clarify questions related to conflicts of interest and commitment.

II. DEFINITIONS.

A. **APM** refers to the University’s system-wide Administrative Procedures, numbered with the prefix letter “A.” Referred to are this document, APM A5.504, and APM A8.956 “Financial Conflict of Interest (FCOI) for Public Health Services (PHS) Grants, Cooperative Agreements and Contracts.”

B. **AWARDING COMPONENT** refers to the organizational unit of the agency that funds the Research.

C. **COMPPELLING CIRCUMSTANCES** are facts that convince the Institution that an individual with a Significant Financial or other Conflict of Interest should be permitted to conduct the activity (e.g., Research) in spite of a conflict. Circumstances that may be evaluated (when applicable) include:

1. Nature of the Research/activity,

2. Unique Investigator expertise, or unique institutional resources (e.g., equipment, facilities, personnel),
3. Magnitude of financial or other interest and the extent to which such interest is related to the Research/activity,

4. Extent to which the interest could directly and substantially affect the Research/activity,

5. The degree of risk to human subjects that is inherent in the Research protocol,

6. Unique access to particular patient populations, and

7. Extent to which the interest is amenable to effective oversight and management.

D. **OFFICE OF RESEARCH COMPLIANCE** is the administrative office under the Vice Chancellor for Research and Graduate Education that manages compliance-related issues; namely, Research and scholarly misconduct, Conflicts of Interest, responsible conduct of Research, Human Subjects Research, laboratory animal welfare and biosafety, and animal and veterinary services.

E. **CONFLICTS OF COMMITMENT** arise when non-University activities of an Employee are substantial and overly demanding of the Employee’s time and attention, and interfere with the Employee’s obligations and responsibilities to the University.

F. **CONFLICTS OF INTEREST COMMITTEE (COIC)** consists of faculty, staff and administrators appointed to review and provide advice on management or elimination in cases concerning potential or real Conflicts of Interest. Committee members are appointed by the Deciding Official from nominations submitted by the Vice Chancellors or their designees.

G. **CONTRACTOR** “means an entity that provides property or service under contract for the direct benefit or use” of the University. CFR 45 Part 94 Section 94.3.

H. **DEANS and DIRECTORS** refer to lead administrators of Schools, Colleges, and Organized Research Units within the University system.

I. **DECIDING OFFICIAL** refers to the administrator of Executive Policy E5.214. Unless otherwise designated by the University’s President, the Vice President for Research (VPR) will serve in this capacity.
J. **DISCLOSURE** refers to:
   1. Notifying the appropriate Senior Administrator of any potential or actual Significant Financial or other Conflict of Interest or Commitment.
   
   2. Providing a public statement as to the existence of any Significant Financial or other Conflict of Interest that may exist.
   
   3. Notifying funding agencies of any potential or actual Financial or other Conflict of Interest.

K. **EMPLOYEE** means any person possessing either a full-time or part-time appointment at the University, whether compensated or not, including positions of the Research Corporation of the University of Hawai’i (RCUH), postdoctoral fellows, and some students or trainees.

L. **ENTITY** means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business, real estate trust, or any other legal body organized for profit or nonprofit purposes.

M. **EQUITY** is a financial interest in a business representing an ownership interest, and may include stock, stock options, stock warrants, or any other security.

N. **HUMAN SUBJECTS RESEARCH** means a systematic investigation through experimentation, testing, evaluation, or observation performed on a living individual or group of individuals, about whom an Investigator obtains 1) data through intervention or interaction with the individual(s), or 2) identifiable private information (45 CFR 46.102).

O. **IMMEDIATE FAMILY** means the Employee’s spouse, domestic partner, or reciprocal beneficiary and dependent children.

P. **INDIVIDUAL CONFLICTS OF INTEREST** or **INDIVIDUAL FINANCIAL CONFLICT OF INTEREST (FCOI)** refers to situations in which personal interests, particularly Significant Financial Interests (SFI), cause competing loyalties that compromise—or have the appearance of compromising—an Employee’s objectivity in meeting University duties or responsibilities. If an Employee’s objectivity in designing, conducting, or reporting Research, or other scholarly work is directly or substantially biased by
Significant Financial Interests or other interests, his/her judgment in the collection, analysis, review and interpretation of data may be compromised, along with the decisions, for example, on the hiring of staff, procurement of materials or equipment, sharing of results, writing of protocols, safety of Human Subjects in Research, use of statistical methods, and mentoring of students.

1. Examples of potential Financial Conflicts of Interest situations may include the acceptance of income from non-University of Hawai`i sources, Equity, consulting fees, or royalty interest from an outside Entity which has an interest in the Employee’s work at the University; income from seminars, lectures, or teaching engagements; income from service on advisory committees or review panels; legal partnerships; gifts to the University Employee’s research unit/department; and other forms of payment to the Investigators, Key Personnel, or members of their Immediate Family.

2. Other Conflicts of Interest situations may arise when an Employee, or a member of his/her Immediate Family, has loyalties to another Entity:

   a. That may affect decision-making with respect to University teaching, Research, or administration.

   b. That may result in a material, financial or other benefit from the use or release of non-public information pertaining to the University.

Q. **INSTITUTION** “means any domestic or foreign, public or private, entity or organization (excluding a Federal agency) that is applying for, or that received, research funding” (CFR 42 Part 50.603).

R. **INSTITUTIONAL FINANCIAL CONFLICTS OF INTEREST** may occur when the Institution; any of its senior management or trustees; a department, school, or other subunit; or an affiliated foundation or organization has a Significant Financial Interest in an outside Entity that itself has a Financial Interest in University Research or Scholarly Activity. Senior managers or trustees may also have conflicts when they serve on the boards of, or otherwise have an official relationship with, organizations that have significant commercial transactions with the University. The existence or appearance of such conflict can lead to actual bias, or perception of bias, in the
review, administration, or conduct of Research at the University.

S. **INSTITUTIONAL RESPONSIBILITIES** (modified from CFR 42 Part 50.603) are defined as an Employee’s professional responsibilities on behalf of the Institution, which may include activities such as research, teaching, consulting, professional practice, institutional committee memberships, or service on panels such as Institutional Review Boards or Data and Safety Monitoring Boards.

T. **INVESTIGATOR** may be an Employee, project director (PD), principal investigator (PI), co-PD, co-PI, and any other person who shares responsibility for the design, conduct, or reporting of Research or other Scholarly Activity. Included are clinical investigators who are directly involved in Human Subjects Research and share responsibility for obtaining the informed consent of human subjects. “**INVESTIGATOR**” can also include non-employees such as Contractors, sub-grantees, sub-recipients, sub-contractors, or investigators’ collaborators, who are expected to adhere to the provisions of this policy if such agreement is established (see ORS APM A8.956).

U. **MANAGE** means taking action to address Conflicts of Interest (COI), and may include reducing or eliminating the COI, to ensure, to the extent possible, that the design, conduct, and reporting of Research or other Scholarly Activity will be free from bias (modified from the definition in the CFR 42 Part 50.603).

V. **ORGANIZATIONAL CONFLICTS OF INTEREST** means conflicts that arise when the University cannot provide an Entity with impartial advice. This arises when technical advice that is given is biased and/or gives the University an unfair advantage.

W. **RESEARCH** “means a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge...” “The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development.” (CFR 42, Part 50.603)

X. **SCHOLARLY ACTIVITY** means “creative work” that is used in teaching, the creation or sharing of knowledge, the Research or “discovery” of new knowledge, or the development of new technologies, methods, materials, or uses.  

(Modified from:
Y. **SCHOLARLY OR SCIENTIFIC CONFLICTS OF INTEREST** means conflicts that arise when a scholar’s or researcher’s impartiality is biased by the potential for professional or personal gain, as in the review and commenting on manuscripts, funding applications, tenure or promotion records, or other publications.

Z. **SENIOR ADMINISTRATOR** is a member of the University administration above the organizational level of Department Chairperson or the equivalent in non-academic units of the University.

AA. **SENIOR/KEY PERSONNEL** means the PD/PI, and any other persons identified as primary and/or essential personnel by the University in the grant application, progress report, or any other report submitted to a funding agency. (CFR 42 Part 50.603).

BB. **SIGNIFICANT FINANCIAL INTEREST**

1. **SIGNIFICANT FINANCIAL INTEREST** [reference 42 CFR §50.603(1); 45 CFR §94.3(1)] refers to anything of monetary value or potential monetary value, to an Employee and his/her Immediate Family, which is, or appears to be reasonably related to the individual’s Institutional Responsibilities with certain exclusions listed below in section BB.2. Significant Financial Interest refers to that received in the past 12 months and includes but is not limited to the following considerations:

   a. “With regard to any **publicly** traded entity, a significant financial interest exists if the value of any remuneration received from the entity...and the value of any equity interest in the entity..., when aggregated, exceeds $5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship, travel reimbursement); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value.” (42 CFR §50.603(1.i) & 45 CFR, §94.3(1.i)).
b. “With regard to any non-publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity..., when aggregated, exceeds $5,000, or the investigator...holds any equity interest” (42 CFR §50.603(1.ii) & 45 CFR §94.3 (1.ii)),

c. “Intellectual property rights and interests (e.g., patents and copyrights) upon receipt of income related to such rights and interests.” (42 CFR §50.603(1.III) & 45 CFR §94.3 (1.iii)).

d. Compensation or payments for service on boards or provision of executive advisory services to non-University of Hawai`i Entities, excluded are Federal, State, local government agencies, or Institutions of higher education.

2. **SIGNIFICANT FINANCIAL INTEREST** does not include:

a. Salary, royalties, or other remuneration paid by the University to its Employee. If paid by another Entity, total remuneration is less than $5,000 when aggregated for the Employee and the Employee’s Immediate Family.

b. Equity interests arising solely by reason of investment in a business by a mutual, pension, or other institutional investment fund over which the Employee does not exercise control.

c. Income from seminars, lectures, or teaching engagements sponsored by Federal, State, local government agencies, or Institutions of higher education.

d. Income from service on advisory committees or review panels for Federal, State, or local governmental Entities or Institutions of higher education.

e. Any ownership interests in the University, related to serving as a recipient under the Phase I Small Business Innovation Research (SBIR) (SBIR is “the extramural research program for small businesses established by the awarding components of the Public Health Service and certain other Federal agencies under Public Law 97-219”, CFR 42 Part
50.603), or Small Business Technology Transfer Programs (STTR).

3. Compensation or sponsorship of travel related to Institutional Responsibilities which are not reimbursed by a Federal, State, or local government agency, or Institution of higher education may be considered to be a Significant Financial Interest. Employees must disclose such benefits including the following details: purpose of the trip, identity of the sponsor/organizer, cost of travel, destination, and duration. In the determination as to whether there is a FCOI, the Senior Administrator to whom the Employee reports will determine whether additional information is needed.

III. POLICY IMPLEMENTATION AND ADMINISTRATIVE GUIDELINES

A. Disclosure Responsibilities Relating to Conflicts.

1. Dissemination of Policy.
   Senior Administrators are responsible for ensuring that all Employees within their respective units are fully informed about Executive Policy E5.214 and these procedures, upon initial appointment and reminded annually of the obligation to submit Conflicts of Interest Disclosure forms, unless exempt.

2. Conflicts of Interest Disclosure Forms.
   Forms must be submitted electronically to the appropriate administrative office. Disclosure forms will be considered confidential to the extent possible. An individual may be exempt from Disclosure depending upon the position to which the individual is assigned. An Employee may be exempt only if he or she is not responsible, directly or indirectly, for the design, conduct, or reporting of Research or other Scholarly Activity. Individuals should consult their immediate supervisors, departmental chairperson, Dean, or Director regarding exemptions; however, directives are listed below.

   a. Individuals required to submit a Disclosure form:

      1. Persons holding the faculty ranks of professor, associate professor, assistant professor (and all of the foregoing whose appointments contain such terms as “researcher,” “adjunct,” “associate,” “assistant”, “visiting,” or
“clinical”), instructor, lecturer, as well as specialists.

2. Any staff member, student, trainee, postdoctoral research fellow, associate or assistant, and other individuals identified as Investigators or Senior/Key Personnel by the University. These individuals may be compensated or not and, on behalf of the University, are responsible for or in a position to influence the design, conduct, or reporting of Research or other Scholarly Activity.

3. All administrators.

4. Any individual who acts or appears to act as an agent of the University in using, controlling, or assigning to others the use of University facilities and resources as well as procurement of facilities and resources. Examples are individuals involved in auxiliary services and financial management.

b. Disclosure forms are to be submitted:

1. Within 30 days of initial appointment to a University or RCUH position.

2. At least once annually thereafter with submission by April 15 each year.

3. At any time when an actual or potential Conflict of Interest or Commitment arises or when there are changes to, or elimination of a prior conflict.

The Disclosure statement (Attachment A) is the primary vehicle through which actual and potential Individual Financial and other Conflicts of Interest can be identified and resolved through early, open review and discussion. New Conflicts of Interest situations, relationships and/or activities that give rise to them are expected to be disclosed promptly if not already part of the annual Disclosure statement. The Disclosure statement serves as a written acknowledgement that the Employee has reviewed and is complying with this document, Executive Policy E5.214, and, if applicable, APM A8.956. Accordingly, each Employee
shall be required to declare explicitly whether he/she does or does not have such Financial and/or other Conflicts of Interest. The failure to report is an unacceptable violation of Executive Policy E5.214.

4. Senior Administrators are responsible for the review of Disclosure forms for each of their Employees. They are also responsible for providing a **Conflicts of Interest Disclosure summary (Attachment B)** for their units annually to their respective Vice Chancellor’s or Chancellor’s Office. The deadline for submissions is June 30 of each year.

5. All forms are archived in the offices of the appropriate Dean, Director, Senior Administrator, Vice Chancellor or Chancellor. Updated forms must be submitted throughout the year if changes arise that may create a potential Conflict of Interest, alter the details of, or eliminate a previously disclosed conflict.


   a. All Significant Financial Interests of an Employee, and their Immediate Family, and other Conflicts of Interest that are related to the Employee’s Institutional Responsibilities must be disclosed.

   b. Significant Financial Interests required to be disclosed include:

   1. That which would reasonably appear to affect Research (funded or proposed for funding), and scholarly, professional, administrative, or educational activities of the Employees.

   2. In Entities where financial interests would reasonably appear to be affected by activities of the Employee.

   c. Investigators applying for funding, regardless of the funding Entity, must disclose any Conflicts of Interest or potential Conflicts of Interest to the appropriate Senior Administrator prior to submission of a grant or contract application to
the University’s Office of Research Services (ORS). The Disclosure can take the form of Appendix A as required annually, or as required by ORS for all proposals submitted to the National Science Foundation or Public Health Service. The following Disclosure requirements shall be met:

1. Before an application or proposal is submitted to the sponsor when Significant Financial Interests could potentially affect the Research for which funding is sought, and when involving Entities whose financial interests could appear to affect the Research.

2. At the time of the application or proposal submission. The University must certify to the sponsor (Awarding Component) that it has a written and enforced administrative process in place to identify and Manage, reduce, or eliminate Conflicts of Interest with respect to all Research for which funding is sought.

3. Prior to spending any funds under an award. The University must report to the sponsor the existence of any Conflicts of Interest and ensure that it has been Managed, reduced, or eliminated. Upon request the Institution will make available to the sponsor detailed Conflicts of Interest information and how those interests have been Managed, reduced, or eliminated to protect the Research from bias.

Included in the initial report to the Awarding Component shall be the following:

a. Project, Award or Grant/contract number, PD/PI name or contact PD/PI name.

b. Name of Investigator with a COI.

c. Name of the Entity with which the Investigator has a COI.

d. Nature of the COI (e.g., Equity, consulting fees, travel reimbursements, honoraria).

e. Value of the financial interest $0-4,999; $5K-9,999; $10K-19,999; amounts between $20K-100K
by increments of $20K; amounts above $100K by increments of $50K or a statement that a value cannot be readily determined and why.

f. A description as to how the Conflict of Interest relates to the Awarding Component’s Research interests and the basis for the University’s determination that the interest conflicts with such Research.

g. A statement as to whether the COI was Managed, reduced, or eliminated.

h. If Managed, details of the Institution’s management plan.

Included in the Annual Report to the Awarding Component shall be the following:

a. Status of the COI.

b. Changes in the management plan.

c. Other records of the University regarding COI will be provided to the Awarding Component upon request.

4. For any Conflict of Interest that the University identifies subsequent to an initial report under an award, a follow up report will be made and the conflicting interest Managed, reduced, or eliminated—at least on an interim basis—within sixty days of that identification.

5. When COI are identified actions taken by the University to eliminate, reduce or Manage the COI will be publically disclosed by display of information on the web site of the University’s Office of Research Services.

d. Investigators who receive Federal funding and who assume the role of marketing consultants as defined in 48 CFR, Part 9, Subpart 9.501 are subject to additional Conflict of Interest regulations as expressed in Subpart 9.5.

1. Senior Administrators shall be responsible for the initial review of all COI Disclosures filed by the Employees assigned to their respective units, determination of whether a Conflict of Interest exists, and identification of any conditions or restrictions that may be necessary to reduce or eliminate such Conflict of Interest. All Disclosures containing potential FCOI, and other Conflicts of Interest for which the Deans and Directors require assistance are to be forwarded to the Office of Research Compliance for further review and possible referral to the COIC or Deciding Official. Approval of a Research proposal for Investigators that have a FCOI or other COI shall not be granted until an appropriate management plan has been developed. In reviewing Disclosure statements the following assessment criteria should be used:

a. A potential for a Conflict of Interest exists when it is determined that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the Research or Scholarly Activity.

b. Conflicts of Interest should be considered in relation to the impact of the Scholarly Activity on:

   (1) Integrity of Research data or teaching activity.

   (2) Risks to the rights and welfare of Human Research Subjects.

   (3) Risks to the rights and obligations of students and trainees participating in the activity.

   (4) Availability of Research results to the scientific community and public interest.

   (5) Public perception of a Conflict of Interest.

   c. Investigators conducting, or proposing to conduct, Human Subjects Research must disclose all Conflicts of Interest and FCOI in accordance with the applicable Institutional Review Board
(IRB) policies and procedures of the University. The IRB may consult with the COI Committee and develop a management plan when necessary.

d. All Conflicts of Interest related to Research shall be reviewed and Managed by the same Conflicts of Interest standards and procedures described here, regardless of funding status or funding source (Federal, State or other) and in accordance with APM A8.956 when PHS funding is involved.

2. Senior Administrators may request that the COI Committee review Disclosure statements and make recommendations on the determination of and/or management of any Conflicts of Interest.

C. Subrecipient Responsibilities

Subrecipients (e.g., subcontractor, subawardee, consortia) shall agree to terms of compliance and may be required to comply with the policy of the University of Hawaii as the awardee institution. The Office of Research Services (ORS) shall obtain a certification from the subrecipient as to whether the University of Hawaii's COI policy (E5.214) or the subrecipient's institutional COI policy will be utilized for compliance (see ORS APM A8.956).

IV. UNIVERSITY CONFLICTS OF INTEREST COMMITTEE

A. Purpose. The University Conflicts of Interest Committee (COIC) is established to review and provide advice to the administration on the evaluation and, when necessary, the management of cases concerning potential or real Conflicts of Interest including FCOI. Management plans will be documented and oversight will be provided by the COIC for all Conflicts of Interest identified.

B. Appointment and Membership. The Deciding Official shall appoint 16 members to the COIC from the faculty and professional staff, including identification of a Committee chair. The Conflicts of Interest Committee:

1. May invite individuals with expertise in special areas to assist in the review process.

2. May include qualified members not employed at the University, should community membership be considered appropriate or necessary.
3. May confidentially consult with administrators, faculty, and others involved in the Research or administrative matter, the academic discipline in question, or the nature of administrative decision-making in question in order to make a fully informed recommendation.

4. When University faculty Conflict of Interest issues are referred to the COIC for evaluation, the committee members assigned shall be exclusively or predominantly from the University faculty and staff, with the intention of conducting a peer-reviewed evaluation.

C. Responsibility. The COIC transmits its recommendations to the Deciding Official, or designee, as advice on: the disposition of cases involving potential Conflicts of Interest, determination as to whether real or potential conflicts exist; how such conflicts should be eliminated, reduced, or Managed, and the progress of cases being Managed. In some instances, the Committee may decide that a case would be more appropriately referred to the Hawaii State Ethics Commission or the University’s Research Integrity Officer.

The COIC shall provide the Employee with an opportunity to respond to the issues raised in the course of such review. Any such responses will be appended to the Committee’s report for review by the Deciding Official.

D. Confidentiality. The proceedings of the COIC including all documents, drafts, and discussions will be confidential to the extent possible.

V. CONFLICT RESOLUTION – INDIVIDUAL CONFLICTS OF INTEREST.

A. The COIC will review cases referred by Senior Administrators and determine the appropriate action for conflict resolution. The COIC may require a management plan that includes the following:

1. Description of the potential conflict.
2. Delineation of criteria that may lead to risk.
3. Justification for proceeding with management (vs. eliminating the conflict).
4. Management strategies addressing each of these criteria and the requirements for plan modifications.

B. Conditions or restrictions that may be imposed to manage, reduce, or eliminate Conflicts of Interest include, but are not limited to the following:

1. Public Disclosure of the COI on the ORS web site (see Section IIIA above entitled “Disclosure Responsibilities Relating to Conflicts”), and additionally may include Disclosures:
   a. In all relevant publications and presentations.
   b. To the appropriate co-Investigators, members of the laboratory or Research group, students or trainees.
   c. On Human Subjects Research consent forms. In addition, the appropriate Institutional Review Board (IRB) for Human Subjects Research may consult the COIC to review Investigator Financial Interest Disclosures and determine an appropriate management plan when necessary.

2. Monitoring of Research by the COIC and the Office of Research Compliance, which may include measures such as:
   a. Reviewing of notebooks, publications and presentations for accurate Disclosure and/or data integrity.
   b. Meeting regularly with the PD/PI of the Research project and the scientific collaborators as well as the responsible department chair.
   c. Reporting to the Deciding Official, at least annually with respect to the management of conflicts.
   d. Reporting any significant concerns to the Deciding Official, immediately, including recommendations for revisions to the management plan or any mitigation concerns.

3. Modification of the Research plan of a Research project as originally conceived.
4. Prohibition from contributing to any Research activity that could be influenced because of Significant Financial Interests. For example, the Investigator may be prohibited from serving as the PD/PI, analyzing data, determining whether potential subjects are eligible for enrollment, or soliciting consent.

5. Divestiture of Significant Financial Interests; i.e., allow work to progress contingent upon the sale or disposal of specified financial interests.

6. Severance of relationships that create conflicts; e.g., relinquishing a seat on a board of an outside Entity.

7. Exception—Compelling Circumstances; i.e., facts that convince the Conflicts of Interest Committee that an Investigator/individual is uniquely positioned, and should be permitted to participate in a specific project, activity, or clinical trial under appropriate management despite a Significant Financial Interest.

The COIC may also advise that the potential for significant scientific progress, important technology transfer, and benefits to society or public health and welfare outweigh concerns over Significant Financial Interests. In such a case, the Deciding Official will make a final determination.

C. Approval and Execution of Conflict Management Plan. When the COIC recommends a Conflict of Interest management plan, it is to be reviewed and approved by the Deciding Official before implementation.

D. Sanctions. Allegations of violations of Executive Policy E5.214 may be forwarded to the University’s COIC, which will investigate the circumstances and take appropriate action. If the violation or failure to comply is not remedied, formal proceedings pursuant to the relevant University policy (e.g., Executive Policy E5.211) may be initiated.

1. The failure of an Employee to disclose a COI; failure or refusal to respond to requests for additional information; providing incomplete, misleading, or knowingly inaccurate information; failure to comply with directives from the Deciding Official; failure to
cooperate with appointed project monitoring persons; or failure to eliminate a conflict when so directed may be grounds for disciplinary action up to and including termination for cause.

2. Agreements may be terminated with sub-grantees, sub-recipients, contractors, or collaborators (e.g., consortia) who either fail to file a complete Disclosure or fail to comply with directives of Executive Policy E5.214.

3. In addition, the University is required to report to Federal sponsors any violation of Federal Conflicts of Interest regulations.

E. Referral of Cases to the Committee. Questionable cases involving potential COI should be referred to the Office of Research Compliance for determination as to whether the COIC should become involved. However, allegations of potential COI may also be made directly to the COIC by any member of the University community. The COIC then will confer with the appropriate Senior Administrator as to whether to proceed with an assessment.

F. Conflicts for Committee Members. A Committee member shall not be a part of evaluation of a case when the following conditions apply:

1. The COIC member has a personal interest because of personal or professional relationships, such as collaboration with the individual whose case is under consideration.

2. The COIC member has a financial interest in the case under discussion.

The COIC may make exceptions to the above by majority vote.

VI. CONFLICT RESOLUTION – INSTITUTIONAL CONFLICTS OF INTEREST.

With respect to Senior Administrators and their roles as representatives of the University in initiation and management of interactions with Entities outside of the University community, the University will honor the guiding principles and objectives as stated in Executive Policy E5.214, APM A8.956, and herein. The procedures to be followed in addressing possible Institutional Conflicts of Interest are the same as when considering the activities of individual faculty, Investigators, and staff, but some differences may apply.
Like all other Employees, Senior Administrators must file yearly Conflicts of Interest Disclosures of personal/individual activity. If Senior Administrators disclose an activity or interest as a representative, or on behalf, of the University, then these Disclosures must be reviewed by the Administrator’s supervisor and/or referred to the Deciding Official. If determined that the activity or interest could potentially give rise to an Institutional Conflict and require management or elimination, the Conflicts of Interest Committee may be asked to evaluate the Disclosure and make recommendations to the Deciding Official. In such cases the procedures described in section V. above will apply. By involving the Conflicts of Interest Committee, both representatives of the faculty and from the central administration will evaluate the institutional activity and the appropriate University response.

VII. CONFLICT RESOLUTION – ORGANIZATIONAL CONFLICT OF INTEREST

A conflict may arise when the University cannot provide a government agency or private sector Entity impartial advice, such as when an agency contracts with the University to design and write specifications and goals for future solicitation of proposals with the intent of accomplishing a particular task for the agency. The University may then have an unfair advantage in competition for award of contracts or grants arising from the advice provided to the agency or Entity. To avoid such real or perceived Conflicts of Interest, full Disclosure to the offering agency or Entity must be made, and, if desired, a waiver obtained to allow open competition for the resources offered.

In the management of an Organizational Conflict of Interest involving interactions with Federal agencies, the University is governed by 48 CFR, Part 9, subpart 9.5 entitled “Organizational and Consultant Conflicts of Interest.” The same principles and procedures are utilized in management of such interactions with government agencies and private sector Entities.

As noted by Dr. Dean O. Smith in his book dated 2011 and entitled “Managing the Research University,” Organizational Conflict of Interest may take other forms. For example, one University faculty member in the Department of Chemistry may successfully compete for funding of a grant from a chemical manufacturing company to improve upon the toxicity of a pesticide used in the control of frog populations. Another faculty member at the University may successfully compete for a Federal grant to fund studies of the deleterious environmental effects of the pesticide. The perception may thus arise that
the design and conduct of such studies are fundamentally competing and in conflict with each other, even though the researchers are impartially pursuing truth. The procedures to be used in addressing cases such as these are the same used in management of Individual Financial Conflicts of Interest (Section V. above).

VIII. CONFLICT RESOLUTION – SCHOLARLY AND SCIENTIFIC CONFLICTS OF INTEREST.

A scholar should not allow the potential for personal, financial, or professional gain to influence his or her judgments in reviewing, evaluating, and commenting on the writings of other individuals. Knowledgeable scholars are routinely called upon to conduct peer review of documents and manuscripts that are under consideration for publication or that may be used in facilitating effective decision-making by governmental agencies or businesses, that may be used in deciding whether there will be an award of a contract or grant, or that may be used in arriving at decisions regarding promotion and/or tenure. If a reviewer is in competition with the author(s) of a document under review or has an undisclosed personal bias, then a Conflict of Interest exists and must be disclosed to the person or organization requesting the review, or the reviewer must excuse him or herself. Likewise, Disclosure must be made by a scholar to the editors of periodicals or other publications who are asked by the scholar to publish his or her unsolicited editorial comments regarding a publication. After Disclosure, the decision as to whether to proceed with a review or commentary would be made by the requestor of the review.

If an individual observes what appear to be violations of these expectations in scholarship on the part of a University Employee, allegations should be filed with the Research Integrity Officer, following the procedures stated in Executive Policy E5.211.

IX. CONFLICT RESOLUTION – CONFLICTS OF COMMITMENT.

For the benefit of the University, Employees are expected to commit their work efforts to the tasks specified in their respective job descriptions. In the process they are expected to use University facilities and other assets only for the benefit of the University and the communities it serves.

Faculty are hired to perform teaching, Research, and service; however, in that context they have a special agreement with the University in that they are allowed to devote one work day per
week at their discretion to the pursuit of outside activities that are relevant to the University’s and their own professional interests. Conflicts of Commitment most often arise when the time commitment of a faculty member to outside interests quantitatively exceeds what is expected as a direct commitment to the University and/or qualitatively differs from the interests and functions of the University.

Commitment issues are to be initially addressed by the immediate Senior Administrator, communicating directly with the faculty member. This is to be regarded as an administrative matter not requiring involvement of the COIC unless there are substantive issues that cannot be resolved.

X. RETROSPECTIVE REVIEWS

When the University discovers a Conflict of Interest not disclosed according to this APM or APM A8.956, it will be reported to the appropriate Senior Administrator for evaluation. If determined that there is a need to Manage, reduce, or eliminate the conflict, then the matter shall be addressed by the Senior Administrator or referred to the COIC. The Deciding Official will make final decisions if the COI cannot be resolved. The retrospective review and resulting action may be reportable to Awarding Components. Retrospective reviews should be completed within 120 days from discovery of the conflict.

XI. RECORDS RETENTION

All records relevant to issues of Conflicts of Interest, including Disclosure forms, whether or not a conflict exists, will be retained in the office of the appropriate Senior Administrator. Records shall be retained for a minimum of three years. For Disclosure records related to a funded award, these shall be retained for a minimum of three years after acceptance of the final grant or contract report by the funding Entity. If a Conflict of Interest matter was addressed, and all requirements were adequately satisfied upon acceptance of the final report, these records will be retained for three years after all conflicts are resolved.

XII. TRAINING

It is important that Senior Administrators be adequately trained in identifying Conflicts of Interest, how to resolve conflicts that are identified, or when to refer a case for evaluation to his or her supervisor. This training may be provided in the form of the Collaborative Institutional Training Initiative’s (CITI) online Conflicts of Interest
educational training modules, or a tutorial provided by the National Institutes of Health. In addition, at least one interactive session in a classroom setting is to be provided by the Office of Research Compliance. The session is to be designed for Senior Administrators to help them meet their obligations as described in this Administrative Procedures document. For the rest of the University’s Employees, the same training will be provided using an interactive session designed to assist Employees in understanding and identifying Conflicts of Interest and University policy and procedures.
UNIVERSITY OF HAWAI‘I CONFLICTS OF INTEREST DISCLOSURE FORM

This Disclosure Form must be completed by all employees, as defined in UH Administrative Procedures A5.504, of the University as required by UH Executive Policy E5.214. Similar information may be collected by the Office of Research Services (ORS) as part of the grant application process and during the pre-award or award period.

DISCLOSURE FORM PART 1

As stated in E5.214, outside interests related to University activities must be disclosed. Accurate and timely disclosure of conflicts helps ensure compliance with current Federal and State disclosure regulations.

Purpose:
The purpose of this disclosure statement is to ensure that no unresolved conflict exists between primary University activities and outside interest and activities. This statement conforms to current federal guidelines requiring disclosure of professional activities, and establishes specific facts to help supervisors determine whether potential conflicts of interest exist, enabling them to anticipate and resolve problems.

Procedure:
All UH and RCUH employees, as defined in Section II.K. of APM A5.504, must complete this form annually and submit by April 15 to the Senior Administrator of their unit/department. At any time when a new relationship or financial situation arises that could create a conflict, employees are required to submit an updated version of this form. For new hires, this form must be completed and submitted within 30 days of initial appointment. Faculty members and other employees who conduct or administer research supported by external funds from the National Institutes of Health or National Science Foundation must also submit a current conflicts of interest disclosure statement to the Office of Research Services (ORS) via their administrative head with each proposal for funding and during the award period if they believe new facts might create a potential or actual conflict of interest.
Statement of Outside Interests, Activities, or Sponsored Travel

Disclosure interests that exist at the time of filing or that existed in the past 12 months.

Name: ____________________________ Date: __________

School/College/Unit: ____________________________

Department or Subunit: ____________________________

1. Ownership Interests

Do you or members of your immediate family own or control an equity interest in an entity in your field of academic/professional interest or specialization?

YES__________ NO__________

2. Offices and Positions

Are you or a member of your immediate family a director, officer, partner, employee, member, agent, or in any managerial position of any entity outside the University of Hawai‘i that might be affected by your research, creative, or administrative activities?

YES__________ NO__________

3. Remunerative Activities

Do you receive, or will you receive income (cash or in-kind, with the exception of reimbursement of reasonable expenses) related to your University teaching, research, creative, or administrative activities from any entity outside the University in excess of $5,000?

YES__________ NO__________

4. Outside Employment of Students or Staff

Do you now, or do you plan to employ any of your students or staff in an entity outside the University?

YES__________ NO__________

1Entity means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business, real estate trust, or any other legal body organized for profit or nonprofit purposes.
5. Sponsored Travel

Have you traveled in relation to your institutional responsibilities and was that travel reimbursed or sponsored by an entity, NOT considered a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher learning?

YES__________ NO__________

6. Other Transactions or Facts

Do you or any member of your immediate family have an interest in any contract, sale, or other transaction to which the University of Hawai‘i or one of its affiliates is a party, or are there other situations, not listed above, that you believe may create an actual or perceived conflict of interest? (Exclude your own or your spouse’s employment contract with the University.)

YES__________ NO__________

PART I: SIGNATURE AND CERTIFICATION

**If you answered “Yes” to any of the Part I questions you MUST complete Part II of this disclosure form.

By signing this form, I certify: 1) that I have read and understand the University of Hawai‘i Policy on Conflicts of Interest and Commitment; 2) that the information in this disclosure form is an accurate and a current statement of my reportable outside interests and activities; and, 3) that I understand my continuing obligation to disclose any change in real or perceived conflicts of interests that may arise after submission of this form.

Signature: ______________________________ Date: _______________

Supervisor’s Certification

I certify that the person named above reports to me and I have reviewed this disclosure form. To the best of my knowledge:

___ No conflicts of interest or commitment exist and no further action is required; or
Potential existing conflicts have been reported and further review may be required.

Print Name: ______________________________ Date: _______________

Signature: _____________________________________________________
DISCLOSURE FORM PART II

COMPLETE PART II ONLY IF YOU ANSWERED "YES" TO ANY OF THE QUESTIONS OF PART I.

Detailed statement of Outside Interests and Activities (when applicable)

1. Equity/Ownership Interests

If you or members of your immediate family own or hold equity interest in an entity that could relate to your research, professional, or teaching responsibilities at UH, please provide details below.

a. Entity name:

b. Is this a for-profit or non-profit entity?

c. State the business nature of this entity:

d. Provide specific details of your relationship/responsibilities to this entity:

e. Describe the activity you perform for this entity, if applicable (e.g., consulting, editing, independent contractor, lecturing). Specify, if consulting, the nature of your consulting activity:

f. How much time is spent performing the activity for this entity? (e.g., days/month, days/year, or percentage of time)

g. Do you use University resources to conduct business for this entity? (e.g., University office or laboratory, University phone, computer or stationary)

h. Do you or members of your immediate family receive income or compensation from this entity? If yes, please state the aggregated amount (annual basis) if over $5,000 or state the percentage of ownership or shares owned (for
stock/stock options). Compensation can include, but is not limited to: salary, loans, gifts, ownership of stocks, bonds, or stock options, patents or royalty payments.

2. Associations, Memberships, Positions

If you or a member of your immediate family hold positions as director, board member, officer, partner, employee, agent, or are in a managerial position of an entity outside of the University of Hawai‘i that could relate to your research, creative, teaching or administrative activities, please provide details below.

a. Entity name:

b. Is this a for-profit or non-profit entity?

c. State the business nature of this entity:

d. Provide specific details of your position and responsibilities to this entity:

e. Describe the activity you perform for this entity, if applicable (e.g., consulting, board membership, director, advisory role). Specify, if consulting, the nature of your consulting activity:

f. How much time is spent performing the activity for this entity? (e.g., days/month, days/year, or percentage of time)

g. Do you use University resources to conduct business with this entity? (e.g., University office or laboratory, University phone, computer or stationary)

h. Do you or your immediate family receive income or compensation from this entity? If yes, please state the aggregated amount (annual basis) if over $5,000 or percentage of ownership or shares owned (for stock/stock options). Compensation can include, but are not limited
to: consulting fees, honoraria, lecture fees, salary, loans, gifts, ownership of stocks, bonds, or stock options, patents or royalty payments.

3. Remunerative Activities

Please give details if you receive income or compensation (cash or in-kind, other than reimbursement of reasonable expenses) that could relate to your teaching, research, creative, or administrative activities from any entity outside the University and its affiliated entities in excess of $5,000.

a. Entity name:

b. Is this a for-profit or non-profit entity?

c. State the business nature of this entity:

d. Provide specific details of your relationship/responsibilities to this entity:

e. Describe the activity you perform for this entity, if applicable (e.g., consulting, editing, independent contractor, lecturing). Specify, if consulting, the nature of your consulting activity:

f. Do you use University resources to conduct business with this entity? (e.g., University office or laboratory, University phone, computer or stationary)

g. Do you or your immediate family receive income or compensation from this entity? If yes, please state the aggregated amount (annual basis) if over $5,000, or percentage of ownership or shares owned (for stock/stock options). Compensation can include, but is not limited to: consulting fees, honoraria, lecture fees, salary, loans, gifts, ownership of stocks, bonds, or stock options, patents or royalty payments.
4. Outside Employment of Students or Staff

Do you employ any of your students or staff in an entity outside of the University? If yes, please describe below:

   a. Entity name:

   b. Name of Student/Staff:

   c. Described the activities performed and time utilized (hrs/year):

5. Sponsored Travel

Details about travel related to your institutional responsibilities reimbursed or sponsored by an entity NOT considered to be a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher learning.

   a. Entity/Sponsor name:

   b. Purpose of the travel:

   c. Travel destination and duration:

   d. Total travel costs:

6. Good and Services

Do you or any member of your immediate family have an interest in any contract, sale, or other transaction to which the University of Hawai‘i or one of its affiliates was a party? If yes, describe below:

   a. Entity name:

   b. Relationship to the entity:

   c. Describe your role, if any, in the selection, award, procurement, or administration of purchasing agreements or service contracts between the University and this entity:
6. Other Transactions or Facts

Are there other situations, not listed above, that you believe may create an actual or perceived conflict of interest? (Exclude your own or your spouse's employment contract with the University.) Please identify such transactions or facts, including nature, parties, subject matter, income or compensation received, etc.

SIGNATURE AND CERTIFICATION

By signing this form, I certify: 1) I have read and understand the University of Hawai‘i Policy on Conflicts of Interest and Commitment; 2) the information in this disclosure form is an accurate and current statement of my reportable outside interests and activities; and 3) I understand my continuing obligation to disclose any change in real or perceived conflicts of interested arising after submission of this form.

Signature: ______________________________ Date: _______________

Supervisor's Certification

I certify that the person named above reports to me and I have reviewed this disclosure form. To the best of my knowledge, full disclosure of conflicts has been reported and further review may be conducted by the appropriate Dean, Director, or other Senior Administrator with the understanding that the Conflicts of Interest Committee (COIC) may be called upon to design and implement a management plan.

Print Name: ______________________________ Date: _______________

Signature: ________________________________________________
ATTACHMENT B to APM A5.504

ANNUAL SUMMARY REPORT OF DISCLOSURES OF CONFLICTS OF INTEREST

Each Dean/Director of an academic unit or department, or other Senior Administrator shall compile an annual report for their respective Vice Chancellor or Chancellor by June 30 of each year. The report shall include the following:

1. A list of individuals, if any, who did NOT submit the required disclosure form.

2. The number of department/unit faculty, staff, or administrators who were required to submit disclosure forms, AND the number and percentage of those who actually submitted disclosure forms.

3. The number of department/unit faculty, staff, or administrators who made disclosures of detailed Statements of Outside Interests and Activities (Part II).

4. The number and percentage of department/unit faculty, staff, or administrators whose outside interests and activities were found to be in conflict with their University and/or professional commitments, but for whom conflicts were resolved.

5. Pertaining to question #4 (above), list the details regarding corrective actions recommended and taken to resolve conflicts.

6. The number and percentage of department/unit faculty, staff, or administrators whose conflicts of interest were not resolved and summarize the recommendations or plan for each unresolved case.