



ADMINISTRATIVE POLICY STATEMENT

Policy Title: Conflicts of Interest and Commitment in Research and Teaching

APS Number: 5012

APS Functional Area: **HUMAN RESOURCES**

Brief Description:	Outlines the university's responsibility to identify, evaluate and manage potential conflicts of interest and commitment in research and teaching, and provides requirements for campus policies.
Effective:	July 1, 2020
Approved by:	President Bruce D. Benson
Responsible University Officer:	Vice President for Academic Affairs
Responsible Office:	Office of Vice President for Academic Affairs
Policy Contact:	Office of Vice President for Academic Affairs
Supersedes:	Conflicts of Interest and Commitment in Research and Teaching, July 1, 2017
Last Reviewed/Updated:	July 1, 2017
Applies to:	The policy applies to all persons involved in the design, conduct, or reporting of research and teaching.

Reason for Policy: This policy provides universitywide requirements relating to conflicts of interest and commitment in research and teaching.

I. INTRODUCTION

Maintenance of the public trust is critical to the mission and reputation of the university. The university is committed to upholding the principles of transparency, integrity and accountability. The university encourages its employees to interact with business and industry, public and private organizations, and government agencies in ways that support the institution’s missions. However, university teaching, research, outreach and other activities shall not be compromised, or perceived as compromised, by financial and/or personal benefit.

II. POLICY STATEMENT

This policy applies to *employees*, consultants, *subrecipients* and *subcontractors* involved in the design, conduct or reporting of research and to all persons and organizations engaged in the delivery, development or assessment of educational materials. These individuals may also be subject to [APS 4013-Disclosure of Interests](#), which governs conflicts of interest not involving research or teaching.

Each campus shall have a policy that provides procedures for reporting potential conflicts of interest or commitment in research and for evaluating such reports. Campus policy shall include a process to assess, manage, reduce or eliminate conflicts, real or perceived. Conflict management plans shall ensure adequate coordination among the various offices involved, so as to protect the integrity of the university's academic, research and clinical enterprises. Each campus shall also have a process for reporting and assessing potential conflicts of interest with respect to educational materials.

A disclosure in and of itself does not imply impropriety; rather, it is customary and benefits both the individual and the university. Full disclosure of relevant information is in the best interest of the university and its faculty, staff and students. Disclosure shall not, *a priori*, restrict or preclude any activities.

III. POLICY GUIDELINES

The chancellor for each campus is responsible for the development of campus policies in consultation with faculty and shared governance groups.

- A. Requirements of Campus Policies for Disclosing and Managing Potential Conflicts of Interest or Commitment Involving Research. At a minimum, policies shall include:
1. Required employee, consultant, subrecipient and subcontractor annual disclosures that contain sufficient information to evaluate and manage potential conflicts.
 2. Procedures for documenting and reviewing disclosures.
 3. Procedures for ensuring coordination among all units with a role in oversight of conflicts.
 4. Provisions compliant with the specific sponsor disclosure requirements for externally funded research.
 5. Procedures for developing, implementing and overseeing conflict management plans that manage, reduce or eliminate conflicts that are found to exist. Plans shall be developed in consultation with the individuals having the conflicts.
 6. An explanation of enforcement mechanisms and the process for determining sanctions, when appropriate.
 7. A process by which an employee may appeal a decision or action related to a conflict of commitment or conflict of interest.
 8. A retention period of at least six years for records relating to the report and evaluation of a disclosure, and management plan, if applicable. For sponsored research covered under this policy, the retention period begins after a final report is submitted to the sponsor or final action has been taken on any audit, litigation or claim.
 9. Training and resources available to faculty and staff about conflict of interest and commitment issues, including required disclosures and management plans.

A campus policy may have additional requirements, provided they are consistent with this APS.

The reporting and management of potential or actual conflicts of interest relating to externally-funded research projects shall comply with the sponsor's conflict of interest procedures and requirements. The university's conflict of interest policies and procedures shall also be followed. If a potential conflict of interest is apparent at the time of the application for funding, it shall be reported to the sponsor and/or university, as appropriate, at that time.

University researchers shall be open about their involvement with and obligations to outside parties who could benefit from their work or ideas. University researchers shall provide information about the sources of funds that support their research.

- B. Processes for Disclosing Potential Conflicts of Interest or Commitment related to Educational Materials or Teaching.

Schools and colleges shall have a process for reporting and evaluating potential conflicts of interest or commitment related to educational materials or teaching. In the selection of course materials, review procedures shall consider students' academic and financial interests. Schools and colleges shall also have a process by which an employee may appeal a decision or action related to a conflict of interest or commitment.

- C. Rights and Responsibilities of Employees

Employees have the right to pursue outside interests of a professional or economic nature that do not conflict with their commitments and professional or ethical responsibilities to the university, and that comply with subsection (D) of [Regent Policy 5.C.4 - Other Terms and Conditions of Faculty Appointments](#).

Employees shall disclose any potential conflict of interest according to campus policies. Should a conflict management plan be developed, an employee shall abide by the terms of the plan.

IV. DEFINITIONS

A. *Conflicts of Commitment*

A *conflict of commitment* refers to a situation in which outside relationships or activities interfere with, or have the appearance of interfering with, an employee's commitment to their university duties or responsibilities.

B. *Conflicts of Interest*

A *conflict of interest* refers to a situation in which financial, professional or other personal considerations may directly or indirectly affect, or have the appearance of affecting, an employee's professional judgment in exercising any university duty or responsibility in administration, management, instruction, research or other professional activities. This can include interests that bias the nature or direction of scholarly research or influence decisions with respect to teaching and students, appointments and promotions, use of university resources, interactions with human subjects or other matters of interest to the university.

C. *Subrecipient*

A *subrecipient* relationship exists when another entity performs substantive programmatic work or undertakes an important or significant portion of the research program or project. The other entity participates in a creative way in designing and/or conducting the research, retains some element of programmatic control and discretion over how the work is conducted.

D. *Subcontractor*

A *subcontractor* relationship exists when another entity provides specific services in support of the research program but does not significantly participate in the design of the research and has little independent decision-making in how the research program or project is to be completed. The subcontractor relationship is characteristic of a vendor relationship.

V. **RELATED POLICIES**

Nothing in this policy shall be construed to be inconsistent with other Regent policies and Administrative Policy Statements, including [APS 1013-Intellectual Property Policy on Discoveries and Patents for their Protection and Commercialization](#) or [APS 1014-Intellectual Property that is Educational Materials](#). Upon acceptance of an appointment at the University of Colorado, employees shall adhere to Board of Regents policies and state and federal laws and regulations related to conflict of interest and commitment.

A. Administrative Policy Statements (APS) and Other Policies

1. [APS 1013-Intellectual Property Policy on Discoveries and Patents for their Protection and Commercialization](#)
2. [APS 1014-Intellectual Property that is Educational Materials](#)
3. [APS 4013-Disclosure of Interests](#)
4. [APS 5003-Nepotism in Employment](#)

B. Other Resources

1. [Board of Regents Policy 8.A: Principles of Ethical Behavior](#)
2. [Board of Regents Policy 8.B: Professional Employee Conduct – University Staff](#)
3. [Subsection \(D\) of Regent Policy 5.C.4 - Other Terms and Conditions of Faculty Appointments](#)

VI. **HISTORY**

- Adopted: January 28, 1992.

- Revised: July 1, 1994; September 1, 2006; January 7, 2010; November 1, 2014 - Non-substantial clean-up; July 1, 2017 - revised and renamed Conflicts of Interest and Commitment in Research and Teaching¹; July 1, 2020 (Updated to reflect Regent-approved changes to Article 5: Faculty. A full review was not completed at this time).
- Last Reviewed: July 1, 2017.

¹ The University of Colorado acknowledges that portions of this policy have been adapted from the University of Michigan policy on Conflicts of Interest and Conflicts of Commitment.