

# Houston, We Have a Conflict. Now, How Do We Manage It?

SCCE Higher Education Conference




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## Objectives

-  • Learn how to launch effective COI management plans with faculty, staff, and administrators on board
-  • See stellar safeguards and oversight provisions to include in your template management plans
-  • Understand how a universal COI management plan program can help comply with legal requirements







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# Launch Effective COI Management Plans

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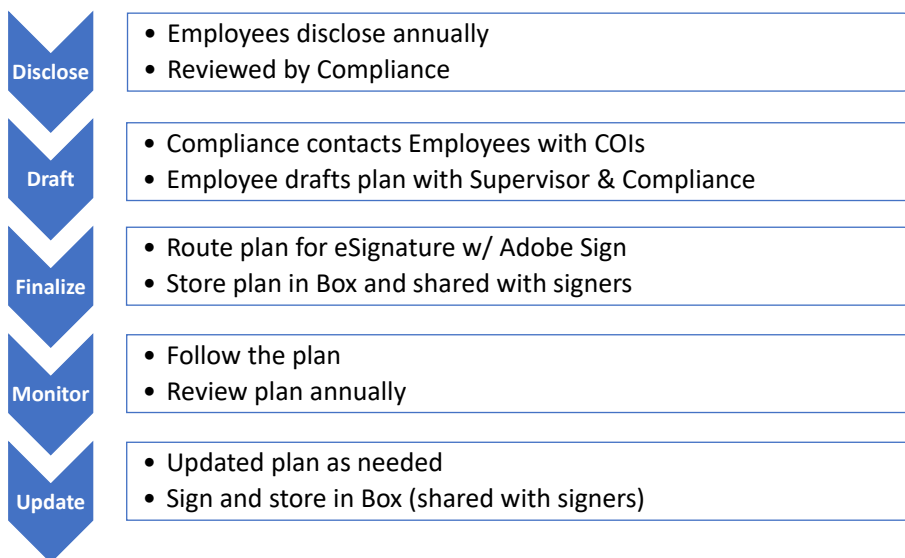
Myths	Facts
 <p>A COI cannot exist</p>	 <p>99% of COIs are manageable</p>
 <p>Management plan means you are unethical</p>	 <p>Management plan means you are transparent</p>
 <p>Management plan prohibits you from engaging in the activity</p>	 <p>Management plan allows the activity to occur within certain specifications</p>

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## Our COI Process



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Adobe Sign



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## Launch your Management Plans

- Change perception
- Have a plan
- Be prepared
- Communicate/educate
- Teamwork



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## General Management Plan Strategies

<b>Recusal from hiring</b> decisions involving family/friends	<b>Recusal from decisions</b> involving the outside company	<b>Limits on using subordinates/students</b> in outside activities
<b>Change in supervision/reporting</b> chain	<b>Agreements for use of</b> university resources for outside activities	<b>Disclosure of conflicts</b> to collaborators and the public

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# Management Plan Templates

<http://aub.ie/manageCOI>

- [Employees](#)
- [Faculty/Investigators/Researchers](#)
- [Conflict of Commitment Statement](#)
- [Student-Faculty Agreement](#)
- [Researcher Family Relationships](#)
- [Board Positions](#)

Conflict of Interest/Commitment (COI/C)

Management Plan – Staff/Admin



ALABAMA AGRICULTURAL  
EXPERIMENT STATION

Employee's Name:	College/School/Department/Office:
Date:	Oversight Manager/Supervisor:
Outside Entity/Entities and/or Relationship(s):	Plan Reviewer:

**A. Description**


*[Describe the outside activity, employment, interest, or relationship that creates an actual, potential, or perceived conflict of interest. Include the employee's level of involvement and how or where the situation might impact the employee's university responsibilities.]*

**B. Safeguards**

Employee agrees to: *[use only the paragraphs that apply to the situation]*

1. Disclose the connection to Outside Entity to his/her Supervisor/Oversight Manager and the university.

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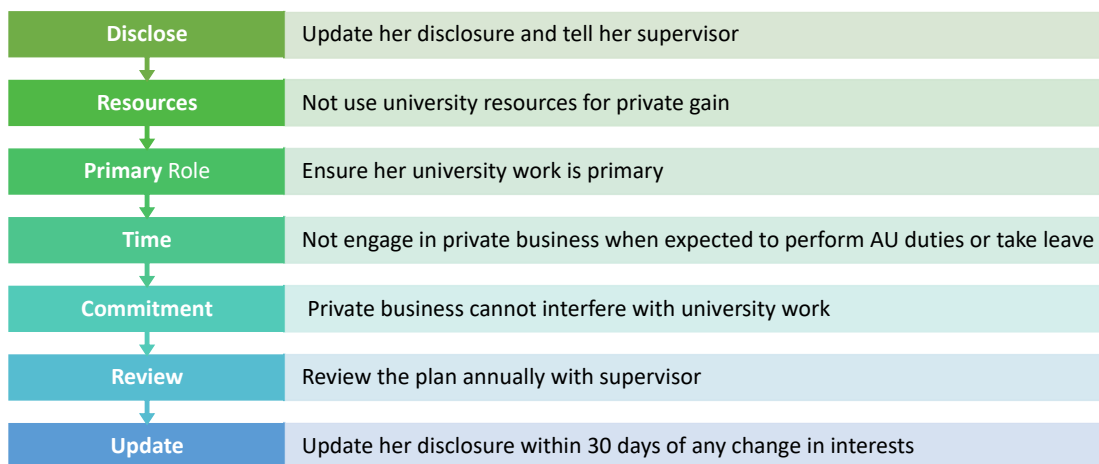


## Case Study 1: Double-Trouble

- Natasha Banks is an event planner at in Alumni Affairs. She plans tailgate parties, happy hours, and alumni weekends to connect and strengthen the Alumni network.
- She also has her own private event planning business on the side, *Tasha's Parties and More, LLC*. She puts on tailgates, birthday parties, and graduation events in the local area.
- Sometimes at university Alumni events puts her *Tasha's Parties & More* business cards out on the table. One time she used the Alumni email list to contact people with graduating seniors to offer her graduation party services.
- She disclosed on her COI form that she has a side business but indicated that it did not use any university resources.

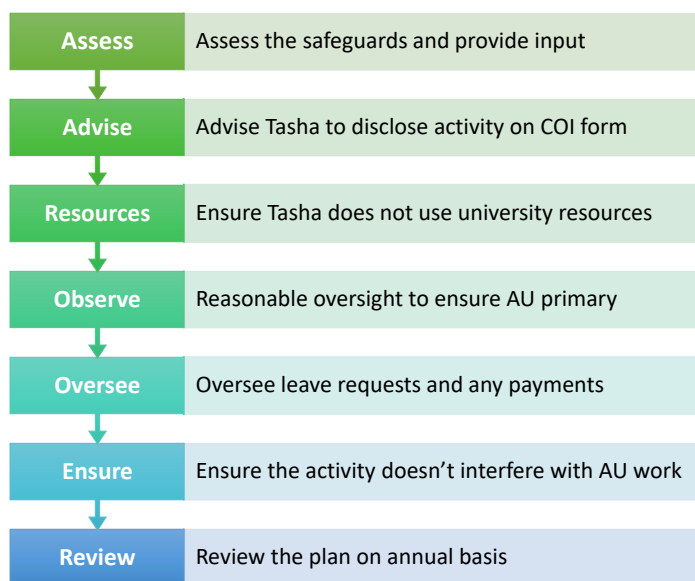
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# Tasha's Safeguards



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## Supervisor Oversight



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## Employee's Management Plan

NATASH BANKS acknowledges that the university will monitor and evaluate this plan as well as policies related to it, and, at any time should Auburn University (AU) determine, in its sole discretion, that the plan is not sufficient to guard actual or apparent conflicts of interest or is otherwise not in the interest of AU, may determine the conflicts as not capable of management and may ask NATASH BANKS not to pursue the conflicting activities while an employee of AU. NATASHA BANKS further acknowledges his/her personal duty to ensure his/her compliance with the Alabama Ethics Law (as applicable) and that this plan is not a substitute for that responsibility.

### Acknowledgement and Agreement

By signing below, I, Natasha Banks, acknowledge my agreement and intent to comply with the principles and safeguards of this Conflict of Interest/Commitment Management Plan.

\_\_\_\_\_  
Natasha Banks  
Event Planner, Alumni Affairs

\_\_\_\_\_  
Date

We approve the above Plan for handling the conflict of interest identified by the employee.

\_\_\_\_\_  
Ming Lee  
Director, Alumni Affairs

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bernard Stanton  
Vice President, Engagement

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kristin Roberts  
Assistant Director, Compliance & Privacy

\_\_\_\_\_  
Date

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## Research Case Study: Faculty Consulting/Funded Research

- Dr. Valerie Rizzo is an Associate Professor in the Department of Plant Pathology.
- Dr Rizzo's research focuses on the diagnosis, biology, and management of pathogens affecting vegetable production.
- Due to her expertise, Dr. Rizzo frequently consults for various entities in the vegetable production industry. One such entity is Vegalogix Corp with whom Dr. Rizzo has a long-standing paid consulting relationship that has been approved by the relevant leadership at the University.
- Recently, Vegalogix has approached Dr. Rizzo about funding her University research. She is drafting the research proposal.

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# Conflict of Interest



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## Research-Specific Provisions

PI	Not serve as PI when entity involved
Students	Do not hire students to work for entity
Resources	Agreement with university to use space/equipment
IP	Comply with patent & copyright policy
Contracts	Pursue contracts/grants through the university
Publication	Cannot delay or prohibit publication
Subjects	Disclose in IRB approved informed consent

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# Universal COI Program to Comply With Legal Requirements

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## Laws & Regulations

### State Law

- Ethics Laws
- Nepotism Laws
- Bid Laws

### Federal Law

- Section 117 reporting

### Federal Agency Regulations

- PHS (NIH), NSF, DOE, NASA, etc.
- FCOI policies
- Nepotism

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Resources &  
Guidelines

## HECA Matrix

- Federal Laws

## Federal Sentencing Guidelines 8B2.1

- Effective Compliance Program

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## Best Practices for Managing COI

**Transparency** - Disclose COIs to research collaborators, team members, and the public in writing, scholarly publications, presentations, and articles/press releases.

**Recusal** - from decisions involving family members/close friends and decisions involving the outside entities with whom the employee has a relationship

**Limitations** - on engaging subordinates or students in outside activities without agreements and/or supervision changes in place

**Agreements** - for use of university resources for outside activities (equipment, materials, time, labs/space, etc.)

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Poll 1: How mature is your COI Management Program?

- A. Nonexistent
- B. Just getting started
- C. A few years into it
- D. Well established

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## Poll 2: How is your COI Management Program structured?

- A. COIs managed at the department level
- B. COIs managed at the college/unit level
- C. COIs managed by the Compliance office
- D. Other management structure
- E. We don't have a COI Program

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# Thank You!

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