
Instructions for Reporting Conflict of Interest and Conflict of Time Commitment

According to Kansas Board of Regents policy, faculty and unclassified staff are required to file a Conflict of Interest (COI) report upon employment and at least annually thereafter (the policy is attached).

The filing of a COI report is initiated online but must be filed in hard copy. After entering your report online, follow the instructions to print it and obtain supervisor signatures. Submit your fully-signed form to Research and Graduate Studies as directed on the form.

The COI report has two parts, although most employees are required to fill out only the first form. Declaration Form A identifies via yes/no questions whether or not you have any significant outside interests related to your KU activities that should be disclosed. In case you do have outside interests that meet the criteria for disclosure, Disclosure Form B provides space for you to enter details about those interests. Many employees do not have anything to disclose and so do not have to fill out Disclosure Form B.

You will need your KU online ID and password to use the COI reporting system.

If you do not have a KU Online ID and password, visit www.technology.ku.edu/accounts and click on “Create a KU Online ID.” Contact the KU Help Line at 785-864-8080 if you need assistance or have any questions about the KU Online ID.

Step 1: Enter the secure Kyou portal

Go to the KU homepage: www.ku.edu.

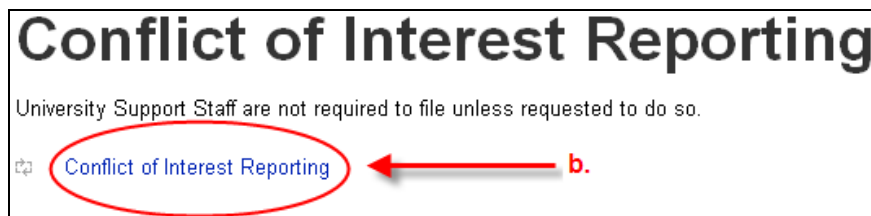
- a. Click on the Kyou link at the top right of the web page, circled in yellow below.
- b. Log in with your KU Online ID and password.



Step 2: Go to the Conflict of Interest reporting page

Once you have logged in to the Kyou portal,

- a. Open the “MyEmployeeInfo” tab.
- b. Click on the “Conflict of Interesting Reporting” link.
- c. Follow the instructions to file your report.



If you need assistance with completing your COI report, contact a Research Integrity Compliance Coordinator, 785.864.6112, 785.864.4148, or coi@ku.edu.

Kansas Board of Regents Commitment of Time, Conflict of Interest, Consulting and Other Employment Policy

(9-20-74; 12-16-77; 11- 19-82; 5-17-85; 4-20-95; 10-18-01)

Notes:

In accordance with B.2. of the Regents policy, the University of Kansas, Lawrence, has adopted a policy that that unless an exception is granted by the Chancellor, the Provost, or a designee, unclassified staff members may consult only on non-university time, including vacations.

In accordance with E. of the Regents policy, the University of Kansas, Lawrence, in 2004 adopted supplemental policies in order to address related issues of institutional conflicts of interest, managing inventor conflicts of interest and employment of students in faculty-owned businesses. These policies are available through Conflict of Interest page on the Research Integrity website, www.rcr.ku.edu/coi.

Preamble:

The Board of Regents encourages the Regents institutions to interact with business, industry, public and private foundations, and government agencies in order to assure the relevance of their missions of teaching, research and service; to provide for and facilitate the professional development of their faculty and unclassified staff; and to promote the rapid expansion and application of knowledge, gained through research, to the needs of Kansas, the region and the nation. With particular reference to such interaction, the Board of Regents considers it of utmost importance that university employees conduct their affairs so as to avoid or minimize conflicts of time commitments and conflicts of interest, and that the Regents institutions must be prepared to respond appropriately when real or apparent conflicts arise.

To those ends, the purposes of this policy are to: (i) educate about situations that generate conflicts; (ii) provide means for faculty and unclassified staff and the university to manage real or apparent conflicts; (iii) promote the best interests of students and others whose work depends on faculty direction; and (iv) describe situations that are prohibited. Every faculty member and member of the unclassified staff has an obligation to become familiar with, and abide by, the provisions of this policy. If a situation raising questions of real or apparent conflict of commitment or conflict of interest arises, affected faculty and/or unclassified staff must meet with their department chair, school dean or supervisor, report the conflict as described below, and eliminate the conflict or manage it in an acceptable manner.

A. General Principles

I. Conflict of Time Commitment

a. Attempts to balance university responsibilities outlined in the preamble with external activities, such as, but not limited to, consulting, public service or pro bono work, can result in real or apparent conflicts regarding commitment of time and effort. Whenever a faculty or staff member's external activities exceed reasonable time limits, or whenever an unclassified staff or faculty member's primary professional responsibility is not to the institution, a conflict of time commitment exists.

b. Conflicts of commitment usually involve issues of time allocation. Faculty members and unclassified staff of Regents institutions owe their primary professional responsibility to their employing institutions, and their primary commitment of time and intellectual effort should be to the education, service, research and scholarship missions of said institutions. Faculty and unclassified staff should maintain a presence on campus commensurate with their appointments. The specific responsibilities, position requirements, employment obligations and professional activities that constitute an appropriate and primary commitment of time will differ across schools and departments, but said responsibilities, requirements, obligations and activities should be initially premised on a general understanding of full-time commitment for full-time faculty or unclassified staff of the institutions. Exceptions must be justified and shown to enhance the institutional mission.

2. Conflict of Interest

a. A conflict of interest occurs when there is a divergence between an individual's private, personal relationships or interests and his/her professional obligations to the university such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal benefit, gain or advantage.

b. A conflict of interest or the appearance of it depends on the situation, and not necessarily on the character or actions of the individual. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict. Thus, individuals are asked to report potential conflicts so that appearances can be separated from reality.

c. Potential conflicts of interest are not unusual in a modern university and must be addressed. For example, conflicts of interest can arise out of the fact that Regents institutions have as part of their mission the promotion of the

public good by fostering the transfer of knowledge gained through university research and scholarship to the private sector. Two important means of accomplishing the institutional mission include consulting and the commercialization of technologies derived from research. It is appropriate that university personnel be rewarded for their participation in these activities through consulting fees and sharing in royalties resulting from the commercialization of their work. It is wrong, however, for an individual's actions or decisions made in the course of his or her university activities to be determined by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual, and it also reflects negatively on the employing university. Regents institutions are institutions of public trust; faculty and unclassified staff must respect that status and conduct their affairs in ways that will not compromise the integrity of the university.

d. Except in a purely incidental way, university resources, including but not limited to, facilities, materials, personnel, or equipment may not be used in external activities unless written approval has been received in advance from the institution's chief executive officer or his/her designee. Such permission shall be granted only when the use of university resources is determined to further the mission of the institution. When such permission is granted, the faculty member or unclassified staff member will make arrangements for reimbursement of the University for customarily priceable institutional materials, facilities or services used in the external activity. Such use may never be authorized if it violates the Regents policy on Sales of Products and Services.

e. Proprietary or other information confidential to a Regents institution may never be used in external activities unless written approval has been received in advance.

f. Faculty or unclassified staff may not involve University students, classified staff, unclassified staff or faculty in their external activities if such involvement is in any way coerced or in any way conflicts with the involved participants' required commitment of time to their university. For example, a student's grades or progress towards a degree may not be conditioned on participation.

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B. Consulting and Other Employment

1. Consulting for Other State of Kansas Agencies

Consulting by faculty members and employees of institutions under the jurisdiction of the Board for another institution under the jurisdiction of the Board, as well as consultation for other state agencies, shall be approved in advance by the institution or agency seeking these services and approved by the employee's home institution. The home institution shall effect payment through the regular process and shall receive reimbursement through the interfund transfer process.

2. Consulting Outside the University

For members of the faculty, the Regents institution permits and, indeed encourages, a limited amount of personal, professional activity outside the faculty member's reasonably construed total professional responsibilities of employment by and for the institution, provided such activity: (a) further develops the faculty member in a professional sense or serves the community, state, or nation in a professional capacity; (b) does not interfere with the faculty member's teaching, research and service to institution; and (c) is consistent with the objectives of the institution. Regular instructional service to other educational institutions is normally regarded as an inappropriate personal, professional activity. Without prior approval, faculty members on full-time appointments must not have significant outside managerial responsibilities nor act as principal investigators on sponsored projects that could be conducted at their institution but instead are submitted and managed through another organization. Each Regents institution is to determine how to apply or adapt the consulting policy and procedures for unclassified employees who are not faculty members. In no case shall the policy and procedures be more liberal than what is allowed for faculty.

[Note: The University of Kansas, Lawrence, policy is that unless an exception is granted by the Chancellor, the Provost, or a designee, unclassified staff members may consult only on non-university time, including vacations.]

3. Other Employment

The Regents expect faculty and unclassified staff employed by the Regents institutions to give full professional effort to their assignments. It is, therefore, considered inappropriate to engage in gainful employment outside the Regents institution that is incompatible with institutional commitments. It is inappropriate to transact business for personal gain unrelated to the institution from one's institutional office, or at times when it might interfere with commitments to the

institution. Participation in academic conferences, workshops and seminars does not usually constitute consulting or outside employment. However, organizing and operating such meetings for profit may be construed as consulting or outside employment as defined in this policy.

C. Reporting Requirements

1. Annual Reporting

As part of the annual appointment process, all faculty and unclassified staff with 100% time appointments must disclose to the university whether they or members of their immediate family (spouse and dependent children), personal household, or associate entities (e.g., corporations, partnerships or trusts) have consulting arrangements, significant financial or managerial interests, or employment in an outside entity whose financial or other interests would reasonably appear to be directly and significantly affected by their research or other university activities. For purposes of this policy, significant financial or managerial interests (or significant financial or other interests) means all holdings greater than \$10,000 or more than 5% ownership in a company. Faculty and unclassified staff members who hold fractional appointments and who have potential or possible conflicts of time commitments or conflicts of interest, as defined above, are also required to make the disclosures. Failure to submit the required reporting form, as approved by the Council of Presidents, will result in denial of the opportunity to submit research proposals to external funding agencies until the form is submitted and may result in discipline in accordance with University procedures. When the institution judges that the information submitted indicates that a conflict of time, commitment or interest does exist, the institution may require that the faculty or unclassified staff member submit additional information and explanation regarding that conflict. (9-21-95)

2. Reporting Significant Ad Hoc Current or Prospective Conflicts As They Occur

Faculty and unclassified staff must disclose on the form approved by the Council of Presidents to the department chair or dean or supervisor on an *ad hoc* basis current or prospective situations that may raise questions of conflict of commitment or interest, as soon as such situations become known to the faculty or unclassified staff member.

3. Reporting of Consulting

The faculty member must inform the chief academic officer, through the department chair or head and the dean, of all external personal, professional activities. For all such activities, except those single-occasion activities specified below, the faculty member must report in writing the proposed arrangements, and secure

approval prior to engaging in the activities.

Those personal, professional activities which occur within a single 24-hour period must be reported annually in writing as prescribed. For all activities concerned, the report should indicate the extent and nature of the activities, the amount of time to be spent in the activities, and the total amount of time spent or expected to be spent on all such outside activities during the current academic year.

4. Disposition of Reports

All required reports shall be submitted in accordance with institutional requirements and shall be included in individual personnel files to be used for the determination of whether an individual is in compliance with this policy. Such reports will also be available to institutional research officers to permit certification and/or verification of compliance with federal regulations. Institutions must maintain these reports for a minimum of three years.

D. Use of University Name

The Name of the Board of Regents, a Regents institution or the Regents System may never be used as an endorsement of a faculty member or unclassified staff member's external activities without expressed and advance written approval of the University chief executive officer and/or the Board's Executive Director, as appropriate. Faculty members or unclassified staff members may list their institutional affiliation in professional books, articles and monographs they author or edit and in connection with professional workshops they conduct or presentations they make without securing approval.

E. Campus Policy Development and Enforcement

Additional rules and procedures for personal external activity, consistent with Board policy, will be established by each Regents institution. In situations in which the objectivity of a faculty or unclassified staff member could reasonably be questioned, or where apparent conflicts of interest exist, each Regents institution will establish an effective review mechanism to determine if a conflict of time or interest exists and to facilitate resolution of the conflict where possible, and to decide upon the appropriate sanctions when an unclassified staff or faculty member's activities have been determined to constitute a conflict. Such review mechanisms will include opportunity for appeal.

F. Distribution and Dissemination

This policy statement will be distributed upon initial appointment to all faculty and unclassified staff by each Regents institution.

Frequently Asked Questions about Conflict of Interest Reporting

1. What is a Conflict of Interest (COI)?

"Conflict of interest" refers to situations in which a KU employee has outside financial or managerial interests or time commitments that may compromise, or have the appearance of compromising, research, educational activities, scientific judgment, integrity of research data, fulfillment of professional duties, or the safety and welfare of research volunteers. A conflict of interest depends on the situation and not on the character or actions of the individual.

It is important to note that potential conflicts frequently arise in university settings, often as part of desirable and legitimate professional development. KU encourages interactions that promote public benefit while ensuring the integrity with which those activities are accomplished.

2. What is a Conflict of Time Commitment?

Conflict of time commitment exists whenever a faculty or staff member's external activities exceed reasonable time limits or whenever an unclassified staff or faculty member's primary professional responsibility is not to the institution.

3. Why is filing a Conflict of Interest and Conflict of Time Commitment (COI) report required?

The obligation to file a conflict of interest report at least annually is pursuant to the Kansas Board of Regents (Regents) policy on Conflict of Interest, Conflict of Time, Consulting and Other Employment. The Regents policy closely follows federal guidelines established in 1995 for institutions receiving federal research funds. Links to federal policies, Regents policy, and related Lawrence campus policies are available on the Research Integrity web page for Conflict of Interest, www.rcr.ku.edu/coi.

4. Who is required to file?

The Regents policy pertains to the following employees paid through KU-Lawrence payroll systems:

- All full-time faculty and other unclassified staff
- Any less-than-full-time faculty or other unclassified staff who
 - are involved in the "design, conduct, or reporting" of sponsored research,
 - and/or have an actual or potential conflict of interest or of time.

In addition, researchers of adjunct, student or university support staff status whose role on the project is determined to be at the level of Investigator may be required to complete COI forms, according to federal agency regulations.

5. What do I need to report?

Financial and managerial interests: Faculty and unclassified staff are required to report significant outside financial and managerial interests that are directly or indirectly related to their research or educational activities for KU. An individual's financial interests include those of the individual's spouse and/or other household members. Thresholds for significance are stated on the forms, but in general you will be asked to disclose interests which exceed the lesser of \$10,000 in value or 5% ownership. Types of interests include ownership, compensation, office or directorship, and fees and commissions.

Time Commitments: Faculty and unclassified staff are required to report any external time commitments that are related to their university responsibilities, such as paid or unpaid consulting, outside employment, public service, pro bono work, or serving as an officer in an external entity. An outside financial or managerial interest may also be reportable as an outside time commitment.

6. Who signs the COI forms?

Most forms will require two signatures in addition to one's own: those of (1) the employee's chair, director or unit head and (2) the dean or vice provost to whom the unit reports. Vice provosts, deans, directors and chairs need only one signature in addition to their own, that of the administrator to whom they report.

The unit head's signature on the form indicates that he or she has reviewed the form and agrees, to the best of his or her knowledge that the filer is in compliance with the COI policy. On Disclosure Form B, the unit head is also asked to make an assessment of the conflict.

7. How often is filing required?

A Conflict of Interest and Time Commitment (COI) report must be

- filed upon employment.
- updated on an ad hoc basis during the year if the employee's circumstances change.
- updated annually. E-mail notification is sent at the beginning of each academic year to all faculty and unclassified staff. All employees required to file should respond to the request, unless an ad hoc report or update has been made since the beginning of the fiscal year, July 1.

8. What is done with the COI report?

COI reports are filed with Research Integrity. Research Integrity verifies an individual's compliance with the reporting requirement for sponsored project proposal certification and checks proposals against

disclosed interests to ensure any potential conflicts are reported to funding agencies and are managed before project funds are made available.

The Conflict of Interest Committee (COIC) reviews disclosures to determine whether a conflict management plan is needed. If so, the committee will develop such a plan with the employee and unit head. The purpose of a management plan is to outline how the conflict will be eliminated or minimized and monitored. The COIC recommends approval of management plans to the Vice Provost for Research and Graduate Studies and the Provost. A management plan is implemented by its oversight committee and/or the employee's department.

9. What are the consequences of failing to comply with COI reporting?

If an individual fails to comply with the COI reporting requirement one or more of the following consequences may result:

- An individual's grant applications may be held from submission until he or she is in compliance;
- Disciplinary action may be given.

10. In April I responded to a request to submit a form, similar to the COI forms, to the Secretary of State in Topeka. Does this satisfy the COI reporting requirement?

There is a similar, but completely separate, reporting requirement that is often confused with COI reporting, the **Kansas Statement of Substantial Interests (KS SSI)**. Faculty of Regents institutions earning more than \$50,000 per year and some other employees based on job duties are required to file the KS SSI annually, according to state ethics statutes. The KS SSI is not the same as the COI report and does not satisfy the obligation to file a COI report with the University at least annually. For more information about the KS SSI see the Kansas Governmental Ethics Commission Web site, http://www.hreo.ku.edu/policies_procedures/conflict_of_interest/substantial_interest.

11. I've reported my consulting activities on my COI report. Does this satisfy the reporting and approval requirements of the KU Consulting Policy?

No. Reporting and approval for consulting is a separate process that is administered through the Office of the Provost.

Information and forms for approval of consulting and other outside work are available on the Office of the Provost Web site, www.provost.ku.edu/policy/faculty/programs.shtm