
Research Grants Program Office

Conflict of Interest
and Professional
Activities Policy

Updated August 1, 2019



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I. INTRODUCTION

Sections of this conflict of interest policy apply to Research Grants Program Office (RGPO) employees, contractors, reviewers and advisors who are involved in developing recommendations for and making decisions about grant funding and grant management. Its purpose is to avoid, reduce, or manage actual, potential or perceived conflicts of interest in performance of the individual's duties and responsibilities. In addition to the standards of ethical conduct set forth in this unit's policy, there are conflict of interest statutes that prohibit certain conduct by University employees. The University's Conflict of Interest Code must also be taken into consideration in determining whether conduct is proper. The University's Conflict of Interest Code may be found at the following link:

<https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/conflict-of-interest/index.html>.

A. OUTSIDE PROFESSIONAL ACTIVITIES

Outside Professional Activities are defined as those activities that are within an employee's area of professional expertise and that advance or communicate that expertise through external interaction with professional colleagues, industry, the community, or the public, and through consulting or professional opportunities that take place outside the University context.

Outside Non-Professional Activities are defined as activities that are not directly related to an employee's area of professional expertise required for the performance of their University duties and that take place outside the University context.

All employees' outside professional activities that pose the potential for a conflict of interest with an RGPO funded project, service, or entity must be disclosed prior to being undertaken and reported on an annual basis. If undertaken, all external professional activities must be conducted outside of regular work hours, or during vacation or unpaid leave. Service on an external grant review panel is not considered an official function of any RGPO employee's job duties, and is therefore not considered an external professional activity. Such service, like other external professional activities, may be conducted during regular work hours only with prior supervisor approval for leave, and only by using vacation or unpaid leave.

Compensated outside professional activities (including honoraria – see rules under the "Gifts and Honoraria" section), or service on a corporate or non-profit board of directors (regardless of the compensation received) may only

be engaged in outside of regular business hours or by using either accrued vacation leave or leave without pay. All such external professional activities that pose a potential for a conflict of interest must be disclosed as part of the annual RGPO staff disclosure procedure (described below).

B. OUTSIDE PROFESSIONAL ACTIVITIES AS PART OF POSITION RESPONSIBILITIES

Depending upon the specific RGPO position, some external professional activities may constitute a part of the RGPO position responsibilities. When this is the case, and providing prior approval from the RGPO staff supervisor is obtained, such activities may be pursued as part of the RGPO staff member's University work time.

Reimbursement of travel expenses incurred by such service shall be allowed only in accordance with University policy and the California Political Reform Act (see Financial Conflict of Interest section). Receipt of compensation for these activities is not permitted.

C. ANNUAL DISCLOSURE OF CONFLICTS OF INTEREST AND OUTSIDE PROFESSIONAL ACTIVITIES

On an annual basis, every RGPO Staff Member¹ is required to report:

1. Continuing or new professional, personal or financial interests that may constitute a potential conflict of interest
2. Continuing or new outside professional activities, including compensated or uncompensated participation as a consultant or board member in a corporate, nonprofit or other voluntary organization that may constitute a potential conflict of interest

Contents of the RGPO Staff Conflict of Interest Form shall encompass the period from July 1 through June 30 of each year and include:

1. The name of the individual or entity where a continuing or new professional, personal, or financial interest with potential to constitute a conflict of interest exists.

¹ For the purposes of interpreting this policy only, "RGPO staff" or "RGPO staff member" shall include individuals working as UCOP RGPO employees AND individuals engaged by the UCOP RGPO on a contractor status.

- a. For each relationship or interest:
 - i. A description of the nature of the relationship.
 - ii. The beginning and anticipated ending dates (if applicable) of the relationship.
 - iii. The amount of the financial interest (if applicable).
2. The nature of continuing or new external activities.
 - b. For each activity:
 - i. The beginning and anticipated ending dates of the activity.
 - ii. The total compensation received during the reporting period for each activity.
3. The name of all corporations, non-profits, or other voluntary organizations for which compensated or uncompensated services were performed.
 - b. For each consultation, service, or membership:
 - i. A description of the nature of the relationship.
 - ii. The beginning and anticipated ending dates of the consultation, corporate board membership, or voluntary service.
 - iii. The total compensation received during the reporting period for each consultation or membership.

D. FINANCIAL CONFLICT OF INTEREST

All UC employees are considered public officials subject to the California Political Reform Act of 1974 (“Act”), which is designed to assure that public officials “perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them.”

This Act and the accompanying regulations require employees to disqualify themselves from making, participating in the making, or influencing University decisions in which they have a disqualifying conflict of interest. The Political Reform Act’s disqualification rule depends upon the effect a UC decision will have on an employee’s financial interests. Only **certain types of financial interests** of a UC employee will **trigger a disqualification analysis** under the Act, and merely having one of these interests does not automatically disqualify you from a UC decision. As a starting point for when you need to consider whether you should disqualify yourself from a decision, the following list describes financial interests under the Political Reform Act (Cal. Gov’t Code § 87103; 2 C.C.R. § 18705.5). If one of the following could be affected by a University decision that you make, participate in, or influence,

you may need to disqualify yourself from making, participating or influencing that decision:

1. Any person or organization that gave or promised you income totaling \$500 or more within twelve months prior to the University decision.
2. Any person or organization that gave or promised you gifts totaling \$420 or more within twelve months prior to the University decision.
3. Any real property in which you or your spouse or domestic partner or dependent children have an interest worth \$2,000 or more.
4. Any business entity in which you are a director, officer, partner, trustee, or employee, or hold any position of management.
5. Any business entity in which you or your spouse or domestic partner or dependent children have an investment worth \$2,000 or more.
6. Your personal finances (and those of you or your spouse or domestic partner or dependent children) – if these personal expenses, income, assets or liabilities are likely to go up or down by \$250 or more in a 12-month period as a result of the University decision (Cal. Gov't Code § 87103; 2 C.C.R. § 18705.5).

If an RGPO employee or other RGPO staff member finds herself or himself to have one of the financial interests listed above, and is faced with making, participating in making, or influencing a UC decision that could affect one of those financial interests, the employee may need to disqualify herself or himself from making that decision. Political Reform Act conflicts of interest are fact-specific and may arise in a variety of scenarios. The Political Reform Act's disqualification rules are designed to be applied on a decision by decision basis. The Office of the General Counsel can advise with respect to a specific situation. In addition, the RGPO staff member must disclose his or her financial interest in writing to his or her supervisor and the Executive Director using the RGPO Staff Conflict of Interest Disclosure Form.

E. OTHER CONFLICTS OF INTEREST

Frequently, RGPO program staff activities within the scientific arena and the broader community may require and include fostering relationships with individuals and organizations that are eligible to apply for and receive funding from RGPO programs.

An RGPO staff member's relationship with an individual applicant, grantee, organization, or reviewer might present an actual, potential or perceived conflict of interest. Therefore, it is incumbent upon RGPO staff to avoid, reduce, or manage actual, potential or perceived conflicts of interest regarding research application evaluation, funding, and administration; and to disclose such conflicts using the UCOP RGPO Staff Conflict of Interest Disclosure Form provided herein.

In addition to the financial interests set out in the Political Reform Act as listed in Section D, there are a variety of personal and professional relationships which may be the source of actual, potential, or perceived conflict of interest, such as when the RGPO staff member:

1. Is a close personal friend or family member of an applicant or grantee.
 2. Is a recent (less than three years) employee/ employer/ mentor/ student/ teacher/ co-worker of an applicant or grantee.
 3. Serves as a volunteer for the applicant or grantee organization (volunteer staff member, committee member, advisor, or board member).
 4. Serves as a paid or unpaid consultant for the applicant/grantee or applicant/grantee organization on other projects.
 5. Is a co-investigator or research collaborator with an applicant or grantee.
 6. Has co-authored scientific articles with an applicant/ grantee/ reviewer during the past three years (except for publications that are deliverables of competed RGPO-directed research).*
- * does NOT include RGPO publications, non-research publications (e.g., review, commentary), or mega-multi-authored publications

RGPO staff are prohibited from participating in the preparation of an application for funding submitted to any of the RGPO programs (for example, as principal investigator, key personnel, subcontractor, consultant), and from receiving remuneration or other direct or indirect benefit from any grants or contracts supported by RGPO programs.

F. GIFTS AND HONORARIA

UCOP employees who are not required to file Form 700² are generally not required to disclose gifts. However, in an effort to avoid any *perceived* conflict of interest if such gifts are accepted, the RGPO now requires that all RGPO staff annually disclose gifts from certain sources on the UCOP RGPO Staff Conflict of Interest Disclosure Form.

All RGPO staff must annually disclose gifts that are \$50 or more in value and that have been received from the following:

1. Sources that have received RGPO funding in the last two years or will seek RGPO funding in the foreseeable future.
2. Sources that have contracted with the University to supply goods or services to the University in the last two years or are engaged in bidding or negotiations for a future contract with the University.

In addition, no RGPO staff member may accept gift(s) with a total value of more than the limit imposed by the California Political Reform Act (currently \$420 in 2011) in a calendar year from any single source. If a gift exceeding this limit is inadvertently received, the RGPO staff member must immediately bring this matter to the attention of the RGPO Executive Director in order to determine the proper course of action for either returning or donating the gift(s).

For more detailed information on gift restrictions, please consult the University of California Conflict of Interest Code: <https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/conflict-of-interest/index.html> and the California Political Reform Act provisions: <http://www.fppc.ca.gov/index.php?id=31>

RGPO staff members are also prohibited from accepting honoraria for workrelated activities, unless an exception has been approved by the RGPO Executive Director prior to participation in the activity. For purposes of this section “honoraria” means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. If such activities occur outside of work hours (while on unpaid leave or vacation)

² All UCOP employees who are required to complete Form 700 will receive notification from the Office of General Counsel.

honoraria may be accepted by RGPO staff members who are not required to file Form 700,³ so long as any potential for a conflict of interest with an RGPO-funded project, service or entity is properly disclosed, as set forth in this policy.

In addition, RGPO staff members may not accept outside payment and/or reimbursement for work-related travel unless an exception has been approved by the RGPO Executive Director.

G. FUNDRAISING ACTIVITIES

Fundraising in an official capacity. An RGPO staff member may participate in fundraising in an official capacity if he or she is authorized to engage in the fundraising activity as part of his or her official duties. When authorized to participate in an official capacity, an RGPO staff member may use his or her official title, position and authority.

RGPO staff may not solicit or accept donations from an individual or organization that could be perceived to benefit from the donation, including prospective vendors, independent consultants, or individuals or organizations that can be reasonably known to be intending to submit or are in the process of submitting an application for funding.

Fundraising in a personal capacity. An RGPO staff member may engage in fundraising in a personal capacity for an outside agency provided that he or she does not solicit funds from an RGPO subordinate, grantees, prospective grantees, vendors or independent consultants, and providing that the staff member conducts the fundraising activity on personal, non- university time.

H. RGPO STAFF AND UNIT PROCEDURES

RGPO staff members with professional, personal, or financial interests that may constitute a potential conflict of interest as described in the preceding sections must inform their supervisor and the Executive Director of the RGPO in writing using the RGPO Staff Conflict of Interest Disclosure Form immediately upon knowledge of the interest(s). In addition, annually each RGPO staff member must sign and submit a new RGPO Staff Conflict of Interest Disclosure Form at the beginning of each fiscal cycle (July 1).⁴ The submission of updated disclosures within the unit will be monitored by an RGPO staff person designated by the Executive Director.

³ Form 700 filers are subject to special rules regarding honoraria; please consult the UCOP Office of General Counsel for more information.

⁴ At the discretion of the RGPO Program Directors, additional periodic program staff disclosure forms may be required.

Upon notification that a professional, personal, or financial interest in an applicant/grantee individual/organization, the Executive Director will:

1. Determine the nature of the relationship and assess the possible conflict through discussion with the RGPO staff member and other persons, where appropriate. If the Executive Director finds that no conflict of interest exists, no further action will be taken and the disclosure document will remain on file with the RGPO. The basis upon which the Executive Director will decide whether a conflict exists will be “reasonableness”: whether a reasonable person would conclude from the facts that the RGPO staff member could either (a) benefit financially, personally, or professionally from a grant being awarded to the party in question, or (b) not be able to maintain objectivity in making decisions regarding the grant application or award. Factors pertinent to this decision would include the nature of the relationship (e.g., a current collaborator on a scientific project is more likely to be judged a conflict than joint members on a committee in applicant’s or awardee’s organization) and the time element (e.g., a current board member is more likely to be judged a conflict than a person who was a board member five years ago). Ordinarily, relationships that have been inactive for several years will not be considered a conflict, but this determination will be made by the Executive Director.

If the Executive Director finds that a conflict of interest exists, s/he will:

- a. Develop a Conflict Resolution Plan (Plan) with the RGPO staff member and Program Director of the Unit (if the Program Director is not the staff member involved).
- b. Approve the Plan in consultation with the Office of General Counsel and the Office of Ethics, Compliance & Audit Services (as needed).
- c. Sign and maintain the Plan.
- d. Inform the RGPO staff member and relevant Program staff of the conflict and the resulting Plan.

In most cases, it is expected that ensuring that the conflicted staff member does not manage peer review of the impacted application, or make decisions regarding ongoing impacted grants, will be sufficient to manage any real or perceived conflict. This would include prohibition from assigning reviewers to the application, recusal from the discussion of the application at the review committee and funding meetings, and removal from any decision-making role related to a proposed/awarded grant.

II. REVIEWER CONFLICTS OF INTEREST

A. REVIEWER POLICY

Reviewer conflicts of interest exist when a Review Committee member can be viewed as being in a position to gain or lose personally, professionally, or financially from a proposed research project under consideration by the Review Committee. In order to ensure that the fairness and objectivity of the reviews are not compromised by such conflicts, one of the guiding principles of RGPO is to avoid both actual and perceived conflicts.

The primary categories in which conflict may occur:

Reviewer holds an appointment at applicant institution: If the reviewer holds an appointment at the applicant's institution, there is a *prima facie* conflict. In this context, the multiple campuses of the University of California shall be considered to constitute separate institutions.

Reviewer has a relationship with applicant(s): A conflict is considered to exist if the reviewer has a professional or close personal relationship with the PI, Co-PI, or other primary member(s) of the research team.

Examples of this category include:

1. A reviewer is named in the grant application or expects to be invited to join the research team (e.g., as a consultant). Key personnel on any grant application being reviewed in a particular cycle may not serve as a reviewer on any panel.
2. A reviewer's partner, family member, business partner or close personal friend is named in the grant application, or the member is aware that this person will be invited to join the staff, should the grant be awarded.
3. The reviewer and a member of the applicant's research team have co-authored a publication within the last three years.*
4. At the time of the Review Committee meeting, the reviewer and a primary member of the applicant research team are actively collaborating, or are

planning to collaborate, on other research.

5. The reviewer is a recent (fewer than three years) employee/employer/ student/teacher/coworker of an applicant.
6. The reviewer was a mentor/mentee of an applicant during the past three years.
7. The reviewer and a primary member of the applicant research team have had a long-standing disagreement or difference of opinion that could be construed as affecting the reviewer's objectivity.

* does NOT include RGPO publications, non-research publications (e.g., review, commentary), or mega-multi-authored publications

B. REVIEWER PROCEDURES

All reviewers are required to sign the appended "Reviewer Confidentiality and Conflict of Interest" agreement, prior to initiating any application review activities for RGPO. Reviewers must identify and declare potential conflicts of interest (or their appearance) and recuse themselves from the review, discussion, and scoring of applications for which a potential conflict has been identified. Reviewers are urged to notify the appropriate RGPO staff immediately upon identifying a potential conflict to allow for its mitigation (i.e., reassign an application or find an alternate reviewer, etc.). If a conflict arises at the meeting, the reviewer should notify the Chair, excuse him/herself from the room for the discussion and abstain from voting on the application. Note that all RGPO peer reviewers who have submitted grant applications to RGPO must also comply with current NIH-compliant disclosure requirements.

III. ADVISORY COMMITTEE OR COUNCIL MEMBER CONFLICTS OF INTEREST

A. ADVISOR/COUNCIL MEMBER POLICY

Advisory committee and/or council members provide valuable contributions to RGPO programs by setting funding priorities and making grant funding recommendations.

Personal communication between advisors and/or council members and potential applicants about program goals and research priorities benefits programs and helps to achieve their funding objectives. Therefore, it is encouraged, to the extent that such communication is limited to explanation of or elaboration upon publicly available information.

It is also in the best interests of the RGPO and the advisors/council members themselves that these advisors avoid any actions that might give the appearance that a conflict of interest exists, or could be viewed as affecting the committee or council member's objectivity.

Examples of relationships where conflicts of interest might arise for program advisors/council members include, but are not limited to, participation in the deliberations and actions on any grant application submitted by:

1. A mentor or mentee (within the last three years)
2. A professional collaborator with whom the advisor or council member has worked closely (within the last three years)
3. A close personal friend
4. A scientist with whom the advisor or council member has had a long-standing scientific or personal difference
5. The institution or any other institution/organization from which the advisor or council member receives compensation/honoraria or to which he or she has a collaborative or fiduciary responsibility

Advisors and council members are prohibited from submitting an application to the program they advise or from participating in a grant or contract administered by the program in the capacity of principal investigator, key personnel, consultant (paid or unpaid) or subcontractor, or from receiving any remuneration from any grants or contracts awarded by the program during his/her term. The prohibition is extended for one cycle immediately following his/her term, if the member helped plan the funding strategy for that cycle (this will include participating in the decision to release a funding

Call, and/or participating in the development of a program RFP/RFA).

B. ADVISOR AND COUNCIL MEMBER PROCEDURES

All advisors and/or council members are required to sign the appended “Advisor/Council Member Confidentiality and Conflict of Interest” agreement, prior to initiating any activities for RGPO. Although the members and advisors in the different research grant programs carry out distinct programmatic functions, the procedure for avoiding conflicts of interest is the same for all program advisors and council members. In the case of advisory committee or council deliberations, where a specific application is being discussed as part of the development of funding recommendations, an advisor and/or council member must declare a conflict of interest and absent him/herself from the room whenever any of the following conditions exists:

1. The council member or his/her spouse, registered domestic partner, child or close professional associate holds an ownership interest in, or has received income in the most recent year from, an individual or entity whom the council is considering for an award.
2. The council member’s spouse, registered domestic partner, child or close professional associate is a principal investigator, key personnel or consultant named in the grant application.
3. The council member serves as an officer, director, owner or trustee (with or without compensation) of the individual(s) or entities submitting a grant application.
4. The council member is an employee, member, expert, advisor or consultant (with or without compensation) of the individual(s) or entities submitting a grant or contract application; provided, however, that the council member may request an exception to this requirement if the council member can demonstrate to the satisfaction of the Program Director that no conflict exists despite this relationship.
5. The council member or his/her spouse, registered domestic partner, child or close professional associate is in the process of negotiating or has an arrangement for prospective employment with the individual(s) or entities submitting the grant application.

The council member may remain in the room during general discussions about groups of applications that include those with which the council member has a conflict; however, the member must immediately recuse him/herself if the discussion becomes specific to the application or grantee with which the member has disclosed a potential conflict of interest.

If the program staff finds that a council member has deliberately failed to comply with any of the conflict of interest requirements, the appointment of the council member to the council should be terminated immediately. Staff may pursue additional remedies as required by and available to the University.

IV. APPENDICES: EXAMPLES AND FORMS

A. EXAMPLES

1. EMPLOYEES – CONFLICT OF INTEREST

Example 1 – *The Director and Program Officers of a research grant program are invited to attend a strategic planning meeting of a cohort of grantees with a common research focus. Lodging and meal costs are to be covered by pharmaceutical grants to the investigators. The employees may attend the meeting, but lodging and meal costs must be paid for by the program and not by grants to the investigators. In addition, the program staff should also consider whether attendance at and participation in the strategic planning of a subset of current grantees and potential future applicants could be perceived as a conflict of interest.*

Example 2 – *A current grantee has invited her Program Officer to co-author a review article with her. The Program Officer must request approval from the Program Director, and if the collaboration is approved, the Program Officer must be removed from management of and participation in that investigator's RGPO grants and applications. In considering the request, the Director should consider the potential for perceived conflict of interest, including potential financial benefit to the Program Officer and the impact on the RGPO program and University overall. Employees are not allowed to co-publish with grantees where the work is funded by the RGPO program and/or where the grant is being managed by the employee, except where the publication is a specified and collaboratively produced deliverable of the program contract/grant (e.g., a specific deliverable as defined by a dissemination plan developed in collaboration with grantees during a specific program-sponsored initiative), a non-research publication (e.g., review, commentary), or is a mega-multi-authored publication **and** RGPO Program Director approval has been obtained in writing.*

Example 3 – *The program has funded a research conference and the grant recipient has invited the Program Officer to be a member of the planning*

committee and to present a scientific keynote at the conference. The Program Officer is allowed to participate (as a part of his/her regular work schedule) in the planning committee(s) subsequent to the application and grant funding process. Research Grant Program employees cannot receive honoraria, hotel accommodations or travel support from the conference organizers funded by the Research Grant Program. Costs of travel and accommodations for the Program Officer to (co-)organize and participate in such a conference must be approved by the Program Director. The Program Officer may be permitted to serve as a speaker when representing the RGPO (or an RGPO Program) at this conference.

Example 4 – *A Research Grants Program embarks on a program- directed research endeavor that involves reviewing the status of a field of research, publishing the results and then offering funding based on the gaps in research identified by the review. The program issues a Call for Qualifications that includes the publication as a deliverable in the project. The employee managing the project is named on the publication, along with the successful applicant. Because the publication was a deliverable of the program-directed research, the employee may continue to administer the review and grant management of subsequent applications from the successful applicant.*

2. REVIEWERS – CONFLICT OF INTEREST

Example 1 – *During a review meeting, a review committee member notes that someone with whom he/she is currently collaborating on a book chapter is listed as key personnel in one of the proposals to be discussed in the meeting. The reviewer must notify the Committee Chair of the conflict, leave the room during the discussion and recuse him/herself from voting on the application.*

Example 2 – *A review committee member served as the postdoctoral mentor for one of the applicants. If the relationship existed within the last three years, the committee member must leave the room during the discussion and recuse him/herself from voting on the application.*

Example 3 – *A review committee member is currently being considered for a faculty position in the same department as one of the applicants. The committee member must disclose a conflict of interest and recuse him/herself from the review of and voting on the application.*

3. ADVISORS/COUNCIL MEMBERS – CONFLICT OF INTEREST

Example 1 – *A member of an RGPO council is asked by a colleague from a different institution to discuss an idea for submission to that program. The council member can discuss the application idea in terms of whether it would satisfy the program priorities. S/he would not be able to give advice regarding technical aspects of the application, such as the choice of cell lines or evaluation tools. S/he would be eligible to review the application as long as there was no potential conflict of interest.*

B. CONFLICT OF INTEREST FORMS

1. REVIEWER CONFLICT OF INTEREST/CONFIDENTIALITY FORM

REVIEWER STANDARDS OF CONDUCT

Confidentiality

In accepting our invitation to serve as a Review Committee member, you agree to maintain the confidentiality of all application materials and the identities of the applicants. You are asked to agree to a statement of confidentiality when you log on to the RGPO database system. Applicant identities, applications, reviews, and the proceedings of Review Committee meetings are held in confidence and are intended only for the use of Review Committee members, RGPO staff, and, when required, by the Regents of the University of California.

Reviewers must not improperly disclose the identity of applicants, the content of applications or the content of the reviews (e.g., to colleagues at the reviewer's own institution, persons at applicant institutions, or the public). In order to create and preserve a rigorous review that protects the integrity of the process and the reputations of the reviewers and applicants, reviewers are expected to observe the following rules:

1. Do not discuss the applications being considered by your Review Committee with anyone other than RGPO staff and other Review Committee members. This includes colleagues as well as applicants or persons at applicant institutions. *If a discussion with an expert colleague seems necessary to strengthen your review, discuss only the required part without divulging the applicant's identity and complete research plan.* If, for any reason, you do not feel that you should review an application that we assigned to you, please let RGPO staff know immediately, and we will reassign it to a more appropriate reviewer.

2. Destroy all copies of application review materials and critiques after the Review meeting (this includes electronic and paper copies). Do not retain any copies.
3. Do not inform applicants or persons at applicant institutions of the Review Committee's deliberations. RGPO staff will transmit results of the review to the applicant in confidence, and funding decisions by the University of California will be transmitted to the PI and applicant institution.
4. If you are contacted by applicants or representatives of applicant institutions, refer them to RGPO staff or notify RGPO staff directly yourself.

Conflicts of Interest

Conflicts of interest exist when a Review Committee member can be viewed as being in a position to gain or lose personally, or financially (including for commercial reasons) from a proposed research project under consideration by the Review Committee. In order to ensure that the fairness and objectivity of the reviews are not compromised by such conflicts, one of the guiding principles of the Research Grants Program Office is to avoid both actual and perceived conflicts.

Reviewers must identify and declare potential conflicts of interest, and must recuse themselves from the review, discussion and scoring of applications for which a potential conflict has been identified. A Committee member must notify RGPO staff immediately upon identifying a potential conflict. If a conflict arises at the meeting, the member should notify the Chair, and the member will excuse him/herself from the room for the discussion and abstain from voting on the application. **Key personnel on any grant application being reviewed in a particular cycle may not serve as a reviewer on any panel.**

Review Committee members must also comply with federal conflict of interest disclosure requirements, including disclosures required by the Public Health Service (PHS) pursuant to 42 C.F.R Part 50, Subpart F; and 45 C.F.R. Part 94 (as revised August 25, 2011). Disclosure subject to PHS requirements must be submitted directly to the Review Committee member's institution.

The primary categories where a conflict could occur include but are not limited to:

1. **Reviewer Holds an Appointment at Applicant Institution:** If the reviewer holds an appointment at the applicant's institution, there is a *prima facie* conflict. The multiple campuses of the University of California constitute separate institutions.

2. **Reviewer Has a Relationship with Applicant(s):** A conflict is considered to exist if the reviewer has a professional or close personal relationship with the PI, Co-PI or other primary member of the research team.

Examples of this category include:

- a. A Review Committee member is named in the grant application or expects to be invited to join the research team (e.g., as a consultant).
- b. A Review Committee partner, family member, business partner or close personal friend is named in the grant application, or the member is aware that this person will be invited to join the staff should the grant be awarded.
- c. The Review Committee member and a primary member of the applicant research team have co-authored a peer-reviewed publication within the last three years.*
- d. At the time of the Review Committee meeting, the reviewer and a primary member of the applicant research team are actively collaborating, or are planning to collaborate on other research.
- e. The reviewer is a recent (fewer than three years) employee/employer/student/teacher/coworker of an applicant.
- f. The reviewer was a mentor/mentee of an applicant during the past three years.
- g. The reviewer and a primary member of the applicant research team have had a long-standing disagreement or difference of opinion that could be construed as affecting the reviewer's objectivity.

*Exception to authorship rule: The reviewer may be a co-author of a non-research publication (e.g., review, commentary) or a mega-multi-authored publication with a person with a primary role on the proposed project

For Internal University of California Review Committees:

- For internal University of California review committees comprised of only University of California faculty members, no institutional prima facie conflict occurs unless the reviewer holds an appointment in the applicant's college, school or division.

I agree to disclose any conflicts of interest and abide by the terms and conditions set forth above.

(NAME OF REVIEWER)

By: _____(or signed via proposalCENTRAL)

Name: _____(please print)

Title: _____

Date: _____

**RESEARCH GRANTS PROGRAM OFFICE
CONFLICT OF INTEREST/ CONFIDENTIALITY AGREEMENT**

THIS CONFLICT OF INTEREST/CONFIDENTIALITY AGREEMENT (“AGREEMENT”) is effective this ____ day of _____, and is executed by (“MEMBER”), who has been appointed as a member of the _____ (“COUNCIL”), by THE PRESIDENT OF THE UNIVERSITY OF CALIFORNIA (“PRESIDENT”), acting on behalf of THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (“UNIVERSITY”), or who serves as an ex officio member. This Agreement shall: (1) define what constitutes a conflict of interest by a Member; (2) describe what actions shall be taken if a conflict exists; and (3) describe the process governing restriction and access to, and disclosure of, confidential information, including, but not limited to: (a) identification of grant and contract applicants and reviewers; (b) content of applications; (c) oral and written information associated with closed meetings of the full COUNCIL or its subcommittees and study section review meetings; (d) meetings and discussions specifically identified as being confidential; and (e) staff/personnel matters (items (a) through (e) are hereinafter referred to collectively as “CONFIDENTIAL INFORMATION”).

CONFLICT OF INTEREST

During the term of their appointment, and for one cycle immediately following their term, if the member helped plan that cycle, MEMBERS are prohibited from: (1) submitting, in whole or in part, in the capacity of principal investigator, key personnel or subcontractor, any applications for grants or contracts to the COUNCIL; and/or (2) participating, in the capacity of principal investigator, key personnel, consultant (paid or unpaid) or subcontractor, or receiving any remuneration from any grants or contracts awarded by the _____ (“PROGRAM”); provided, however, that MEMBERS may participate, in a non-substantive capacity, in applications, grants or contracts to which they make no scientific contributions or for which they, their spouse, registered domestic partner, children or “partner” receive no remuneration. Personal communication with potential applicants is encouraged to the extent that such communication is limited to explanation/elaboration of publicly available information.

For the purposes of this Agreement, the term “partner” is defined to include close professional associates, i.e., close coworkers or other colleagues with whom MEMBER has had regular co-authorship of papers or consultation, or with whom a business relationship exists.

MEMBERS shall declare a conflict of interest and shall absent themselves from the room when the COUNCIL reviews any application when any of the following conditions exist: (1) the MEMBER or MEMBER’S spouse, registered domestic partner, children or “partner” holds an ownership in the most recent year in an

entity whom the COUNCIL is considering for an award; (2) the MEMBER'S spouse, registered domestic partner, children or "partner" is a principal investigator, key personnel member or consultant named in the grant application; (3) the MEMBER serves as an officer, director, owner or trustee (with or without compensation) of the individual(s) or entities submitting a grant application; or (4) the MEMBER is an employee, member, expert, advisor, or consultant (with or without compensation) of the individual(s) or entities submitting a grant or contract application; provided, however, that the MEMBER may request an exception to this requirement if the MEMBER can demonstrate to the satisfaction of the COUNCIL that no conflict exists despite this relationship; or (5) the MEMBER or the MEMBER'S spouse, registered domestic partner, children, or "partner" is in the process of negotiating or has an arrangement for prospective employment with the individual(s) or entities submitting the grant application.

Failure to comply with any of the conflict of interest requirements shall result in the immediate termination of MEMBER'S appointment to the COUNCIL, in addition to any other remedies that may be available to the UNIVERSITY.

MEMBERS shall avoid any actions that might give the appearance that a conflict of interest exists or could be viewed as affecting the MEMBERS' objectivity to evaluate. Examples of this behavior include, but are not limited to, participation in the deliberations and actions on any grant application submitted by a recent student, a recent teacher, a professional collaborator with whom the MEMBER has worked closely, a close personal friend or a scientist with whom the MEMBER has had a long-standing scientific or personal difference.

MEMBERS must also comply with applicable federal conflict of interest disclosure requirements, including disclosures required by the Public Health Service (PHS) pursuant to 42 C.F.R. part 50, Subpart F; and 45 C.F.R Part 94 (as revised August 25, 2011). Disclosures subject to PHS requirements must be submitted directly to the member's institution (as applicable).

CONFIDENTIALITY

CONFIDENTIAL INFORMATION consists of information that is either oral or written or both. With regard to CONFIDENTIAL INFORMATION, MEMBER hereby understands and agrees to the following during and after the term of his/her appointment:

1. To maintain the confidentiality of the identity of any applicants applying for PROGRAM funding, including investigators and/or applicant institutions and all COUNCIL discussions, deliberations and other information generated by or for the COUNCIL regarding CONFIDENTIAL INFORMATION.
2. To use the information contained in the CONFIDENTIAL INFORMATION for the sole purpose of evaluating it and for no other purpose whatsoever.

3. To safeguard CONFIDENTIAL INFORMATION against disclosure to others with the same degree of care he/she exercises with his/her own data of a similar nature.
4. To not disclose CONFIDENTIAL INFORMATION to others (except to other MEMBERS who have a like obligation of confidentiality or to University employees who work with the COUNCIL); provided, however, that MEMBER shall not be required to maintain as confidential any CONFIDENTIAL INFORMATION which:
 - a. MEMBER can demonstrate by written records was previously known to him/her.
 - b. Is now, or becomes in the future, public knowledge other than through acts or omissions of MEMBER.
 - c. Is lawfully obtained by MEMBER from source independent of COUNCIL or PRESIDENT.

All allegations of a breach of confidentiality shall be referred to the PROGRAM's Director and/or to the Chair of the COUNCIL; however, if the allegation of a breach is made against the Chair, the matter shall be referred only to the Director, who shall conduct fact finding alone. In all other instances, the Director and Chair shall decide on a case-by-case basis how best to conduct fact finding. That process may, but need not, include consultation with other COUNCIL Members, University employees or independent investigators. If it appears that the allegation(s) of a breach are substantiated, the Chair and the Director shall meet with the MEMBER so charged, and they will be notified of the allegation and given an opportunity to respond. After hearing the response, the Chair and the Director shall make a recommendation to the Executive Director, who shall make a final decision about whether a breach did occur, what the appropriate remedy is and whether the MEMBER should be terminated from membership on the COUNCIL.

It is further agreed that the furnishing of CONFIDENTIAL INFORMATION to MEMBER shall not constitute any grant or license to MEMBER under any legal rights now or hereinafter held by the Investigator, the UNIVERSITY, or by the COUNCIL.

The confidentiality obligations of MEMBER under the terms of this Agreement shall remain in effect for three (3) years from the date hereof.

I agree to disclose any conflicts of interest and to maintain the confidentiality of the CONFIDENTIAL INFORMATION described above by abiding by the terms and conditions set forth above.

(NAME OF MEMBER)

By: _____(signature)

Name: _____(please print)

Title: _____

Date: _____

3. UCOP RGPO STAFF CONFLICT OF INTEREST FORM

UCOP RGPO STAFF CONFLICT OF INTEREST DISCLOSURE FORM

RGPO STAFF MEMBER NAME (Print): _____

This disclosure form must be completed annually and should encompass disclosure for the period from July 1 through June 30 of the prior year. This form must also be completed to disclose any potential conflict of interest that may occur thereafter. Note that a separate form must be completed for EACH conflict disclosure.

Please carefully review the RGPO Conflict of Interest and Professional Activities Policy herein and initial all that apply below.

I. DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

____ AT THIS TIME, I HAVE NOTHING TO DISCLOSE

(If initialed above, proceed to section II.)

___ I am disclosing a potential financial, professional or personal interest related to an RGPO-funded project or service, and/or an entity that is or will be involved in a proposal for funding to the RGPO. (The response should include disclosure of financial, professional or personal interests of the RGPO staff member and his/her spouse/registered domestic partner and any dependent children.)

Name of the entity (includes individuals) with which there is a related personal, professional or financial interest:

Address of the entity with which there is a related personal, professional or financial interest:

Beginning date of this relationship: _____

End date of this relationship: _____

Nature of the personal, professional or financial interest **(initial all that apply):**

___ I am or was a director, officer, partner, trustee, consultant or volunteer of the

entity.

I am or was affiliated with this entity as part of my external professional activities.

I am a close personal friend of the entity.

I am or was an employee/employer/student/teacher/coworker of the entity (within the past three years).

I am or was a mentor/mentee of the entity within the past three years.

I have an investment or real property interest of \$2,000 or more with this entity.

I have received income of \$500 or more from the entity. Amount(s) _____

I have received gift(s) valued at \$50 or more from the entity. Amount(s) _____

I have an interest in intellectual property rights belonging to or shared with this entity that have been conceived or completed within the past three years. (Please note that this is intended to include most co-authored materials and inventions, whether or not they have been published or reduced to practice at the time of this disclosure, but does NOT include RGPO publications, non-research publications (e.g., review, commentary), or mega-multi-authored publications.)

I have been a co-investigator with this entity within the past three years.

I have actively assisted this entity with fundraising (collected or solicited donations).

Other (Please explain):

II. RGPO Staff Certifications (Initial All Certifications):

I agree to update this disclosure on an annual basis AND whenever the potential for a conflict of interest becomes known to me.

I agree to cooperate in the development of a Conflict Resolution Plan to address any actual or potential conflict of interest.

I agree to comply with any conditions or restrictions imposed by UCOP RGPO to manage, reduce or eliminate actual or potential conflicts of interest as a condition of my employment with UCOP RGPO.

Signed: _____ Date: _____