

Frequently Asked Questions

What is a conflict of interest?

For **all employees** at UNMHSC, the basic definition of a conflict of interest refers to a situation in which outside financial interests or other personal considerations may compromise or have the appearance of compromising an employee's actions or judgments in the administration, management, or performance of their professional activities.

For **researchers** at UNMHSC, the definition is more specific as it refers to a situation in which outside financial interests may compromise, or have the appearance of compromising, a researcher's professional actions or judgments in the design, conduct, or reporting of their research results.

What is a conflict of commitment?

A situation where an individual engages in outside activities, either paid or unpaid, that interferes with the individual's primary professional obligation and commitment to UNMHSC. (Applicable to part-time members of the faculty only if the activity reasonably appears to create a conflict of interest)

What are outside professional activities and how do HSC policies impact them?

Any paid or volunteer activity undertaken by a Staff or Faculty member outside the scope of one's employment at UNMHSC. Outside Professional Activities may include consulting, participation in civic or charitable organizations, working as a technical or professional advisor or practitioner, or holding a part-time job with another employer, whether working in one's University occupation or another.

This Conflict of Interest FAQ and related Conflict of Interest policies must be read in conjunction with the HSC Faculty Outside Professional Activities policy. The Outside Activities policy contains guidance on five different types of outside activities¹:

1. Outside Professional Activities conducted on Private Time, Annual Leave, and Leave Without Pay:

Activities conducted on a faculty member's own time, while the faculty member is on annual leave, or while the faculty member is on leave without pay may not make use of University resources. Additionally, activities conducted while the faculty member is on annual leave or leave without pay must have prior written approval in accordance with policy. Activities conducted on a faculty member's own time may not be conducted during normal duty hours. Except as required by HSC Conflict of Interest policies, faculty members are generally not required to report information about outside employment conducted during the faculty member's private time, while the faculty member is on annual leave, or while the faculty member is on leave without pay, unless such outside employment is

¹ This is only a summary of major points of the HSC Faculty Outside Professional Activities policy and is not intended to be comprehensive. For additional detail, please visit the policy at this web link: <https://hsc.unm.edu/research/coi/common/pdf/hsc-faculty-outside-activities-policy-10nov30.pdf>

for or on behalf of a vendor. Similarly, Deans are not required to report such information for those they supervise unless such outside employment is for or on behalf of a vendor.

2. Activities conducted while on Professional Leave:

Professional leave for faculty members and department chairs must have prior written approval and must be reported. Professional leave may not be used to conduct outside employment for or on behalf of a vendor. Moreover, honoraria may not be accepted from vendors for activities conducted while on professional leave. Stipends for talks at other universities or for activities related to state and federal agencies are allowed.

3. Activities conducted while on University time:

Requests to conduct outside activities while on University time are unusual and require an exceptionally strong justification. A faculty member may only submit a request to conduct outside activities while on University time if the faculty member has achieved a rating of at least “satisfactory” in all performance categories of his/her annual evaluation. Additionally, faculty members must obtain prior written approval to engage in such activities. A supervisor may only approve a request if the outside activity does not constitute a conflict of commitment or conflict of interest. University time may not be used for outside employment for or on behalf of a vendor. The maximum amount of time that can be approved for such outside activities is 52 days per year. Activities conduct while on University time may not make use of University resources. If approved, the faculty member must submit written reports detailing such activities and Deans must in turn provide written reports to the EVCHS.

4. Talks sponsored by pharmaceutical and related companies:

There is an important distinction for compensation related to speaking for a pharmaceutical company in which the talk is educational or whether it is a marketing engagement (similar to speakers bureaus). In order to assure that the talk is for educational purposes, a professional service agreement (PSA) for the talk must be executed through HSC Preaward.

What is the approval process for Outside Professional Activities?

Faculty and Staff intending to engage in an outside activity that involves effort outside of the University and that may present a Conflict of Commitment must have written approval from the relevant department chair/center director, and dean in accordance with HSC policy: <https://hsc.unm.edu/research/coi/common/pdf/hsc-faculty-outside-activities-policy-10nov30.pdf>

The department chair/center director and dean shall determine if a conflict of commitment exists and if the conflict is manageable before approving any outside activity. The HSC COI Committee must also review to determine if the conflict is manageable. Individuals may be required to take a leave of absence from the University to proceed with the external activity if it cannot be managed appropriately.

What is a financial interest?

A financial interest is anything of monetary value, including a fiduciary relationship with an outside entity. Financial interests are the most important component or components of a conflict of interest for researchers. Some examples include, but are not limited to:

- Salaried or unsalaried positions with the sponsor or entity
- Corporate Officer

- Vested or non-vested stock or stock options
- Gifts
- Loans
- Travel payments/reimbursements
- Income received through honoraria or consulting

When can a conflict of interest occur?

When an opportunity arises to influence UNMHSC's business decisions, which produces personal financial gain for an employee, thus potentially compromising the integrity of decisions they may make as researchers, teachers, and providers of patient care in consideration of personal financial interests.

- When an employee has a significant financial interest in a company that is providing funding for the employee's research or other UNMHSC activity.
- When research directly and significantly affects the financial interest of an employee who has the responsibility for the design, conduct, and reporting of their research results.

Is a financial interest automatically a conflict of interest?

Having an outside financial interest **is not** automatically a conflict of interest. It is also important to remember that some financial interests are of such low value and/or limited duration that they do not meet the definition or threshold of disclosable financial interests or are so small or inconsequential that the research support from the sponsor can be accepted with no further action. Disclosed financial interests and resulting conflicts of interest may be reduced, eliminated, or managed so that the research project can be accepted and funded by the proposed sponsor.

Can I start a company or serve on a board of directors?

Generally no. The UNM conflict of interest policy does not prohibit faculty from starting their own company or serving on a board of directors. However, where such outside activities are related to the faculty's research, an equity stake in a company (being an officer or being paid in anyway) represents an unmanageable COI if that company is sponsoring your research or has licensed the technology.

I have a financial interest in an outside company; can they sponsor my research project at UNMHSC?

Generally no. Where such outside activities are related to the faculty's research, an equity stake in a company (being an officer or being paid in anyway) represents an unmanageable COI if that company is sponsoring your research or has licensed the technology. The faculty must divest equity interest in the company or not participate in any research activity.

Additionally, If a UNMHSC Principal Investigator has significant financial interest in a small business entity, that individual may not bring research into his/her own laboratory under a SBIR or STTR subcontract from that same small business.

Are faculty, staff, and students required to disclose interests in mutual funds, closed-end funds, ETFs, hedge/venture funds, or retirement accounts?

No, disclosure of holdings or income from investment vehicles, such as mutual funds, closed-end funds, ETFs, hedge-venture funds, or retirement accounts, are not required as long as the faculty,

staff, or student do not directly control the investment decisions made in these vehicles. As an example, a self-directed IRA may need to be disclosed, depending on its value and holdings, because the faculty, staff, or student is making decisions on the investments just like if the faculty, staff, or student held stock.

What if my project involves human subjects?

Special concerns arise when human subjects are involved, as the research subjects may be placed at additional risk because of an Investigator's financial interests. Situations that warrant additional consideration by the HSC COI Committee include those where an Investigator has a financial interest in the sponsor or manufacturer of a product being tested in human subjects, or in which the Investigator is the inventor of the product. See HSC Guidance on COI in Research:

(<https://hsc.unm.edu/research/coi/common/pdf/guidance-doc-for-hsc-investigators-with-outside-business-1-8-14.pdf>)

Investigators are required to disclose any Significant Financial Interests that reasonably appear to be related to the Investigator's Institutional Responsibilities. A Significant Financial Interest includes an external financial interest consisting of Equity interests of >\$5000 in a publicly-traded entity or any equity interest in a non-publicly-traded entity (e.g., a start-up company).

In such situations, COI Committee maintains that any research involving human subjects must be free of conflict of interest and recommends that individuals who have independent roles in projects and who are responsible for the design, analysis, conduct or reporting of the research performed (or to be performed) under a human subjects protocol shall not concurrently receive any compensation from the sponsor or other entity supplying materials, drugs or devices for the project, including honoraria and consulting fees, during the course of the study.

However, the COI Committee will also consider:

- The Investigator's role in the project.
- Whether the Investigator is involved in subject selection, including prescreening for inclusion/exclusion criteria.
- Participation of the Investigator in the consent process.
Investigator participation in clinical treatment of subjects, separate from the research interventions or procedures.
- The design of the clinical study; whether it is a single-site, investigator-initiated study or a multicenter study with oversight provided by a sponsor or other third party.

Do I need to disclose Intellectual Property?

Yes, the definition of Significant Financial Interest also includes intellectual property rights and interests (e.g., patents, copyrights), when the patent application is filed or when the copyright is asserted or upon receipt of income related to such rights and interests, including royalty income from Intellectual Property owned by UNM.

Are there special considerations for involving students in research if I have a financial interest?

Yes, UNMHSC graduate students and postdocs also have to follow COI rules, and cannot hold financial interest in a company that involves his/her role as a student. Students cannot be involved in a company in which their adviser or faculty mentor has a significant financial interest. Involvement means they may not be employed in the company, undertake training in the company, or do their dissertation research in the company. Students and postdocs may undertake educationally-related research activities at companies as long as the following conditions are met:

- The faculty adviser does not have a significant financial interest in the company.
- The company places no confidentiality or non-disclosure restrictions on the student and permits the student to freely discuss and publish the results of their work without delays.
- Any company patent agreement the student is required to sign be reviewed and approved by the University.