

Guidelines For Completing Conflict of Interest and Commitment Disclosure Form

[This document is not designed to replace the need for reading and understanding the University Conflict of Interest and Commitment Policy (UCICP) http://w3fp.arizona.edu/senate/conflict_of_interest.htm]

Federal and State laws require university policies on conflict of interest. The Institution must establish procedures to prevent employees and, in some instances, students from using their positions for purposes that either are or give the appearance of being motivated by a desire for personal gain for themselves or others with whom they have family, business or other ties. Completion of the Conflict of Interest and Commitment Disclosure Form for those who have a “substantial interest” in an outside entity that does business with the University is one step in the prevention process. Completion of the Form followed by review and a rendered judgment from the Institutional Review Committee provides a defense against criticism and punitive action for both the University **and** the employee.

Following is a compilation of regulations and guidelines designed to assist with the interpretation and completion of the Form:

Conflict of Interest: A conflict of interest exists when an employee is in a position to influence any University business transaction, research or teaching activity or other decisions in ways that could lead to any manner or form of personal gain for the employee, or for his/her family members, other than salary from the University, regardless of source.

Substantial Interest: A “substantial interest” is generally considered to be any income, cash or value, resulting from ownership in a company that either exceeds five percent of the employee’s total annual income or is greater than \$10,000.

Specific definitions of “substantial interest”, “remote interest”, “relative” and other terms may be found at the following links: <http://www.azleg.state.az.us/ars/38/00502.htm>, http://www.hr.arizona.edu/09_rel/policies/pp413.php and http://w3fp.arizona.edu/senate/conflict_of_interest.htm.

For disclosures involving Public Health Service (NIH) and NSF grants and contracts the following definitions also apply.

PHS Act Definitions:

“Significant Financial Interest” means anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term does NOT include an equity interest that when aggregated for the Investigator and the Investigator’s spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a five percent ownership interest in any single entity; or salary, royalties or other payments that when aggregated for the Investigator and the Investigator’s spouse and dependent children over the next twelve months, are not expected to exceed \$10,000.

PHS Requirements: Prior to an Institution’s expenditure of any funds from the PHS the institution must report to the PHS Awarding Component the existence of any conflict of interest (but not the nature of the interest or other details) found by the Institution and assure that the interest has been managed, reduced or eliminated in accordance with [42 CFR Part 50.605](#). Thus it is important for all investigators supported by PHS funds to carefully evaluate their individual situation and file a Conflict of Interest and Commitment Disclosure with the Office of the Vice President for Research when and if appropriate.

The **National Science Foundation (NSF)** has no specific authorizing legislation regarding conflict of interest but its policies were developed in close conjunction with the PHS. There are some minor differences. NSF does not require notification of each identified conflict of interest or certification of subgrantees/collaborators. NSF permits the research to proceed, in spite of disclosed conflicts, if it is determined that benefits of proceeding outweigh the negative impact. PHS has no such provision.

Instructions for completion of the Conflict of Interest Disclosure Form are provided as an addendum to the form. It is requested that full and complete descriptions of the nature of the employee's activity be provided. Insufficient information precludes the IRC from rendering judgment, which triggers a request for more information thus delaying the approval process. Complete descriptions of student involvement are of particular importance to the IRC. In many instances it will also be necessary for students involved in the activity to complete a Student Conflict of Interest Disclosure Form.

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