

Guide for Reviewing Management Plans—Department Chairs and Deans

The primary interests of Appalachian State University include teaching, scholarship and service. Sometimes our faculty or EHRA staff have secondary interests that may affect objectivity in conducting their duties as employees of Appalachian State. These secondary interests may constitute a Conflict of Interest, or they may create the perception of one.

Disclosure of a potential or actual Conflict of Interest is a first step towards transparency. How we handle these disclosures speaks to the integrity of our University.

Part of your responsibilities as Department Chair or Dean include reviewing disclosed conflicts in the form of a Management Plan or External Professional Activities for Pay (EPAP) form.

You have received a drafted Conflict of Interest Management Plan (COIMP)—what do you do?

1. First, ascertain the nature of the conflict, keeping these elements in mind:
 - Whether the conflict has the potential to influence the design, interpretation of data, presentation of results of research; or interferes with the ability of the employee to conduct his/her job responsibilities without influence of a secondary interest.
 - What is likelihood of the influence (i.e., is oversight needed to ensure it does not happen)?
 - What are the impacts of the influence (such as personnel or student supervision, intellectual property ownership, conflict of commitment by the employee to his/her ability to carry out their employment responsibilities)?

2. As Department Chair, you should determine whether the conflict be managed:
 - You will need to identify if any of the activities falls under one of these categories. These are *prohibited* by Appalachian and UNC System policy—and cannot be managed.
 - i. The conflicted person is making referrals of University business to an external enterprise in which the individual or an Immediate Family member has a financial interest.
 - ii. The conflicted person is associating his or her own name with the University in such a way as to profit financially by trading on the reputation or goodwill of the University.
 - iii. The conflicted person is making unauthorized use of privileged information acquired in connection with the Covered Employee's University Employment Responsibilities.
 - iv. The conflicted person is signing agreements that assign University patent and other intellectual property rights to third parties without prior University approval.
 - v. Any activity otherwise prohibited by law or University policy.

If the activities have already occurred, consider whether disciplinary action or remediation is needed.

- If the situation does not fall under any of these categories, you have two options:
 - Review the management plan for approval (see step 3)
 - Ask the Dean to consider requesting a review by the COI Council (see step 4)

3. Reviewing the Conflict of Interest Management Plan (COIMP)

- Make sure the plan is complete:
 - i. All conflicted individuals involved in the disclosed activity should be included in the COIMP
 - ii. Any other affected departments should also review
 - iii. Confirm the conflict is adequately described, including financial and supervisory implications
 - iv. The period that the conflict requires management (the duration of the project) is accurate and reasonable.
 - v. Confirm the proposed steps to manage the conflict are appropriate and adequate for the potential risk to research results, probability of the impact, and potential harm of the impact.

- The purpose of a COIMP is to provide an outline for ensuring objectivity and integrity in the project. Some steps that could be taken include (but are not limited to):
 - Should a neutral/non conflicted party be assigned for oversight of any step? This may be to confirm work completed, timecards, payments processed, etc.
 - If a party is identified, they should be named in the COIMP.
 - Would it be appropriate to have an objective individual or group review the data collection prior to publication or dissemination? Should data collection be reviewed during the course of the project (if safety of human participants or use of animal subjects is a concern)?
 - If an individual or group is needed, they should be named in the COIMP.
 - When possible, the conflicted individual(s) should divest financial interests of the entity causing the conflict.
 - When possible, the conflicted individual(s) should remove him/herself from role or fiduciary responsibilities generating the conflict.
 - Avoid using Appstate name, trademarked logo, or conflicted individual's position at Appstate as influence for personal gain during the management period without express written permission.
 - Avoid using Appstate resources—student help, equipment, oversight bodies, other University services—to support the activity generating the conflict.
 - Disclosure of conflict to all relevant parties, such as lab personnel, student employees, human subjects, journals or publications.
 - Limit time on project causing conflict to time not specifically dedicated to employment responsibilities.
 - Consider whether income received by individuals is appropriate (for example, if they are receiving payment for a sponsored project but are also receiving income from a private company involved in the sponsored research).
 - This scenario may warrant a review by the COI Council or University's Office of General Counsel.
 - If the project requires oversight by another committee (i.e., the IRB, IACUC, IP Council, IBC, etc.), request that the appropriate committee consider the conflict of interest as it applies to the regulatory requirements for oversight of the project. Sometimes these committees will add oversight requirements to manage the conflict in order to remain compliant with their respective

regulations.

- Who should sign the COIMP?
 - All parties who have a conflict
 - Named party(ies) who provide objective oversight or review
 - Named party(ies) who will authorize payment or timecards
 - Department Chairs
 - Deans
 - How frequently should the plan be reviewed and who should review it?
 - i. If project is less than 1 year in duration, it likely doesn't need review
 - ii. Annual review is the generally accepted minimum, but more frequent reviews may be necessary (for example, if the project is expected to have ongoing turnover of project staff)
4. The COI Council can review complex situations:
- The Council is charged with:
 - i. Determining whether a conflict exists
 - ii. Determining whether the conflict can be managed
 - iii. Providing recommendations for managing the conflict (but does not create a management plan)
 1. It is recommended a draft management plan be provided to the Council as part of the materials to be reviewed
 - When COI Council review may be/is needed:
 - i. If the financial interests creating the conflict are greater than \$5000.
 - ii. If the conflicted party(ies) are receiving income from an external sponsor as well as from their non-Appstate interest (such as a private company) that is supporting the sponsored project.
 - iii. The entity sponsoring the research is also a donor to the University.
 - iv. The COIMP you are reviewing seems more complex to manage than using the suggested elements above.
 - v. Your Dean (or equivalent) would like additional review prior to signing the plan.

If you aren't sure or need advice,

- Confer with the COI Office, Office of General Counsel
- Confer with your Dean
 - The Policy empowers Deans as Designated University Officers (DUOs). DUOs have the authority to request a review of the conflict and the COIMP by the COI Council.
 - The Council will return its determinations/recommendations to the DUO.