Supervisor and Department Head Responsibilities regarding the Conflicts of Interests Process at UTK!
Goals of this presentation

- Understanding the WHY!
- Identifying which employees must complete disclosures
- UTK Process for Disclosures
- Responsibilities of supervisors
- Deep dive into question intent
- Management Plans
- Compliance
Conflict of Interest Overview

❖ In general, a conflict of interest is a scenario which an outside activity could influence a person (or team) in such a way that it creates a real or perceived bias in their work.

❖ That perception of a conflict can have a negative impact on the reputation of both the employee and the University.

❖ The goal of the Conflicts of Interest process is simply to protect both the University and University Employees.

❖ Conflicts of Interests are mainly seen in three forms:

1. Financial Conflict of Interest
2. Research Conflict of Interest
3. Institutional Conflict of Interest
### Some Requirements Regulating Disclosures

- A heightened awareness on research conflicts may cause some employees who aren’t involved in research to wonder why they are still being required to complete an outside Interest Disclosure Form each year.

- A non-research related conflict can pose as great of a risk as a research conflict. Even the perception of a conflict can have a negative impact on not only the reputation of the University but also to the employee themselves.

- UT Policy GE0002 represents a merged approach to ensure that not only are financial conflicts reviewed but also the various Federal/agency requirements are accounted for within our annual disclosures.

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<td>Public Health Services (PHS) Requirements</td>
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<td>Certain agencies require Org. COI to be cleared prior to submitting proposals</td>
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<td>Certain agencies require annual disclosure forms to be current and reviewed for SFI’s before agreements can be finalized.</td>
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<td>UTK Faculty Handbook, Chapter 7 (Prior agreement/20%)</td>
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Financial Conflicts of Interest

Examples of Financial Conflicts of Interest:

- An employee owns a personal business and steers departmental purchases to their company.
- An employee starts a business that is exact/similar to their work at UT and places themselves in direct competition with UT for the services.
- A University Official, who’s in a position to approve/influence contract decisions, signs an agreement for the University to procure services from either their own business or a business owned by a family member.
- A university employee provides a sole-source non-competitive bid to purchasing for a company they have ownership in without disclosing their interest.

Significant Financial Interest’s (SFI) are defined as any interest or equity, salaries, or expenses reimbursed to an employee within a consecutive 12-month period equal to or exceeding $5,000 or 5% ownership.

SFI’s are of specific concern to certain federal agencies who provide research funding to UT. $5,000 is the minimum threshold of funding or interest held that must be reviewed for determination of a SFI.

As you will see in the examples provided, financial conflicts can exist below the SFI threshold.
Employees required to complete annual disclosures

- Regular employees
- Graduate Assistants
- Temp employees

Regular employees

- Full Time and Part Time

Graduate Assistants

- GA's, GRA's, and GTA's

Temp employees

- Event Staff employees in temp status are not required to complete the form.

What about "Friends?"

- Friends aren’t required to complete the form.
- Visiting Scholars may be asked to complete a form.
Let’s take a deeper look at the OID process!

Beginning in Calendar Year 2022, UTK will send notifications for Outside Interest Disclosure forms in August.

UTK will ask Supervisors to incorporate the OID review discussions into their process for completing annual reviews.

So, what does this mean???

We aren’t asking supervisors to hold the forms until reviews are completed, we will have a box within the review, for supervisors to attest to the employees form completion and the supervisor’s review/discussion of the form, prior to completing the review.

- OID Notifications and deadlines will be designed to work best with the current employment status and annual review.

- Staff annual performance reviews are mostly conducted during March each year.

- Tenure Track Faculty annual reviews are mostly conducted during the Fall of each year.

- Non-Tenure Track Faculty annual reviews are mostly conducted during the Spring.
Now that we understand the **why**, **when**, and the **who**, let’s look at what is expected of supervisors when reviewing the forms!

- Ensure each employee under your direct supervision completes an annual OID form.
- Ensure you have fully reviewed each form and all outside interests have been disclosed, to the best of your knowledge.
- Ensure any known outside interests have been reviewed and discussed with the employee.
- Officially approve the form in IRIS, so it can complete its journey through workflow. If you have questions at any point, you can contact a COI official for support.
Supervisors should look at every question and response on the form. They should evaluate those responses based on what they know about the employee’s interests.

If all known interests are not included, the supervisor should reject the form back to the employee for updating.

If an interest is disclosed the supervisor should then evaluate that interest to see if it poses any potential conflicts with the employee’s expected roles and responsibilities.

If no concerns are determined, the supervisor should mark the form as approved.

If the form can’t be approved because there are concerns of conflicts, the supervisor should discuss concerns with the employee before approving the form. The supervisor always has the option to include notes or reach out to a Conflicts of Interest Official for guidance.

- There will no longer be an “unsure” option when approving OID forms.
Supervisor Expectations

- Best suited to evaluate and provide perspective. If there is any hesitation to the Yes/No question, then utilize the notes section to add any clarification and provide background, and/or reach out to a COI official for guidance.

- You have first-hand knowledge of the day-to-day expectations of each employee’s position and are well positioned to know if an outside interest is so similar in nature to their University roles and responsibilities that it needs a closer review.

- Questioning or calling attention to the need for potential additional or external review is good due diligence. It doesn’t mean the interest will be determined to be a conflict.

- Annual performance evaluations will include a section on review of outside interest disclosures.
What happens if a supervisor approves an outside interest that later becomes a conflict?

- Positive reactive teamwork through discussions, understanding, and management plan development.
- First, before any steps above are taken, we must understand we are all human and this can happen. Not just at the supervisor level, but possibly at the Campus level as well!

When anyone discovers a potential conflict with an outside interest!

- Regardless of who identifies the potential conflict, it should be forwarded to the COI official for review.
- Any known information should also be supplied.
- The Outside Interest Disclosure process is an ever-evolving process. What may have not been a conflict yesterday, can become a potential concern today.
- Everyone should be encouraged to fully disclose any outside interests so they can be appropriately reviewed, and everyone should be supported in disclosing these without fear of negative outcomes.
- This should be looked at as a very positive opportunity.
Now, for the next few slides, let’s take a closer look at a few specific questions on the OID form and discuss them!

- First Question - Outside Affiliations
  - Asks, “Are you an employee, board member, director, officer, consultant, or are otherwise affiliated with any external (non-UT) entity? Include for-profit entities ... and non-profit entities.....)

- Why is this being asked?
  - Simply, because affiliations you have outside of UT, can create a potential concern for conflict if the affiliation has influence in any way to the employee’s roles and responsibilities at UT.
  - Examples:
    - A board member for a company that funds research for the employee or their department.
    - Being an employee in a company that conducts business within your UT department.
International Affiliations Question

• Does having an affiliation with an international institution or organization mean that I am doing something wrong?

No. International affiliations can be a positive for all parties involved. They will be reviewed in the same manner as any other disclosure. The key is they must be disclosed so that the review can take place and you remain in compliance with federal regulations.
On the next couple slides, let’s discuss some disclosures where supervisors should obtain additional information, unless they are already fully aware of the details.
Services performed for you or your immediate family by UT employees or students.

Has any UT employee or student, whom you supervise, advise or instruct, performed any personal services for you, or your parents, spouse, or children, in the previous 12 months or in the next 12 months?

▶ Please note, policy HR0122 - Employment of University Employees by Other University Personnel prohibits university employees from hiring another university employee to perform personal services when said employee is within their line of authority.

▶ What does this mean?
  ▶ Babysitting, dog walking, landscaping, home repair, etc. services when the person is someone with whom the employee instructs, advises, supervises, provides day-to-day supervision, oversight, influence in reviews/merit, or determines resource allocations.
  ▶ Let’s discuss!
Outside interests of your immediate family.

Do your parents, spouse, or children have an ownership, equity or other financial interest in; serve as an officer, director, board member, or employee of; or receive compensation from, any entity that contracts or conducts business with UT? Please include for-profit entities (i.e., companies, corporations, partnerships, LLCs, etc.), and non-profit entities.

i. Entity name

ii. Title of position held by immediate family member

If yes, enter the following information separately for each entity:

- When reviewing a form where an employee discloses a family member who works for UT, the supervisor must determine the following:
  - Is there any potential for a conflict to arise between the individuals tie to day-to-day oversight, supervision, advising, teaching, allocation of resources, or influence in merit/performance?
  - If the individuals listed work within the same department, notes from the supervisor regarding the review/steps taken if mitigation is needed would be helpful to include when approving the form. Otherwise, in some cases, the Fcoi manager will need to email the supervisor for additional information.
Developing Management plans
If a COI is present, what happens then?

- A COI official will hold conversations with both the employee and their supervisor to gain a full understanding of the scenario. All policies and Federal requirements will be reviewed, as they apply.
- A management plan is tailored to each scenario and agreed upon by both the individual, supervisor, and COI Committee.
- The intention of a management plan is to mitigate, manage, or eliminate (rare) the conflict of interest.

Potential Action Items
- Disclosure of the COI to various parties and at the time of publication.
- Restrictions on supervision of students or staff.
- Data monitored or reviewed by a third party.
- Recusal in decision making process.
- Other actionable means which fit the scenario.
The overall goal of the OID process is to ensure 100% compliance with disclosure and review of any outside interest in order to protect both the University and its greatest assets, UT employees.
Resources

Research, Innovation & Economic Development (ORIED)
Website, https://research.utk.edu/research-integrity/research-conflicts-of-interest-commitment/

DRA-Proposal Preparation & Submission (Formally, OSP)
https://research.utk.edu/research-administration/proposals/

UT Policy GE0002 - Conflicts of Interest & Commitment
* Guidance Documents for GE0002
Do I Disclose & What to Disclose

UTK Conflicts of Interest Website, Coi.utk.edu

- Faculty Handbook
- HRO122 - Employment of University Employees by Other University Personnel
- HRO115 - Employment of Relatives
- Guidance for Researchers Entering Consulting Agreements
Accessing OID Forms on IRIS Web

https://irisweb.tennessee.edu/irj/portal

Link above will take you to the current form, and also allow access to previous forms.

► View the “Employee Self-Service” tab. Click Outside Interest Disclosure.

► When form opens, in right hand corner, choose “previous forms.”
COI Officials Contact Information

- Scott Canner, Research Conflict of Interest Officer, Research Conflicts, scanner2@utk.edu
- Jay Taylor Bailey, Conflicts of Interest Compliance Manager, Financial/Org. Conflicts, vtaylor@utk.edu
- Survey: https://utk.co1.qualtrics.com/jfe/form/SV_8FTSb2vtxym951Y
Any Questions?