Understanding the “Nuts and Bolts” of the Electronic Portal for Report of Outside Activity/Conflict of Interest

March 2011
Education Module Topics

- This Module covers:
  - Information you need to know in order to complete the online Report of Outside Activity/Conflict of Interest (OA/COI)
  - Frequently Asked Questions
- We encourage you to review the following two additional education modules to gain a better understanding of your disclosure obligations under:
  - **Florida Law:** Please review the Understanding Outside Activity/Conflict of Interest Disclosure Obligations under the Florida Code of Ethics
  - **Federal Law:** Please review the Understanding Conflict of Interest Disclosure Obligations in Research
Outside Activity/Conflict of Interest Disclosure Obligations Stem From

- Federal regulatory requirements
- State law requirements
- University policy
  - These policies capture your compliance obligations to disclose outside activities that may pose an actual or potential conflict.
Report of Outside Activity/Conflict of Interest

In order to comply with applicable federal and state laws, the University has policies and procedures in place, and now an electronic disclosure process that allows faculty and staff to disclose outside activities that may constitute an actual or potential conflict of interest between their personal interests and their public duties on behalf of FIU.
“Nuts and Bolts”: WHO?

- **Question**: Who needs to complete the form using the electronic portal for disclosures?

- **Answer**: All benefits eligible employees of FIU, whether in-unit or out-of unit, will use the electronic portal for disclosures of outside activity/conflict of interest (OA/COI) in accordance with the applicable University policies and collective bargaining agreements. All personnel* involved in research shall use the electronic portal for disclosures in accordance with the Conflict of Interest in Research policy.

  *Please note that if you are not a benefits eligible employee, but are required to submit an OA/COI report form, you will continue to do so by submitting the paper/hard copy form which can be downloaded through this dedicated webpage.
“Nuts and Bolts” for Disclosing Outside Activity/COI through electronic portal: WHY?

- **Question:** Why do you need to complete the online Report of Outside Activity/Conflict of Interest?

- **Answer:** Under federal and state law, the University must ensure that employees’ outside activities do not pose a COI that has not been managed, reduced or eliminated.

  The University’s policies are not intended to discourage an employee from engaging in outside activity in order to increase the employee’s professional reputation, service to the community, or income. However, such activities must not place the employee or the University at risk of violating the federal and state laws on conflicts of interest that you and the University must follow. Moreover, research must be conducted in an unbiased manner, free from conflicts.
“Nuts and Bolts”: WHEN?

- **Question:** When does the form need to be completed?
- **Answer:** All new hires must complete the form at the time the offer of employment is accepted.
- **All employees (with the exception of in-unit faculty, see next slide)** must complete the form at the beginning of the academic year and update this form whenever there is a significant change in activity (nature, extent, funding, etc.) which could result in a COI or when a new outside activity is undertaken. Additionally, all employees seeking to engage in research must complete the form to disclose any potential COI prior to start of the research project.
“Nuts and Bolts”: WHEN? (Cont’d)

- In-unit faculty must complete the form for any outside compensated professional activity or when the faculty member reasonably concludes that the proposed outside activity may create a COI.

- A new report must be submitted for outside activity previously reported at:
  - The beginning of each academic year for outside activity of a continuing nature; and
  - Such time as there is a significant change in any activity (nature, extent, funding, etc.).
“Nuts and Bolts”: WHERE?

• **Question:** Where can you find the Report of Outside Activity/Conflict of Interest electronic portal?
  
  • **Answer:** Through a dedicated webpage at: [http://hr.fiu.edu/index.php?name=conflict_of_interest](http://hr.fiu.edu/index.php?name=conflict_of_interest)

  There you will also find two additional education modules:

  • **Understanding Outside Activity/Conflict of Interest Disclosure Obligations under the Florida Code of Ethics**
  
  • **Understanding Conflict of Interest Disclosure Obligations in Research**
Where can you find the COI policies?

http://policies.fiu.edu/

- Houses all official university policies and procedures, including all policies discussed here
- Links to policies also on Division of Research (“DOR”) Web site
“Nuts and Bolts”: WHERE? (Cont’d)

Where can you find the COI policies:

- Conflict of Interest in Research:
  [http://policies.fiu.edu/record_profile.php?id=572](http://policies.fiu.edu/record_profile.php?id=572)

- Conflict of Interest (AFSCME):
  [http://policies.fiu.edu/record_profile.php?id=399](http://policies.fiu.edu/record_profile.php?id=399)

- Conflict of Interest (PBA):
  [http://policies.fiu.edu/record_profile.php?id=579](http://policies.fiu.edu/record_profile.php?id=579)

- Conflict of Interest (PBA-LTS):
  [http://policies.fiu.edu/record_profile.php?id=640](http://policies.fiu.edu/record_profile.php?id=640)

- Conflict of Interest (SEIU):
  [http://policies.fiu.edu/record_profile.php?id=285](http://policies.fiu.edu/record_profile.php?id=285)

- Conflict of Interest / Outside Activity (UFF):
  [http://policies.fiu.edu/record_profile.php?id=206](http://policies.fiu.edu/record_profile.php?id=206)
“Nuts and Bolts”: HOW?

**Question:** How do you disclose your outside activities and what happens once you have completed the form?

**Answer:** If you are required to report, but have no activities to report, you must complete the form and the system will record your submission.

If there is an activity to report, the system will automatically route the form based on the employee’s status (as faculty or staff) and also based on whether the disclosure is related to research or intellectual property.
Electronic Portal for Employees
Report of Outside Activity/Conflict of Interest

- If none of the questions apply to you, select L and press continue. Otherwise select all the questions that apply to you and press continue.

You are engaged in any employment, contractual relationship, or have financial interests which might create a continuing or recurring conflict between your private interests and the performance of your public responsibilities and obligations here at the University, including time-commitments. This includes any outside activity in which there is assignment of your rights to intellectual property.

All financial, fiduciary, time-commitment and related interests that present or may appear to present a conflict of interest on research projects, whether externally funded or not, must be disclosed to the University immediately by the employee. This includes any interest of the employee or of the employee’s spouse or dependent children. See the Conflict of Interest in Research policy #2370.005 at [http://policies.fiu.edu/files/572.pdf](http://policies.fiu.edu/files/572.pdf) for more detail.

Any other outside professional activity which you should reasonably conclude may create a conflict of interest, including a conflict of time-commitment.

- [ ] None of the above apply.

[Continue]
If one of the questions applies to you, the system will take you to the next set of questions that you need to answer. Once you have completed your answers, you are asked to confirm that the answers you provided are complete and accurate.

**j. Is the conflict you are disclosing related to a research project or proposed research project?**

(If yes, identify which research project is involved)
- [ ] no
- [ ] yes

Project ID: [ ]  Project Name: [ ]

Any conflict disclosure related to a research project must be approved by the Vice President for Research pursuant to the Conflict of Interest in Research policy.

**k. Total number of outside activity and financial interest reports submitted during this contractual period including this report:**

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**Affirmation:** By my submission of this Report of Outside Activity/Conflict of Interest, I affirm an understanding of compliance with the University’s applicable policies and, if I am an in-unit faculty member, the BOT-UFF Collective Bargaining Agreement on outside activities and conflict of interest as well as the completeness and accuracy of my responses. I understand that my engaging in a non-university activity must not create a conflict of interest or interfere with the full and faithful performance of my university professional responsibilities or other university obligations. Information on the University’s policies and procedures on outside activities and conflict of interest may be obtained from your academic or administrative unit or on the University Policies and Procedures Library at [http://policies.fiu.edu](http://policies.fiu.edu).

I hereby certify that the information reported here is accurate. Further, I understand that my engaging in a non-university activity must not create a conflict of interest or interfere with the full and faithful performance of my university professional responsibilities or other university obligations.
Upon completion of the form, you are taken to an exit screen.

If your report does not list any outside activities, the system records your submission.

If your report contains one or more outside activities, you will receive an e-mail notification indicating whether your outside activity has been approved or denied.
Electronic Portal for Approver
The supervisor must choose his/her corresponding category as it relates to level of review and approval.

The system allows the supervisor/approver to succinctly state the reasons for approval or denial.

Both the individual submitting the form as well as the next level of supervisory review will be able to access and view the entries made throughout the review and approval process.
Report of Outside Activity/Conflict of Interest

- Once the supervisor logs in, he/she will be able to see a list of forms pending approval.

<table>
<thead>
<tr>
<th>PANTHER ID</th>
<th>FIRST NAME</th>
<th>LAST NAME</th>
<th>DEPT ID</th>
<th>DATE</th>
<th>FORM ID</th>
</tr>
</thead>
</table>
Once a form is selected, the approver can review the form’s details and make a determination regarding approval or denial.

2I: Are you required, as a condition of the employment/activity, to waive any rights you might have to intellectual property you develop, including patent rights or in any way impact the University’s interest in intellectual property?

Answer:
Project ID
Project name

2J: Is the conflict you are disclosing related to a research project or proposed research project?

Answer:

2K: Total number of outside activity and financial interest reports submitted during this contractual period including this report

COMMENTS:

APPROVED

DENIED
Approval Routing
Routing of Administrative Approval

- Human Resources
- Research
- Direct Supervisor
- Admin/Staff
All University Staff:

- Completed form is reviewed for approval by the employee’s direct supervisor and then submitted to the Vice President for Human Resources for final review and approval.

- If the disclosure is related to research or intellectual property in which the University has an interest, the form must be reviewed and approved by the University’s Designated Official who is the Vice President for Research before it is reviewed by the Vice President for Human Resources.
“Nuts and Bolts”: HOW? (Cont’d)

All University Faculty:

- Completed form is reviewed for approval by the faculty member’s direct supervisor, the Dean of the School or College (who may designate an Assistant or Associate Dean to review), and the Provost for final review and approval.

- If the disclosure is related to research or intellectual property in which the University has an interest, the form must be reviewed and approved by the University’s Designated Official who is the Vice President for Research before it is reviewed by the Provost.
“Nuts and Bolts”: HOW? (Cont’d)

• If there are any additional questions or follow up, you will be contacted directly.
• You will receive an e-mail notification that your completed disclosure has been reviewed with a final determination regarding approval or denial.
“Nuts and Bolts” WHAT?

- **Question:** What needs to be disclosed?

  **In Research:** All financial, fiduciary, time commitment and related interests that may in any way bias the design, conduct, or reporting of research.

  **In Employment:** All activities that may create an actual or potential COI between your private interests and your public duties as an employee of FIU.

  If you are in doubt, it is best to disclose the outside activity/conflict of interest.
“Nuts and Bolts”: WHAT? (Cont’d)

Examples of Outside Activities you must disclose:

a. All compensated professional activities, including teaching for another institution.

b. Outside activities in which you will use University facilities, equipment and/or services.

c. Outside activities in which you directly or indirectly supervise a student or another employee with whom you have a supervisory relationship at the University as well.

d. Activities in which you, your spouse or child own or have a material interest (greater than 5% ownership interest), in a business which seeks to do or does business with the University, and you have the ability or authority to recommend, select, purchase or contract for the same kind of goods or services offered by this business.
Examples of Outside Activities you must disclose:

e. Activities in which you, your spouse or child own or have a material interest (greater than 5% ownership interest) in a business which competes with the University.

f. You are a candidate for, or holder of, public office.

g. Your require or recommend the purchase and use of books, supplies, equipment, or other instructional resources created or published by you or by an entity in which you have a financial interest.

h. You are engaged in business activities, including service on the board of directors or other management interest with regard to a business entity in the same discipline or field in which you are employed at this University.
Examples of Outside Activities you must disclose:
i. You are engaged in any employment, contractual relationship, or have financial interests which might create a continuing or recurring conflict between your private interests and the performance of your public responsibilities and obligations at FIU, including time-commitments. This includes any outside activity in which you are required to assign, or to waive rights to intellectual property.
j. All financial, fiduciary, time-commitment and related interests that present or may appear to present a conflict of interest on research or creative activity projects, whether externally funded or not, must be disclosed to the University immediately by the employee. This includes any interest of the employee or of the employee’s spouse or dependent children.
k. Any other outside professional activity which you should reasonably conclude may create a conflict of interest, including a conflict of time-commitment.
FREQUENTLY ASKED QUESTIONS (FAQs)
1. My spouse works for Office Max as a sales manager. Since FIU does business with Office Max, do I need to disclose that my spouse works there?

It depends. The fact that your spouse works for a business that the University does business with, without more, would not need to be disclosed as a potential COI. However, if as part of your responsibilities for FIU you get to pick what vendor the University will use for its office supply purchases, and you or your spouse stand to gain financially from such a business transaction (for example, your spouse would make a commission), the fact that your spouse works at Office Max would have to be disclosed in order to avoid a COI situation.
2. I volunteer for the Girls Scout organization and all my volunteer activities take place over the weekend. My job at FIU does not require me to work over the weekend. Do I need to disclose this volunteer activity?

No. If the volunteer activity takes place at a time that you are not required to work at FIU, you do not need to disclose it.
3. I am an in-unit faculty member with a nine month appointment. Do I need to disclose an outside activity that takes place during the summer while I am not being compensated by the University?

Generally, no. The COI disclosure obligations for in-unit faculty do not apply to activities that are performed wholly during a period in which the employee has no appointment with FIU. However, if the activity may result in a conflict of interest in research, you would need to disclose it in relation to your research project.
4. Why do I need to disclose COI that relates to my research activities at the University?

By timely disclosing all outside activities that may create an actual or potential COI, the researcher helps to ensure that the objectivity in the design, conduct and reporting of the research is protected.

The Federal Government mandates that FIU follow regulations and set guidelines to ensure that objective research is being carried out (example: NIH Regulations, 42 C.F.R. Part 50, Subpart F for Grants and Cooperative Agreements and 45 C.F.R. Part 94 for Contracts).
5. As a faculty member at FIU, I like to provide to my students an opportunity to participate in unpaid internships in a company that is owned by my spouse. The internships expose my students to “real-life” applications of the business concepts I teach them in the classroom. Do I need to disclose these internship opportunities?

Yes. Even though the unpaid internships are an outside activity that does not directly involve you, a question may arise regarding the fairness in the selection process you use, at best, or the students “feeling coerced” to participate in order to improve their grade inside the classroom. The activity needs to be disclosed so that appropriate safeguards can be put in place to reduce, manage or eliminate the conflict. Remember, just because there is a potential for a conflict does not mean that the activity will not take place: putting in place appropriate safeguards protects you, your students, and the institution from an allegation of unfairness or coercion later on.
FAQs (Cont’d)

• Please note that we will add more questions and answers based upon your feedback or areas of inquiry or concern.

• Several offices can assist you with your COI questions:
  • Division of Academic Affairs
    (305) 348-2168
  • Division of Human Resources
    (305) 348-2181
  • Division of Research
    (305) 348-2494
  • Office of the General Counsel
    (305) 348-2103
  • University Compliance Office
    (305) 348-2216