



Conflict of Interest, Conflict of Time Commitment, and Consulting

Annual Training



Three Levels of Compliance & Reporting: Federal, State, and University

- **Federal:** All investigators applying for federal funding from Public Health Service (PHS) agencies are required to file Conflict of Interest forms at least annually through the K-State Office of Research Compliance
- **State of Kansas:** Statement of Substantial Interest (SSI) must be filed annually by state employees on the State of Kansas website.
- **University:** Kansas Board of Regents policy requires all full-time faculty and staff to file Conflict of Interest and Conflict of Time Commitment forms annually through K-State's Conflict of Interest system



Federal Conflict of Interest: PHS Reporting

- Investigators must disclose their significant financial interests (SFIs) over the previous twelve-month period no later than at the time of application for PHS-funded research.
 - This is in addition to your annual K-State COI declaration on HRIS Portal at time you accept your appointment.
- Each Investigator who is participating in PHS-funded research must submit an updated disclosure of SFIs at least annually during the period of award.
- Each Investigator who is participating in the PHS-funded research must submit an updated disclosure of SFIs within 30 days of discovering or acquiring a new SFI.
- Must report sponsored or reimbursed travel related to the investigator's institutional responsibilities within 30 day of return.
- Must complete online PHS COI training on CITI Online.
- FAQs on PHS Conflict of Interest reporting can be found at:
<https://www.k-state.edu/comply/phs-fcoi/faq/index.html>



State of Kansas: Statement of Substantial Interests

- State employees with certain responsibilities are required to file an annual Statement of Substantial Interest
- This form is requested by, submitted to, and reviewed by the State of Kansas
- This form is not a University form.
- Reminders are sent via email by State of Kansas, and form is on the State of Kansas website
- Must be filed in addition to the annual Conflict of Interest declaration with K-State



University Compliance: Kansas Board of Regents & K-State Policies

- K-State policy mirrors Kansas Board of Regents (KBOR) policy
- K-State's policies on Conflict of Interest, Conflict of Time Commitment, Consulting and other Employment are located at:
 - <https://www.k-state.edu/conflict/policies/>
- Policy goals are the elimination, reduction, and/or management of real or apparent conflicts of interest and time commitment.
- Process oversight is within the Office of the Provost



K-State Reporting of Conflict of Interest (COI)

- Annual completion of K-State COI forms is required when employees accept their appointment/contract
- COI forms are found on the HRIS portal
- **Form A** identifies areas where significant conflict of interest could exist:
 - 1) **Ownership** of an outside entity in excess of minimum levels
 - 2) **Remuneration** from an outside entity in excess of minimum levels
 - 3) **Office** held in an outside entity
 - 4) **Conflict of Time Commitment**
 - 5) Significant **Foreign Financial Interests**
- **Form B** is completed if any of 1-4 are indicated as positive
 - Form B asks for more detail to determine the potential for a conflict of interest
- **Management Plan** – If conflict is identified, a management plan may need to be developed to minimize or lessen the impact of the conflict of interest
- **Consulting Requests** – Employees may accept consulting opportunities with outside entities, but they must request approval



General Information about COI

- COI policies are intended to protect the employee and the university
- COI process identifies situations where potential or actual personal financial gain could influence an employee's actions or decisions.
- COIs often result from external activities that may or appear to hinder an employee's objectivity or primary commitment to K-State due to remuneration received from a third-party.
- A COI occurs when there is a divergence between an individual's personal relationships or interests and their professional obligations to K-State, due to potential or actual personal gain that could influence objectivity in professional obligations.
- *The appearance of a COI can be as damaging as an actual conflict.* Disclosure of potential conflicts allows one to clarify and possibly manage the situation to mitigate any appearance of a conflict.
- While it is not possible to eliminate all COIs, it is possible to manage the conflict so that it will reduce or eliminate any impact on the employee's actions or decisions.



General Information about Conflict of Time Commitment

- Full-time faculty and unclassified staff owe their primary professional responsibility to K-State, and their primary commitment of time and intellectual effort must be to the missions of the university.
- K-State does not prohibit external activities, but when those activities exceed reasonable time limits, a conflict of time commitment exists.
- External activities – owning or operating a business, consulting, performing public service, participating in professional organizations, or conducting pro bono work – should be reported in the COI process to determine the existence of real or apparent conflicts of time commitment.
- If deemed necessary, a management plan should be developed and agreed to by the employee and supervisor. The plan should outline steps taken to assure that the real or apparent conflict of time commitment will be eliminated.



Consulting Requests

- For faculty and unclassified professionals, the university permits, and encourages, limited consulting activity outside of one's responsibilities with the university.
- For the purposes of reporting, all external professional activities should be considered consulting.
- Faculty and unclassified professionals are allowed four working days per month for consulting, for a total of 48 days for the fiscal year.
- Employees must report proposed activities and secure approval prior to engaging in the consulting activity.
- Employees have an ongoing responsibility to file consulting requests as they emerge during the fiscal year.



Completing Form A: Conflict of Interest and Time Commitment

- **Form A** seeks to identify perceived or real conflicts of interest or conflicts of time commitment.
- ***Conflict of Interest:*** whether the employee or a family member:
 - Has an ownership interest in excess of 5% or \$5,000, whichever is less, in an external entity
 - Received remuneration (in any form) in excess of \$5,000 from an external entity for any type of employment or services
 - Held an office in an external entity paid in excess of \$5,000
- ***Conflict of Time Commitment:*** whether the employee engaged in external activities that could appear to impact one's primary responsibilities at K-State
- If any of these activities receive a response of "Yes" then the employee will automatically be asked to complete **Form B** to provide details of those activities



Completing Form A: Foreign Financial Interest

- Receipt of financial interest from a foreign entity:
 - whether the employee or family member received significant financial interest from a foreign entity
- Employees who respond “yes” to this question will be prompted to go to the website for the Office of Research Compliance and complete their online form.



Management Plans

- A management plan is needed when
 - An employee has a financial interest, relationship, or other circumstance that has the actual, potential, or perceived ability to impair their objectivity while performing University duties or participating in research at the University
 - An employee demonstrates that certain activities unrelated to their work at K-State create a real or perceived conflict of time commitment to their job at the University
- Management plans are fact-dependent and context specific. Plans are developed between the individual faculty and department head and must be reviewed annually.
- Management plans outline measures that will be implemented to reduce, mitigate, or eliminate an actual, potential, or perceived conflict of interest or time commitment.



Case Studies/Scenarios




I serve on an advisory board for an international organization. I am compensated \$6,000 annually. I spend 4 hours each quarter in meetings attended via Zoom.

1. No conflict. No reporting.
2. Document outreach activity.
3. Disclose during annual Conflict of Interest reporting.
4. Document consultation leave for quarterly meetings and activity during working hours. Complete Export Control Review form for International Travel/Financial Interest.
5. Complete conflict management plan.




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1. No conflict. No reporting.
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- 3. Disclose during annual Conflict of Interest reporting.**
- 4. Document consultation leave for quarterly meetings and activity during working hours. Complete Export Control Review form for International Travel/Financial Interest.**
5. Complete conflict management plan.



I own a farm which earns more than \$5,000 per year. I hire a worker to handle most of the farm work, but I occasionally need to work in emergency situations. These are generally in the evenings or on weekends, but there are times when the emergencies occur during the work week.

1. No reporting. No conflict.
2. Disclose during annual Conflict of Interest reporting.
3. Approved Management Plan required.
4. Unmanageable conflict.




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1. No reporting. No conflict.
2. **Disclose during annual Conflict of Interest reporting.**
3. **Approved Management Plan required.**
4. Unmanageable conflict.



I have a small side business that earns about \$4,000 per year. I assist people with their home computers – set-up, software installation, and updates. All work is performed outside of normal business hours.

1. No reporting. No conflict. Does not meet \$5,000 threshold
2. Disclose during annual Conflict of Interest reporting.
3. Approved Management Plan required.
4. Unmanageable conflict.




I have a small side business that earns about \$4,000 per year. I assist people with their home computers – set-up, software installation, and updates. All work is performed outside of normal business hours.

1. **No reporting. No conflict. Does not meet \$5,000 threshold**
2. Disclose during annual Conflict of Interest reporting.
3. Approved Management Plan required.
4. Unmanageable conflict.




I am the primary editor/author of a textbook. I require the textbook for my core class. I receive royalties for sale of the textbook.

1. No reporting. No conflict.
2. Disclose during annual Conflict of Interest reporting.
3. Approved Management Plan includes no royalties taken from textbook's use at K-State.
4. Unmanageable conflict.




I am the primary editor/author of a textbook. I require the textbook for my core class. I receive royalties for sale of the textbook.

1. No reporting. No conflict.
- 2. Disclose during annual Conflict of Interest reporting.**
- 3. Approved Management Plan includes no royalties taken from textbook's use at K-State.**
4. Unmanageable conflict.



I am the primary editor/author of a textbook. The tagline on my K-State e-mail promotes the sale of my textbooks.

1. No reporting. No conflict.
2. Disclose during annual Conflict of Interest reporting.
3. Approved management plan includes third party evaluation of e-mail message.
4. Unmanageable conflict.



I am the primary editor/author of a textbook. The tagline on my K-State e-mail promotes the sale of my textbooks.


1. No reporting. No conflict.
2. Disclose during annual Conflict of Interest reporting.
3. Approved management plan includes third party evaluation of e-mail message.
- 4. Unmanageable conflict.**

***Remove tagline on K-State e-mail and other references in communications to students.



I have been invited by a business to participate in an onsite brainstorming session regarding new products and marketing. I will be compensated.

1. No reporting. No conflict.
2. Submit consultation request.
3. Report consultation leave.
4. Travel days are documented as university leave.
5. Report work time away from campus (university leave).



I have been invited by a business to participate in an onsite brainstorming session regarding new products and marketing. I will be compensated.

1. No reporting. No conflict.
- 2. Submit consultation request.**
- 3. Report consultation leave.**
4. Travel days are documented as university leave.
5. Report work time away from campus (university leave).



I developed a commercial diagnostic test that is offered by my unit. I receive income from the sale of the test.

1. No conflict. No reporting.
2. Disclose during annual Conflict of Interest reporting.
3. Implement approved Management Plan.
4. Document consultation leave.
5. Unmanageable conflict.



I developed a commercial diagnostic test that is offered by my unit. I receive income from the sale of the test.

1. No conflict. No reporting.
- 2. Disclose during annual Conflict of Interest reporting.**
- 3. Implement approved Management Plan.**
4. Document consultation leave.
5. Unmanageable conflict.

Example notification for e-mail, website and/or publication:

Conflict of Interest - Dr. Smith receives income from the sale of the test. His financial interests have been reviewed and managed by the University in accordance with conflict of interest policies.



I am a partner in a contract research organization.

1. Disclose during annual Conflict of Interest reporting.
2. Submit annual management plan: An objective third party will evaluate each project for suitability in university vs. private setting
3. Document consultation leave.
4. Unmanageable conflict.



I am a partner in a contract research organization.


1. **Disclose during annual Conflict of Interest reporting.**
2. **Submit annual management plan: An objective third party will evaluate each project for suitability in university vs. private setting**
3. **Document consultation leave.**
4. Unmanageable conflict.

Examples of potential concerns: graduate student involvement, use of university equipment, use of technicians, and grant subcontracts.

The seal of Kansas State University is partially visible on the left side of the slide. It features a circular design with the words "KANSAS STATE" at the top and "FEBRUARY" at the bottom. In the center, there is a shield with a plow and a sheaf of wheat, and the words "RULE BY OBEDIENCE" are inscribed around the inner circle.

My scenario is not described here and appears to be unique. What should I do?

1. Do not report. Beg for Forgiveness.
2. Assume the conflict is unmanageable.
3. Seek advice from another faculty member.
4. Discuss with your department head.



My scenario is not described here and appears to be unique. What should I do?

1. Do not report. Beg for Forgiveness.
2. Assume the conflict is unmanageable.
3. Seek advice from another faculty member.
- 4. Discuss with your department head.**



Potential Sanctions

- Loss of grant proposal privileges.
- Loss of consultation privileges.
- Dismissal for cause or other applicable disciplinary action.



Supervisor's Role: Overview


- Discuss: be informed and actively involved
 - about the policy
 - about situations
- Disclose: encourage and expect disclosure
 - ask follow-ups to clarify details
- Negotiate: management plan terms
 - details are known better and should be worked out at department level
 - provide ongoing oversight/monitoring



Supervisor's Role: When Conflicts are Identified

When a potential or actual conflict is identified on Form B, more information may be necessary:

- An employee's work with or ownership of an outside entity is not allowed to use K-State resources without permission. Such resources include facilities, materials, equipment, or personnel, which includes K-State students.
- The employee should not be performing work for the outside entity that falls within the employee's job responsibilities at K-State.
- Research performed by the external entity should be clearly distinguished from University research and the employee's involvement in that research
- Employees who seek to commercialize intellectual property (IP) created at K-State must work through the Kansas State University Research Foundation (KSURF)
- Other than KSURF agreements, external entities owned by K-State employees are not allowed to enter contracts with the University for services or work



Supervisor's Role: Managing Conflicts

- Develop Management plan to address all potential and actual conflicts
- Sign and approve only if there are no conflicts or all conflicts are sufficiently managed and included in management plan
 - Goal: mitigate/eliminate risks to employee's objectivity
- If agreement on management plan cannot be reached between the supervisor and employee, the Conflict Management Plan Review Committee will be engaged to advise
- Commit to ongoing management of the conflict and oversight of the plan
- Supervisors should request faculty complete a Facility Use Agreement if University lab space or other property will be used in any outside consulting projects. Please note, the Use Agreement does not replace the management plan.



Management Plan Questions to Consider

- If university resources are used for the benefit of the business, have the proper permissions been granted?
- Has the employee clearly delineated the hours working on external activities from their working hours at K-State?
- Does the nature of the work and/or the operations of the company require more time than the supervisor thinks could reasonably allow to accomplish their university duties? How can that be resolved?
- If the management plan includes any reporting to the supervisor, is it clear when and how such reporting will take place?

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Thank you for taking the time to complete your training!

For questions related to COI or this training please contact Cheryl Doerr, Associate Vice President for Research Compliance, at cdoerr@ksu.edu