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RESEARCH POLICY

Institutional Conflict of Interest Policy

PURPOSE:

The purpose of this policy is to mitigate institutional conflicts (at each Research Foundation and the University) and to avoid the creation of other personal conflicts with regard to a Research Foundation's equity holdings.

APPLIES TO:

University of Kansas Center for Research, Inc.

University of Kansas Medical Center Research Institute, Inc.

University of Kansas

CAMPUS:

Lawrence

POLICY STATEMENT:

The University of Kansas encourages the development of new technologies that advance scientific knowledge and contribute to the public good. Researchers are encouraged to participate in technology transfer activities including forming new start-up companies based on newly discovered technologies. The Research Foundation, as licensing agent of the University of Kansas, may take an equity position in the start-up company when licensing a new technology to the start-up company. The purpose of this policy is to mitigate institutional conflicts (at each Research Foundation and the University) and to avoid the creation of other personal conflicts with regard to a Research Foundation's equity holdings. This policy concerns conflict of interest other than personal conflict of interest that may arise when a faculty member or other employee stands to benefit financially from the results of his/her own research.

The University encourages and supports the transfer of University-developed technology to commercial entities. Technology transfer is an important outcome of the University's research and educational efforts. To ensure that the mission of the University is not compromised and that research integrity and objectivity is held to the highest standards, the University of Kansas, the University of Kansas Center for Research and the University of Kansas Medical Center Research Institute have adopted the following policy to deal with the potential and actual conflicts created when a Research Foundation holds equity interests in

commercial enterprises that license technology and/or support ongoing research at the University:

1. Disclosure and Responsibility for Monitoring:

- a) Any material provided to the public, to scientific journals, or to professional organizations from the University, a Research Foundation, or from their respective employees shall include the disclosure that the University, a Research Foundation, and/or the inventor(s) have financial interests in the licensing company. The person providing the material is responsible for making such disclosures.
- b) When a Research Foundation takes an equity interest in a company, the President of a Research Foundation shall file an Equity Disclosure Form with a Conflict of Interest Committee through the Director of Research Administration (or appropriate officer responsible for oversight of the Conflict of Interest process). The Equity Disclosure Form shall be signed by the President of a Research Foundation and the Provost of the University. Copies of the form shall be distributed to the appropriate department chair or director, and dean or vice chancellor and the Vice Provost for Research at KULC and the appropriate Vice Chancellor at KUMC.
- c) When a research contract or grant is entered into by the University or a Research Foundation with a company in which a Research Foundation holds an equity interest, or when a research project is commenced dealing with a licensed product of a company in which a Research Foundation holds an equity interest, the Director of Research shall inform the appropriate officials of the potential conflict of interest of any faculty member or other employee ("Researcher") working on that research project. Notification shall be made to the department chair or director, to the dean of the college or appropriate vice chancellor, and to the Vice Provost for Research. The dean of the college or appropriate Vice Chancellor or Vice Provost, with oversight by a Conflict of Interest Committee on behalf of the Provost, shall be responsible for monitoring the situation through a management plan, with special attention to resource allocation, employment practices, and graduate student assignments, and for informing the Researcher of this policy. At the discretion of a Conflict of Interest Committee, certain cases (such as the BIO example) where the potential conflicts are significant, the college dean or appropriate vice chancellor shall make annual written reports to the University's General Counsel's office, which will assist these persons in overseeing the disclosure and management of potential conflicts. A copy of the reports shall also be sent to the Provost's office. In all cases in which a Research Foundation has an ownership interest, any proposed changes in the license or research agreements involved or any potential sale of that interest shall be immediately reported to the General Counsel's office.
- d) The financial interests of the University, a Research Foundation, and the Researcher must be disclosed in writing to any human research subject by a Research Foundation through the appropriate Institutional Review Board.

2. Research:

- a) Any clinical trials/product testing of University licensed technology shall be disclosed to and managed by a Conflict of Interest Committee.
- b) Any research involving University-licensed technology shall be designed to avoid any conflict of interest or the appearance of a conflict of interest in order to achieve maximum validity and reliability of the researcher's results and interpretation of results. The Researcher shall keep extensive notes to detail results and other issues that came up during the study.

3. Equity Decisions:

- a) Research Foundation managers, including directors and officers, shall not acquire an equity position in any commercial enterprise that has provided the Research Foundation an equity position as consideration under a license or other agreement. Additionally, Research Foundation managers shall not acquire an equity position in any commercial enterprise in which a Research Foundation has otherwise acquired an equity interest. A list of such equity positions shall be found in each Research Foundation's annual audit.

b) University department chairs, directors, deans, and vice chancellors (including associate and assistant administrators) shall not acquire an equity position in any such company when the respective department, center, school or college may benefit financially from a license of University owned technology to the company or other agreement with the company. This restriction shall not prevent such university officials from acquiring equity positions in start-up companies licensing university technologies when they are an inventor/creator of the technology licensed to such company.

c) Each Research Foundation shall divest its equity position as soon as feasible. Such a sale will be accomplished upon the advice of a Research Foundation's Investment Subcommittee and a Research Foundation's investment manager.

d) The prohibition on the acquisition of an equity position by individuals described in this section shall apply equally to immediate family members and members of those individuals' household as well.

CONTACT:

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APPROVED BY:

This Lawrence campus policy was recommended by the Faculty Council on October 28, 2004, was approved by the Provost on November 12, 2004.

APPROVED ON:

Friday, November 12, 2004

EFFECTIVE ON:

Friday, November 12, 2004

REVIEW CYCLE:

Annual (As Needed)

BACKGROUND:

This Lawrence campus policy supplements the Kansas Board of Regents Policy on Conflict of Time Commitment, Conflict of Interest, Consulting, and Other Employment.

RELATED POLICIES:

[Kansas Board of Regents Policy on Conflict of Time Commitment, Conflict of Interest, Consulting, and Other Employment](#)

[Management of Inventor Conflicts of Interest Policy](#)

[Technology Transfer Revenue Distribution Policy](#)

[Employment of Students in Faculty-Owned Business Policy](#)

[Conflict of Interest Committee Description »](#)

[Board of Regents Intellectual Property policy »](#)

RELATED FORMS:

[Equity Disclosure Form](#) » (Institutional Conflicts of Interest Policy)

http://www.rcr.ku.edu/coi/inst_equity/eq-disclosure.pdf »

[Student Disclosure form](#) » (Employment of Students in Faculty-Owned Business):

http://www.rcr.ku.edu/coi/student_employ/student_disclosure.pdf »

[Invention Disclosure Questionnaire](#) »

<http://ctc.ku.edu/resources/forms.shtml> »

[Faculty/Unclassified Academic Staff Consulting Request](#) »

http://www.provost.ku.edu/policy/updates/conflict_of_interest/consulting.shtml »

[Conflict of Interest forms](#) »

<http://www.rcr.ku.edu/coi/index.shtml> »

RELATED OTHER:

Various FAQs available on the Research and Graduate Studies website

KEYWORDS:

Conflict of interest, institutional conflict, equity, technology transfer

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Personnel: Faculty/Academic Staff Categories: *Conflicts of Interest*

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Personnel: Student Employees Categories: *Conflicts of Interest*

Research Category: *Research*

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