POLICY AND PROCEDURE MEMORANDUM FACULTY – 4

SUBJECT: Conflicts of Interest and Commitment

Definitions

**Conflict of Interest:** Conflicts of Interest may take many forms but generally occur when a faculty member’s obligations to the University could be compromised by his or her external agreements, particularly financial ones that provide research or other funding. They can also arise if a faculty member engages in activities at another institution that directly compete with activities of the Johns Hopkins University.

**Conflict of Commitment:** A Conflict of Commitment occurs when a faculty member’s time and attention devoted to external activities interferes with their ability to fulfill their obligations to the School.

**Policy**

This PPM applies to all full-time faculty. In addition, there are disclosure requirements for any faculty member (full- or part-time) involved in human subjects research.

The faculty recognizes its obligation to report extramural professional activities annually and to seek prior advice on proposed extramural professional activities which may present possible conflicts of interest or commitment with responsibilities to the University.

Appointment to the faculty of The Johns Hopkins Bloomberg School of Public Health carries the responsibility of directing one’s principal professional effort and energy to the objectives of the School through teaching, research, and service. External consulting and service activities that provide for maintenance and development of professional skills, facilitate the transfer of basic knowledge, and contribute to the richness of the academic experience are faculty privileges and are encouraged. External activities shall not interfere with the timely and high quality performance of research, professional practice, academic (including teaching) and service roles in the School.

Some consulting activities may represent possible conflicts of interest and/or possible conflicts of commitment. In order to preserve the public trust, prior to entering into an external agreement, each individual shall report his/her external professional activities to their department chair. Free disclosure is the best preventive measure against uncertainty.
Identification of possible conflicts of interest and/or commitment is the responsibility of each individual faculty member. Potential conflicts are best resolved, a priori, by good faith discussions between faculty members and department chairs or the dean of the School, and, in the case of a conflict of interest, with the Committee on Conflict of Interest.

The following are implementation guidelines for Conflict of Interest and Conflict of Commitment, designed to clarify the School’s policy statement adopted December 21, 1981.

**Implementation Guidelines**

**Conflict of Interest and Commitment**

Full-time appointment to the faculty of The Johns Hopkins Bloomberg School of Public Health signifies peer recognition of the individual’s achievements and excellence in academic areas of research, teaching and service. To those appointed to its faculty, the School endeavors to provide an environment that will serve to enhance and further academic careers and accomplishments. The acceptance of a full-time faculty appointment connotes the individual’s willingness to commit to the School his or her primary professional efforts in research, teaching and service. In this regard, the individual agrees to give highest priority to meeting the academic and professional objectives of the School over external interests and goals.

Academic and professional activities may be classified into two broad categories: those that are internal and those that are external to the University. Internal professional activities include all sponsored projects (grants, contracts, etc.) administered by the University and activities supported by University general funds such as teaching, scholarship (research or professional practice) and service conducted as a University employee. External activities are those not meeting the above criteria and would include, for example, services as a consultant for remuneration, service on public or private boards and advisory committees whether compensated or not, possessing an ownership interest in a private business or assuming significant academic activities at another institution.

An arrangement to undertake an external activity with a commercial organization, or a public or private institution or agency (other than The Johns Hopkins Bloomberg School of Public Health), in a teaching, research or consultant capacity should be made only after appropriate disclosure and serious consideration of the potential for or appearance of a conflict of interest and commitment is given. In addition, faculty members are expected to be discriminating in the selection of external activities in order to avoid impairment of the University’s reputation and that of its faculty. Faculty should avoid activities that could be perceived as compromising their basic scholarly independence and freedom of action that are central to university life. Where there is the possibility or appearance of a conflict between a faculty member’s obligations to another organization and those to the University, the faculty member must discuss and then disclose in writing his or her plans with the department chair (or, if a department chair, with the dean) before making a decision.

I. **Written Disclosure of Potential Conflicts of Commitment is Required**
Extramural consulting and service activities that provide for development and maintenance of professional skills, facilitate the transfer of basic knowledge, and contribute to the richness of the academic experience are faculty privileges and are encouraged. To be certain, however, that these privileges are not abused, each department chair, along with his/her faculty, shall monitor the level of commitment to external activities to ensure they do not interfere with acceptable performance of the faculty member’s commitment to the School. Indicators of “acceptable” performance might include the following:

- Meeting expectations as an adviser, including being accessible to advisees and responsive to requests for review of proposal and thesis
- Meeting expectations for publishing scholarly works
- Providing high quality course instruction, supported by student evaluations, among other indicators
- Serving on relevant national, state, and local advisory committees, participation in professional meetings and societies, service on editorial boards or serving as a journal editor, and service on grant review committees
- Serving on School and departmental committees, including evidence of regular attendance and participation
- Meeting financial and project expectations on funded research as PI or co-investigator
- Meeting salary support expectations from restricted fund sources
- Managing technology transfer and patents and/or licenses derived from research

Faculty need to carefully consider the potential for a conflict of commitment when agreeing to provide external consulting and advisory responsibilities. Prior to making commitments that could conflict with full-time research, teaching, and/or service responsibilities, advice should be sought from the chair or immediate supervisor.

II. Guiding Principles for Conflict of Interest

A. All financial and fiduciary interests that might appear to present a conflict of interest related to research activities must be reported to and reviewed by the Committee on Conflict of Interest.

B. There is no “de minimus” level below which a financial interest is exempt from reporting.

C. The Committee on Conflict of Interest may recommend either prohibition of the proposed research activity or procedures for management of the conflict of interest.

D. All full- and part-time faculty may not participate in research projects involving human subjects while having a significant financial interest in the research project or in a financially interested company. Exceptions may be granted if the
investigator provides the Conflict of Interest Committee with a compelling justification for participating in a specific research project while maintaining certain significant financial interests.

E. Faculty shall not participate in outside research or educational activities that compete significantly with similar programs at institutions outside of the Johns Hopkins University.

Full written disclosure is the best preventive measure to avoid any conflict or appearance of conflict between the obligations of members of the faculty to the University on the one hand and personal interests and other competing activities on the other.

Members of the faculty must disclose in writing all external activities which pose an actual or potential conflict of interest or which appear to pose a conflict of interest. A determination as to whether a conflict of interest exists or will arise in a particular situation will always be a matter of individual judgment based on all the facts. While informal discussion with the department chair, associate dean for research, or other University officials may guide a faculty member’s decisions, the faculty member also must make a written statement of disclosure whenever consideration is given to entering into an arrangement which may conflict or appear to conflict with that faculty member’s obligation to the University. If University students or staff are in any way associated with, or their efforts committed by, the proposed arrangement, the nature and extent of their involvement must be explicitly outlined regardless of whether academic credit is provided for the experience or separate remuneration is paid to them. This information should be provided at least two weeks prior to the planned execution of any agreement.

It is the responsibility of the department chair or other University official to respond in writing to the faculty member within two weeks of receipt of a written disclosure of a potential conflict of interest. Should the response be a request for further information before a decision can be made, the faculty member must postpone the new arrangement until permission is given. The circumstances under which written disclosure must be made are described in Section III below.

III. Written Disclosure of Conflict of Interest and/or Commitment Must be Made at the Time the Activity is Proposed

The purpose of the following list is to assist members of the faculty in recognizing those situations presenting a possible conflict of interest and/or commitment. It is not intended to place specific restrictions on external activities or situations requiring disclosure or to inhibit members of the faculty from enlarging their professional activities and involvement.

Trust, good faith and candid discussion of controversial issues among colleagues have always been central to the life of this School. The activities of faculty members must be governed by thoughtful and shared consideration of particular circumstances, rather than rigid rules. The requirement for disclosure in the situations outlined below is meant to ensure that all possible situations involving conflicts of interest will be considered candidly and fairly. Disclosure thus serves to protect individual faculty members, the Johns Hopkins University, and academic
freedom in general. Written disclosure must be made promptly in any of the following circumstances:

A. Whenever the name of The Johns Hopkins University or any of its schools or divisions might be used by another party.

Since an academic relationship can be of great value to a non-university organization, opportunities for external activities may be offered to faculty in part because of their association with The Johns Hopkins Bloomberg School of Public Health. It must be remembered that there is no way to separate a faculty member completely from his or her association with the University. Disclosure prior to undertaking an external activity or arrangement serves to protect the faculty member and the University from possible disrepute or embarrassment and the faculty member from making commitments that interfere with their primary obligations to the School. Faculty members must be discriminating in the selection of external activities, regardless of whether they are professional or non-professional in character, or whether the obligation is to be discharged in “off hours” or during vacation.

Any written agreement with a faculty member directly or indirectly providing an external organization with an opportunity to use the name of The Johns Hopkins University (or any derivative such as “Johns Hopkins” or “JHU”), or any of its schools or divisions, must be approved by appropriate University and School authorities.

B. Whenever a proposed arrangement involves or commits the use of facilities or resources belonging to The Johns Hopkins University.

Under normal circumstances, adequate disclosure can be made by following the standard procedure of proposal (grant/contract) review in the faculty member’s department and by the Research Administration Office prior to obtaining final institutional signature. However, in some cases, additional information may be necessary if, for example, the University will be investing its resources and sharing in the risks of a venture. The University’s policies on technology transfer, copyrights and inventions are stated in the Intellectual Property Policy, adopted by the Board of Trustees on June 8, 1992, with minor modifications made by the Provost on October 29, 1992. That policy allows each division to implement an individual Intellectual Property Policy within the parameters established by the University-wide policy. Closely following the model of the University-wide Intellectual Property Policy, the School of Public Health adopted its Intellectual Property and Equity Policy on February 23, 1993.

C. Whenever an external arrangement provides for transfer of intellectual or tangible property rights including patent ownership or licensing to an organization other than the University.
A faculty member must disclose any relationship he or she is considering or is engaged in with another organization when any of the following conditions are part of the arrangement: (a) the organization anticipates or is currently providing financial or other support for the faculty member’s work; or (b) the organization has requested use of intellectual property (e.g., inventions, know-how) or tangible property (e.g., research materials) or original works or authorship (e.g., computer software) of that faculty member’s scholarly work or the work of a subordinate faculty or staff member. The University’s Intellectual Property Policy describes fully the University’s position on these matters.

D. Whenever an external arrangement (sponsored research or professional practice/consulting) is being considered that would restrict the faculty member’s public disclosure of the existence of the arrangement. It is the University’s policy that a faculty member must not undertake any activity in which the sponsor requires confidentiality of sponsorship.

E. Whenever an external arrangement would restrict the faculty member’s public disclosure of information developed by the faculty member.

In the case of a relationship with an external organization, the faculty member must ascertain whether there are requirements for confidentiality that might compromise his or her own fundamental rights of academic freedom or those of other faculty members or students. Academic freedom means, in part, unhindered discussion and publication of results of research.

F. Whenever a faculty member’s relationship to an external party might appear to influence either the conduct of the University’s business or the conduct of research within the University.

G. University policy states that a faculty member (and the faculty member’s spouse and dependent children) may not hold or control stock (excluding mutual funds) in a company that is supporting concurrently his or her academic work thorough financial or in-kind means. Therefore, the following situations also require disclosure:

1. Ownership interests in any organization benefiting from a faculty member’s research or practice activities and/or;

2. Situations in which a faculty member is in a position to influence University decision making regarding purchasing products or services from an organization in which:
   - The faculty member holds an equity interest (equity is defined as stock or stock options owned directly, through partnerships, trusts, or corporations, by the faculty member; ownership of mutual funds is excluded);
   - The faculty member holds a position in the organization or on its governing Board; or
The faculty member serves as a paid or unpaid consultant to the organization.

H. Disclosure must be made of a relationship with an organization when the organization proposes to conduct business with the University (or an affiliated organization) under circumstances that the faculty member may influence or may appear to influence the decision-making process on behalf of either party.

IV. Procedures for Annual Reporting

On an annual basis, all faculty to whom this PPM applies (see Policy, page 1) are expected to report in writing concerning:

1. ownership of any equity interest in any firm that supports (or has been asked to support) his or her scholarship (research or professional practice, teaching or service, (this includes participation in a Small Business Innovation Research [SBIR] or Small Business Technology Transfer [STTR] grant));
2. ownership of any equity interest in any firm that is developing or marketing commercial products based on his or her scholarship (research or professional practice), teaching or service; and
3. circumstances in which the faculty member directly or indirectly profits from the selection of a University supplier or contractor because the faculty member: (a) holds an equity interest in, (b) holds a position or serves on the governing board of (c) serves as a paid consultant to, or (d) receives other direct compensation from the supplier or contractor,
4. teaching at another institution for 8 or more hours and
5. all paid and unpaid consulting activities.

Faculty will complete the attached Annual Report and return it to the assistant dean for research administration no later than the 15th of January each year. The Conflict of Interest Committee will review the forms and request additional information in cases where there appears to be a conflict or the potential for one. Once all information has been collected and decisions made, the forms will be returned to the chairs for their review and questions back to the Committee.

This Annual Reporting Form will be in addition to any disclosures made during the year as discussed in Section III.

V. Conflict of Interest Resolution

If, at the time disclosure is made, on the Annual Report or at other times during the year, the Committee on Conflict of Interest concludes that the ongoing or proposed activity presents an actual or apparent conflict of interest which must be discontinued, the faculty member may make an appeal to a faculty committee. The appeal shall be made in writing setting forth the grounds for the appeal and must be received by the dean within two weeks following the date of the decision from which the appeal is taken. The faculty committee shall be comprised of three members of the full-time faculty of the School, one appointed by the faculty member, one by the
department chair and one by the dean. In the case of an appeal by a department chair, the Committee shall comprise three members, one appointed by the dean, a second by the department chair, and a third member to be selected by agreement of the dean and the department chair. Should the faculty member dispute the decision of the faculty committee, he or she may appeal the decision to the Provost. The appeal must be in writing setting forth the grounds for the appeal and must be received by the Provost within two weeks following the date of the faculty committee’s decision. The decision of the Provost in the matter shall be final.

VI. Conflict of Commitment Resolution

If, at the time disclosure is made, on the Annual Report or at other times during the year, the faculty and the department chair will work together to resolve the conflict. In the event a mutually agreeable solution cannot be reached, the faculty member may make an appeal as detailed in Section V above.

VII. Confidentiality of Disclosures

All reports in which equity holdings are disclosed shall be maintained in a secure location, separate from other faculty records. Access to these reports shall be limited to the department chair, the associate dean for graduate education and research, the assistant dean for research administration, the dean, and the faculty committee hearing any appeal. The Provost and the President shall have access to the records/reports in the case of any appeal. Under ordinary circumstances, reports will be maintained for five years and then destroyed.