OAR Review and Conflict of Interest Oversight and Management Process

I. Purpose

The purpose of this document is to: i) describe the roles, responsibilities and procedures within the School of Human Ecology (School) for ensuring compliance with federal, University of Wisconsin System, and UW–Madison Conflict of Interest (COI) policies and ii) outline the procedures for the review of Outside Activities Reports (OAR) filed by employees and students of the School.

II. Background

Federal regulations, 42 CFR Part 50, Subpart F and 45 CFR Part 94, University of Wisconsin System Board of Regents policy, and University of Wisconsin System Chapter 8 (UWS8) require disclosure of outside financial interests. These regulations and policies inform UW–Madison’s COI policy and the operations of the University’s COI program.

III. Conflicts of Interest

All members of the UW-Madison community work to fulfill the University’s mission of providing the highest quality education, research, and service to the University and beyond. In carrying out this work, relationships and interactions between members of the University community, private industry, federal and state governments, and the non-profit sector may bring benefit to the University and its individual members, but may also present the potential for or the appearance of conflicting interests and responsibilities for the individuals within the University community.

To address real or potential conflicts related to outside activities and relationships, University employees who fall into specific categories are required to complete an online COI Training and file an annual Outside Activities Report (OAR) disclosing non-University activities that may be in conflict with the needs of UW and outside entities.

Conflicts of Interest can be understood as falling to two major categories:

- Financial Conflict of Interest (FCOI) - An FCOI exists when an individual has a significant financial interest (SFI) that could lead an independent observer to reasonably question whether the design, conduct, or reporting of research might be influenced by the possibility of personal gain to the individual, or his or her spouse, and/or dependent children. The UW–Madison Office of the Vice Chancellor for Research and Graduate Education (OVCGRE) has the responsibility and authority to determine the existence of an FCOI, and oversees the management of the conflict via a Management Plan (MP).

- Conflict of Commitment (COC) - A COC exists when an individual engages in external activities, either paid or unpaid, that interfere with their primary obligation and commitment to the University, including potential self-dealing activities regarding contracts or purchases. The School is responsible for evaluating when a conflict of commitment exists for an employee, and working with that employee to find a resolution to the conflict. Refer to the separate procedures regarding COC review and approval, as cited in the References section.
IV. Roles and Responsibilities

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discloser Employee, student</td>
<td>- Complete COI training, if applicable</td>
</tr>
<tr>
<td></td>
<td>- File an OAR in accordance with institutional policy</td>
</tr>
<tr>
<td></td>
<td>- If required, accept Management Plan for COI</td>
</tr>
<tr>
<td></td>
<td>- If required, request approval in advance for a COC</td>
</tr>
<tr>
<td></td>
<td>- File changes to OAR within 30 days of their occurrence</td>
</tr>
<tr>
<td>Local Reviewer Dept. Chair or Supervisor</td>
<td>- Review submitted OAR for accuracy and completeness</td>
</tr>
<tr>
<td></td>
<td>- Evaluate potential COC</td>
</tr>
<tr>
<td></td>
<td>- Participate in management of COI and/or resolution of COC</td>
</tr>
<tr>
<td></td>
<td>- Ensure compliance with COI Management Plan and/or COC resolution</td>
</tr>
<tr>
<td>Division Reviewer Sarah (Natalie)</td>
<td>- Develop and deliver training on FCOI, COC, and OAR submission</td>
</tr>
<tr>
<td></td>
<td>- Ensure COI training and OAR submission compliance</td>
</tr>
<tr>
<td></td>
<td>- Review submitted OAR for accuracy and completeness</td>
</tr>
<tr>
<td></td>
<td>- Evaluate potential COC</td>
</tr>
<tr>
<td></td>
<td>- Support Local Reviewer in review of their unit’s OAR</td>
</tr>
<tr>
<td></td>
<td>- Approve OAR in OAR submission system</td>
</tr>
<tr>
<td></td>
<td>- Ensure compliance with Management Plan</td>
</tr>
<tr>
<td>School COI/COC Management Team</td>
<td>- Support and advise on measures to resolve COI or COC</td>
</tr>
<tr>
<td>Sarah, Natalie, Dept. Chair or Supervisor, AD Research, AD Faculty Affairs</td>
<td>- Serve as an impartial contact for those impacted by an MP</td>
</tr>
<tr>
<td></td>
<td>- Ensure compliance with Management Plan</td>
</tr>
<tr>
<td>UW-Madison COI Committee</td>
<td>- Review OAR and determine if any reported activities meet definition of FCOI</td>
</tr>
<tr>
<td></td>
<td>- If committee determines an FCOI exists, implement Management Plan for Discloser</td>
</tr>
</tbody>
</table>

V. Timeline

<table>
<thead>
<tr>
<th>Regular review of submitted Outside Activity Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>January</strong></td>
</tr>
<tr>
<td>OAR Submission System opens for annual reporting</td>
</tr>
</tbody>
</table>

Monthly meetings by campus COI Committee.

VI. Procedures

A. COI Training

All investigators engaged in federally funded or human subjects research are required to receive training in financial conflicts of interest. This training must be completed every four years and when investigators are specifically notified by University officials. The course is offered through Canvas.
Newly hired employees will be given information and guidance about the COI policy and reporting requirements. A member of the Research Core team will provide periodic informational sessions for faculty, staff, and students to address COI policy requirements, the process for OAR submission, and an overview of the management processes related to COC and COI with the School and by the COI Committee

B. Outside Activities Reporting

Who must file an OAR?

- All UW–Madison faculty, regardless of appointment level
- All UW–Madison academic staff and limited appointees with total appointments ≥ 50%
- All PIs, co-investigators, and senior/key personnel on current federal grants
- All PIs, co-investigators, and senior/key personnel on research protocols involving human subjects
- All individuals with an active Management Plan from the COI Committee

Individuals must submit an OAR even if they have no outside financial interests related to their institutional responsibilities at the University.

When must reports be filed? Reports must be filed: i) annually by April 30, and ii) within 30 days of a change to an outside activity.

How is an OAR submitted? Reports are filed through the campus OAR submission system at: https://research.wisc.edu/compliance-policy/outside-activities-reporting/

What must be reported? The following list is not all-inclusive. Extensive guidance as to what must be reported is available at https://research.wisc.edu/kb-article/?id=32879.

Activities of the Discloser and their spouse/family members that are related to University duties should be reported when they consist of:

- Compensation for work performed for outside entities, including consulting work
- Ownership, including stock or sole proprietorships (consulting business)
- Leadership positions, including serving on a board of directors
- For those with research funding, travel compensated by an outside entity

C. School Oversight

1. Compliance with COI Training and OAR Submission Requirements

COI training completions and OAR submissions are monitored approximately quarterly by the Division Reviewer. Individuals who are non-compliant with either training or OAR submission will be subject to penalties consistent with OVCRGE guidance (i.e., ineligibility for compensation adjustments, including performance and pay plan increases; withheld approvals for proposal submission; withheld availability of internal and/or external awards or gift funding.)

2. Review and Approval of OARs

Version 11/3/21
Review and approval of OARs occur in a two-step fashion to facilitate an organized and timely process by the Division Reviewer and the Local Reviewer.

**Division Review:** All submitted OARs will be preliminarily reviewed to identify potential COI or COC for consideration by the Local Reviewer, the School COI Management Team, and/or the COI Committee. The reported information is reviewed for accuracy and completeness. If necessary, additional information or clarification may be sought from the Discloser. This process is conducted on a regular basis throughout the year as new or updated OAR are submitted.

**Local Reviewer (Chair/Employee Supervisor):** An OAR will be reviewed by the Local Reviewer to address and resolve potential COC and/or COI with the employee. Upon establishment of an MP by the COI Committee, the Local Reviewer provides approval of the OAR. This approval must occur by November 30 of the reporting year for annual OAR. In the event an MP is issued by the COI Committee, the Local Reviewer must ensure requirements of the MP are met and document this compliance, as warranted.

**Division Approval:** OAR that have been approved by the Local Reviewer will receive Division Approval in the OAR submission system. This must occur by December 31 of the reporting year.

3. **Resolving Conflict of Commitment (COC)**

   a. **Determination** - An important aspect of the OAR review involves ensuring: i) the time or effort that an employee devotes to external activities does not interfere with their fulfillment of assigned University responsibilities; ii) employee is only engaged in authorized use of University resources (facilities; equipment; lab or building space; University personnel; access to students; purchasing or contracting actions; receipt of gifts; etc.); or iii) the nature of the activities are not in conflict or competition with the University's missions (research; instruction; outreach; service.)

   During review of an OAR by both the Local Reviewer and the Division Reviewer, the following prompts help inform the determination of a COC:
   - Is the time spent on outside activities interfering with the employee’s University appointment?
   - Is the nature of outside activity in conflict or competition with the University’s mission or the employee’s appointment?
   - Are University facilities, resources, or equipment being used for the reported activities?
   - Are the employee’s students participating in any of the disclosed outside activities, as employees or volunteers?
   - Does the employee have authority to approve outgoing contracts or purchasing agreements to the outside entity?^
   - Are there incoming contracts from the outside entity to the University with the employee serving as PI or Co-PI?

   ^Per Wis. Stat. 946.13, it is a felony for an employee to award a public contract or bid to a company or organization in which the employee or their spouse would financially benefit.
b. **Management** - If disclosed activities raise concerns, they must be addressed and resolved as soon as possible and should involve a conversation between the Discloser, their supervisor and/or unit director (*Local Reviewer*), and appropriate representatives within School’s Dean’s Office (*Division Reviewer, Associate Dean for Research and/or Associate Dean for Faculty Affairs*), depending on the nature of the concerns. If needed, an employee may request approval for a Conflict of Commitment, per the separately outlined process (see References.)

4. **Facilitation of Review and Management of FCOI by UW-Madison COI Committee**

Research-related Conflicts of Interest (COI), including determinations of Significant Financial Interest (SFI), are overseen by the campus COI Committee. The School will provide support to the COI Committee in its review and determination of an FCOI and/or SFI related to research activities. This support may include gathering additional information from the Discloser; attending the COI Committee meeting in which an MP exception is requested; ensuring that an MP issued by the COI Committee is accepted by the Discloser, and; monitoring compliance with the terms of the MP.

5. **Ongoing Monitoring of Conflicts**

The *Local Reviewer* and the *Division Reviewer* will participate in ongoing monitoring of potential COI for employees and students, including reviewing of updated OAR. Examples of ongoing monitoring include identifying new or changing activities that may need disclosure and ensuring those activities are disclosed within the required timeframe (30 days); ensuring Conflict of Commitment approval requests are submitted in advance of the anticipated conflict; acting as a resource for employees and students who have questions about the COI process or reporting requirements; and communicating with the Business Office when a COI or COC exists that requires the review of business transactions or use of University facilities.

D. **UW-Madison COI Committee Oversight**

The UW–Madison COI Committee: (1) reviews disclosures from an investigator’s OAR and determines if significant financial interest exists; (2) determines whether there is a nexus between an investigator's research and the SFI; and (3) determines whether a FCOI exists. If there is an FCOI, the COI Committee develops and implements an MP for the reporting individual that specifies actions that have been, or will be, taken to manage the FCOI.

Additional details of the COI Committee responsibilities and procedures is available at https://research.wisc.edu/kb-article/?id=33363#intro.

VII. **Related Documents and Forms**

School of Human Ecology-specific Frequently Asked Questions (FAQs) for Outside Activities Reporting - https://kb.wisc.edu/sohe/internal/110363

School of Human Ecology Process for Review and Management of Conflict of Commitment (COC) - https://kb.wisc.edu/sohe/internal/page.php?id=110193
VIII. References

UW-Madison Conflict of Interest Policy - https://policy.wisc.edu/library/UW-4001

UW-Madison Conflict of Commitment Policy - https://policy.wisc.edu/library/UW-1075

UW System Policy – Chapter UWS 8 – Unclassified Staff Code of Ethics -
http://docs.legis.wisconsin.gov/code/admin_code/uws/8

UW-Madison Faculty Policies and Procedures – Chapter 8 - https://secfac.wisc.edu/governance/faculty-legislation/fpp_ch_8/

Wisconsin Statute 946.13 – Private Interest in Public Contract Prohibited -
https://docs.legis.wisconsin.gov/statutes/statutes/946/II/13


UW-Madison Office of Research Policy and Integrity Financial Conflict of Interest Policy and Procedures:
Guidance Document - https://research.wisc.edu/kb-article/?id=33363#purpose

UW-Madison Frequently Asked Questions about Conflict of Interest - https://research.wisc.edu/kb-article/?id=33798