

## VIII-4.2 University of Baltimore Policy on Conflicts of Interest in Research and Development

Approved by President: 12/19/2022

Approved by the State Ethics Commission: 1/6/2023

Periodic Review Date: Every (3) three years

Responsible Department: Office of the Provost – Office of Sponsored Research

Responsible Administrator: Margarita M. Cardona, Assistant Provost for Sponsored Research  
mcardona@ubalt.edu; 410-837-6191

This policy is provided consistent with Maryland Public Ethics Law (the “Law”) - Maryland Annotated Code, General Provisions Article §5-101 et seq., and the Maryland Public-Private Partnership Act, §5-525 (Institutions of higher education), as well as University System of Maryland (“USM”) III-1.11 Policy on Conflicts of Interest in Research and Development, USM VIII-15.00 Policy on High-Impact Economic Development, and USM and University of Baltimore (“UBalt” or the “University”) policies on professional commitment of faculty and outside employment. Note that this policy supplements the UBalt Policy on Financial Conflicts of Interest in Research, which focuses on processes to ensure no conflicts with respect to research done through the federal Public Health Service.

### I. Introduction and Purpose

Maryland law encourages public higher education institutions such as UBalt to promote State economic development, innovation, and to increase their financial resources through partnership or other relationships with the private sector. These relationships may include collaborative research and development, use of faculty expertise for technical assistance, and technology transfer that provides commercial application of University-owned intellectual property. For such relationships to occur in an ethical manner, the Law allows for the exemption of University personnel from some of the Law's conflict of interest provisions, so long as appropriate checks are in place. This policy establishes the essential elements of the University procedures needed for obtaining such exemptions.

### II. Scope

This policy applies to all University of Baltimore employees.

### III. Definitions

A. “Conflict of interest” means a situation in which a current or former official or UBalt employee stands to benefit financially or personally from the person's status (or former status) as a UBalt official or employee. The Law generally restricts employee or official (or former employee or official) relationships with an external entity that has the potential for such a conflict of interest.

B. "Harmful interest" means an interest which is found to be so influential as to impair impartiality in the conduct of the research, the interpretation of the results of the research, and/or the determination of research or other professional and employment priorities.

C. "Unit" as used in this policy means any constituent unit of the University (e.g. departments,

schools, etc.), centers and institutes and any other unit of the University that the President shall designate.

D. "Relationship" means any interest, service, employment, gift, or other benefit or relationship with an entity that would be prohibited by Title 5, Subtitle 5 of the Law if not disclosed and approved through the provisions in this Policy and the procedures adopted pursuant to it. "Relationship" includes any relationship of the spouse or other relative of an officer or employee if such relationship creates restrictions on the officer or employee under the Law.

E. "Research or development" means basic or applied research or development, and includes the development or marketing of University-owned technology, the acquisition of services of an official or employee by an entity for research and development purposes, or participation in State economic development programs

#### **IV. Policy Statements**

- A. Because some relationships with third-party entities can be complex or are such that conflicts of interest may not be readily apparent, full disclosure of any possible conflicts of interest should be made as soon as possible through the procedures identified in this policy.
- B. A present or former University employee or official may have a Relationship with an entity engaged in research or development, or with an entity having a direct interest in the outcome of research or development if it is disclosed and approved by the President in accordance with this policy and its related procedures.
  - 1. The President, or a Vice President or one holding a similar such position may have a Relationship only if the University makes the following findings:
    - a. that participation by, and the financial interest or employment of, the official is necessary to the success of the research or development activity; and
    - b. that any conflict of interest can be managed consistent with the purposes of relevant provisions of the Law.
- C. The University shall promptly notify the State Ethics Commission (the "Commission") in writing of any approval given under this paragraph. If the Commission disagrees with any approval and provides notice to the USM Board of Regents or the President within 30 days of the Commission's receipt of notice of the approval, the President shall reexamine the matter.
  - 1. If the above conditions are not met, this Policy does not exempt a former or present official or employee from any of the provisions of the State Ethics Law.
  - 2. Nothing in this policy allows an exemption on the part of any official or employee of UBalt from the provisions of §5-505 ("Gifts or honoraria") of the Law. Further, an official or employee of the University may not (1) represent a party for contingent compensation in any matter before the Board of Regents or before the State's Board of

Public Works, or (2) intentionally misuse his or her position with the University for personal gain or for the gain of another person.

3. The approval of a Relationship under this policy does not relieve the official or employee from the obligation to comply with other University and USM policies, including faculty conflict of commitment policies and the University's [Financial Conflict of Interest Policy](#), which addresses federally funded research.

4. No Relationship as described in this policy may move forward without approval for a claim of exemption. An official or employee who enters into a Relationship without prior approval of an exemption request pursuant to this policy does so at their own risk.

D. The University shall adopt procedures for handling requests for approval, which shall be set forth on Appendix A to this policy.

**Appendix A: Procedures for Implementing University of Baltimore Policy on Conflicts of Interest in Research and Development**

- A. Timely Disclosure of any Relationship.
1. The University requires timely disclosure of any Relationship, as defined by this policy, which would otherwise be prohibited by this policy or the Law.
  2. Outgoing (or former) officials or employees shall take any necessary steps to ensure compliance with this policy when transitioning from UBalt employment to a position at another organization or interest in such organization. Failure to do so may result in notice to the Commission.
- B. Review of Claim for Exemption by Designated Official
1. The University shall, at any given time, have a person appointed to serve as the designated official for reviewing claims of exemption under this policy, known as the COI Officer.
    - a. At this time, the COI Officer shall be the Associate Provost, Office of Sponsored Research.
  2. The COI Officer shall seek advice as needed from the University's assigned Assistant Attorney General to review these claims.
  3. It is the responsibility of each official or employee to request approval of any Relationship. Relationships or proposed Relationships shall be disclosed promptly to the COI Officer, using the appropriate disclosure form (the "Form").
  4. An updated Form also must be filed at such time(s) as there is material change in facts related to the Relationship, and annually beginning one year from the date of the initial approval under this Policy. A terminal report is required upon the ending of a Relationship.
  5. The disclosure made on or with the Form shall fully describe the Relationship and provide such other information as may be required for COI Officer approval, and any additional requirements of the COI Officer.
  6. In reviewing the disclosure form, the COI Officer:
    - a. May request further information to be disclosed;
    - b. Shall recommend to the President whether the disclosed relationship should be approved. The COI Officer may not recommend approval of any relationship that would:
      1. Give improper advantage to the entity with whom the employee has a relationship;
      2. Lead to misuse of institution students or employees for the benefit of such entities;
      3. Otherwise interfere with the duties and responsibilities of the official, faculty member, or other employee maintaining the relationship;
      4. Be so influential as to impair impartiality in conducting research, interpreting research results, or determining research or other professional employment

priorities; or

5. Otherwise constitute a harmful interest or violate state or Federal policies, or procedures, or the best interests of the University.

c. Shall determine if the conflict of interest management plan, if needed, is sufficient or if any other restrictions shall be imposed by the University to manage, reduce, or eliminate any actual or potential conflict of interest.

7. Following completion of the Form review, the COI Officer shall forward the request for a claim of exemption to:

a. The Chief Academic Officer (“CAO”) if submitted by faculty members and staff within Academic Affairs.

b. The Chief Financial Officer (“CFO”) if submitted by University officials and staff members outside Academic Affairs.

8. The CAO or CFO shall forward the form to the University President, who will make the final determination of whether to approve or disapprove of the Relationship at issue.

#### C. Relationships of the President or Vice President

1. The President or Vice President of the University shall disclose any Relationship or potential Relationships to the COI Officer, who shall gather relevant information as described above, and forward the information to the USM Chancellor, together with a recommendation to approve or disapprove the Relationship.
2. The Board of Regents of USM shall use the recommendation to make a final determination about whether to approve or disapprove the Relationship and the Board’s decision will be implemented by UBalt.
3. The President or Vice President may not receive an exemption under this section unless the Board of Regents finds that:
  - a. Participation by, and the financial interest or employment of, the President or Vice President is necessary to the success of the research or development activity; and
  - b. The conflict of interest can be managed consistent with the purposes of this section and other relevant provisions of this Policy.
4. The Board of Regents shall notify the Commission of any approvals granted by the Board under this section. Should the Commission disagree with a Board approval, and so notify the Board within 30 days of receipt of the Board’s notice of approval, the Board will reconsider the exemption request.

Formatted: Space Before: 0 pt

#### D. Reporting

1. The COI Officer shall file copies of any disclosure forms for approved exemptions with the Commission, and shall maintain the forms in a public record file at UBalt.
2. The COI Officer shall also submit to the President and to the USM a quarterly report

that includes all exemptions granted under this policy.