ELIZABETH CITY STATE UNIVERSITY
Conflicts of Interest and Commitment Policy

Preamble

All EPA faculty members and Non faculty EPA staff (“Covered Employees”) of Elizabeth City State University (ECSU) are subject to policies concerning conflicts of interest and conflicts of commitment affecting ECSU employment and external professional activities. This policy is based on policies and guidelines adopted by the UNC system Board of Governors, federal and state law, and federal agency sponsor requirements. Any questions regarding these procedures or the Board of Governors' policies upon which they are based should be directed to the ECSU Office of Research Compliance.

1. Definitions
   A. Business means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit, not-for-profit, or charitable purposes.

   B. Conflict of commitment relates to an individual’s distribution of time and effort between obligations to his or her ECSU employment and one’s participation in other activities outside of ECSU employment. The latter may include such generally encouraged extensions of professional expertise as professional consulting (i.e. External Professional Activities for Pay). Such activities promote professional development and enrich the individual’s contributions to the institution, to the profession, and to society. However, a conflict of commitment occurs when the pursuit of such outside activities involves an inordinate investment of time that interferes with the Covered Employee’s fulfillment of ECSU Employment Responsibilities.

   C. Conflict of interest relates to situations in which financial or other personal considerations, circumstances, or relationships may compromise, may involve the potential for compromising, or may have the appearance of compromising a Covered Employee’s objectivity in fulfilling ECSU duties or responsibilities, including research, service and teaching activities and administrative duties. The bias that such conflicts may impart can affect many ECSU responsibilities, including decisions about personnel, the purchase of equipment and other supplies, the selection of instructional materials for classroom use, the collection, analysis and interpretation of data, the sharing of research results, the choice of research protocols, the use of statistical methods, and the mentoring and judgment of student work. A Covered Employee may have a conflict of interest when he or she, or any member of that person’s immediate family has a personal financial interest in an activity that may affect decision making with respect to his or her employment responsibilities. While a Conflict of Interest may result from nonfinancial interests or considerations, the overwhelming majority of Conflicts of Interest result from a Financial Interest of a Covered Employee who is in a position to make a supervisory, academic, or administrative decision which may be compromised because of potential gain from a Financial Interest.
D. Covered Employee is defined as any faculty or EPA non-faculty person employed by the University of North Carolina or a Constituent Institution or other agency or entity of the University of North Carolina. SPA employees and other key personnel or students who make a significant contribution to a sponsored project would also be considered Covered Employees.

E. Department means an academic department, a professional school without formally established departments, or any other administrative unit designated by the chancellor of an institution or by the president for the office of General Administration, for the purposes of implementing this policy. “Department Head” refers to the person with supervisory responsibility for the Covered Employee, whether in an academic or non-academic department.

F. ECSU employment responsibilities include both “primary duties” and “secondary duties.” Primary duties consist of assigned teaching, scholarship, research, institutional service requirements, administrative duties and other assigned EPA employment duties. Secondary duties consist of professional affiliations and activities undertaken by Covered Employees outside of the immediate ECSU employment context that redound to the benefit of the profession and to higher education in general. Such endeavors, which may or may not entail the receipt of honoraria (See also UNC Policy Manual 300.2.2.2[R]) or the reimbursement of expenses, include membership in and service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and books without receipt of compensation; and service to accreditation bodies. Such integral manifestations of one’s membership in a profession are encouraged, as extensions of ECSU employment, so long as they do not interfere with the timely and effective performance of the individual’s primary ECSU duties or ECSU policies. The goal of this policy is to ensure that all conflicts of interest or commitment are disclosed so that appropriate administrative interventions may eliminate, avoid, or manage them. These policies, however, are not intended to limit responsible external activities.

G. “Executive Position” refers to any position that includes responsibilities for a material segment of the operation or management of a business, including Board membership.

H. External Professional Activities for Pay means any activity that 1) is not included within one’s ECSU employment responsibilities; 2) is performed for any entity, public or private, other than the University employer; 3) is undertaken for compensation; and 4) is based upon the professional knowledge, experience and abilities of the Covered Employee. Activities for pay not involving such professional knowledge, experience and abilities are not subject to advance disclosure and approval requirements of this Policy, although they are subject to the basic requirement that outside activities of any type not result in neglect of primary ECSU duties, conflicts of interest, inappropriate uses of ECSU’s name or resources, or claims of ECSU responsibility for the activity. External activities for pay of employees covered by the State Personnel Act are addressed in the State Personnel Act, Section 3 Employment and Records, Secondary Employment.
I. Financial Interest is defined as:
   i. Payment for services to the Covered Employee not otherwise defined as institutional salary (e.g. consulting fees, honoraria, paid authorship);
   ii. Equity or other ownership in publically or non-publicly traded entities (e.g. stock, stock options, or other ownership interests); or
   iii. Intellectual property rights and interests upon receipt of income related to such rights and interests, held by the Covered Employee or members of his/her extended family.

J. The "Immediate and/or Extended Family" of a Covered Employee to include a person’s spouse, life-partner, dependent children and/or any person living in the employee’s home or one who has a close personal/influential relationship with the employee.

K. Inappropriate use or exploitation of ECSU resources means using any services, facilities, equipment, supplies, or personnel that members of the general public may not freely use. A person engaged in professional activities for pay may use with prior approval from their Department Head, in that connection and within reason, his or her office and publicly accessible facilities such as ECSU libraries; however, an office shall not be used as the site for compensated appointments with clients, e.g., for counseling or instruction. Under no circumstances may a supervisory employee use the services of a supervised employee during ECSU employment time to advance the supervisor’s external professional activities for pay.

L. Income from investment vehicles, such as mutual funds or retirement accounts in which the Covered Employee or member of his/her immediate family do not directly control the investment decisions and intellectual property rights assigned to the Institution and agreements to share in royalties related to such rights are excluded from the definition of Financial Interest.

M. "Participate" means to be part of the described activity in any capacity, including but not limited to serving as the principal investigator, co-investigator, research collaborator or provider of direct patient care. The term is not intended to apply to individuals who provide primarily technical support or who are purely advisory, with no direct access to the data (e.g., control over its collection or analysis).

N. Significant Financial Interest is defined as payments for services and/or equity interests, including any payment and/or equity interest in non-publically traded entities exceeding $5,000. Significant financial interest does not include:
   i. Salaries, royalties, or other remunerations paid by the ECSU to the Covered Employee if the Covered Employee is currently employed or otherwise appointed by the University;
   ii. Intellectual property rights assigned to ECSU and agreements to share in royalties related to such rights;
   iii. Any ownership interest in University held by the Covered Employee;
   iv. Income from investment vehicles, such as mutual funds and retirement accounts, so long as the Covered Employee does not directly control the investment decisions made in these vehicles;
v. Income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency public or non-profit; at an institution of higher education; or

vi. Income from service on advisory committees or review panels for a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center or a research institute that is affiliated with an Institute of higher education.

O. "Sponsored Programs" means research, public service, training and instructional projects involving funds, materials, or other compensation from outside sources under grants, contracts, or cooperative agreements.

P. "Technology" means any process, method, product, compound, drug, device, or any diagnostic, medical, or surgical procedure developed using ECSU time, facilities, equipment, or funds whether intended for commercial use or not.

2. Policies

A. Conflict of Interest

Covered Employees shall recognize and avoid potential and perceived conflicts of interest that may compromise; may involve the potential for compromising; or may have the appearance of compromising the Covered Employee’s objectivity in fulfilling ECSU Employment responsibilities, including and other sponsored research activities. Accordingly, outside activities and financial interests must be disclosed by Covered Employees on an annual basis. This notwithstanding, Covered Employees have a continuing obligation to timely update these disclosures as new external interests develop. Outside activities and financial interests should be arranged to avoid circumstances that do or may prevent or limit objectivity in the performance of ECSU Employment Responsibilities or that otherwise do or may adversely affect any ECSU interests.

B. Conflict of Commitment

Questions about conflict of commitment are more easily resolved than questions about conflicting financial interests. Although full-time faculty and other non-faculty EPA employment is not amenable to precise, time-clock analysis and monitoring, administrators at the department and school levels are able to and regularly do evaluate the work of employees within their jurisdiction. The formal occasions for determining whether an individual is devoting sufficient time and effort to ECSU employment includes regular reviews of performance in connection with annual salary decisions and scheduled reviews incident to promotion, reappointment or tenure decisions. In addition, complaints from students, colleagues, or administrators about possible failures to meet assigned responsibilities may arise and require investigation. The issue, in each case, is whether the employee is meeting the requirements of the job. If presented with evidence that he or she is not meeting full-time responsibilities to ECSU, the ECSU Policy Manual 200.3.4 prescribes that "neglect of duty" is grounds for disciplinary action, including the possibility of discharge. The following describe instances of activities that require specific monitoring to demonstrate compliance with policies.
External Professional Activities for Pay
ECSU seeks to appoint and to retain, as employees, individuals of exceptional competence in their respective fields of professional endeavor. Because of their specialized knowledge and experience, such persons have opportunities to apply their professional expertise to activities outside of their ECSU employment, including secondary employment consisting of paid consultation with or other service to various public and private entities. Through such practical, compensated applications of their professional qualifications, ECSU employees enhance their own capabilities in teaching, research, and administration. Thus, participation of employees in external professional activities for pay, typically in the form of consulting, is an important characteristic of academic employment that often leads to significant societal benefits, including economic development through technology transfer. However, such external professional activities for pay are to be undertaken only if they do not:

i. Create a conflict of commitment by interfering with the obligation of the individual to carry out all ECSU Employment Responsibilities in a timely and effective manner; or

ii. Create a financial conflict of interest vis-a-vis the individual’s status as an employee of the ECSU; or

iii. Involve any inappropriate use or exploitation of ECSU resources; or

iv. Make any use of the name of the University of North Carolina or any of its constituent institutions for any purpose other than professional identification; or

v. Claim, explicitly or implicitly, any ECSU or institutional responsibility for the conduct or outcome of such activities.

Covered Employees shall devote their primary professional loyalty, time, and energy to their ECSU employment responsibilities, including research activities. Accordingly, Covered Employees shall not engage in activities outside of their employment that involves an inordinate investment of time that interferes with the Covered Employee’s obligations to students, to colleagues, and/or to missions of ECSU. Such activities are unacceptable outside activities. Conflicts of commitment may also arise in connection with non-compensated activities and a conflict of commitment may exist notwithstanding that a Covered Employee received no economic benefit from the outside activity. The issue, in each case, is whether the employee is meeting the requirements of the job (as such responsibilities and requirements may be defined by applicable ECSU policy and as may be further described in an individual’s job description or appointment letter).

The UNC Policy Manual, 300.2.2.1 [R], contains regulations and procedures established to monitor possible conflicts of commitment, including mandatory pre-approval at appropriate university levels of external professional activities for pay. A Covered Employee who wishes to engage in external professional activity for pay must adhere to these regulations to provide satisfactory assurances that such activity will not interfere with ECSU employment obligations. These regulations may not apply to Covered Employees serving on academic year (9-month) contracts, if the external professional activity for pay is wholly performed and completed outside of the contract service period and the activity does not conflict with the ECSU policy statements or Board of Governors and is not conducted concurrently with a contract service period for teaching, research, or other services to the institution during a summer session.
In those instances when state-reimbursed travel, work time, or resources are used or when the activity can be construed as related to the Covered Employee’s ECSU Employment Responsibilities on behalf of the State, the employee shall not receive any financial consideration, including honorarium. In these instances, the employee may request that the honorarium be paid to the ECSU. The honorarium may be retained by the employee only for activities performed outside of normal working hours, as defined by the institution, or while the employee is on earned paid or vacation or annual leave, if all expenses are the responsibility of the employee or a third party that is not a State entity. Such third party support should be disclosed by updating the Covered Employee’s COI disclosure. In addition, senior academic and administrative officers may also be subject to special regulations regarding honoraria which require leave to be taken when external activities for pay will take place during the regular work week. Please refer to the UNC Policy Manual, 300.2.2.2 [R].

Instead of using earned paid or annual leave as set out above, pursuant to principles of public accountability, employees who are exempt from the Fair Labor Standards Act and who are out from work due to an external professional activity for pay, or who wish to retain an honorarium, may choose to use periodic uncompensated leave rather than annual leave.

External professional activities for pay performed for another UNC Constituent Institution or agency of the State of North Carolina also must comply with applicable State policies governing dual employment and compensation, unless an exception to those State policies is expressly authorized by the Chancellor or the President.

The Board of Governors has also established rules for monitoring and regulating the involvement of ECSU employees in political candidacy and office-holding that could interfere with full-time commitment to ECSU duties. Please refer to ECSU Policy Manual, 200.1.11 and the UNC Policy Manual, 300.5.1 et seq. for specific policy details.

3. Categories and Examples of Potential Conflicts
Activities that may involve financial conflicts of interest may be categorized under four general headings: first, those that are allowable and are disclosed; second, those that are allowable with further administrative review and analysis and are disclosed; third, those that generally are not allowable and require an approved conflict of interest management plan; and fourth, those that are not allowable under any circumstances. The following examples are merely illustrative and do not purport to include all possible situations within the four categories:

A. Category I. Activities that are allowable and are disclosed

The examples cited below involve activities external to ECSU employment, and thus may present the appearance of a financial conflict of interest, but have little or no potential for affecting the objectivity of the Covered Employee’s performance of Institutional Employment Responsibilities; at most, some such situations could prompt questions about conflicts of commitment.
i. A Covered Employee receiving royalties from the publication of books or for the licensure of patented inventions subject to the ECSU Patent and Copyright Procedures (ECSU Policy Manual 900.1.1) and the UNC Patent and Copyright Policies.

ii. A Covered Employee receiving compensation in the form of honoraria or expense reimbursement, in connection with service to professional associations, service on review panels, presentation of scholarly works and participation in accreditation reviews.

B. Category II. Activities requiring disclosure for further administrative review and analysis

The examples cited below suggest a possibility of conflicting interests that can impair objectivity, but disclosure and resulting analysis of relationships may render the activity permissible and may result in the establishment of an approved management plan.

i. A Covered Employee requiring students to purchase the textbook or related instructional materials of the employee or members of his or her immediate family, which produces compensation for the employee or family member.

ii. A Covered Employee receiving compensation or gratuities from any individual or entity doing business with ECSU. Note that no university employee may seek or receive any gift, reward, or promise of reward for recommending, influencing, or attempting to influence the award of a contract by his or her employer (See G.S. 14-234 and G.S 138A).

iii. A Covered Employee serving on the board of directors or scientific advisory board of an enterprise that provides financial support for ECSU research and the employee or a member of his or her immediate and/or extended family may receive such financial support.

iv. A covered employee or a member of his/her immediate and/or extended family having an equity or ownership interest in a publicly or non-publicly traded entity or enterprise.

v. Covered Employee accepting support for ECSU research under conditions that require research results to be held confidential, unpublished, or inordinately delayed in publication. Research conducted by faculty or students under any form of sponsorship must maintain ECSU’s open teaching and research philosophy and must adhere to a policy that prohibits secrecy in research. Such conditions on publication must be in compliance with UNC Policy Manual, 500.1 and 500.2, and ECSU Policy Manual, 900.1.1

C. Category III. Activities or relationships that are generally not allowable or permitted unless an approved Conflict of Interest Management Plan is in place.

The examples cited below involve situations that are not generally permissible, because they involve potential financial conflicts of interest or they present obvious opportunities or inducements to favor personal interests over institutional interests. Before proceeding with such an endeavor, the Covered Employee would have to demonstrate that, in fact, his or her objectivity would not be affected and ECSU interests otherwise would not be damaged and an approved Conflict of Interest Management Plan is in place.

i. A Covered Employee participating in ECSU research involving a technology owned by or contractually obligated to (by license or an option to license, or otherwise) an
enterprise or entity in which the individual or a member of his or her immediate and/or extended family has a consulting relationship, has an equity or ownership interest, or holds an executive position.

ii. A Covered Employee participating in ECSU research which is funded by a grant or contract from an enterprise or entity in which the individual or a member of his or her immediate and/or extended family has an equity or ownership interest.

iii. A Covered Employee assigning students, post-doctoral fellows or other trainees to ECSU research projects sponsored by an enterprise or entity in which the individual or a member of his or her immediate family has an equity or ownership interest.

D. Category IV. Activities that are not allowable under any circumstances

i. A Covered Employee making referrals of ECSU business to an enterprise in which the individual or a member of his or her immediate and/or extended family has a financial interest.

ii. A Covered Employee associating his or her own name with ECSU in such a way as to profit financially by trading on the reputation or goodwill of ECSU.

iii. A Covered Employee making unauthorized use of privileged information acquired in connection with one's ECSU responsibilities.

iv. A Covered Employee signing agreements that assign Institution patents and other intellectual property rights to third parties without prior Institutional approval.

v. Any activity otherwise prohibited by law or ECSU policy.

4. COI Procedures

Covered Employee will be required to disclose annually relationships and circumstances that may raise questions about conflicts of interest and conflicts of commitment relating to ECSU employment responsibilities, including, but not limited to sponsored research activities. All potential Category I, II, III, and IV relationships or financial holdings must be reported regardless of the dollar amounts involved. Where there is some question whether an activity should be considered a Category I or II activity as described above, the EPA employee should include the activity in the disclosure for consideration by his/her supervisor.

Revisions or updates of the yearly disclosures are required between yearly disclosures whenever there is a significant change in the EPA employee’s or his/her immediate and/or extended family’s affairs that may lead to or may be perceived to lead to a conflict with the EPA employee’s university activities, e.g., the faculty member’s spouse begins to receive consultant fees from a company that currently contracts with ECSU for research services from the faculty member’s laboratory.

A. Procedures: To facilitate disclosure and to ensure appropriate uniformity across the ECSU, each Covered Employee will complete their annual Conflicts of Interest disclosure.

The purpose of this disclosure is to identify employees' activities that may lead to actual or potential conflicts of commitment or interest so that appropriate administrative intervention or COI management plans may address the problems. The Provost and/or their designated administrative Conflict of Interest (COI) Officer and the Research Compliance Officer are to approve the annual disclosure forms, which imply that the Provost and/or the designated
administrative COI Officer and the Research Compliance Officer have reviewed the disclosure. No further action will be required if all questions are answered "no".

Further disclosure and review are required if questions elicit any "yes" responses on the COI disclosure or on any mid-year revisions or updates of the annual form. The employee must update their disclosure by completing an additional COI disclosure online. Suggested provisions or plans for eliminating or managing conflicts should be included in these additional forms where indicated. Examples of some (but not all) possible provisions for conflict management plans are:

i. Public disclosure of the significant financial interests or external activities;
ii. Monitoring of activities by disinterested university officials to assure that conflicts do not arise;
iii. Modification of the research plan;
iv. Apply for a waiver – the covered employee must sustain the burden of demonstrating that their objectivity would not be adversely affected or ECSU interests otherwise would not be damaged. A waiver must be reviewed by next highest administrator;
v. Cessation of the pertinent outside activities;
vi. Divestiture of the pertinent financial interests; and
vii. Severance of the relationships that create actual or potential conflicts.

Since these forms have direct bearing on the employment of individuals with ECSU, all disclosure forms, (the annual form and accompanying forms) and associated documents will be maintained in the employee file.

B. All Covered Employees must receive COI training. The COI training program developed by the Office of Research Compliance will be made available to all Covered Employees in a fashion that encourages and facilitates training. Training must be completed every four years and immediately under these designated circumstances:
   i. ECSU Financial Conflict of Interest Policy changes in a manner that affects Covered Employees requirements;
   ii. A Covered Employee is new to ECSU; and
   iii. ECSU finds that a Covered Employee is not compliant with the COI Policy or management plan.

C. ECSU will make significant financial conflict of interest information disclosed available by written response to the COI Officer. Once the request is received by the Research Compliance Officer, a response will be given within five (5) business days and update such information as specified by rule. The elements of the significant financial COI information to be publically posted are:
   i. Covered Employee’s name;
   ii. Covered Employee’s title;
   iii. Covered Employee’s role with respect to their ECSU employment responsibilities;
   iv. Name of entity in which the significant financial interest is held;
   v. Nature of the significant financial interest; and
vi. Approximate dollar value of the significant financial interest, or a statement if the interest is one where value cannot be readily determined through public prices or other reasonable measures of fair market value.

D. Covered Employees receiving reimbursed travel or sponsored travel related to ECSU employment responsibilities are required to report the purpose of the trip, the name of the sponsor/organizer, destination, and duration. If the sponsor is a federal, state, or local government agency, or another Institution of higher education, such reimbursed travels are not required to be reported [20 U.S.C 1001 (a)].

E. Review and Approval of Activities and Plans for Eliminating or Managing Conflicts.

The Associate Vice Chancellor or their designee, in conjunction with the Research Compliance Officer, has the initial responsibility to review and approve or disapprove the disclosure forms filed with him or her by the Covered Employees within that unit. Specifically, the Research Compliance Officer will provide a secondary assessment and recommendations if necessary. The Associate Vice Chancellor should be familiar with the definition of “Financial Interest to differentiate between Category II and Category III activities and relationships. Category III activities are presumptively considered to be non-allowable.

The Associate Vice Chancellor may refer any question regarding an annual disclosure to the Office of Research Compliance for review and decision for Covered Employee’s involvement in possible Category II and III activities as described above.

If a potential conflict is determined to exist, written plans for eliminating or managing the conflict will be developed in consultations between the employee, the Office of Research Compliance, and the Covered Employee’s supervisors (up to and including deans of academic units as appropriate) and presented to the Vice Chancellor for Academic Affairs for all Conflicts of Interest. The COI Management Plan for all categories will be submitted to the Provost. It will then be presented to the chair of the ECSU Research Ethics Oversight Committee (see below) for final approval. An adverse decision of the Committee to a proposed management plan may be appealed to the appropriate Vice Chancellor. The Department Chair of the Covered Employee will be responsible for assuring the implementation and/or monitoring of the conflict management plan. Documentation of all decisions on activities and associated conflict management plans will be maintained in the employee's personnel folder and in the Office of Research Compliance.

In order to fulfill the certification requirements of grant and contract funding agencies (e.g., the NIH and NSF), the Research Compliance Officer will use the COI disclosure information to report any perceived or potential COI to the sponsor or to certify to potential funding agencies that this Institution has a conflict of interest policy consistent with NIH and NSF guidelines and that to the best of our knowledge all provisions of the policy have been followed with respect to proposals submitted to the agencies by ECSU faculty and staff.
If, after initial review of any disclosure by the department head, or dean, or vice chancellor, questions remain regarding ethical issues or if disagreement exists between the Covered Employee and the administration regarding the permissibility of activities, or the COI management plan, the situation may be referred to a faculty/administrative advisory committee for review of conflicts of interest and commitment. This committee, the *ECSU Research Ethics Oversight Committee*, will be chaired by the Chief Research Officer. Appropriate individuals will be appointed members. The Research Compliance Officer will serve as an ex-officio member and ECSU General Council shall be present. Decisions by this committee will be presented to the Chancellor for his or her concurrence and, if approved, will become the University's final position. If the activity at issue involves external support (grant, contract or cooperative agreement), the Director of Sponsored Programs shall inform the sponsor in accordance with the Sponsor’s policy and guidelines of the COI. Whenever human subjects are involved in an activity presented to the Research Compliance Office (including approvals of conflict management plans), the ECSU Institutional Review Board (IRB) will be confidentially notified of the issue and the Committee’s actions.

| 5. Institutional Conflict of Interest |

ECSU, from time to time, forms relationships with profit-making entities (including the holding of equity interests) for mutual benefit. However, such relationships may put the ECSU into actual or apparent conflict of interest situations when accepting grants or contracts from the profit making entities for research or other activities. (See exclusion at the end of this section for certain types of relationships.) To assure that these grants and contracts are performed with the highest level of integrity by employees and to assure that the public maintains it trust in ECSU activities, the following procedures shall be followed:

A. Upon annual request, the Associate Vice Chancellor of Academic Affairs shall prepare a disclosure listing all profit-making entities in which ESCU has a significant financial interest. This disclosure shall be updated during the year as new relations develop and old ones terminate. This disclosure and its updates will also be submitted to the Chief Research Officer who shall distribute the disclosure to the Chancellor, the Vice Chancellors and Deans, and the Research Ethics Oversight Committee. Copies of the disclosure and updates shall also be distributed to those university administrative offices charged with approving and administering grants and contracts and other regulatory committees (for example, Office of Sponsored Programs, Office of Contracts and Grants Administration, and IRB).

B. Units submitting proposals for external funding to commercial entities may not be aware of possible institutional conflict of interest issues. Thus, the Office of Sponsored Programs shall have the primary responsibility of notifying the Office of Research Compliance, Chief Research Officer and the submitting unit of the University’s conflict of interest as part of its regular procedures for the review and approval of such applications.

C. The Office of Research Compliance or the Vice Chancellor or his/her designee shall then develop a plan to manage the institutional conflict of interest after consultation with the submitting unit and other relevant university offices. The conflict management plan shall be submitted to the Chair of the Research Ethics Oversight Committee for review. The Chair of the Committee may approve the plan (with or without mandatory changes) or disapprove the
plan. ECSU acceptance of contracts and grants related to a management plan is contingent upon approval of the management plan by the Committee. A negative decision by the Committee may be appealed to the appropriate Vice Chancellor. An institutional conflict management plan may range from a simple disclosure of ECSU interest in publications and reports emanating from the grant or contract to complete ECSU divestiture of the financial interest. The institutional conflict management plan shall be separate from and in addition to any conflict management plans for conflicts of interests of individuals (e.g., the principal investigator) involved in the grant or contract).

D. When considering an institutional conflict of interest management plan, the Research Ethics Oversight Committee shall a) include as voting members, one or more individuals from the general public who have no direct or indirect relationship with ECSU, i.e., the individuals and their spouses or other dependents must not be current employees or students of the University; and b) recuse from the deliberations of the Committee any ECSU member of the Committee who has been involved in the negotiation, approval, or implementation of the relationship that is the basis of the actual or perceived conflict of interest. The general public members of the Committee should be individuals that have sufficient education or experience to understand both the issues before the Committee and the possible impacts of the Committee’s decisions on the general public.

E. Arrangements for plan implementation and oversight shall explicitly be part of an institutional conflict management plan. Implementation and oversight will usually be the joint responsibility of the submitting unit and the Chief Research Officer. However, other arrangements shall be made for plan implementation and oversight if, in the judgment of the Research Ethics Oversight Committee, such arrangements are necessary for the effective management of the conflict.

F. Excluded Relationships: A relationship with a profit making organization for the purposes of this institutional conflict of interest policy shall not include ordinary investments of the university’s endowment that are managed by the ECSU Foundation or ordinary client-vender relationships where ECSU contracts for specific goods or services from a profit-making organization.

6. External Professional Activity for Pay Procedures
   A. A Covered Employee who plans to engage in external professional activity for pay shall complete the "Notice of Intent to Engage in External Professional Activity for Pay" (hereinafter referred to as "Notice of Intent") which shall solicit, at a minimum, these data elements:
      i. Date of filing
      ii. Name of covered employee
      iii. Sponsor or organization’s description;
      iv. Nature of proposed activity;
      v. Beginning date and duration of proposed activity;
      vi. Estimate of time devoted to activity;
      vii. Identify missed duties or responsibilities;
      viii. Identify any use of ECSU or State property or resources;
ix. Any funding provided by sponsor or organization that supports your University employment responsibilities; and

x. Any ownership interest or holding an Executive position in the contracting sponsor or organization.

B. The Notice of Intent shall be filed with the head of the department in which the individual is employed. A separate “Notice of Intent” shall be filed for each such activity in which an employee proposes to engage. Unless there are exceptional circumstances, the "Notice of Intent" shall be filed not less than ten (10) calendar days before the date the proposed external professional activity for pay is to begin. Additionally, Covered Employees shall disclose their financial interest consistent with this Policy on Conflicts of Interest and Commitment. The Notice of Intent Format: The format for giving notice of Intent should follow the sample notice form available from the Office of Research and Compliance.

C. Approval of a "Notice of Intent" may be granted for a period not to exceed the balance of either 1) the fiscal year (in the case of twelve-month employees and employees with contract service periods that include the summer session) or 2) the academic year (in the case of nine (9) month employees with no summer session contract period) remaining as of the date of approval; if the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, an additional "Notice of Intent" must be filed at least ten days before engaging in such activity in the succeeding relevant year.

D. Except as set out in paragraph 5 below, the “Notice of Intent” shall be considered as follows: If, after a review of the “Notice of Intent” and consultation with the Covered Employee, the Department Head determines that the proposed activity is not consistent with this policy statement of the Board of Governors and Elizabeth City State University, the Covered Employee shall be notified of that determination within ten (10) calendar days of the date the "Notice of Intent" is filed. In the event of such notification by the department head, the Covered Employee shall not proceed with the proposed activity but may appeal that decision to the next higher administrator to whom the department head reports and then to the Covered Employee’s Vice Chancellor and then to the Chancellor or the Chancellor’s designee. A decision on any such appeal shall be given to the Covered Employee within ten (10) calendar days of the date on which the appeal is received. The decision of the Chancellor is final. Appeals shall be made in writing on the "Notice of Intent" form.

E. If the “Notice of Intent” discloses 1) a proposed activity for an entity that provides funding that directly supports the Covered Employee’s ECSU Employment Responsibilities or activities or 2) a proposed activity for a private entity in which the Covered Employee or member of the Covered Employee’s immediate and/or extended family holds an equity or ownership interest or holds an office, the procedure set out in Item 3 above shall be modified as follows: The decision of the Department Head to approve the activity shall be reviewed promptly and approved or disapproved within ten (10) days of receipt by the administrative officer to whom the Department Head reports, and appeals of a disapproval by that officer shall be to the appropriate vice chancellor or the chancellor’s designee.
F. Departmental summaries of all "Notices of Intent" filed and of actions taken in response to such "Notices of Intent" during the preceding fiscal year shall be submitted by department heads to the Chancellor or chancellor’s designee each July. As initiated by the UNC General Administration Office of Research and Sponsored Programs on or before September 1 of each year, the Chancellor will provide an annual summary report to the President.

G. External professional activities for pay performed for another Constituent Institution or agency of the State of North Carolina must comply with state policies governing dual employment and compensation, unless an exception to those State policies is expressly authorized by the Chancellor.

H. In addition, senior academic and administrative officers may be subject to special regulations regarding honoraria. Please refer to UNC Policy Manual 300.2.2.2[R].

I. If the external professional activity for pay is wholly performed and completed outside of the academic year by Covered Employees serving on academic year contracts, said Covered Employees do not need to file Notices of Intent with their unit head provided that the activity does not conflict with this policy statement of Elizabeth City State University and of the Board of Governors and is not conducted concurrently with a contract service period for teaching, research, or other services to Elizabeth City State University during a summer session.

J. ECSU employees not complying with these procedures will be subject to disciplinary action. Department heads are held responsible for proper reporting.

7. Special Provisions
These regulations shall not be required of Covered Employees serving on academic year contracts, if the external professional activity for pay is wholly performed and completed outside the academic year, provided the activity does not conflict with the policy statements of the institution or Board of Governors and is not conducted concurrently with a contract service period for teaching, research, or other services to the institution during a summer session. Notwithstanding this policy, UNC Policy Manual, 300.2.2.1[R], covered employees will disclose their significant financial interests in accordance with the Board of Governors’ policy on Conflict of Interest and Commitment UNC Policy Manual 300.2.2 and the implementing policies and procedures of ECSU.

8. Enforcement of the Policies
Covered Employees are under a clear obligation to adhere to the ECSU policies and procedures to disclose and to remove or appropriately manage conflicts of interest or commitment. Breaches of the policy/procedures will be viewed as serious ethical violations by the persons involved. Possible breaches of the policy/procedure include, but are not limited to:
A. Furnishing false, misleading or incomplete information on the disclosure forms;
B. Failure to promptly update disclosure forms before the required annual update when a significant change in a person's financial or fiduciary status places the individual into an immediate potential conflict of interest or commitment situation;
C. Failure to comply with the procedures described above (e.g., refusal to respond to inquiries, responding with incomplete or knowingly inaccurate information, or otherwise);
D. Failure to remedy conflicts as determined by the Procedures; and
E. Failure to comply with a prescribed monitoring plan.

9. If a possible breach in the policy/procedures occurs, the appropriate dean shall consult with the covered employee and his/her chair. If no resolution is forthcoming, the dean shall refer the case to the appropriate associate vice chancellor. The associate vice chancellor shall consult with the Provost and shall initiate an investigation and/or hearing as determined by university policies. Such sanctions may range from administrative intervention to dismissal from employment, all in accordance with applicable university policies.

10. Consequences of Covered Employee Non-Compliance
When a Covered Employee fails to comply with ECSU’s Financial Conflict of Interest policy or the management plan, ECSU shall within 120 days:

A. Complete a retrospective review of the Covered Employees activities and the funded research project to determine any bias in the design, conduct or reporting of research;
B. Document the retrospective review consistent with the regulation; and
C. Document ECSU’s determination as to whether any funded research, or portion thereof, conducted during the period of time of the Covered Employee’s non-compliance with the ECSU Financial Conflict of Interest policy or Financial Conflict of Interest management plan, was biased in the design, conduct, or reporting of such research.
D. If bias is found, ECSU shall notify the funding agency promptly and submit a mitigation report the funding agency that shall address the following:
   i. Impact of the bias on the research project; and
   ii. ECSU’s plan of action or actions taken to eliminate the effect of the bias.
E. Thereafter, ECSU shall submit FCOI reports annually, in accordance with the regulation. Depending on the nature of the Financial Conflict of Interest, ECSU may determine that additional interim measures as necessary with regard to the Covered Employee’s participation in the funded research project between the date that the Financial Conflict of Interest is identified and the completion of ECSU’s independent retrospective review, in accordance with 42 CFR 50.605(a)(3) and 42 CFR 50.605(b)(3).

11. Institutional Reporting of Identified Financial Conflicts of Interest
Prior to ECSU’s expenditure of any funds under a funded research project, the institution shall provide to the funding agency awarding component any Covered Employee’s significant financial interests found by ECSU to be conflicting and ensure that the institution has implemented a management plan in accordance with the revised regulations. Further, ECSU will provide annual FCOI reports for the duration of the project period. Any FCOI report required under the revised regulations shall include at a minimum, the following information:

A. Research Project Number;
B. Name of Principal Investigator;
C. Name of Covered Employee with the financial conflict of interest;
D. Name of the entity with which the Covered Employee has a financial conflict of interest;
E. Nature of the financial interest;
F. Value of the financial interest or a statement if the interest is one whose value cannot be readily determined through to public prices or other reasonable measures of fair market value.
G. Description of how the financial interest relates to the funded research and the basis for ECSU’s determination that the financial interest conflicts with the research.
H. Description of key elements of ECSU management plan including:
   i. Role and principal duties of the conflicted Covered Employee in the research project;
   ii. Conditions of the management plan;
   iii. How the management plan is designed to safeguard objectivity in the research project;
   iv. Confirmation of the covered Employee’s agreement to the management plan;
   v. How the management plan will be monitored; and
   vi. Other information as needed.