

# Disclosure and Conflict Management Guidelines

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# Disclosure and Conflict Management Guidelines

## 1. Purpose

These guidelines ensure compliance with the **University of Maryland Policy on Conflict of Interest and Conflict of Commitment (COI/COC Policy)** and the **University of Maryland Policy on Consulting (Consulting Policy)**. They outline responsibilities, disclosure requirements, and procedures for reviewing, approving, and managing potential conflicts.

These Guidelines implement the following Policies:

- the Board of Regents (BOR) Policy on Professional Commitment of Faculty ([II-3.10](#)),
- the Board of Regents Policy on Conflicts of Interest in Research or Development ([III-1.11](#));
- the University of Maryland Policy on Conflict of Interest and Conflict of Commitment ([II-3.10\[A\]](#));
- the University of Maryland Policy on Consulting ([II-3.10\[E\]](#));
- the University of Maryland Policy on Organizational Conflicts of Interest ([II-3.10\[F\]](#));
- the University of Maryland Policy on Institutional Conflicts of Interest ([X-14.00\[A\]](#)); and
- the University of Maryland Policy and Procedures on Financial Conflicts of Interest in Public Health Funded Research ([II-3.10\[C\]](#)).

Neither these Guidelines nor the UMD and USM policies under which they have been adopted exempt any University Official or employee from any provision of State Ethics Law, except as specifically provided. Approvals granted under these Guidelines do not affect the application of other University and USM policies or the obligation to adhere to other provisions of State Ethics Law.

These Guidelines and the associated UMD policies will be reviewed and updated as needed to align with federal and state regulations.

## 2. Applicability

These Guidelines apply to:

- **All University Employees** are affected by the COI/COC Policy and will be required to disclose in accordance with that policy.
- All **faculty and exempt staff** with a **50% or greater full-time equivalent (FTE)** appointment must adhere to the **Consulting Policy**.
- **Graduate Research Assistants (GRAs)** including Graduate Fellows, who are principal investigators, co-investigators, senior/key personnel, or who serve in any other role on Sponsored Projects at the University are affected by the COI/COC Policy and will be required to disclose in accordance with that policy.

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- University Officials, including those involved in **research, administration, and institutional decision-making**, are also affected.

## 3. Key Responsibilities

### A. University Employees and affected Graduate Research Assistants (GRAs)

- Must **disclose** all Outside Professional Activities, including, but not exclusively, Consulting, research Gifts, and Significant Financial Interests.
- Must receive **approval** before engaging in Consulting or external employment, e.g., teaching.
- Must **follow Management Plans** if conflicts are identified.
- Cannot involve **Direct Reports (e.g., students, postdocs, staff)** in personal Consulting activities or other Outside Professional Activities unless explicitly permitted by an approved Management Plan.
- Must ensure that Consulting activities do not exceed the **maximum allowed days per year** (e.g., 52 days for 12-month faculty).

### B. Unit Heads and Next Level Administrators *(as needed)*

- Review **all Disclosures** in your unit to assess Outside Professional Activities for potential Conflicts of Commitment and/or Interest.
- Ensure University Employees **do not exceed** allowable Consulting time limits.
- Ensure University Employees understand the **Consulting MOU requirements** and compliance obligations.
- Monitor compliance and **report violations** to the Next-Level Administrator (NLA) and Disclosure Office.

### C. Disclosure Office

- Review all Disclosures containing Outside Professional Activities and potential conflicts.
- Determine if a **Management Plan** is needed and develop appropriate mitigation measures.
- Ensure compliance with **Maryland Public Ethics Law** and federal regulations.

### D. COI Committee

- Presidentially appointed members of the UMD community responsible for performing an advanced review of Disclosures.
- Committee assists the Disclosure Office in the development of Management Plans/mitigation plans, reviews developed plans, ensures compliance with policies, and makes recommendations to the President.

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- University President is the “approving” authority in the COI process.
- Agency sponsor is the "approving" authority in the OCI process.

## 4. Disclosure Requirements

As a guide to the next section, below are Examples of potential Conflicts of Commitment (COC) and Conflicts of Interest (COI) - these lists are not exhaustive.

Examples of activities required to be disclosed that could present a Conflict of Commitment	
<b>Service to Government and/or Professional Organizations, Committees, and/or Panels</b> <ul style="list-style-type: none"><li>• Serving (chair or member) on master's/doctoral thesis committee at another University.</li><li>• Engaging in other outside activities requiring a significant time commitment (e.g. boards, public office, etc.) or that have the potential to compete with my UMD responsibilities.</li><li>• Leadership positions in professional societies.</li><li>• Serving on an advisory committee or evaluation panel for government funding agencies, nonprofit foundations, or educational organizations.</li><li>• Serving on a research project's advisory board</li><li>• Service with accreditation agencies.</li><li>• Reviewing conference submissions</li><li>• Writing tenure letters or providing programmatic reviews for other universities</li></ul> <b>Employment Outside of UMD</b> <ul style="list-style-type: none"><li>• Teaching academic or professional courses for another university/organization, including but not limited to online teaching.</li></ul>	<b>Grant Reviews or Editorial Services</b> <ul style="list-style-type: none"><li>• Editorial services for educational or professional organizations.</li><li>• Peer Review of grant proposals.</li></ul> <b>International Presentations or Seminars (on site and remote)</b> <ul style="list-style-type: none"><li>• Conducting short courses including non-credit or professional courses.</li><li>• Presenting or conducting a workshop at professional meetings or other similar gatherings.</li><li>• Presentations and seminars that did not have honorarium or travel reimbursement.</li></ul> <b>Scholarly Collaboration and Research</b> <ul style="list-style-type: none"><li>• Collaboration/research with a foreign institution of higher education or entity in a Foreign Country where there is no formal agreement(s) with the University of Maryland (e.g., MOU, MTA, NDA, Prime-Sub Relationship, agreement through ORA).</li></ul>

Examples of potential Conflicts of Interest (COI) - this list is not exhaustive.

Examples of activities required to be disclosed that could present a Conflict of Interest	
<b>Compensation, monetary or otherwise received by you or your family members from any external entity (not UMD)</b> <ul style="list-style-type: none"><li>• Payment for work performed for an outside entity (that is not through consulting)</li><li>• Intellectual Property Related Income</li><li>• Royalties</li><li>• Stipends</li><li>• Dividends</li><li>• Stock Options</li></ul> <b>Consulting and/or Entrepreneurship/Start Ups/LLC (paid or unpaid)</b> <b>Procurement Contract sale where UMD was/is a party</b> <b>Foreign Programs</b> <b>Facility Use Agreements</b>	<b>Research Gifts (funding and/or resources)</b> <ul style="list-style-type: none"><li>• equipment, materials, software, student support, and other items of value</li></ul> <b>Honorarium and/or Sponsored/Reimbursed Travel</b> <ul style="list-style-type: none"><li>• See section <i>What doesn't have to be disclosed?</i></li></ul> <b>Intellectual Property</b> <b>Proposal or Active Award with a company</b> <ul style="list-style-type: none"><li>• MIPS, MII, MEII</li><li>• SBIR, STTR</li></ul> <b>Requesting LWOP or Sabbatical</b> <b>Supervisory relationship over a family member or close personal relationship at UMD or another institution</b> <ul style="list-style-type: none"><li>• collaborating on a proposal with a family member outside UMD).</li></ul>

# Disclosure and Conflict Management Guidelines

Links: the [inTERP](#) system, [inTERP Guide: For Users](#), and [inTERP FAQ](#).

## A. What Must Be Disclosed?

**Outside Professional Activities:** University Employees must disclose all Outside Professional Activities, financial interests, and Relationships **related to their primary responsibilities and/or area of expertise; these can be paid or unpaid activities**. Outside Professional Activities is an umbrella term, and it includes both Professional Service and Consulting, as well as other types of activities.

### 1. Professional Service

Professional Service activities are considered to be part of a faculty member's Institutional Responsibilities. Examples include:

- **Board memberships**, advisory roles, or executive positions in External Entities.
  - United States (U.S. or federal) national commissions;
  - Federal, state, and local governmental agencies and boards;
  - Federal or state granting agency peer review panels;
  - Philanthropic and non-profit organizations, or charities;
  - Service to approved foreign governmental agencies, boards, and peer review panels;
  - Activities related to advisory groups to other U.S. or University-approved foreign universities and analogous bodies.
- **Scientific or technical advisory board service** (even if unpaid).
  - Professional societies;
  - Higher education institutions, associations, conferences, or boards.
- **Professional Service** to organizations that may intersect with the employee's research or University duties.
  - Academic and professional journals, including editorial board service;
  - Academic and professional talks or presentations;
  - Visiting committees.
- **Teaching at another institution** (must be pre-approved if receiving compensation).

According to the Consulting Policy, Unit Heads are responsible for determining whether an activity is Professional Service or Consulting, based on Unit-level principles and University guidance.

- Units will develop principles and criteria on how to distinguish between Consulting and Professional Service for their specific discipline.
  - Unit Heads will use these principles to inform their decision-making on specific cases.

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- Unit-level principles must align with the broader principles in the Consulting Policy and these Guidelines.
- Unit-level principles will be reviewed by the Dean/NLA and will be filed with the COI Committee.

## 2. Consulting Activities/Entrepreneurship

These are activities outside of an individual's Institutional Responsibilities.

- Any **paid or unpaid** professional activity **outside of University duties** that is based on the employee's expertise or discipline.
- Includes Consulting for **companies, government agencies, non-profits, foreign entities, individuals, and establishing their own company or LLC**.
- University Employees must provide details such as:
  - The **nature of the Consulting work** (e.g., advising, research, speaking engagements).
  - The **expected time commitment and payment**.
  - Whether the activity **involves students, postdocs, or staff** from the University.
  - Any **overlap with University research, contracts, or commitments**.

When you are BOTH UMD Personnel & Associated with a Company YOU CANNOT:	When Starting a Company as UMD Personnel, Your Company CAN:
<ul style="list-style-type: none"><li>- Serve as a Principal Investigator (PI) on both sides of a proposal</li><li>- Have your advisees, students in your class, or lab personnel work at your company</li><li>- Negotiate with the University on behalf of your company</li><li>- Provide the University with gifts, internships, or other benefits tied to your own research</li></ul>	<ul style="list-style-type: none"><li>- License University Intellectual Property (IP)</li><li>- Hire UMD students</li><li>- Rent space on campus</li><li>- Establish a prime-sub relationship with UMD</li></ul>

- Consulting time limits
  - **Faculty (12-month): 52 days per year (1 day per week).**
  - **Faculty (9-month): 39 days per year (1 day per week)** during the academic year; summer Consulting allowed if not receiving University salary.

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- **Exempt Staff:** Consulting **only outside** of regular work hours or during **approved leave**.
- Consulting Obligations
  - **Submit a Disclosure** to the University on all **Outside Professional Activities**, including **Professional Service** and **Consulting, before engaging** in the activity.
  - **Disclose all paid or unpaid Consulting** activities as part of their **Current & Pending (Other) Support** documentation on all **proposals for federal funding** at the time of proposal. Sponsored Projects may be suspended or terminated by a Funding Agency, and Senior/Key Personnel may face repercussions for failure to report specific activities as Consulting.
  - **Clearly indicate** when their **work**, including **publications** and **presentations**, is associated with their **Consulting activities**, and clarify that the work was **not performed** in their capacity as a **University Employee** and is **not endorsed** by the **University**.
  - All **University Employees** engaged in **Consulting** must sign a **Consulting MOU** and must provide a **copy** of it to each **External Entity** with which they are engaged.

## 3. Significant Financial Interests (SFIs)

- **Equity ownership** in companies *related to the employee's research or responsibilities*.
- **Stock options, royalties, or licensing revenue** from Intellectual Property (IP).
- **Fiduciary roles** (e.g., CEO, Director, Scientific Officer) in external companies, whether compensated or not.
- **Foreign financial interests** or engagement with foreign talent recruitment programs.

## 4. Family Member Relationships

- Financial or professional interests of **spouses, domestic partners, parents, children, or siblings** if they are associated with:
  - A company that **does business with the University**.
  - A research project or contract where the employee has **decision-making authority**.

## 5. Sponsored Research & Grant Proposals

- Federal funding agencies require Disclosure of:
  - All **paid and unpaid** sources of research funding.
  - **Foreign affiliations & research collaborations**.
  - All travel sponsored or reimbursed by a foreign organization must be disclosed, regardless of the type of organization sponsoring the travel.
  - **Consulting Relationships that contribute to research**.



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- Employees must update Disclosures **before proposal submission** and **upon any material change**.

## 6. Use of University Resources for Outside Professional Activities (Facilities Use License)

- Any **non-routine** use of University labs, equipment, office space, computing resources, or administrative support for external work must be disclosed and approved.
- Employees must arrange for **reimbursement** of University resources **before engaging** in Consulting or external work that requires them.

## 7. Intellectual Property

- The University's **COI/COC**, **Consulting**, and **Intellectual Property (IP)** policies work together, with additional rules when **Outside Professional Activities** intersect with **IP**.
- Individuals cannot receive **revenue** related to their **IP** from both the University and a **commercial entity**; they must choose one.
- **UM Ventures** will provide **guidance**, typically offering two options:
  - (1) accept **University revenue** and relinquish **financial interest** in the commercial entity or
  - (2) forgo **University revenue** and retain the commercial entity **interest**.
- **University Employees** cannot hold a **Fiduciary Role** in an external entity that **licenses University-owned IP** or does business with the University.
- Employees and their **Family Members** cannot engage in **Outside Professional Activities** involving **IP** that create a **COI** or conflict with the University's **IP policy**.
- Questions about **Outside Professional Activities** and **IP** should be directed to **UM Ventures**.

## 8. Gifts

- In **July 2022**, the University enhanced its **gift acceptance processes** to comply with Federal and State standards, including [National Security Presidential Memorandum-33 \(NSPM-33\)](#).
- The **research-related gift** ("Gifts") **acceptance process** was redesigned to address federal scrutiny of COI and COC in research.
- All **research-related Gifts** must be submitted through **Kuali Build's (KB) Research Gifts Routing module** for review and classification as a *gift* or *grant*.
- **Gifts** include *funding, equipment, materials, software, and other research-related resources*.
- **Gifts** naming a specific **researcher** must be disclosed for *COI review via inTERP*, regardless of gift amount.
  - **Gifts of \$1,000 or more** from **Unit Donation Pages** must be disclosed in **inTERP**.
- **Gifts to a Unit Head, director, or dean** must be disclosed in KB Research Gifts Routing but **do not require inTERP disclosure**; instead, a **Gift Distribution Committee** must be formed.

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- Some **Gifts** must also be disclosed in **U.S. federal research proposals**, either in **Current & Pending (Other) Support** documentation (for project-specific Gifts) or **biographical sketches** (for general research support).
  - Questions about **federal disclosure requirements** should contact the **Research Transparency and Outreach office** ([research.umd.edu/rto](https://research.umd.edu/rto)).

All Research-Related Gifts through the Foundation \$0 threshold for disclosures		Research-Related Gift through the Donation Page and ≥ \$1,000	
<b>Gift to Named Investigator</b>  Recipient must disclose in KB Gift Routing System.  Recipient must disclose the gift in inTERP.  Disclosures require disposition for funds to be disbursed.	<b>Gift to Unit Head, Director, or Dean</b>  Unit Head, Director, or Dean must disclose in KB Gift Routing System.  No individual inTERP disclosure required.  ICOI certifications reviewed and KB Gift disposition required for funds to be disbursed.	<b>Gift to Named Investigator</b>  Recipient must disclose in KB Gift Routing System.  Recipient must disclose the gift in inTERP.  Disclosures require disposition for funds to be disbursed.	<b>Gift to Unit Head, Director, or Dean</b>  Unit Head, Director, or Dean must disclose in KB Gift Routing System.  No individual inTERP disclosure required.  ICOI certifications reviewed and KB Gift disposition required for funds to be disbursed.

## B. What doesn't have to be Disclosed?

### 1. Reimbursed/Sponsored travel

For most federal agencies, travel sponsored or reimbursed by any of the following need not be disclosed.

- UMD
- U.S. Federal, state, or local governmental agencies
- U.S. Institutes of higher education as defined at [20 U.S.C. 1001\(a\)](#)
- U.S. Research institutes affiliated with Institutes of higher education
- U.S. Academic teaching hospitals and medical centers

### 2. Stocks

That do not fall within your area of expertise and/or research activities and/or are not under your active control (e.g., TIAA Cref portfolio).

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## 3. Moonlighting

Endeavors for financial profit that occur outside of a University employee's Institutional Responsibilities and are not directly related to their professional field or discipline

- **Examples:** Etsy shops, Scout leaders, Church leaders, IT setup for a neighbor, HOA Committee member
- **NOTE:** Moonlighting activities performed for foreign entities such as foreign institutions of higher education, foreign governments, or foreign companies, **must** be disclosed to the University for federal compliance purposes.

## C. When to Disclose?

### 1. Initial Disclosures

- **New employees** must submit a Disclosure **within 30 days of their start date**.
- GRAs must disclose **upon joining a Sponsored Project or submitting a proposal as a PI**.

### 2. Annual Reporting

- All employees and affected GRAs must submit an **annual Disclosure** even if no changes have occurred.

### 3. Prior to Engaging in New Activities

- **Before starting a new Consulting agreement**, financial relationship, or external professional activity.
- Before participating in an **external research collaboration or foreign engagement**.

### 4. Within 30 Days of a Change

- Any **new financial interest, change in responsibilities, or new external role** must be disclosed within **30 days**.

### 5. When Submitting a Proposal

- All individuals identified as senior/key personnel on a Sponsored Project must submit Disclosures at the time of proposal.
- **The Disclosure is required, not the review and disposition.** The Disclosure must be cleared—reviewed, dispositioned, and managed as needed before award monies can be released.
  - **Note: A new Disclosure is not required for every proposal;** however, an up-to-date inTERP Disclosure must be on file—meaning it should be less than a year old and/or

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updated if any changes have occurred. **Researchers should review and update their Disclosure as needed.**

- **Example:** A researcher disclosed in July 2024 for an NSF proposal submission. In January 2025, they submitted a new proposal to NIH. A new Disclosure is only required if there are changes in their Outside Professional Activities between July and January. If there have been no changes, the July 2024 Disclosure complies with the requirement to have an up-to-date Disclosure on file.
- University Employees and GRAs who are a principal investigator, co-investigator, and/or senior/key personnel on a Sponsored Project must also submit all information required by the Funding Agency at the time of proposal. This includes:
  - Information on all appointments, research collaborations with foreign institutions or researchers, Relationships, and any required certifications; and
  - Disclosures on Current & Pending (Other) Support.

## D. How to Disclose?

### 1. Brand New Disclosure

- Log onto the University's **inTERP** Disclosure system.
- Click "Create Form" and begin entering information regarding your Outside Professional Activities.
- The Disclosure Office has created an **inTERP Guide** for how to complete and submit your initial inTERP Disclosure.

### 2. Disclosure Submitted - In Progress

- If your Disclosure has been submitted and is routing through the review process, please contact [interp@umd.edu](mailto:interp@umd.edu) and request that your Disclosure be sent back so that you can make updates.
- Once the Disclosure is returned, you will receive an email from which you can click on to access the Disclosure to edit as needed.

### 3. Disclosure Submitted - Complete

- If your initial Disclosure has been completed and dispositioned, please follow the instructions to **create a new version**.

BRAND NEW DISCLOSURE	DISCLOSURE SUBMITTED IN PROGRESS	DISCLOSURE SUBMITTED COMPLETE
Log onto the University's <b>inTERP</b> disclosure system.  Click Create Form and begin	If your disclosure has been submitted and is routing through the review process, please contact	If your initial disclosure has been completed and dispositioned, please follow the instructions to <b>create a</b>

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entering information regarding your Outside Activities.  The Disclosure Office has created an <b>inTERP Guide</b> for how to complete and submit your initial inTERP disclosure.	<a href="mailto:interp@umd.edu">interp@umd.edu</a> and request that your disclosure be sent back so that you can make updates.  Once the disclosure is returned you will receive an email from which you can click on to access the disclosure to edit as needed.	<b>new version.</b>
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If you encounter technical issues, contact [interp@umd.edu](mailto:interp@umd.edu) for assistance.

## E. Review & Approval Process

### 1. Unit Head Review

- Assess whether the activity aligns with Institutional Responsibilities.
- Determine if the time commitment poses a **Conflict of Commitment (COC)** and if further review is needed.
- Assess potential for **Conflict of Interest (COI)**.
- Guidance for Unit Heads: [InTERP Disclosure Review Process](#)

### 2. Next-Level Administrator (NLA) Review

- Required for Disclosures where a COC is determined by Unit Head.
- Required for **Consulting activities, Gifts, external fiduciary roles, or significant financial interests**.
- Make an independent recommendation on **whether a COI/COC exists and potential for COI**.

### 3. COI Committee Review (if needed)

- Review potential high-risk conflicts.
- Recommend whether a **Management Plan** is needed to manage a disclosed conflict.
- Review standard **Management Plan** language on a regular basis to ensure compliance with policy at the University, State, and Federal level.
- Approval may not be recommended if any Relationship would:
  - give improper advantage to the External Entity with whom the Employee has a Relationship;
  - lead to misuse of University students or Employees for the benefit of such External Entities;

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- otherwise interfere with the Institutional Responsibilities of the Employee maintaining a Relationship with the External Entity;
- be so influential as to impair impartiality in conducting research, interpreting research results, or determining research or other professional and employment priorities;
- present an unmanageable or otherwise unacceptable COI or the appearance of an unmanageable or otherwise unacceptable COI; or
- otherwise violate state or federal laws, regulations, policies, or procedures, or create a situation that is not in the best interests of the University.

## 4. Disclosure Office Review

- Review all Disclosures, manage additional compliance reviewers.
- Determine if COI Committee review is required.
- Determine if a conflict has been disclosed and if a **Management Plan** is required.
- Disclosures are also reviewed for the following:
  - A **Financial Conflict of Interest (FCOI)** review is done to determine whether a Significant Financial Interest(s) could directly and significantly affect the design, conduct, or reporting of the Sponsored Project. A Management Plan is developed to manage any FCOI. FCOIs are reported as required by the Funding Agency. The COI Administrator is responsible for ensuring that it is reported to all relevant parties.
  - **Institutional Conflict of Interest (ICOI):** An **ICOI arises** when the **financial interests** of the **institution** or a **University Official** could **affect or appear to affect** the **objectivity** of institutional processes in research, teaching, outreach, or administration.
    - The **Office of the President** annually identifies **University Officials** for ICOI review, and the **ICOI Committee** conducts an **annual review** of their **Disclosures** to identify and **manage risks** to **scientific objectivity** and the **proper treatment** of human and animal subjects.
  - **Organizational Conflict of Interest (OCI):** An **OCI arises** when an individual's **activities or Relationships** create a situation that **impairs objectivity, prevents impartial assistance** to the **Government**, or **grants an unfair competitive advantage**.
    - **FAR Subpart 9.5** outlines **three OCI categories: unequal access to information, impaired objectivity, and biased ground rules**.
    - The **OCI Committee** reviews **Disclosures** to determine if conflicts can be **mitigated, reduced, or managed**, making **recommendations** to the **Vice President for Research (VPR)**.
    - Any **OCI Mitigation Plan** must be reviewed by the **VPR** and **approved by the Funding Agency**.
- Provide final disposition:

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- **Approved (No Conflict)**
- **Approved with Management Plan**
- **Denied (Unmanageable Conflict)**

## 5. Final Disposition Issued

- University Employee(s), Unit Heads and deans or similar officials involved receive electronic notification of their Disclosure status of all Dispositions, including the approved Management Plan.
- If required, Disclosers must comply with **Management Plan requirements** before engaging in the activity, including:
  - The requirement to continue to adhere to all University policies and procedures, including those concerning conflicts of commitment and professional commitment of faculty.
- See [Special Considerations](#) section for additional information.

When inTERP Disclosures include				
Potential Conflicts of Commitment ONLY	Potential Conflicts of Interest ONLY	Potential Conflicts of Interest AND Potential Conflicts of Commitment	When a Dean Discloses	When Unit Head or a Non-Departmental Unit Discloses
1.Triage (Disclosure Office) 2.Unit Head Review and determination 3.If chair determines that is a COC: a.Dean b.NLA c.OFA, OGC (if needed)	1.Triage (Disclosure Office) 2.Unit Head Review 3.Dean review 4.Disclosure Office Review 5.COI Chair Review (if needed) 6.COI Committee Review (if needed)	1.Triage (Disclosure Office) 2.Unit Head Review 3.Dean review 4.Disclosure Office Review 5.COI Chair Review (if needed) 6.COI Committee Review (if needed)	1.Triage (Disclosure Office) 2.NLA 3.Provost 4.Disclosure Office Review 5.COI Chair Review 6.COI Committee Review (if needed)	1.Triage (Disclosure Office) 2.Unit Head/Dean review 3.NLA 4.Disclosure Office Review 5.COI Chair Review 6.COI Committee Review (if needed)
Type of Review Required				

## 5. Managing Conflicts of Interest & Commitment

### A. Identifying Potential Conflicts

- **Dual Relationships:** When a University Employee has multiple roles or Relationships that could **compromise** their objectivity, professional judgment, or decision-making.

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- **Using University Resources:** University Employees must **reimburse** the University for non-routine resource usage (e.g., lab space, specialized software).
- **Competing Interests:** University Employees cannot **represent** an External Entity in matters involving the University.
- **Intellectual Property (IP):** University Employees with a **financial interest** in a company licensing University IP must have a **Management Plan**.
- **Sponsored Projects:** Consulting agreements must be disclosed in **Current & Pending (Other) Support** documentation for federal grants.

Examples of activities required to be disclosed that could present a Conflict of Commitment	Examples of activities required to be disclosed that could present a Conflict of Interest
<ul style="list-style-type: none"> <li>-Service to Government and/or Professional Organizations, Committees, and/or Panels</li> <li>-Grant Reviews or Editorial Services</li> <li>-International Presentations or Seminars (On Site and Remote)</li> <li>-Scholarly Collaboration and Research with Foreign Entities</li> <li>-Employment Outside UMD - Teaching academic or professional courses for another university/organization, including but not limited to online teaching.</li> </ul>	<ul style="list-style-type: none"> <li>- Compensation or Outside Appointments with an outside entity or owning your own LLC/startup</li> <li>- Consulting and/or Entrepreneurship/Start Ups/LLC (paid or unpaid)</li> <li>- Procurement Contract sale where UMD was/is a party</li> <li>- Foreign Programs / Facility Use Agreements / Gifts /</li> <li>- Honorarium and/or Sponsored/Reimbursed Travel</li> <li>- Intellectual Property</li> <li>- Proposal or Active Award with a company (e.g., MIPS, MII, MEII, SBIR, STTR)</li> <li>- Requesting LWOP or Sabbatical</li> <li>- Supervisory relationship over a family member or close personal relationship at UMD or another institution (e.g., collaborating on a proposal with a family member outside UMD).</li> </ul>

## B. Developing a Management Plan

If a conflict is identified, the COI Committee may impose the following provisions:

- **Eliminate, reduce or manage** the incentive bias (e.g., give up equity, step down from consultancy)
- **Firewalls and Information Barriers** (e.g., establishing strict separation between teams or departments to prevent the flow of sensitive information that could lead to a conflict).
- **Recusal from Decision-Making** (e.g., excluding individuals or units with potential conflicts from decision-making processes related to the conflict).
- **Recusal from certain University decisions** (e.g., hiring, grant reviews).
- **Restrictions on student involvement** in Outside Professional Activities.



# Disclosure and Conflict Management Guidelines

- **Limitations on resource use** for Consulting work.

Risk 1 Level Activities	Risk 2 Level Activities	Risk 3 Level Activities
<ul style="list-style-type: none"> <li>-Familial Relationship (e.g., spouses/family members on sponsored awards )</li> <li>-Research Gift (&gt;\$100K)</li> <li>-Owner of an external company (related to UMD duties, licenses UMD IP)</li> <li>-UMD IP licensed by an outside entity</li> <li>-UMD IP licensed by own company (no prime-sub)</li> <li>-MIPS Award (with IP, no other relationship with company)</li> <li>-Member of external advisory boards when UMD is involved</li> <li>-Self-authored book (used for UMD class)</li> </ul>	<p><b>Prime-sub relationships</b></p> <ul style="list-style-type: none"> <li>-with own company</li> <li>-with entity that licensed UMD IP</li> </ul> <p><b>Own company and have:</b></p> <ul style="list-style-type: none"> <li>-MIPS Award</li> <li>-Maryland Innovative Initiative (MII)</li> <li>-SBIR/STTR</li> <li>-Relationships between UMD and own company</li> <li>- <b>SBIR/STTR</b> when there are other relationships to company, stock, equity, IP</li> </ul>	<ul style="list-style-type: none"> <li>-Researchers with multiple awards with their startup companies and/or multiple startup companies with multiple awards.</li> </ul>

## C. Post-Approval Monitoring

**Intake Meeting:** Conducted with the conflicted individual(s), the Oversight Official, COI Chair, Disclosure Office, and Departmental Administrators to review the approved Management Plan, roles, responsibilities, and expectations.

### Annual Oversight Meetings:

- Between the Oversight Official, COI Committee members (as needed), and students in the conflicted individual's lab.
- Between the Oversight Official and the conflicted individual to review annual reports.

**Annual Reporting:** The Oversight Official submits reports to the COI Committee documenting compliance with the Management Plan.

## 6. Compliance & Enforcement

### A. Non-Compliance Consequences

- **Instances of non-compliance** shall be brought to the attention of the Vice President for Research (VPR) through several mechanisms that include a COI Management Plan Oversight

# Disclosure and Conflict Management Guidelines

Official, the Whistleblower policy, staff/faculty/students reporting directly to the College, and staff/faculty/students reporting to a person in the University administration.

- Issues of non-compliance will be reviewed on a case-by-case basis with the VPR, Dean, and Provost, and the VPR will call the meeting as soon as possible after the issue is discovered.

Violations of the COI/COC or Consulting Policy may result in:

- **Formal reprimand.**
- **Restrictions on research activities** (e.g., freezing federally-funded accounts).
- **Suspension or termination** (for serious violations).
- **Referral to the Maryland State Ethics Commission**, if required.

## B. Updates

- Policies will be **reviewed and updated** as needed to align with federal and state regulations.

## 7. Reporting & Records Retention

Quarterly reports of all Management Plans issued during the reporting period must be submitted by the COI Administrator to the Maryland State Ethics Commission and the USM Office of Administration and Finance.

Disclosures submitted in inTERP and related information on the associated COI/COC reviews will be retained in accordance with the University's records and retention schedule and any relevant federal laws and regulations. All Disclosures, Dispositions, and all actions taken to resolve conflicts of interest will be retained for at least 3 years beyond the termination or completion of the grant to which they relate, or until the resolution of any Funding Agency action involving those records, whichever is longer.

## 8. Special Considerations

### A. Reporting Line Considerations

Systems of hierarchy within the University require special consideration when engaging in Outside Professional Activities and when reviewing Disclosures for COIs and COCs. University Employees, administrators, and University Officials who are in a supervisory role must be aware that certain activities inherently cause COIs.

- They must not involve their subordinates or anyone within the reporting line to them in their Outside Professional Activities unless their role has been reported and allowed through an approved Management Plan.

# Disclosure and Conflict Management Guidelines

- This applies at the highest levels; Vice Presidents, the Senior Vice President & Provost, and the President may not involve any University Employees or GRAs in their companies or other Outside Professional Activities without a Management Plan in place.

To avoid conflicts that may arise in reviewing Disclosures:

- The Provost will designate a University administrator to review Disclosures submitted by a Dean before the Provost's review.
- The Provost will designate a University administrator to serve as the NLA for all Disclosures submitted by a department chair and Deans of non-departmentalized Colleges.
- Disclosures submitted by a University Official will be reviewed by the ICOI Committee, which is charged with advising the University President on actions that may be required to avoid ICOIs or risks to the University because of the activities or interests of University Officials.

## B. Unit Heads and Supervisors

The policies use the term "Unit Head" to mean the individual responsible for the Unit and its employees.

- The Unit Head is referred to as the individual to whom the University Employee and/or GRA reports.
- In most cases involving faculty in academic Units, the Unit Head will be the department chair or dean.

When it comes to staff, it is less clear who fulfills the Unit Head role.

- If staff report to a department chair or dean in an academic Unit, the term Unit Head is appropriate.
- For staff who report to a Director or who are within a Division rather than a College, they may have a Supervisor who is not responsible for the entire department or Division.
- The Unit Head may add the Supervisor to the Disclosure during the inTERP review. The Supervisor adds comments. The Disclosure routes back to the Unit Head for review and final sign off.

# Disclosure and Conflict Management Guidelines

## Appendix 1: Definitions from COI/COC Policy

- A. **“Conflict(s) of Commitment (COC)”** means situations where a University Employee’s Outside Professional Activities, external Relationships, or Significant Financial Interests interfere or compete with the University’s educational, research, or service missions or impede the University Employee’s ability to perform or fulfill the full range of their Institutional Responsibilities, as stipulated under Maryland Public Ethics Law. This applies regardless of whether the activity holds value to the University or contributes to the employee’s professional development.
- B. **“Conflict(s) of Interest (COI)”** means situations in which University Employees and GRAs or their Family Member(s) are in a position to gain, or appear to gain, financial advantages or personal benefits stemming from their roles within the University. Such benefits can occur due to Outside Professional Activities, external Relationships, Significant Financial Interests, or as a result of their research, administrative, or educational actions or decisions made while working at the University.
- C. **“COI Administrator”** means the individual appointed by the University’s Vice President for Research to support the implementation of this Policy and to oversee the work of the Disclosure Office and COI Committee.
- D. **“COI Committee”** means the advisory committee appointed by the President of the University in accordance with this Policy and the Disclosure and Conflict Management Guidelines and based on the authority granted by the Maryland State Ethics Commission (SEC) regarding conflicts associated with research or development.
- E. **“COI Official”** means the University’s Vice President for Research.
- F. **“Consulting”** means any additional activity beyond a University Employee’s or a GRA’s Institutional Responsibilities that is professional in nature and based on their discipline or area of expertise. The activity may be paid or unpaid, and such activities primarily benefit the University Employee or the GRA and not the University.
- G. **“Current & Pending (Other) Support”** means information submitted to Funding Agencies in proposals for Sponsored Projects on all the resources made available or expected to be made available to an individual in support of their research and development efforts. This includes but is not limited to resources from both foreign and domestic sources; those given through an award and those given directly to the individual; monetary resources, in-kind resources, and support with no monetary value; and travel support.
- H. **“Direct Report(s)”** means individuals who are supervised by, taught/advised by, or report to a University Employee, or individuals who are within the reporting line under a University Employee or University administrator. Direct Reports serve in a subordinate

# Disclosure and Conflict Management Guidelines

role to the University Employee or University administrator, thereby creating a conflict and/or power imbalance. These individuals may include members of a University Employee's research group or lab, their postdoctoral associates, University students who are currently in the University Employee's course or research group, or University students for whom the University Employee serves as an advisor or as a voting member of their thesis or dissertation committee.

- I. **“Disclosure(s)”** means information that is required to be provided on all Outside Professional Activities, external Relationships, and/or Significant Financial Interests.
- J. **“Disposition”** means the final result of the review of a Disclosure. The review may result in a decision that no conflict exists, that the activity must be stopped due to an unmanageable conflict, or that a Management Plan is necessary to manage any possible COIs in accordance with Maryland Public Ethics Law and relevant USM and University policies.
- K. **“External Entity(ies)”** means an entity that is external to the University with which University Employees or GRAs may choose to engage. These may include but are not limited to entities such as domestic governments (U.S. federal, state, or local), foreign entities (governments, institutions, companies), domestic or international institutions or societies (academic, professional, commercial), philanthropic organizations, or companies (sole proprietorships, for profit companies whether publicly traded or not, non-profits, startups, or any other corporate entity regardless of whether they are registered to do business).
- L. **“Family Member(s)”** means a University Employee's or a GRA's spouse or domestic partner, parent, child, sibling, or other close relatives as defined in the USM Policy on Employment of Members of the Same Family (Nepotism) (VII-2.10).
- M. **“Fiduciary Role(s)”** means a role that requires an individual to make financial decisions on behalf of another individual(s) and/or entity. Titles that include terms such as executive, officer, director, or manager and positions with titles such as CEO, Director, Scientific Officer, Board of Directors, or Vice President are examples of designations that may indicate a role with fiduciary responsibilities.
- N. **“Financial Conflict of Interest (FCOI)”** means a Significant Financial Interest that affects, or could appear to affect, the design, conduct, or reporting of research.
- O. **“Funding Agency”** means any domestic or foreign entity that provides monetary support for a Sponsored Project to a University Employee or to the University on behalf of a University Employee. Funding Agencies may include but are not limited to entities such as the U.S. government and its agencies; U.S. state and local entities; foreign entities including governments and institutions; non-profit organizations; associations; or companies.

# Disclosure and Conflict Management Guidelines

- P. **“Gift”** means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, software, license, special access, equipment, equipment time, samples, research data, or other item having monetary value. A Gift also includes services as well as Gifts of training, transportation, local or foreign travel, lodging, meals, and research hours, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has occurred. A Gift by definition is given without expectation of anything in return.
- Q. **“Graduate Research Assistant(s) (GRAs)”** means a registered graduate student who is enrolled in a graduate degree program at the University and is participating in Sponsored Projects as a Graduate Assistant. For the purposes of this Policy, references to GRAs include Graduate Fellows.
- R. **“Institutional Conflict of Interest” (ICOI):** A situation where the financial interests of the institution or a University Official may compromise or appear to compromise the objectivity of institutional processes related to research, teaching, outreach, or administration.
- S. **“Institutional Responsibilities”** means a University Employee's or GRA's primary duties and responsibilities at the University, as defined in their contract, job duties, offer letter, or other comparable documentation.
- T. **“Intellectual Property”** means traditional scholarly works, administrative works, inventions (whether or not patentable), software, research data, tangible research materials, trademarks and service marks, and associated legal rights to the same, as defined in the University of Maryland Intellectual Property (IP) Policy (IV-3.20[A]).
- U. **“Management Plan”** means a written plan provided by the University that describes how a conflict or potential conflict will be managed.
- V. **“Next-Level Administrator (NLA)”** means the administrator in the role immediately above a Unit Head. The NLA is typically the Dean of a College or School, or the Vice President of a Division or their designee. For non-departmentalized Colleges, the NLA is the Senior Vice President & Provost or their designee.
- W. **“Organizational Conflict of Interest”** A situation where an individual's activities or relationships compromise or appear to compromise their ability to provide impartial assistance to the Government, impair objectivity in contract performance, or create an unfair competitive advantage, as outlined in FAR Subpart 9.5.
- X. **“Outside Professional Activities”** means any paid or unpaid activity with an External Entity that is beyond the scope of a University Employee's or GRA's Institutional Responsibilities but is still related to their discipline, area of expertise, or the practice of their profession. Outside Professional Activities include both Professional Service and Consulting.

# Disclosure and Conflict Management Guidelines

- Y. **“Professional Service”** means a form of Outside Professional Activity that provides a service to governmental agencies and other entities such as peer review panels and advisory bodies to other universities and professional organizations; academic or professional journals; presentations to either professional or public audiences in such forums as professional societies and organizations, libraries, and other universities; and peer review activities undertaken for either for-profit or nonprofit publishers, including grant reviews. Professional Service provides a benefit to the University, academia, the discipline, and/or the public interest, and may or may not be remunerated by a small honorarium.
- Z. **“Relationship(s)”** means any interest, activity, service, employment, Gift, or other benefit or association with an individual or entity not part of the state government that would be prohibited by Maryland Public Ethics Law if not reported on a Disclosure and approved according to this Policy, the Disclosure and Conflict Management Guidelines, and any other relevant USM and/or University policy.
- AA. **“Research and Development”** means basic or applied research, creative scholarship, and/or development and includes the development or marketing of University-owned Intellectual Property, the acquisition of services of a University Employee by an entity for research and development purposes, or participation in state economic development programs.
- BB. **“Significant Financial Interest”** means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., Consulting fees or honoraria); equity interest (e.g., stocks, stock options or other ownership interests); Intellectual Property rights (e.g., patents, copyrights, and revenue from such rights); and/or positions outside of the University that involve a Fiduciary Role for an External Entity, whether compensated or not.
- CC. **“Sponsored Project(s)”** means monetary or non-monetary support provided by a domestic or foreign entity to the University to support specific research, instruction, or other activities of University Employees and/or GRAs.
- DD. **“Supervisor(s)”** means a University Employee with supervisory authority over other employees. This term is typically used for those with direct authority over one or more employees. The term can be used interchangeably with the term Unit Head throughout this Policy and the Disclosure and Conflict Management Guidelines.
- EE. **“Unit”** means a department, center, institute, division, or non-departmentalized College or School.
- FF. **“Unit Head”** means the administrator(s) responsible for a Unit and the individual(s) to whom a University Employee reports. A Unit Head may be a Director, Department Chair, Dean, Vice President, or a similar official in a non-academic Unit and also includes

# Disclosure and Conflict Management Guidelines

Supervisors in all references in this Policy.

- GG. **“University Employee(s)”** means all faculty and staff employed by the University, regardless of title, FTE, full- or part-time status, and also includes University Officials.
- HH. **“University Official”** means any individual(s) at the University who, because of their respective positions with the University, can affect or can reasonably appear to affect University processes for the design, conduct, reporting, review, or oversight of research and who have the authority to commit significant University resources. They include, but are not limited to, the President of the University, Assistant President, Vice Presidents, Associate and Assistant Vice Presidents, the Senior Vice President & Provost, Associate Provosts, Deans, Associate Deans, Department Chairs, Center and Institute Directors, and the Athletic Director, including those holding these positions in an interim capacity, as well as others who have discretionary authority to allocate resources related to the University enterprise as identified by any of the officials named previously. University Officials are also University Employees and are included in all references to University Employees.



# Disclosure and Conflict Management Guidelines

## Appendix 2: State Ethics Commission

All University Employees are State Employees and as such are subject to [Maryland State Ethics Law](http://www.lexisnexis.com/hottopics/mdcode/) and related laws and policies. The conflict of interest provisions of Maryland State Ethics Law are codified in Maryland Code Annotated, General Provisions Article, Title 5, as amended from time to time, and can be found at <http://www.lexisnexis.com/hottopics/mdcode/>.

State Ethics Law generally restricts the interests and relationships a University Employee may have with any External Entity that does or seeks to do business with the University. State Ethics Law provides a limited exemption (the “research carve-out”) to the prohibition on these relationships if, and only if, they (1) relate to Research and Development and (2) are fully and accurately disclosed and managed pursuant to the University’s COI/COC Policy, which is approved by the State Ethics Commission. COIs and/or COCs that arise due to relationships between University employees and external entities that are not related to research and development cannot currently be managed and mitigated through the standard KCOI process and may need to be handled directly with the State Ethics Commission.

Even with the research carve-out, State Ethics Law:

- Prohibits University Employees from having financial interests in or employment relationships (including Consulting) with entities under the authority of the University or entities that have or are negotiating contracts or subcontracts with the University.
- Prohibits other employment relationships (including Consulting) prohibited under State Ethics Law include those which would impair the impartiality or independent judgment of the Employee and
- Prohibits employment relationships involving an entity which is a party to a State contract (greater than \$1000) if the Employee’s duties include matters which substantially relate to the subject matter of the contract.
- State Ethics Law also prohibits State Employees from:
  - Participating in matters in which they (or certain Family Members or business entities) have an interest;
  - Soliciting and accepting Gifts, including payment of travel and lodging expenses;
  - Using the prestige of their office or confidential information for private gain; and
  - Representing parties in State matters for contingent compensation.

Please contact the University’s Office of General Counsel with questions about State Ethics Law.