



OHSU POLICY MANUAL

Policy Number: 10-01-002

Policy Title: CONFLICTS OF INTEREST AND COMMITMENT

Effective Date: September 22, 2015

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1. **Generally**

OHSU recognizes that the quality of education, clinical practice, and research may be enhanced when members of the OHSU community participate in outside activities that complement their roles and responsibilities at OHSU. However, it is essential to ensure that OHSU activities and decisions remain objective and transparent, unaffected by outside interests. The purpose of this policy is to establish requirements and set forth principles to guide OHSU Members and the institution in structuring relationships with collaborators and vendors and to guide the management of real or perceived Conflicts of Interest and Conflicts of Commitment that may arise for the individual OHSU Member and/or the institution as a result of such activities and interests.

2. **Applicability**

This policy applies to all OHSU Members, regardless of their OHSU FTE status.

3. **Definitions**

- A. ***Conflict of Interest:*** A Conflict of Interest exists when an OHSU Member's financial interests or other obligations interfere, or may appear to interfere, with the Member's obligations to act in the best interest of OHSU and its missions, and without improper bias.
- B. ***Conflict of Commitment:*** A Conflict of Commitment occurs when the time, the nature of the activity, or the use of OHSU resources in external activities interferes with, compromises, or diminishes the individual's capacity to meet their OHSU responsibilities or is in conflict with the missions of OHSU.
- C. ***Gift:*** Something of economic value given by a business or individual that does or may seek to do business with OHSU to an OHSU Member for which the OHSU Member makes no payment or makes payment at a discounted price, excluding items for which the same Gift offer is made or available to the general public on the same terms and conditions.

- D. ***Institutional Conflict of Interest:*** An Institutional Conflict of Interest may exist when an OHSU executive, or OHSU, has a significant financial interest in a company or organization that currently does business with or is seeking to do business with OHSU, and those interests may interfere, or appear to interfere, with the obligation to act in OHSU or the public's best interest.
- E. ***Institutional Gift:*** Donations of financial value, including gifts in kind, provided to OHSU or any of its sub-parts. Such gifts include monetary funds, scholarships, sponsorship of educational events, textbooks, subscriptions, equipment, devices, and similar gifts of value.

4. **Guiding Principles**

- A. OHSU Members are expected to conduct affairs of the institution in a manner consistent with their commitments to the institution and the responsible management of the institution's business.
- B. The performance of OHSU Members' professional responsibilities must be free from real or perceived bias resulting from outside or personal interests.
- C. OHSU Members must maintain the highest standards of professionalism and ethics in collaborations in order to protect the integrity of research, the objectivity of education, the quality of patient care, and the reputation of the institution.
- D. Public trust in OHSU relies upon the responsible conduct of all OHSU Members. Such trust is maintained by OHSU Members being transparent in the disclosure of significant financial interests and outside activities, and the appropriate management of these interests and activities, including those of the institution.

5. **Disclosure**

OHSU recognizes that conflicts of interest and/or commitment are not uncommon, and that not all conflicts of interest and/or commitment are necessarily harmful to its mission. However OHSU requires full disclosure of all actual and potential conflicts of interest and/or commitment. Each OHSU Member must annually disclose any and all facts that may be construed as a conflict of interest and/or commitment, as well as before any such actual or potential conflict occurs, or as any changes to such relationship occurs.

Additional disclosure requirements apply for certain Members including faculty, executives, managers, those with contracting and/or fiscal authority, clinicians, and investigators.

These requirements include disclosure of significant financial interests and outside activities as defined by Integrity Department policy.

6. Management of Disclosed Conflicts of Interest and Conflicts of Commitment

All disclosures must be reviewed and approved by the OHSU Member's immediate supervisor.

For Conflicts of Commitment, the supervisor will determine, in collaboration with the Integrity Department as needed, whether or not such conflict materially and adversely affects the interests of OHSU. If it is determined that an actual or potential Conflict of Commitment does exist, the supervisor shall determine an appropriate management remedy.

For other Conflicts of Interest, including conflicts of interest in research and those related to clinical care, a management plan will be issued by the Integrity Department in collaboration with the immediate supervisor, as appropriate.

7. Institutional Conflict of Interest

In accordance with its policies, the Integrity Department shall review disclosed OHSU executives' and institutional significant financial interests. If it is determined that an actual or potential Institutional Conflict of Interest does exist, the Integrity Program Oversight Council, the board-designated body chaired by the Chief Integrity Officer, will determine an appropriate management remedy.

8. Potential Conflicts in OHSU Relationships with Vendors and Other Commercial Entities

Potential Conflicts of Interest also arise in relationships with OHSU vendors or potential vendors. Principled interactions with vendors are essential in maintaining public trust in OHSU.

9. Gifts

Gifts to individual OHSU Members may not be accepted independent of nature and value, whether on- or off-campus, when they are clearly offered or provided by vendors or potential vendors, or when acceptance of such Gifts could inappropriately influence or appear to inappropriately influence a decision to be made by an OHSU Member. Exceptions and guidance including requirements for relatives and household members are defined by Integrity Department policy.

10. Institutional Gifts

Acceptance of Institutional Gifts to OHSU from OHSU vendors and others seeking a business relationship with OHSU can compromise or appear to compromise the obligation to act in the best interests of OHSU, OHSU patients, or OHSU research subjects.

Institutional Gifts may be accepted for use in promoting one or more of OHSU's missions only when there is no expressed or implied quid pro quo, such as a promise of purchases, in connection with the gift or provision of educational support.

11. Procedures

The Integrity Department shall establish policies, procedures (including the disclosure system), guidance, and training as needed to ensure OHSU Members can comply with this policy. More information about these procedures, guidance and training can be found on the [Integrity Department O2 site](#).

Related Regulations:

42 CFR Part 50, Subpart F

42 CFR Part 94

ORS Chapter 244, State of Oregon Government Standards and Practices Law

Related Policies and Procedures:

OHSU Board of Directors Insider Trading Policy

Policy 03-30-040, Foundations and Use of Gift, Grant and Contract Funds

Policy 04-40-015, Distinguishing Gifts from Grants, Contracts, Other Sponsored Projects

Policy 08-25-001, Brand Integrity – Use of OHSU Name and Trademarks

Policy 12-01-015, Foundation and Institution Operational Procedures, Gifts, Accounts, Institution Support, Contracts

Healthcare Policy HC-IM-115-POL, Fraud, Waste and Abuse

Previous Policies (*Repealed September 22, 2015*):

Policy 10-01-001, Outside Activity, Outside Compensation and Conflict Principles

Policy 10-01-015, Outside Activity/Outside Compensation

Policy 10-01-020, Conflicts of Interest

Policy 10-01-021, Institutional Conflicts of Interest; Executive and Board Member Conflict of Interest Disclosure

Policy 10-01-025, Individual Acceptance of Gifts, Food, Beverages, Travel and Entertainment

Policy 10-01-030, Requirements for Solicitation and Acceptance of Gifts to OHSU

Policy 10-01-035, Conflicts of Interest in Research

Related Forms: <https://bigbrain.ohsu.edu/coi/>

Responsible Office: Integrity Department