



## II-3.10(F) University of Maryland Policy on Organizational Conflicts of Interest (OCI)

(Approved by the President on an interim basis, pending University Senate review August XX, 2023 )

### I. Purpose

The mission of the University of Maryland (“the University”) includes the advancement of knowledge, support of the scholarly professions, and active participation in the cultural, technological, commercial, public policy, and social life of our communities. This mission is advanced when members of the University forge links outside the University as scholars, artists, consultants, participants in research and development ventures, advisors to government entities, and in other capacities that relate to their professional expertise. The University has strongly encouraged the development of such links in the past and will continue to do so. The University recognizes, however, that these very positive interactions create the occasion for actual, potential, or apparent conflicts of interest and commitment, any of which may result in legal or reputational harm to the individual and/or the University.

The University is committed to identifying, avoiding, and/or managing actual or perceived Organizational Conflicts of Interest (OCIs) relating to its research activities, consistent with federal laws and regulations. In conducting federal research and contracting activities, members of the University community (“University Member(s)”) have a responsibility to comply with University of Maryland Organizational Conflicts of Interest (OCI) Policy (this “Policy”).

The intent of this Policy is, in part, to provide guidance that will enable members of the University community to engage in activities outside the University while avoiding situations that harm the individual and/or the University through real or perceived ethical, legal, or financial conflicts. Although such conflicts arise most often when University Members engage in activities outside the University, this policy and any associated procedures apply to all activities of University Members.

Certain federal contracts include clauses designed to address potential OCIs in entities that receive those contracts. The federal regulations regarding OCIs are

described in the [Federal Acquisition Regulation \(FAR\) Subpart 9.5](#)  
[“Organizational and Consultant Conflicts of Interest”](#).

## II. Definitions

- A. **“Organizational Conflict of Interest (OCI)”** means that because of activities or relationships with other persons or organizations, an individual is unable or potentially unable to render impartial assistance or advice to the Government, the individual’s objectivity in performing the contract work is, or has the potential to be, impaired, and/or an individual has an unfair competitive advantage.
- B. **“Organization”** means any entity capable of delivering a product or service to a U.S. Government sponsor, under a contract, grant, or other award/funding instrument. This definition includes, but is not limited to, sole proprietors, independent contractors, industrial contractors, Federally Funded Research and Development Centers (FFRDCs), University-Affiliated Research Center (UARCs), academic institutions, and non-profit organizations.
- C. **“Outside Professional Activities”** means any additional professional activities, that may be paid or unpaid, are beyond a University member’s institutional responsibilities, are within their discipline or area of expertise, and could include professional service.

## III. Categories of Organizational Conflicts of Interest

As outlined in the FAR Subpart 9.5, an OCI may exist in three basic categories:

- A. **Unequal Access to Information:** This type of OCI arises when the University gains an unfair competitive advantage because of a University Member’s access to information not generally available to other parties competing for the same federal funding. For example, a faculty member may have had access to budgets, statements of work, or evaluation criteria in the proposal submission and award process that were not available to other potential contractors.
- B. **Impaired Objectivity:** This type of OCI arises when a University Member’s work on a government contract places the University in a situation of evaluating itself or a related entity. For example, the University’s work under one government contract could require it to evaluate its own activities or

evaluation of proposals from entities competing with the University. In this case, the concern is that the University cannot render impartial advice under a federal contract.

- C. Biased Ground Rules:** This type of OCI arises when a University Member provides consultation, advice, or technical assistance relating to a federal funding opportunity, and the University then applies for that same funding opportunity. For example, a Faculty Member may serve on a federal advisory board or act as a consultant to develop standards that are used as the basis for a Scope of Work or specifications that are used to support a federal funding opportunity.

#### **IV. Applicability**

- A.** This Policy and any associated procedures are applicable to all University Members.
- B.** This Policy is separate and distinct from the University of Maryland Policy and Procedures on Conflict of Interest (COI) and Conflict of Commitment (COC) ([II-3.10\[A\]](#)) ([II-3.10\[B\]](#)) (“COI/COC Policy and Procedures”).
- C.** Compliance with this Policy does not relieve University Members of their obligation to:
  - 1. Disclose and receive approval for COIs/COCs, as required by University Policy and Maryland State Ethics Law;
  - 2. Disclose activities as part of the University’s Consulting Policy ([II-3.10\[E\]](#)); and/or
  - 3. Disclose activities as part of current and pending support documentation on federal proposals.
- D.** Disclosures made pursuant to this Policy, as well as pursuant to the University’s COI/COC Policy and Procedures, and current and pending reports are not automatically populated into other institutional systems and may need to be separately disclosed.
- E.** Applicability of this Policy is subject to change per Maryland State Ethics Commission guidance and/or state and federal laws and regulations.

## **V. Disclosure of Organizational Conflicts of Interest**

University Members must keep their Unit Heads informed, in adequate detail, about all Outside Professional Activities, service on external committees/boards, and other significant professional activities unrelated to their core University responsibilities. University Members MUST consult with their Unit Head and receive approval from their Unit Head and other compliance units before committing to an Outside Professional Activity.

OCIs identified as being related to a proposal or ongoing research must be managed through mitigation or removal of the conflict. The applicable management measures may be outlined in a Mitigation Plan that is shared with the sponsor.

In addition, University Members are required to submit and maintain an updated electronic Conflict of Interest disclosure through the [Kuali Conflict of Interest system](#) (KCOI). This disclosure is reviewed by the University's Conflict of Interest (COI) Office. When real or perceived OCIs are identified, the OCI Committee Administrator flags the disclosure for additional review by the OCI Committee. Organizational conflicts identified via an individual's disclosure must also be managed by a Mitigation Plan and administered by an Oversight Official.

New faculty and staff that participated in Activities before becoming a member of the University that may give rise to an OCI at the University, must disclose these activities on any federal grant or contract submission through KCOI. University Members must disclose any activities that may give rise to an OCI on any federal grant or contract submission through KCOI.

## **VI. Organizational Conflict of Interest (OCI) Committee**

**A.** In accordance with the provisions of the [COI/COC Policy and Procedures](#) and the Federal Acquisition Regulations Subpart 9.5 - Organizational and Consultant Conflicts of Interest, the Vice President for Research appoints the Advisory Committee on Organizational Conflict of Interest for the University of Maryland. The OCI Committee is composed of nine voting members of the University community including: five faculty, one of whom is the Chair of the OCI Committee, one (1) representative each from the Office of the Senior Vice President & Provost, the Office of Research Administration (ORA), the Applied Research Laboratory for Intelligence and Security (ARLIS), and the Graduate School, along with two (2) ex-officio members, one (1) each from

the Office of General Counsel and the Assistant Vice President for the Office of Procurement & Business Services, or their designees. The ex-officio members shall serve as advisory members and do not vote on matters presented to the OCI Committee. Members of the OCI Committee will serve for a three-year (3) term with the potential for renewal for an additional term.

- B.** The OCI Committee is charged with reviewing any disclosed OCIs or potential OCIs to determine whether the conflicts can be mitigated, reduced, or managed and make recommendations to the Vice President for Research (VPR), including any required conditions or circumstances designed to mitigate these conflicts. Following a review by the VPR, the applicable management measures will be outlined in the OCI Mitigation Plan that is provided to the sponsor for final approval.
  
- C.** The procedures for identification, management, and mitigation of Organizational Conflicts of Interest (OCI) utilized by the OCI Committee will be maintained and periodically adjusted, as needed, by the OCI Committee Administrator following a review by the OCI Committee.