



Whose Line (of Work) Is It Anyway? Navigating University Policy on Conflicts of Interest and Commitment & External Professional Activities Without the Stress.

Presented By

Office of Legal Affairs
Division of Research
Academic Affairs

Overview

Overview: A comprehensive guide to University Policy 101.24 (Conflicts of Interest and Commitment), Supplemental Procedures, and University Policy 102.1 (External Professional Activities for Pay).

COI&C Policy: Applicability & Conflict Definition



Applicability

- All employees: when disclosure is required.
- Covered persons: annual submission required, even if there are no activities or relationships to disclose:
 - All full-time, part-time, and adjunct faculty members.
 - All non-faculty EHRA staff employees.
 - Designated SHRA staff in management/supervisory positions or who engage in financial transactions, contract preparation, or contract administration.
 - Personnel on funded leave from University sources.

Definition of Conflict of Interest

- Situations where financial or personal considerations/relationships compromise, potentially compromise, or appear to compromise objectivity in carrying out University responsibilities.
- Extends to immediate family members (spouse and dependent children) possessing financial interests.

Executive Summary: University Compliance & Ethics



Core Purpose

Faculty and staff are encouraged to engage in appropriate outside research and non-research activities consonant with University objectives, provided they do not interfere with primary duties, compromise objectivity, or implicated security concerns.

Ethical Duty

Outside activities and financial interests must be disclosed, reviewed, and sometimes managed to mitigate actual, potential, or perceived conflicts of interest or commitment.

Governing Framework: COIC

- University Policy 101.24: Conflicts of Interest and Commitment (COIC)
- Procedures Supplemental to UP 101.24
- UNC Board of Governors 300.2.2

Governing Framework: EPAP & BOG

- University Policy 102.1: External Professional Activities for Pay (EPAP)
- UNC Board of Governors Regulation 300.2.2.1[R]

COIC Policy: Categories of Relationships



Category I: Allowable Activities

(Minimal Impact)

- Royalties or payments for scholarly works, writings, or inventions (pursuant to UP 301 Patent Policy, UP 315 Copyright Policy, and UP 204 Textbooks).
- Honoraria or travel reimbursements for service to professional associations, review panels, scholarly presentations, or accreditation reviews.
- *This category must still must be disclosed.*

Category II: Requiring Administrative Review & Oversight

- Requiring students to purchase textbooks/materials written/copyrighted by faculty/staff or family resulting in compensation.
- Compensation/gratuities from vendors doing business with the University.
- Service on board of directors/advisory board of an enterprise providing research support.
- Equity/ownership in publicly or non-publicly traded entity doing business with UNC Charlotte.

Presumed Inappropriate & Strictly Prohibited Activities

Category III: Generally Presumed Inappropriate

Requires Approved Management Plan

- **University Research & Entities:** University research involving technology owned by or licensed to an entity where the employee or their family holds a consulting relationship, equity, or executive position.
- **Research Funding:** Receiving research funding from an external entity where the employee or family holds equity or ownership interest.
- **Trainee Assignments:** Assigning students, post-docs, or trainees to research projects sponsored by an entity where the employee or family holds equity/ownership.

Category IV: Strictly Prohibited

Prohibited Under Any Circumstances

- **Business Referrals:** Referring University business to an external enterprise where the employee or family has a financial interest.
- **Contract Administration:** Negotiating or administering a contract on behalf of the University from which the employee derives direct personal benefit.
- **Gifts & Favors:** Soliciting or receiving gifts, rewards, or favors for influencing contract awards (**N.C.G.S. 14-234, 138A**).
- **Reputation Exploitation:** Trading on University reputation or assets for personal financial profit.
- **IP & Information Misuse:** Unauthorized use of privileged University information or unauthorized patent/IP assignment.

Conflicts of Commitment & Effort Allocation

Definition of Conflict of Commitment

- Occurs when distribution of time and effort between University duties and outside activities involves excessive time investment or interferes with full performance of employment responsibilities or obligations.

Primary Duty Standard

- Full-time faculty and staff must devote primary professional time, effort, and loyalty to UNC Charlotte employment responsibilities.
- Outside activities (such as consulting or professional associations) are encouraged extensions of expertise but must be arranged so they do not interfere with primary responsibilities.



Institutional Expectation: Primary professional time, effort, and loyalty belong strictly to UNC Charlotte employment responsibilities before engaging in external activities.

Statutory Framework: N.C. General Statutes



N.C.G.S. § 14-234 (Public Officers Benefiting from Contracts)

Prohibits public employees from deriving direct financial benefits from contracts they administer or influence.



N.C.G.S. § 133-32 (Gifts & Favors Regulated)

Prohibits state employees from soliciting or receiving gifts, favors, or promises of future reward from any contractor or vendor doing business with the state.



Two-Year Lookback Rule

Prohibits participating in business transactions involving public funds with entities that had a financial association with the employee within the past two years.

Annual & Interim Disclosures

Rolling Submissions for Annual Disclosure Filing

All Covered Persons must complete and submit the COI Disclosure Form annually.

Mandatory Compliance: Timely annual submission is required for all disclosures.



Submission Confidentiality

Forms are stored confidentially in restricted-access files, including an institutional database.



Mandatory Interim Filings

Must submit updated forms throughout the year within 30 days upon assumption of new duties, acquisition of new financial interests, or material changes in external activities.

Part-Time & Funded Leave Coverage

- Applies to part-time and 9-month covered persons (for employment duties).
- Fully covers covered persons on partially or fully university-funded leave.

COIC Review Workflow & Governance

1

Initial Review

COI Staff

- Conducts initial review of all COI Disclosure Forms.
- Consults with the discloser's Department Head on potential conflicts when required.
- Refers actual conflicts to appropriate Dean or equivalent.

2

Supervisor Review

Escalation Hierarchy

- Department Head disclosures reviewed with Dean.
- Dean disclosures reviewed with Vice Chancellor.
- Vice Chancellor disclosures reviewed with Chancellor.

3

Resolution

Final Governance

Reviews conclude with a determination, and, when needed, a management plan.

De Novo Review Authority



Deans, Vice Chancellors, or the Chancellor may order de novo reviews at any time for unidentified or potential conflicts.

Standing Committee on Conflicts of Interest & Commitment



Appointment & Membership

- Appointed by the Vice Chancellor for Research as delegated by the Chancellor to review complex cases referred by Deans, Vice Chancellors, or the Chancellor.

Core Responsibilities

- Conduct thorough case reviews and make resolution recommendations to referring officials.
- Provide Covered Persons the opportunity to respond in person and in writing.
- Meet at least twice per academic year to review all implemented management plans.
- Perform representative sampling audits of Conflict Evaluation Forms to ensure consistency across the University.

Developing & Implementing COI Management Plans

Plan Components

- Details: Name of employee, entity name, and nature of conflict (equity, consulting, travel, honoraria).
- Financial Value
- Oversight Terms: Key conditions, employee agreement, monitoring plan, and related grant project details.

Management Options

- Public disclosure of financial interests.
- Independent neutral monitoring of research or work plan.
- Modification of work plan or disqualification from specific project aspects.
- Severance or divestiture of conflicting financial interests.



Research Sponsors:

When a conflict exists, most sponsors require a management plan to mitigate bias and secure research.

Scope & 20% Time Rule

External Professional Activity for Pay

Defined as activity meeting all criteria:

- Performed for an external public or private entity
- Undertaken for compensation
- Based upon professional knowledge, experience, and abilities
- Not included within University employment responsibilities

20%

Contracted Time Rule Limit

External professional activities for pay are generally limited to no more than the equivalent of 20% of the employee's contracted time during the appointment period.

Key Compliance Standard



Activities must not create conflicts of interest or commitment, use University resources inappropriately, or claim University endorsement.

Applicability & Policy Exemptions

Covered Employees

- Permanent faculty and EHRA non-faculty employees classified as 0.75 FTE or greater.
- When an external activity is conducted concurrently with a contract service period (including summer if teaching or grant-funded).

Exemptions from EPAP Filing

- Faculty on academic year contracts performing work wholly outside the academic year (provided no summer contract and no conflict determined for an activity).
- Part-time employees (< 0.75 FTE) are exempt from EPAP filing but remain subject to UP 101.24 (COIC).
- SHRA staff are exempt from EPAP but covered under UP 103.3 (Secondary Employment).

EPAP Procedures: Filing Notice of Intent

1

10-Day Advance Notice

Notice of Intent must be submitted at least ten (10) calendar days before the activity is scheduled to begin.

2

Niner Research Portal

Submit electronically via the Niner Research COI module. Multiple external activities may be submitted at once.

3

Department Review

Automatically routed to the Department Head for administrative review and final determination.

Mandatory Electronic Filing Policy



All Notices of Intent to Engage in External Professional Activity for Pay **MUST** be completed online in Niner Research prior to starting any external engagement.

Required Disclosure Elements & Review

Mandatory Notice Elements

- **Date of Filing**
- **Identity:** Name of employee, name of contracting organization, and organization's address.
- **Activity Details:** Nature, beginning date, duration, and weekly/total hours devoted to activity.
- **Impact & Coverage:** University duties missed and specific coverage arrangements.
- **Resource Affirmation:** Explicit affirmation regarding use of University resources.
- **Institutional Interests:** Determination if contracting entity supports employee's University duties or if financial/equity/office interests exist.

Review Timelines

10 Calendar Days Notification Window

Department Head reviews disclosure and notifies employee in writing within 10 calendar days of submission.

Approval Duration

Term: Approval is valid only for that year.

Mandatory Re-filing: Requires formal re-filing for any succeeding year in which the activity continues.

Modified Review & Appeals Process

Modified Review Triggers

- Applies if entity currently provides funding supporting employee's University duties, or if employee/immediate family holds equity interest or executive office. An updated form must be submitted when circumstances change (such as new applicable research funding).
- Requires prompt review and secondary approval/disapproval within 10 calendar days by the department head's reporting officer (e.g., Dean/VC).

Appeals Hierarchy

- If the department head does not approve the activity, the employee cannot proceed with activity.
- If an external activity is not approved, a modified EPAP request form can be submitted for the department head's review, or a written appeal for the original request can be submitted to the administrator supervisor (Dean/VC), and then to the Chancellor or Chancellor's designee.
- Appeals decided within 10 calendar days of receipt.

Special Provisions: SAAOs, Honoraria, & State Work



Senior Academic & Administrative Officers (SAAOs)

- Must use annual leave for compensated external activities conducted during conventional workweek hours (8am–5pm, M–F).



Honoraria Rules

- Prohibited: If state-reimbursed travel, work time, or resources are used, or if the activity relates to official duties.
- Permitted: May be retained ONLY for activities during non-working hours or annual leave with zero state expense.



Inter-Institutional & State Agreements

- Activities for other UNC institutions require written agreements; compensation is paid via parent institution payroll.
- Dual employment rules apply for activities involving other NC state agencies.
- This is not an EPAP request.

Compliance Summary & Core Contacts



Annual Deadlines & Mandates

- **October 1:** Annual COI Evaluation Forms due for all covered employees.
- **10 Calendar Days:** Minimum advance notice for EPAP filings in Niner Research prior to activity start.
- **Ongoing:** Continuous 30-day update requirement for new financial interests or material changes.

COI & COC Policy Breaches

- All faculty and staff have a duty to report known or suspected policy breaches to Provost.
- Failure to comply with full disclosure subject to disciplinary action under University regulations.

Key Resources & Support

Office of Research Protections and Integrity (ORPI) Niner Research COI module support and policy interpretation

Department Chairs & Unit Supervisors Initial review & guidance



Mandatory Compliance Reminder: *Ensure annual COI forms are submitted in a timely manner and submit all EPAP filings in Niner Research at least 10 days prior to initiating external activities.*

Frequently Asked Questions (FAQ Part 1)



External Activities & Timing

Q: When must I submit an EPAP disclosure?

A: At least 10 calendar days prior to initiating any compensated external activity.

Q: How long is an approved disclosure valid?

A: Approval is valid strictly for one year.

Honoraria & Resources

Q: Can I keep honoraria from external talks?

A: Only if conducted during non-working hours/annual leave with zero state expenses used.

Q: Can I use University equipment for external work?

A: No, explicit affirmation is required regarding use of University resources.

COI Disclosure Compliance Requirements

Q: What happens if my EPAP notice is not approved by me department head?

A: You cannot proceed with the activity. However, you may either resubmit an updated EPAP notice, or submit a written appeal to your Dean/VC within the University timeframe.

Q: When is the COI Disclosure form supposed to be submitted?

A: Annual COI Disclosure Forms for all covered employees must be annually on a rolling basis. Updated forms must be submitted within 30 days.

Frequently Asked Questions (FAQ Part 2)



Disclosure Mandates & Timing

Q: Why do I have to submit a COI Disclosure form?

A: Regular disclosure is required by State & University policies (UP 101.24) to protect you and UNC Charlotte by managing actual, potential, or perceived conflicts.

Q: When do I disclose?

A: When a potential conflict is known, covered individuals must disclose annually and within 30 days of any material change.

Submission & Confidentiality

Q: Where do I submit my COI Disclosure form?

A: Submit online via NinerResearch, the electronic research system, at infoed.charlotte.edu.

Q: What if I'm worried about sensitive information?

A: Information is maintained confidentially like personnel records and is accessible only to personnel with a need to know.

EPAP Integration & Special Circumstances

Q: Is a COI Disclosure and EPAP request the same thing?

A: No. COI disclosures report potential conflicts (UP 101.24), while EPAP requests seek prior approval for external activities (UP 102.1). Both have been harmonized into one electronic form in NinerResearch—simply indicate on the form that you are also submitting an EPAP request.

Q: Can spouses work together on a research award?

A: Usually yes, provided an approved management plan is established to control for conflicts of interest and ensure compliance.



Questions?

Thank you for your commitment to compliance and integrity!