

Organizational Conflict of Interest Guidance

Organizational Conflict of Interest - any relationship, interest, activity, commitment, or obligation that may adversely affect or be in conflict with the services Woman's performs as a federal awardee.

Organizational conflicts of interest should be addressed for entities that receive federal contracts. A unique type of conflict of interest may arise when members of the institution are awarded federal contracts or assist in the development of federal programs. The purpose of disclosure of these types of conflict of interest is to ensure that research activities serve the national and public interest and are guided solely by objective results. These types of conflicts of interest are described in the Federal Acquisition Regulation (FAR) Subpart 9.5:

<https://www.acquisition.gov/content/subpart-95-organizational-and-consultant-conflicts-interest>

Identification of Potential Organizational Conflicts of Interest

Senior leadership at Woman's Hospital must disclose any conflicts of interest related to research, including, but not limited to:

- Salary or other payment for services (e.g. consulting fee, honoraria, grants to fund ongoing research, or compensation)
- Intellectual property rights (e.g. patents, copyrights, and royalties from such rights)
- Equity interest (e.g. stocks, stock options, or other ownership interest)
- Biased ground rules: preparing/writing specifications or work statements that are used in funding opportunities
- Impaired objectivity: evaluating or assessing performance of products/services of others within same organization
- Unequal access to information: access to non-public information (i.e., budget(s)/budget information, statements of work, evaluation criteria, etc.) through membership on a Board of Directors/trustees, a position in senior leadership, or through consulting or other contracting work for an entity (public or private) that has or is likely to enter into a research agreement with Woman's

Senior leadership is identified as anyone holding a position above the Director level on Woman's Organizational Chart, including members of the Board of Directors, Vice Presidents, Officers, and Executive Directors. Conflicts of interest will be assessed annually by Woman's Hospital's general counsel through review of submitted conflicts of interest disclosure forms and associated documentation.

An organizational conflict of interest may exist in three basic categories:

1). Unequal Access to Information

This type of conflict of interest may exist when an institution gains an unfair competitive advantage because of an employee's access to information not generally available to others seeking same federal funding.

2). Impaired Objectivity

This type of COI may exist when an institution's employee works on a government contract that places them in a situation of assessing performance or evaluating products of itself or a direct competitor seeking federal funding. The concern is that the institution is unable to render impartial advice under a federal contract.

3). Biased Ground Rules

This type of COI may exist when an institution's employee provides consultation, advice, or technical assistance related to seeking federal funding and the institution then applies for the same funding opportunity, such as acting as a consultant to develop standards which are used as a basis of Scope of Work that are used to support a federal funding opportunity.

[Management of Organizational Conflicts of Interest](#)

Woman's is required to certify to the federal government that any potential organizational conflicts of interest are appropriately managed. Woman's requires all employees to disclose any relationships, interests, commitments, or obligations related to activities that may give rise to an organizational conflict of interest as defined in FAR Subpart 9.5

Examples of reportable activities with the federal government that should be reported include, but are not limited to:

- Serving as an advisor or consultant to the federal government
- Serving as a member of a federal advisory board
- Working, consulting, or serving on any federal standard setting committee or board
- Working on contracts, providing scientific, engineering, or technical direction to the federal government
- Having access to proprietary, confidential, or sensitive data in the custody and possession of the federal government or other entities working with the government

Disclosure and Management of Organizational Conflicts of Interest

Senior leadership at Woman's should disclose any organizational conflicts of interest to Woman's Hospital general counsel who will work with relevant hospital departments and the government's contracting officer/program manager to develop a mitigation plan to prevent unfair advantage or loss of objectivity regarding federal contract work. Management of the conflict of interest may include recusal from certain activities, maintaining confidentiality of data, review of work by an independent third party, or other stipulations. Should the conflict involve a research study under review by Woman's IRB, the management plan may include submitting the study for review by an external commercial IRB.

<u>DATE</u>	<u>REVISION</u>
<u>2/7/2022</u>	<p><u>Per AAHRPP, added:</u></p> <ul style="list-style-type: none"> • Should the conflict involve a research study under review by Woman's IRB, the management plan may include submitting the study for review by an external commercial IRB. • Added examples of reportable activities. • Added that senior leadership should disclose these conflicts. • Added senior leadership is identified as anyone holding a position above the Director level on Woman's Organizational Chart, including members of the Board of Directors, Vice Presidents, Officers, and Executive Directors. Conflicts of interest will be assessed annually by Woman's Hospital's general counsel through review of submitted conflicts of interest disclosure forms and associated documentation.