

## UNIVERSITY OF PITTSBURGH POLICY 11-01-08

**CATEGORY:** RESEARCH ADMINISTRATION  
**SECTION:** Research  
**SUBJECT:** Organizational Conflict of Interest  
**EFFECTIVE DATE:** March 29, 2017  
**PAGE (S):** 2

### I. POLICY PURPOSE AND SCOPE

A unique type of conflict of interest may arise when members of an organization assist in the development of new federal programs or federal contract specifications, and that organization later competes for federal support through those new programs or contracts. This type of conflict of interest has been named 'Organizational Conflict of Interest' and is described in Federal Acquisition Regulation (FAR) Subpart 9.5 "Organizational and Consultant Conflicts of Interest" <https://www.acquisition.gov/far/current/html/Subpart%209.5.html>. For example, an organizational conflict of interest (OCI) can exist when a company assists the federal government in developing the specifications for a product or service and then competes for a contract to provide that product or service.

A similar situation can arise at universities. University faculty members are often invited to provide advice and technical assistance to federal agencies. Such public service is part of the mission of the University and is encouraged. However, there may be the potential for an OCI in such cases. For example, if a faculty member is on a panel that provides input for a new Request for Applications that will be put forth in the future. The important contributions that faculty members and other University personnel make in advising federal agencies must not be discouraged or diminished. However, any OCI must be managed.

The OCI policy described below is directed toward identifying and managing OCI in a manner consistent with FAR Subpart 9.5. The management of OCI allows the University the opportunity to continue these traditional and valued faculty service activities for the federal government, while mitigating or eliminating any potential bias or unfair advantage that may affect or be perceived to affect University efforts to compete for federal support through grants and contracts.

This Policy applies to all University Members, to include faculty, staff, students, visitors, volunteers, fellows, trainees and interns.

### II. POLICY

- A. The University is committed to identifying, avoiding, and/or managing actual or perceived OCIs relating to its research activities consistent with federal laws and regulations. In conducting federal research and contracting activities, University Members have a responsibility to comply with this Policy.<sup>1</sup>
- B. Definition of Organizational Conflict of Interest ("OCI"). For purposes of this Policy, an OCI is defined as any relationship, interest, commitment or obligation that may adversely affect or be in conflict with the services the University performs as a federal awardee or contractor.

An OCI may exist in three basic categories:

Unequal Access to Information<sup>2</sup>: 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 providing an unfair advantage in the proposal submission and award process.

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<sup>1</sup> Federal Acquisition Regulation (FAR) subpart 9.5 sets forth the regulatory guidance governing Organizational Conflicts of Interest.

<sup>2</sup> FAR 9.505-4

Impaired Objectivity<sup>3</sup>: 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's ability to render impartial advice under a federal contract could appear to be undermined.

Biased Ground Rules<sup>4</sup>: 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 which are used as basis of Scope of Work or specifications that are used to support a federal funding opportunity.

- C. OCI Disclosure by University Members: The University is required to certify to the federal government that any potential OCI is being appropriately managed. To collect the information needed to make these mandated certifications, the University requires all University Members to disclose those relationships, interests, commitments or obligations relating to the federal Government ("Activities") that may give rise to an OCI, as defined in FAR Subpart 9.5 and Section II.B of this Policy.

Specific examples of the types of Activities that must be reported includes, but is 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 and technical direction to the federal government;
  - Having any access to proprietary, confidential or sensitive data in the custody and possession of the federal government or other entities working with the government.
1. New faculty and staff that participated in Activities prior to University employment that may give rise to an OCI at the University must disclose that Activities to the Conflict of Interest (COI) Office within 30 days of hire.
  2. Faculty and staff must disclose any Activities that may give rise to an OCI to the COI Office annually between January 1 and April 15 during the University's COI Filing Process.
  3. Faculty and staff must disclose to the COI Office any new Activities that may give rise to an OCI which occur after annual disclosure within 30 days of the start of the Activity.
  4. When an OCI is identified, the COI Committee (COIC) and COI Office (acting under the authority of the COIC) will develop and administer a mitigation plan to prevent unfair advantage or loss of objectivity regarding federal contract work.

### **III. RELATED POLICIES**

The terms of this Policy are not intended to replace other University policies or applicable laws and regulations.

University Members must also comply with the following related Policies:

Policy 11-01-03, Conflict of Interest Policy for Faculty, Scholars, Researchers, Research Staff/Coordinators.

Policy 02-06-01, Outside Activities

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<sup>3</sup> FAR 9.505-3

<sup>4</sup> FAR 9.505-2