

Appendix B

ETH-105 Relationships of UT Southwestern Faculty, Employees, and Trainees with Vendors

UT SOUTHWESTERN POLICY HANDBOOK

ETH-105 RELATIONSHIPS OF UT SOUTHWESTERN FACULTY, EMPLOYEES, AND TRAINEES WITH VENDORS

CHAPTER 3: ETHICS, COMPLIANCE, AND STANDARDS OF BEHAVIOR

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ADMINISTRATIVE INFORMATION

Responsible Office: Office of the President
Executive Sponsor: President
Effective Date: 08/09/2018
Last Updated: 08/09/2018
Contact: policyoffice@utsouthwestern.edu

POLICY RATIONALE AND TEXT

It is the policy of UT Southwestern that all faculty, employees, and trainees must always behave in an ethical and appropriate manner when dealing with companies and individuals providing or seeking to provide products and services to UT Southwestern. It is important to UT Southwestern's relationships with patients, students, and the public that UT Southwestern faculty, employees, and trainees be free from conflicts of interest, actual or perceived, in all dealings with vendors. The purpose of this policy is to guide the interactions of faculty, employees, and trainees with companies and individuals who promote and sell products or services utilized by UT Southwestern, including but not limited to biomedical, scientific, pharmaceutical, or business products and services ("vendors").

State ethics laws prohibit UT Southwestern faculty, employees, and trainees from giving or receiving benefits as consideration for official action and if such benefits might reasonably tend to influence them in discharging his or her official duties. Additionally, UT Southwestern faculty, employees, and trainees may not solicit or accept performance gifts, business courtesies, or services from patients, visitors, vendors, or business associates because doing so may create an actual or perceived conflict of interest. Unsolicited gifts of nominal value are permissible under certain circumstances, as set forth in this policy. Gifts that are intended to influence or that may be reasonably perceived as having the potential to influence an individual in the scope of his or her duties at UT Southwestern are prohibited.

SCOPE

This policy applies to all UT Southwestern faculty, employees, and trainees. This policy does not apply to gifts made to UT Southwestern in accordance with FIM-601 Gifts - Solicitation, Acceptance, Processing, and Acknowledgment.

PROCEDURES

General Standards of Conduct

In general, faculty, employees, and trainees should not:

- 1) accept outside employment (temporary or regular) that actually or potentially results in any conflict of interest with or otherwise interferes with their UT Southwestern responsibilities;
- 2) accept or solicit any gift, favor, or service that might reasonably tend to, or is being offered with the intent to, influence them in the performance of his or her institutional duties;
- 3) accept outside employment or engage in a business or professional activity that might reasonably require or induce them to disclose confidential information acquired in the performance of his or her institutional duties;
- 4) accept outside employment or compensation that could reasonably impair their independence of judgment in the performance of his or her institutional duties;
- 5) make personal investments that could reasonably create a substantial conflict between their private interest and the interests of the institution; or
- 6) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised their official powers or performed their official duties in favor of another.

Personal Gifts

Personal gifts in excess of \$50 per year may not be accepted from any company or individual that promotes or sells products or services to UT Southwestern. The term “personal gifts” means items of any sort, including gift cards, promotional items, gift baskets, meals, services, and entertainment that are not being provided as part of an approved, sanctioned educational activity. Unsolicited gifts received by faculty, employees, or trainees valued in excess of \$50 per year should be directed to the Office of Development where they will be appropriately donated.

Conferences, Meetings, Trainings, and Events

Acceptance of complimentary invitations to conferences, meetings, trainings, or events is generally discouraged and should be evaluated carefully for the appearance of a conflict of interest. An invitation should only be accepted if: (1) there is a business-related purpose; (2) invitations are generally being provided to all clients/customers; and (3) the value of the conference, meeting, training, or event is reasonable. In most cases, UT Southwestern should pay for all identifiable costs and incidentals related to attending the conferences, meetings, trainings, or events and these expenses must be approved in accordance with UT Southwestern policies.

Only speakers, panel members, or moderators may accept compensation for attending a conference, meeting, or event for any associated expenses or for their time. Attendees and/or audience participants may not accept payment or other incentives for attendance. Individuals may accept meals or attend social events that are held as part of the conference, meeting, or event provided the value of the meal or social event is reasonable and may not exceed \$250 per year.

Industry-Sponsored Lectures, Conferences, and Meetings off the UT Southwestern Campus

Faculty, employees, and trainees should only participate in lectures, conferences, and meetings sponsored directly by industry or intermediate educational companies subsidized by industry if the event meets all ACCME guidelines. Faculty are

prohibited from facilitating participation of trainees or other employees in industry sponsored events that fail to comply with this policy.

Faculty, employees, and trainees are prohibited from participating in promotional speaking engagements for industry.

If vendors financially support travel to evaluate equipment for prospective acquisition by UT Southwestern, the request for such support should be part of the Request For Proposal, and all vendors must be treated equally.

Industry Support for Educational and Professional Programs on Campus:

All educational events sponsored by industry at UT Southwestern must be fully compliant with ACCME guidelines, regardless of whether formal CME credit is awarded and/or the event has been approved by the Office of Continuing Medical Education.

All educational events sponsored by industry at UT Southwestern must comply with the following: (1) gifts of any type to attendees or participants are prohibited before, during, and after the event; (2) funds to reimburse UT Southwestern for the specific event must be provided to the department, division, center, or program and not to individual faculty, employees, or trainees, including any funds for food to be served during the program; and (3) presentations or solicitation (including vendor materials and/or exhibits) by the sponsor/representative in conjunction with the program are prohibited in the educational space of the program.

Promotion of Industry or other Vendors

Faculty, employees, and trainees must not endorse or otherwise provide comments for company-sponsored or supported advertisements, promotional activities or announcements, news releases, videos, websites, or social media properties in their official capacity as a UT Southwestern employee or while referencing their UT Southwestern affiliation, and generally may not participate in promotions in which they have a conflict of interest. Authorization for exceptions will be determined at the sole discretion of the Office of the President or designee, must be granted in writing prior to participation with approval from the Conflict of Interest Office, and must demonstrate value to the institution. Approved participation will require disclosure of conflicts of interest related to any personal or institutional interests as part of the promotional materials.

Campus Access for Vendors

Vendors are prohibited from the following: (1) promoting products in public areas, inpatient or outpatient care units, clinics, or similar locations; (2) entering patient care areas for promotional purposes; and (3) directly contacting students, residents, and/or post-doctoral fellows to promote professional products or distribute materials of any kind. This policy specifically prohibits the giving or receiving of beverages, meals, and tickets to entertainment, sporting, or any other events or social functions.

Vendors may make an appointment to meet with UT Southwestern personnel in private offices or laboratories on a per-visit basis or as a standing appointment. Vendors who wish to provide educational materials must contact the appropriate training director. The training director will review all materials for accuracy and appropriateness of the educational content and then determine the proper forum for presenting the information to the trainees, if any. Vendors may make an appointment to work with UT Southwestern personnel in patient care areas in order to evaluate or test new technologies or services, initiating the use of new equipment or devices already purchased, or similar activities associated with a contractually agreed-to business purpose.

Scientific laboratories and clinical departments must establish a check-in process for all vendors. The vendors should be required to sign in at the appropriate office and at such time, the laboratory or department staff should remind the vendor they must comply with all UT Southwestern policies regarding solicitation, conflicts of interest, and use of campus property and facilities. All vendor visits to any UT Southwestern hospital or hospital-based clinics must comply with UHEC 13 Representatives, Vendors, Contractors, and Service Providers – Hospital Policy.

Free medication samples shall not be accepted by faculty, employees, or trainees unless in compliance with medication management policies.

Individuals and vendors **may be restricted from access to UT Southwestern for a period of** at least **six months** for violation of this or other UT Southwestern policies.

Financial Interests

Individuals who are involved in institutional decisions concerning the approval of vendors, the purchase of goods and services (e.g., medications or equipment), or the negotiation of other contractual relationships between UT Southwestern and vendors must not have any financial interest (e.g., equity ownership, compensated positions on advisory boards, paid consultancy, etc.) in vendors that might benefit from the institutional decision. This provision does not preclude indirect ownership through investment vehicles (such as mutual funds or retirement accounts) in which the individual does not directly control investment decisions made in those vehicles of equities in publicly-traded companies.

Disclosure and Management of Financial Interests

All faculty, employees, and trainees must provide specific written information on financial interests related to their work at least on an annual basis and may update such throughout the year to UT Southwestern's Conflict of Interest Office (Statement of Financial Interests), according to ETH-104 Conflicts of Interest, Conflicts of Commitment, and Outside Activities. All outside employment must be approved in advance using the Request for Prior Approval of Outside Employment form, (<http://www.utsouthwestern.edu/coi>), according to EMP-158 Outside Activities (Including Outside Employment or Board Service).

Individuals must disclose their actual and potential conflicts of interest related to any institutional deliberations and generally may not participate in deliberations in which they have an actual or potential conflict of interest.

Faculty with supervisory responsibilities over employees or trainees must adhere to any established conflict of interest Management Plan to ensure that his or her financial interest does not affect such supervision.

Individuals must disclose all related financial interests that existed in the year prior to the disclosure, exist at the time of the disclosure, or are expected to exist in the year following the disclosure (e.g., grants and sponsored research, compensation from advisory or consulting services, advisory boards, or investments and ownership interests) to journal editors in manuscripts submitted for publication and audiences at lectures or presentations, in accordance with the International Committee of Medical Journal Editors (<http://www.icmje.org/>). Such disclosures must also be made in any research participant informed consent forms.

Individuals should avoid accepting positions with private firms that entail decision-making on financial expenditures.

DEFINITIONS

Conflict of Interest – refers to any situation in which an outside interest of a UT Southwestern employee or one of the employee’s covered family members could directly or significantly affect the proper discharge of the employee’s institutional responsibilities. The proper discharge of an employee’s institutional responsibilities could be directly and significantly affected if the employment, service, activity, or interest:

- 1) might tend to influence the way the employee performs his or her institutional responsibilities, or the employee knows or should know the interest is or has been offered with the intent to influence the employee’s conduct or decisions;
- 2) could reasonably be expected to impair the employee’s judgment in performing his or her institutional responsibilities; or
- 3) Might require or induce the employee to disclose confidential or proprietary information acquired through the performance of institutional responsibilities.

Gift – for the purposes of this policy, anything of value and includes meals, services, and entertainment that are not provided as a part of appropriately sanctioned educational activities (e.g., scientific, educational, or professional meetings).

Management Plan – a plan imposing any condition and/or prescribing actions deemed necessary to manage a conflict of interest or commitment, including actions taken to reduce or eliminate the conflicts, issued by the COI Official or Committee.

Promotional Speaking – marketing and training programs designed solely or predominantly for sales, marketing, or promotional purposes. This includes industry-sponsored speaking engagements typically referred to as “speakers bureaus” (i.e., contractual relationships to give talks in which the topic(s) and/or content are provided by the company) that are solely or predominantly promotional in nature. Individuals must retain full control and authority over any professional materials they present. Such communications or presentations may not be subject to approval by any commercial interest other than approval for the use of proprietary information.

RELATED STATUTES, POLICIES, OR STANDARDS

ETH-104 Conflicts of Interest, Conflicts of Commitment, and Outside Activities

ETH-304 Institutional Conflicts of Interest

RES-401 Financial Conflicts of Interest in Research: Disclosure, Management, and Reporting

EMP-158 Outside Activities (Including Outside Employment or Board Service)

FSS-101 Use of UT Southwestern Facilities

FSS-102 Solicitation

FIM-601 Gifts - Solicitation, Acceptance, Processing, and Acknowledgment

Tex. Govt. Code Chapter 572

Tex. Pen. Code Chapter 36

Tex. Pen. Code Chapter 8

Tex. Pen. Code § 39.02

Tex. Educ. Code § 51.912(a)

UT System *Rules and Regulations* of the Board of Regents 30103 Standards of Conduct

UT System *Rules and Regulations* of the Board of Regents 90101 Intellectual Property

CONTACTS/FOR FURTHER INFORMATION

Conflict of Interest Office 214-648-5300

POLICY HISTORY

August 8, 2018: Developed as a new policy; published as ETH-105 Relationships of UT Southwestern Faculty, Employees, and Trainees with Vendors.