

# University of Hawaii: IACUC Policies & Guidelines

## Policy 10 – Confidentiality and Matters of Conflict of Interest (8/2002)

### 10.1.0 Purpose

This policy is to address matters of confidentiality and conflicts of interest.

### 10.2.0 Definitions

- **Confidential Business Information** — Commercial or financial information considered to be confidential because disclosure may: (1) Impair the Government's ability to obtain necessary information in the future; or (2) Cause substantial harm to the competitive position of the individual or business entity who provides the information.
- **Proprietary Information** — Information or data belonging to an owner or proprietor, who may have exclusive rights to the manufacture and sale of a specific item.
- **Trade Secret** — Any formula, pattern, device, or information that is used in business which provides a competitive advantage.
- **Sensitive Information** — Information or data in which disclosure, loss, misuse, alteration, or destruction may adversely affect national security or other government (usually Federal) interest.

### 10.3.0 Procedures

- Committee members are required to comply with a signed Agreement (exhibit 1) which provides the guidelines for this University's principles on confidentiality and matters of conflict of interest. The Agreement must be signed annually.
- Consultants to the program are required to comply by a signed Agreement (exhibit 2) which provides the guidelines for this University's principles on confidentiality. The Agreement must be signed on a case by case review basis.

#### 10.4.0 Conflict Of Interest Concerns

- If an applicant submitting a protocol believes that an IACUC member has a potential conflict, the applicant may request that the member be excluded from the review of the protocol.
- The request must be in writing and addressed to the UH IACUC Chairman at least five (5) working days prior to the distribution of the protocol to the committee for their review. The request must contain evidence that substantiates the claim that a conflict of interest exists with the IACUC member(s) in question. The committee may elect to investigate the applicant's claim of the potential conflict.

#### 10.5.0 Applicant's Responsibility

- If an applicant submitting a protocol believes that an IACUC member has a potential conflict, the applicant may request that the member be excluded from the review of the protocol.
- The request must be in writing and addressed to the UH IACUC Chairman at least five (5) working days prior to the distribution of the protocol to the committee for their review.
- The request must contain evidence that substantiates the claim that a conflict of interest exists with the IACUC member(s) in question.

#### 10.6.0 IACUC Action

- The committee may elect to investigate the applicant's claim of the potential conflict.
- The Chair will determine whether there is a need to assemble a subcommittee of at least four (4) members to evaluate whether the potential for conflict exists.
- The Chair will be the deciding vote in situations where there is a tie.
- The Chair will notify the applicant and the committee member in writing of the subcommittee's determination.
- If it is determined that the potential for a conflict of interest exists, the IACUC member to which the concern is focused on will be excused from the committee discussion and voting. The application will not be distributed to the member.

- If it is determined that the potential for a conflict of interest does not exist, the IACUC member to which the concern is focused on will be allowed to participate and contribute to the committee discussion on the protocol and vote. The application will be distributed to the member.

#### 10.7.0 Appeals

Appeals may be brought to the attention of the Program Designated Institutional Official.

#### 10.8.0 Ethics Committee

If an applicant or any other University of Hawai'i (UH) employee believes that a member of the IACUC has engaged in action or actions which has or have placed the committee member in conflict of interest, that complainant may bring allegations of misconduct to the attention of the UH Ethics Committee.

#### 10.9.0. Effective Date

*August 2002, IACUC Approved 07/02*

*UH General Counsel Reviewed and Approved 08/02*