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# University of Tsukuba Conflict of Interest Policy

Office of Conflict of Interest and  
Security Export Control,  
University of Tsukuba

Conflicts of interest at universities have raised considerable concerns these days, as university-industry relationships continue to expand. Conflicts of interest are ubiquitous in various situations, many of which were caused by funds from private enterprises or other organizations. For this reason, the higher the number of university-industry collaborations, the greater the potential for financial conflicts of interest. It has become necessary, therefore, for universities to create systems and rules to handle the problem of conflicts of interest so that they can promote university-industry

collaborations without compromising the public trust. Since formulating a Conflicts of Interest Policy in December 2004, the University of Tsukuba has created and revised various policies and rules.

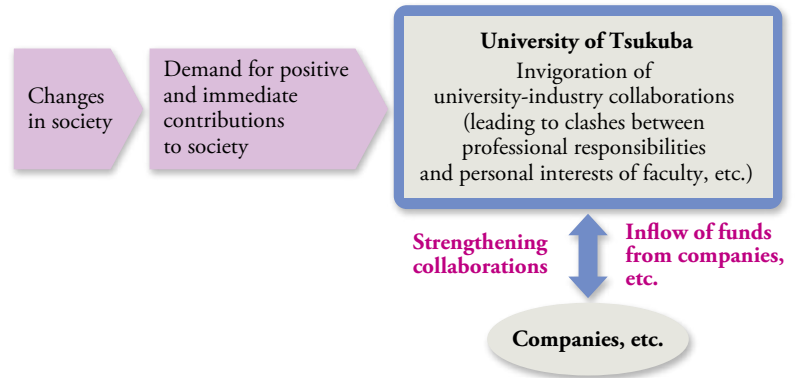
In April 2016, the University formulated an Institutional Conflicts of Interest Policy, in addition to the one for individual conflicts of interest. We expect that under the appropriate management of conflicts of interest our faculty and other staff will be able to take part in university-industry cooperative activities without any anxiety.



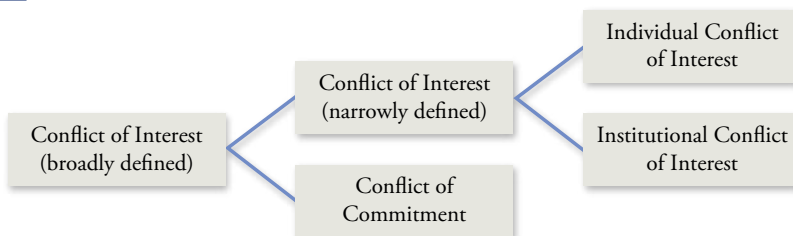
# Basic approach

## 1 Why it has become important to deal with the problem of conflicts of interest

Universities have traditionally made contributions to society through higher education and academic research, but in recent years, expectations for the intellectual property resources of universities have grown as the issues facing society and mankind become more serious. Therefore, there are demands for universities to make more positive contributions to society in the short term. If universities encourage university-industry collaboration even more than before to meet those demands, the financial interests that universities or faculty members receive from private enterprises will grow, which will result in clashes between their professional responsibilities and personal interests. In addition, there have arisen situations where universities themselves earn fee revenues for patents they hold and acquire shares in venture companies created at the universities. In other words, the more active university-industry collaborations become, the more frequently conflicts of interest arise. Creating systems and rules to handle conflicts of interest, therefore, has become an unavoidable task in promoting university-industry collaboration.



## 2 Definition of conflicts of interest



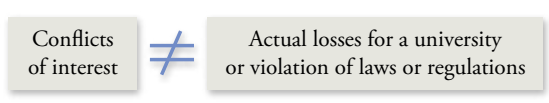
A conflict of interest is generally defined as a clash between personal interests and responsibilities of an individual in a position of responsibility (*Conflict of Interest Working Group Report*, Council for Science and Technology, Ministry of Education, Culture, Sports, Science and Technology, November 2002).

- A conflict of interest may arise when there is a divergence between interests received from private enterprises and a faculty member's professional obligations to the university.
- According to the above definition, if "interests received from private enterprises" are replaced with "obligations placed on a faculty member by private enterprises," it becomes a conflict of commitment. Therefore, a conflict of commitment may occur primarily when a faculty member holds a separate job concurrently outside the university. Broadly defined conflict of interest includes narrowly defined conflict of interest and a conflict of commitment.
- The subject of an occurrence of a conflict of interest can not only be an individual, but also a university as an institution. In other words, if there is a conflict between the interests that an institution (university) enjoys and its social responsibilities as a university, an institutional conflict of interest may arise.

## 3 Purpose of conflict of interest policy

Because conflicts of interest are often related to financial interests received from private enterprises, the Conflict of Interest Policy mainly targets university-industry collaborations. The purpose of the Conflict of Interest Policy is to ensure public trust in the University without weakening university-industry collaborative efforts by creating systems and rules to handle the problem of conflicts of interest.

## 4 Critical elements of conflicts of interest



With conflicts of interest, the appearance of the university is important, and it is vital to implement preventive measures. It is necessary, therefore, to create a system to manage conflicts of interest and establish clear, simple rules for operating that system.

A conflict of interest refers to a special situation that a faculty member is placed in; it is not directly related to actual losses for a university, or violations of laws or regulations. The problem is that because of that special situation, it may appear to the public that the university's integrity has been debilitated, and if the university does not take any effective steps to manage the conflict of interest under such circumstances, the public trust in the university will be undermined. Therefore, it is critical to take preventive steps before the university's integrity is actually compromised.

## 5 Scope of applicability

### (1) Applicability of the Conflict of Interest Policy

- a. Directors      b. Faculty      c. Other staff      d. Graduate students, post-docs, etc., employed by the University  
(for example, research assistants and researchers)

### (2) Importance of considerations regarding educational aspects

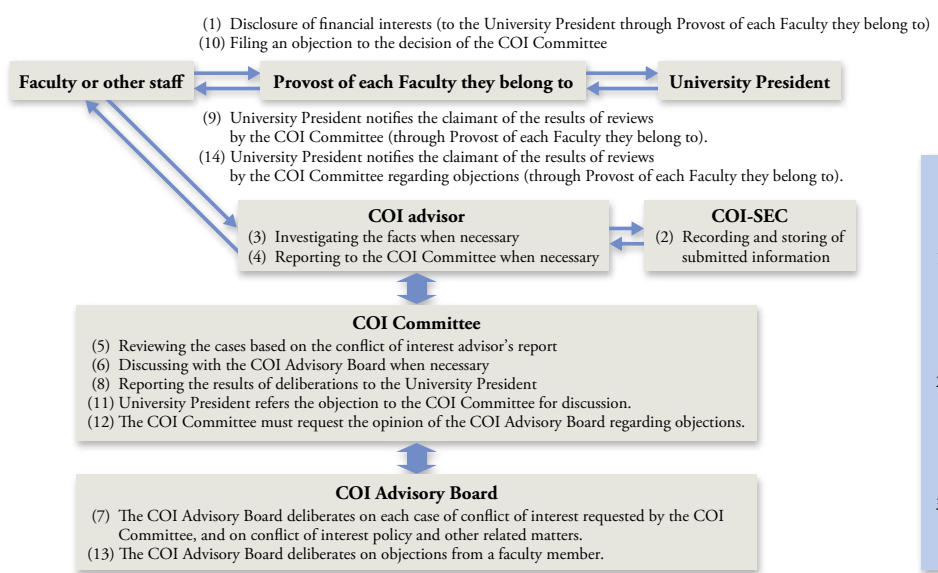
Even in education, one of the main activities of the University, we are concerned about conflicts of interest. For example, there are possible cases in which students or graduate students cannot freely choose to take part in university-industry collaborations and also are required to conclude long-term non-disclosure agreements in order to protect patents and other intellectual properties. It is important in the routine university-industry collaborative activities to give sufficient consideration to these issues so as not to hinder the ability of students to act as they see fit.

# System for managing individual conflicts of interest

## 1 Approach for managing individual conflicts of interest

The basic approach toward managing individual conflicts of interest is to first ensure transparency related to an individual's private interests and then to institute a system that makes it possible to prevent potential problems. The third point is to establish in advance simple, and clear rules to apply. In addition, it is important not only to fully provide the university's faculty or other staff with training related to the management system but also to revise the system when necessary to respond to changing conditions.

## 2 Mechanism for managing individual conflicts of interest



**Key provisions of the system for managing individual conflict of interest**

1. Faculty or other staff have a duty to regularly disclose their financial interests. (In May of each year, the interests exceeding the stipulated standards received during the previous year should be disclosed.)
2. The conflict of interest advisor handles inquiries into the conflict of interest of faculty, investigates reported cases when necessary, and can request that the issues should be discussed by the COI Committee.
3. Faculty who disagree with the decision of the COI Committee can file an objection with the University President.

# Institutional conflicts of interest management system

## 1 Why an institutional conflicts of interest management system is needed

The Institutional Conflicts of Interest Policy was formulated at a time when the University itself takes part in university-industry collaborative activities as an institution. For example, the University owns stocks and intellectual property such as patents, and receives substantial donations from companies and similar entities. When the University undertakes commissioned research for, or other activities with those entities, this creates institutional conflicts of interest for the University. In addition, national universities have been able to invest in Businesses Supporting the Utilization of Specified Research Results since fiscal 2014 under the Act on Strengthening Industrial Competitiveness.

## 2 Definition of institutional conflicts of interest

**Institutional conflicts of interest are defined in the following way in the University of Tsukuba's rules.**

- (1) The University may place itself in a state of institutional conflict of interest whenever the financial interests from outside the University or the University's special relationship with a company or other outside entity might affect or reasonably appear to affect the University's research, education, and other activities.
- (2) The University may place itself in a state of institutional conflict of interest whenever the financial interests of a University official acting within his or her authority on behalf of the University, such as the President, Executive Directors, Vice Presidents, Provosts, Director of University Library, Director of University of Tsukuba Hospital, Director of Education Bureau of the Laboratory Schools, or their special relationships with a company or other outside entity might affect or reasonably appear to affect the University's research, education, and other activities.

**In other words, there are two situations when there could be an institutional conflict of interest:**

- (1) **when the University itself has special interests in a company or other outside entity,**
- (2) **when a University official acting within his or her authority on behalf of the University has special interests in a company or other outside entity.**

Situation (1) is when the University itself holds either the rights to intellectual property such as patents or financial instruments such as stocks of a company or other outside entity.

Situation (2) is when a University official, such as the President, Executive Directors, or Provosts holds the rights to intellectual property such as patents, or financial instruments such as stocks of a company or other outside entity.

This by itself does not constitute an institutional conflict of interest, but if the University enters into a joint-research contract or contract to purchase goods, etc., under the conditions of (1) or (2), this would constitute an actual institutional conflict of interest.

The definition of institutional conflict of interest is "the financial interests from outside the University or the University's special relationship with a company or other outside entity might affect or reasonably appear to affect the University's research, education, and other activities" and this could (1) raise questions about the objectivity of its research or (2) raise questions about the fairness of procurement procedures, etc.

## 3 Common basic approach toward managing conflicts of interest

The basic approach toward managing conflicts of interest is based on a focus on appearances and preventive measures.

It is difficult to prove a causal relationship between an individual or institution having a special interest in an outside entity and biased professional judgements. Therefore, when managing conflicts of interest, the focus should be on prevention, not responding in some way to resulting acts. If it appears to a reasonable person that the special interests could affect fair decision-making, it is important to take steps to respond to that appearance.

This is the same for both individual conflicts of interest and institutional conflicts of interest.

## 4 Critical elements of managing institutional conflicts of interest

If a conflict of interest results in actual damages, the damage from an institutional conflict of interest is dramatically greater than that from an individual conflict of interest. Therefore, the response to institutional conflicts of interest is normally stricter than that to individual conflicts of interest.

## 5 Measures against institutional conflicts of interest

The following are measures to the two situations when institutional conflicts of interest arise.

### (1) If the University has a special interest in an outside entity such as a company

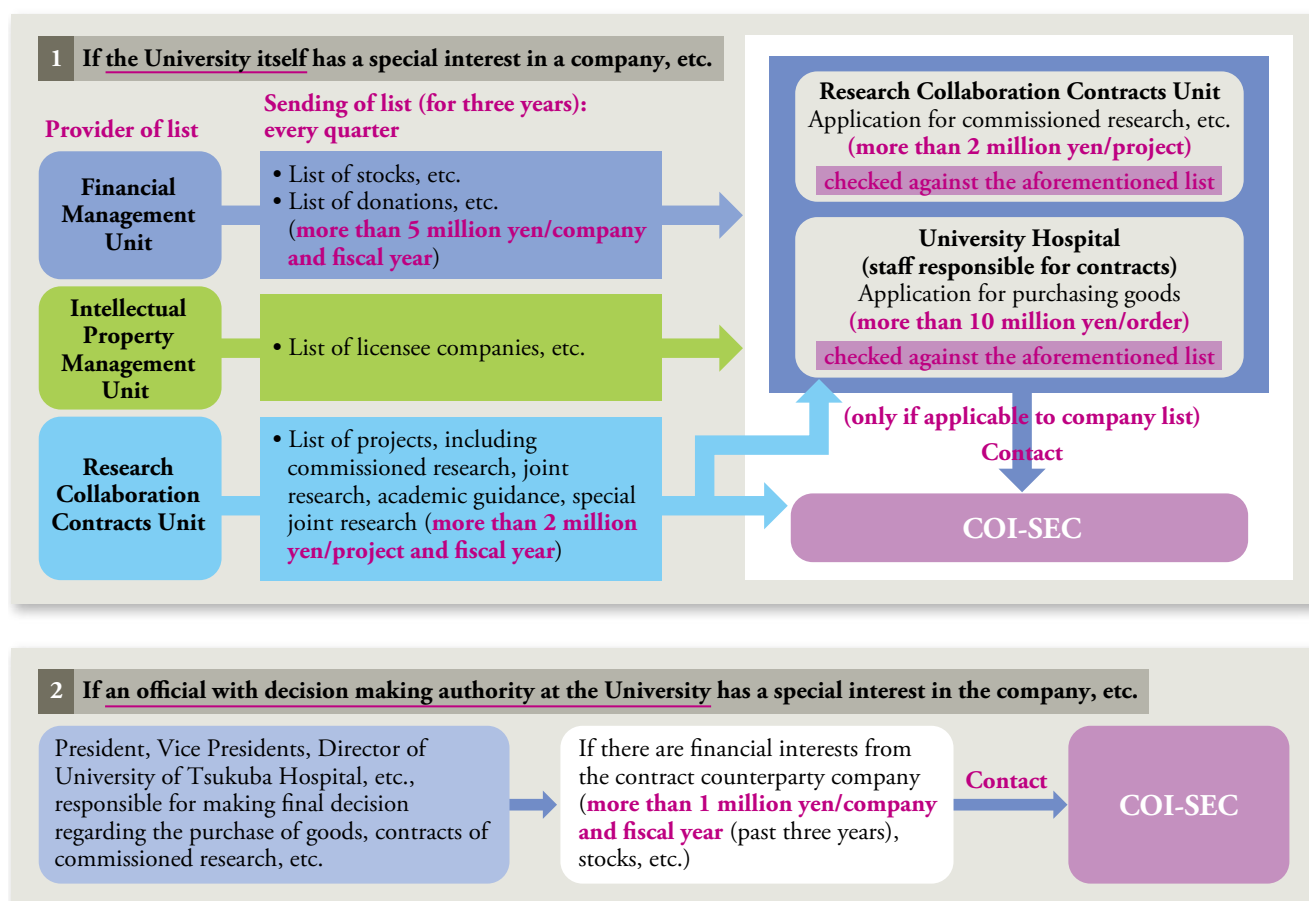
If the University concludes a contract for the purchase of goods, provision of services, commissioned research, etc., which exceeds a certain amount, with a company or similar entity whose intellectual property rights, stocks, or other assets the University holds, the department responsible for the contract, etc., is required to contact COI-SEC. The same applies if the University concludes a contract for the purchase of goods, etc., with a company or similar entity that has made a donation, etc., worth a certain amount or more to the University or is undertaking commissioned research, etc.

### (2) If the University official with the authority to make decisions has a special interest in an outside entity such as a company

If an official with the authority to make decisions on contracts has a special interest in a company or similar entity that is a counterparty to a contract, the official is required to contact COI-SEC. The official also must submit a report with almost the same format as that of a disclosure of individual financial interests. In this way, conflicts of interest with contract counterparties are managed in advance.

### ● Response by Conflict of Interest Advisor, etc.

After being contacted, a Conflict of Interest Advisor consults with the Conflicts of Interest Committee (COI Committee) and Advisory Board on Conflicts of Interest (COI Advisory Board) when necessary and decides on a response. The sharing of information with related departments is indispensable for the system discussed above (1) to function smoothly. Information on intellectual properties the University of Tsukuba owns, donations received, and companies that are counterparties to research agreements is provided to the departments responsible for contracts, and checks are made of contracts with concerned companies and other entities.



Overview of the institutional conflict of interest management system at the University of Tsukuba

# Reviewing of research plan related to COI

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If there is a request to manage conflicts of interest related to individual research plans, such as research with human subjects or research project plans for which applications have been made to the Ministry of Health, Labor and Welfare for Grants-in-Aid for Scientific Research, the reviewing of research plan is conducted for each faculty so that specialists for each particular research field can participate in its review. The COI Committee or Research Ethics Committee at each faculty or the University of Tsukuba Hospital undertakes such reviews.

## Basic rules on COI management

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### 1 Transparency of financial interests

The rule of transparency of financial interests imposes an obligation for faculty and other staff to disclose individual interests that they received from outside entities such as companies when such interests exceed a preset threshold.

Moreover, we make this information public to the extent that it does not infringe on the privacy of individuals.

Handling the matter in this way makes it possible for the University to ascertain the facts behind the conflicts of interest of faculty and categorize conflicts into those that need to be resolved and those that do not. For those that need to be resolved, it is possible to implement necessary measures by discussing the issue at the COI Committee when needed.

In addition, even when managing institutional conflicts of interest, we make an effort to disclose as much information as possible; and the results of deliberations by the COI Committee and COI Advisory Board, excluding information that should be respected as personal information, are made public in principle.

### 2 Fairness of decision-making

Fairness of decision-making means that, when the University makes decisions regarding whether to establish a special relationship with entities such as companies and one of the faculty members or other staff receives particular personal interests from that company, that member should not be permitted to take part in this decision-making. This is because it could undermine the public trust in the University's fair decisions if that member were to take part in these decisions, regardless of whether there is any actual damage or not.

### 3 Responsibility proportionate to administrative authority

Those who are in a position to make decisions at the University or those who serve as a liaison between industry, government and the University have a greater responsibility in terms of conflicts of interest than other staff engaging in routine work.

Therefore, a person in a position of trust might be required to resolve, based on the reported disclosure of his or her personal interests, such a conflict of interest, (e.g., transfer of stocks, resignation as executive of an outside company) that other members of staff would not be obliged to respond to.

### 4 Managing institutional conflicts of interest

Problems related to the University's own interests could easily grow serious. Consequently, we are required to respond to such problems based on the above rules (transparency of financial interests, fairness of decision-making, responsibility proportionate to administrative authority).



## ○ Report of disclosure of individual financial interests

Date: (month) (day), (year)

To the University President

(Affiliation) \_\_\_\_\_

(Title) \_\_\_\_\_

(Name) \_\_\_\_\_

I am reporting the following as stipulated by Article 10 of National University Corporation University of Tsukuba Rules on Conflict of Interest.

1. Declaration period covered : April 1, (year) – March 31, (year)

(Type: New / Revised report)

2. Details of individual financial interests related to university-industry collaborative activities etc. (Including your spouse and family members within the first degree of kinship who share a living only by holding stocks.)

Name and address of a company etc.	Details of individual financial interests		
	A: When applicable to Article 10, Paragraph 1, Item 1 of National University Corporation University of Tsukuba Rules on Conflict of Interest (In the case of personal benefits such as side-business compensation and the like)		
	Type of financial interests (Add a circle to the following left column of applicable items.)	Amount	
		Due to side business at an outside company	(yen)
		Due to licensing fee from or disposal of research results	(yen)
		Payment of all or part of salary	(yen)
	B: When applicable to Article 10, Paragraph 1, Item 2 of National University Corporation University of Tsukuba Rules on Conflict of Interest (In the case of holding shares of companies, etc. that have a contractual relationship with the University of Tsukuba)		

Type of financial interests (Add a circle to the following left column of applicable items.)		Enter the type and number of shares held (in the case of equity, the amount) and the relationship between the company, etc. holding the shares and the University.
	Stock holdings etc.	Reporter himself /herself:
		Your spouse and up to first-degree relatives who share the same livelihood:
		Relationship between the University of Tsukuba and the company etc.:
C: When applicable to Article 10, Paragraph 1, Item 3 of National University Corporation University of Tsukuba Rules on Conflict of Interest (In the case that it is not under the control of the University of Tsukuba and is related to the job or may damage the integrity of the job. There is no lower limit on the amount.)		
Type of financial interests (Add a circle to the following left column of applicable items.)		Amount (In the case of goods or services, enter the name or content and the estimated monetary amount.)
	All research funds such as subsidies or grants	(yen)
	Financial incentives	(yen)
	Prize money	(yen)
	Donations	(yen)
	Business trip fees	(yen)
	Lecture fees	(yen)
	Payments for writing	(yen)
	Goods such as research equipment or material, etc.	Name or content
		Estimated monetary amount (yen)



		Free provision of services	Name or content
			Estimated monetary amount (yen)
		Others:	Fill in specifically
			Fill in specifically  (yen/ estimated monetary amount)
	When applicable to " <u>when there is a change in what was reported</u> " in Article 10, Paragraph 2 of National University Corporation University of Tsukuba Rules on Conflict of Interest (After making corrections to the above list of the submitted self-report, add a circle to the following left column, and describe the details of the changes, such as adding personal profit, changing the amount, changing or selling the number of stocks held, etc. to the right column.)		

Notes:

- "A" (side business fee, licensing fee, salary) and "B" (stock holdings etc.) in this form means what has been regarded as personal profit. On the other hand, "C" was newly added by the revision of the 4th year of Reiwa. For details on the latter, see Note 13. However, since it is limited to money, goods, or services, etc. provided by companies, etc. that are not under the control of the University of Tsukuba and are related to the job or may impair the integrity of the job, most of the research funds, incentives, prize money, donations, etc. will not be applicable.

The financial interests to report are as follows.

"A": "Financial interests" must be included on this form, only if the individual interests (side business payment, licensing fee, payment of all or part of salary) received from entities, such as companies, is expected to be 1 million yen or more in the single current year, and when it will be less than 1 million yen due to cancellation or reduction, you do not need to submit it. (Covered individual financial interests include the total amount of 1 million yen or more received from not only a single company but also two or more companies during the same fiscal year.)

"B": If there is a change in "holding of stocks, etc.", specify the changes in the number of shares held, or their sales and gain on sale.

"C": Anything that is not under the control of the University of Tsukuba and is related to the job or may damage the integrity of the job should be reported regardless of the amount.

2. The subject of regular reporting is for the previous year. Submit by the end of May of the following year. New reporting as occasion arises (National University Corporation University of Tsukuba Conflict of Interest Rules, Article 10, Paragraph 2) will be made when the total amount of personal profit is expected to 1 million yen and more in the relevant fiscal year in the case of "A" (side business fee, licensing fee, salary). In the case of "B" (stocks, etc.) and "C" (In the case that it is not under the control of the University of Tsukuba and is related to the job or may damage the integrity of the job. There is no lower limit on the amount.), it will be done at the time of new acquisition.
3. Those that have already been reported as occasion arises do not need to be reported by regular reporting.
4. If there is a change in the personal interests with the company, etc. reported in the occasional reporting, correct the self-report describing the changed parts concretely, and submit it at any time (changes such as increasing profit, adding other types of personal profit, etc.).
5. Fill in one sheet for one company, etc.
6. If the entity is a domestic public institution other than the company (such as national, local public body, university, incorporated administrative agency, etc.), there is no need to report.
7. Profit from side business does not include compensation for domestic medical care or educational activity as side business.
8. Externally funded employees and part-time employees do not need to obtain approval for side business, but from the perspective of working hours and health management, they need to report the days and hours to work at other institutions (see the side business manual). Fill in the content of the report in the column of side business described in "A".
9. Regarding the royalty or profit from the sale of research results, the compensation paid by the University of Tsukuba based on the provisions of Article 9 of the National University Corporation University of Tsukuba Employee Invention Regulations (2004 Corporation Regulations No. 5) is excluded.
10. Payment of all or part of salary means that salary is paid by the University of Tsukuba using external fund staff or cross-appointment system, but all or part of the resources are from the company concerned (in the cross-appointment system including the case of receiving all or part of the salary directly from the outside company etc.).
11. Regarding the Stock holdings etc. of "B", if you hold private stocks, you will have to report for one or more stocks, and if you hold publicly held stocks, you will have to report for 5% or more of the total number of issued stocks. It also includes stock acquisition rights, equity of membership companies including limited liability companies, unlimited partnerships and limited partnerships. When entering the amount, etc., enter these types, the number of stocks, stocks for stock acquisition rights, and the amount for equity of a limited liability company, etc. However, this is limited to the cases where there is a contract of joint research, transfer of research results, donations, purchase of goods, etc. or other relationships between the issuing company of the stocks, etc. and the University of Tsukuba. Fill in all the relationships between the University and the company as far as you can know.
12. Only the Stock holdings etc. is subject to reporting obligations not only for the employee, etc., but also for the spouse and family members within the first degree of kinship who share a living. In the section of "Types of Stock holdings etc.", enter the number of stocks held, etc., such as "Spouse XX stocks".
13. Personal profits from the column of "All research funds such as subsidies or grants" to the one of "Others (Fill in specifically)" in "C" are excluded from those under the control of the University of Tsukuba. Also, you do not need to report anything that you donated to the University after you received it personally. When research funds, financial incentives, prize money and donations are to be used for research expenses of the University, they are usually donated to the President of the University and its administration is in charge of accounting for them. Consequently, they are not subject to reporting. However, if any of these research funds, etc. are provided by foreign governments / military forces or private organizations commissioned by them and are privately in charge of accounting for, such research funds should be reported. In addition, regarding

business trip fees, lecture fees and payments for writing, if you have officially notified and had your side business approved, refer to "A" and fill in the column of " Due to side business at an outside company ". If you receive a reward for writing a manuscript as a side business independently outside the University, it does not fall into the category of the situation "related to your job". And moreover, such a case has been widely practiced in each field for many years, and it does not fall under the category of the situation "that may damage the integrity of duties". So, it is not subject to reporting obligations. Therefore, fill in the "Business trip fees, lecture fee, Payments for writing" of the "C" only when there is something that does not depend on the officially approved side business. The research funds, etc. from the national government, independent administrative agencies, etc. including those donated to the university by the received faculty members, etc. even if they are from private organizations, are not subject to reporting. Only those that are privately accounted for and are related to the job or may damage the integrity of the job should be covered. And it is necessary to report them regardless of the amount of money. If you are unsure whether to report or not, please contact the Office of Conflict of Interest and Security Export Control.

# COI management, research universities, and university-industry collaboration

Conflicts of interest frequently occur as universities develop collaboration with society, and for universities to maintain the trust of the public and protect the reputation of faculty and other staff, it is necessary to appropriately respond to those conflicts of interest, and not ignore them. In particular, it can be argued that this is an indispensable foundation for the University of Tsukuba to become a prestigious research university.

Faculty members may feel that it is burdensome to have to disclose individual interests and undergo a review by committees, but the purpose of managing conflicts of interest is to protect the reputation of faculty, and to establish an environment in which faculty and other staff can focus on their research and teaching activities without anxiety.

University-industry collaborations are an important method for universities to contribute to forging solutions to society's problems by meeting its diverse demands. In no way is the purpose of managing conflicts of interest to limit university-industry collaborative activities. On the contrary, fully and fairly managing conflicts of interest will protect the public trust in the University, and this will promote university-industry collaboration.

Being excessively cautious when making decisions regarding each individual case will probably eliminate problems, but it may kill the fruits of university-industry collaboration that have begun to develop. It is important, therefore, to be conscious of the fact that managing conflicts of interest plays a key role for promoting university-industry collaboration and to make every related individual decision based on that perception. We cannot encourage university-industry cooperation without managing conflicts of interest. Thus, managing conflicts of interest is a university-wide issue, and we need to exert our efforts into making that management system more methodical and effective.

## Access

### By bus

- Tsukuba Center Bus Terminal (take Tsukuba Express Line (TX), get off at Tsukuba Station, leave the station from Exit A3), Bus stop No.6. For the "University Loop-line [Tsukuba Daigaku Junkan Bus]" that departs Tsukuba Center, you can go either counterclockwise (about 12 minutes) or clockwise (about 20 minutes). Get off the bus at Daigaku Koen stop. About 2 minutes on foot.
- Yaesu South Exit (Tokyo Station)—Highway Expressway Bus, about 75 minutes—Get off the bus at Tsukuba Daigaku stop. About 4 minutes on foot.

### By car

- 8.5 km from the Sakura-Tsuchiura Interchange Exit of the Joban Expressway
- About 13 km from the Yatabe Interchange Exit of the Joban Expressway  
→ Ask at "Main Gate Information Center". Be sure to display your parking pass.

See "Access to Tsukuba Campus / Route Map" → <https://www.tsukuba.ac.jp/en/about/campus-access/>

## Contact Us

Inquiries are requested to be sent by email accompanied by sufficient information to help us ascertain the situation in question.

Please also send us by e-mail any relevant documents including articles of agreement.

Clinical research related inquiries, however, are to be referred to the responsible section for each faculty or the University of Tsukuba Hospital.

### Office of Conflict of Interest and Security Export Control

c/o 409 Joint Use Facility Building A

University of Tsukuba

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