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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.

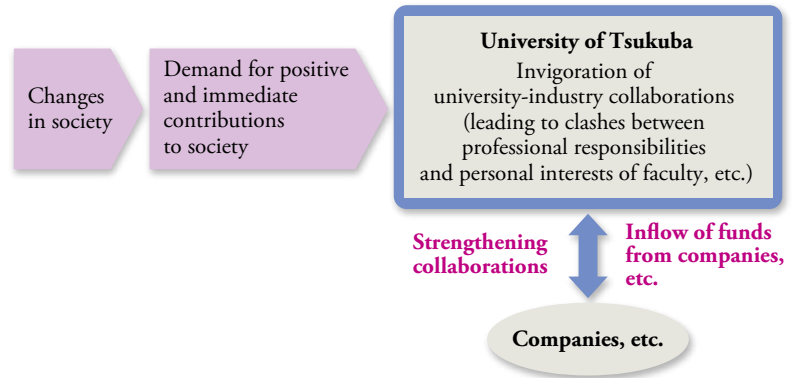
In April 2016, the University formulated an Institutional Conflicts of Interest Policy, in addition to the one for individual conflicts of interest. We expect that under the appropriate management of conflicts of interest our faculty and other staff will be able to take part in university-industry cooperative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



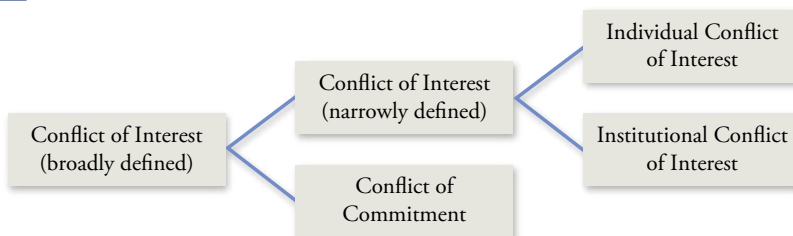
Basic approach

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



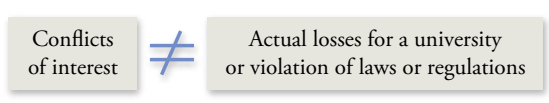
A conflict of interest is generally defined as a clash between personal interests and responsibilities of an individual in a position of responsibility (*Conflict of Interest Working Group Report*, Council for Science and Technology, Ministry of Education, Culture, Sports, Science and Technology, November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

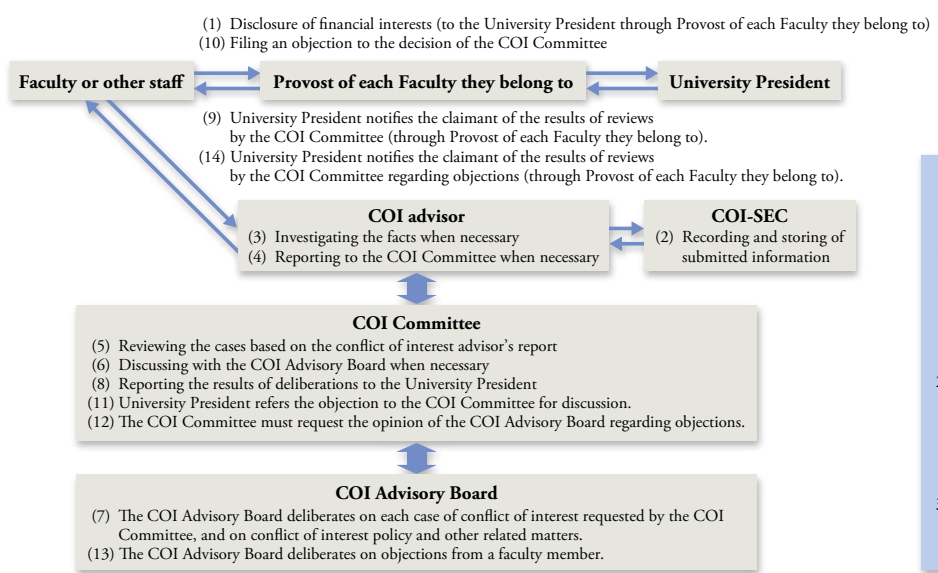
Even in education, one of the main activities of the University, we are concerned about conflicts of interest. For example, there are possible cases in which students or graduate students cannot freely choose to take part in university-industry collaborations and also are required to conclude long-term 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

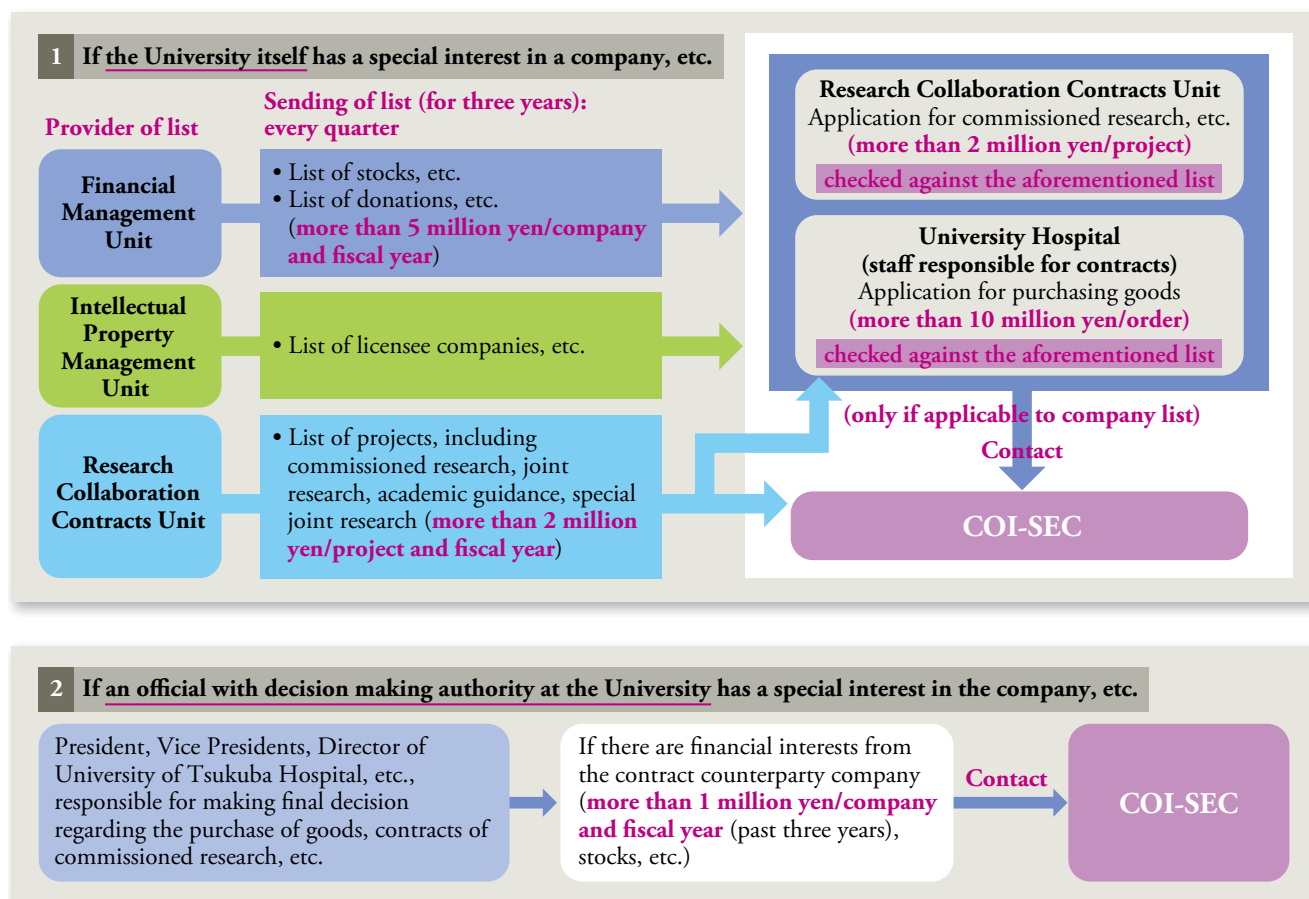
If the University concludes a contract for the purchase of goods, provision of services, commissioned research, etc., which exceeds a certain amount, with a company or similar entity whose intellectual property rights, stocks, or other assets the University holds, the department responsible for the contract, 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

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

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. Covered period: April 1, (year) – March 31, (year)
2. Details of individual financial interests related to university-industry collaborative activities (including spouse and up to second-degree relatives who share the same livelihood)

Name and address of a company etc.	Relationships between the national university corporation the University of Tsukuba (hereinafter referred to as “the University of Tsukuba”) and a company etc. (Add a circle to the left of applicable items. The following relationships include ones held prior to the covered period. See Notes 2.)		
	<input type="checkbox"/>	a. Transferred of the research results held by the University of Tsukuba	
	<input type="checkbox"/>	b. In contractual relationship with the University of Tsukuba such as commissioned research, joint research, academic guidance and special joint research project	
	<input type="checkbox"/>	c. Making donations etc. to the University of Tsukuba	
	<input type="checkbox"/>	d. Providing goods or services to the University of Tsukuba	
	<input type="checkbox"/>	e. Invested or with personnel and technical consultation assisted by the University of Tsukuba	
	<input type="checkbox"/>	f. Others (to specify)	
	Type of financial interests (Add a circle to the left of applicable items)		Amount (monetary amount, number of stocks, etc., held)
	<input type="checkbox"/>	Due to side business at an outside company	(yen)
<input type="checkbox"/>	Due to licensing fee from or disposal of research results	(yen)	

		Payment of all or part of salary	(yen)
		Stock holdings etc.	

Notes:

1. Fill out one sheet for each company etc.
2. "Relationships between the University of Tsukuba and a company etc." refers to a 10-year period including the current year as for a. and e., and a 3-year including the current year as for the others.
3. There is no need to file a declaration if "a company etc." is a public institution other than a company (e.g. the national or a local government, a university, an independent administrative agency, etc.).
4. "Donations etc." refers to monetary donations; research subsidies; donation of facilities, equipment or other items; free provision of services etc. (University of Tsukuba Donation Rules (Rule 32 of the 2006 University Rules)). It does not include items given by individuals.
5. "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, amount to 1 million yen or more in the single current year. (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.)
6. "Financial interests" must be included on this form, even if they are received by a faculty or other staff's spouse and up to second-degree relatives with a common livelihood. In that case, in the "Amount" section of the form, write the corresponding monetary amount, number of shares, etc., by noting in parenthesis (x yen for spouse and up to second-degree relatives with a common livelihood) or (x shares for spouse and up to second-degree relatives with a common livelihood).
7. Interests "due to side business at an outside company" include manuscript or lecture fee, but exclude honoraria for medical service or academic education.
8. Interests "due to licensing fee from or disposal of research results" do not include the compensation paid by the University of Tsukuba in accordance with the stipulations of Article 10, University of Tsukuba Work Invention Rules (2004 University Rule No. 5).
9. "Payment of all or part of salary" must be included on this form when all or part of that is funded by a company etc. though that is paid by University of Tsukuba as in the case of externally funded employee or employment by cross appointment system (including the case of being paid directly by a company etc. through cross appointment system), and also his or her spouse or up to second-degree relatives with a common livelihood are employed by the company. In the case of spouse and up to second-degree relatives with a common livelihood, they should be written in parentheses as in Note 6 above.
10. "Stock holdings etc." includes both unlisted stocks and publicly traded stocks. For unlisted stocks, this applies to any stock held; for listed stocks, this applies if 5% or more of issued stocks are held. This also includes stock acquisition rights and equity in equity method companies, including limited liability companies, general partnerships, and limited partnerships. When filling in the monetary amount etc., note the type; for stocks or stock acquisition rights, number of stocks; for the equity stake in limited liability companies etc., the monetary amount.

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 10 minutes) or clockwise (about 20 minutes). Get off the bus at Daigaku Koen stop. About 2 minutes on foot.
- If taking a regular bus departing Tsuchiura Station or Hitachinouchiku Station, get off the bus at Tsukuba Daigaku Chuo stop. About 4 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" → http://www.tsukuba.ac.jp/en/access/tsukuba_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.

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