Conflict of Interest - General

Brief

Title: Conflict of Interest – General
Publication date: 7/18/2014
Effective date: 1/5/2010

BRIEF

Policy Summary

This policy describes Berkeley Lab conflict-of-interest policies. Individual policies provide further detail on specific aspects of conflict of interest.

Who Should Read This Policy

This policy applies to all employees, including rehired retirees and faculty.

To Read the Full Policy, Go To:

The POLICY tab on this wiki page

Contact Information

Research and Institutional Integrity Office
riio@lbl.gov

Policy

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POLICY

A. Purpose

This policy provides an overview of Berkeley Lab conflict-of-interest policies.

B. Persons Affected

This policy applies to all employees, including rehired retirees and faculty.

C. Exceptions

Not applicable

D. Policy Statement

1. General. The Laboratory is bound by a variety of conflict-of-interest policies, some of which emanate from the U.S. Department of Energy (DOE) contractual requirements (DOE Contract No. DE-AC02-05CH11231, also known as Contract 31) and some of which are founded on University policies, California law, and federal regulations. These policies pertain to a broad range of employee activities, including compensated outside business and professional activities, hiring procedures, sponsored research, human subjects research, licensing,
and technology transfer. An employee who fails to comply with Laboratory conflict-of-interest policies may incur disciplinary action by the Laboratory and prosecution under state law. These policies apply to all Laboratory employees regardless of percent time of appointment at the Laboratory, including rehired retirees and University of California faculty associated with the Laboratory.

2. **Laboratory Requirements**

   a. **Contract 31 contains Clause I.66, Organizational Conflicts of Interest**, whose purpose is to ensure that the Regents of the University of California (and its employees) are not biased because of financial, contractual, organizational, or other interests that relate to the work under the Contract, and that there is no unfair competitive advantage over other parties due to the performance under the Contract. Employees who obtain access to information (such as DOE financial plans or data) that has not been released to the general public must not use such information for any non-Laboratory purpose.

   b. **Clause I.78, Contractor's Organization**, cites the Department of Energy Acquisition Regulation that addresses gratuities, the use of privileged information, incompatibility between an employee's regular duties and private interests, and outside employment of employees.

   c. **Clause I.109, Federally Funded Research and Development Center (FFRDC) Sponsoring Agreement**, contains prohibitions about using privileged information to compete with the private sector. Additionally, for employees who receive information that may be sensitive or proprietary to the government, care must be taken to ensure the Laboratory is operated in the public interest with objectivity and independence, free from organizational conflict of interest.

   d. **Clause I.92, Technology Transfer Mission**, implements the National Competitiveness Technology Transfer Act of 1989, as amended, and states that the contractor shall conduct federally funded technology-transfer activities that benefit the competitiveness of U.S. industry. The conflict-of-interest portion of this clause is reflected in Berkeley Lab's Conflict of Interest in Research — CRADAs, Technology Transfer Ombudsman, and Conflict of Interest in Licensing policies.

   e. The University of California has a compendium of Conflict of Interest policies that can be found here. These policies should be adhered to in concert with the specific requirements under Contract 31.

**E. Roles and Responsibilities**

Managers, supervisors, and employees have the responsibility to adhere to the provisions of this policy.

**F. Definitions/Acronyms**

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<th>Term</th>
<th>Definition</th>
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<tr>
<td>Conflict of Interest</td>
<td>A set of circumstances in which the private interests of an individual are in conflict with his or her official responsibilities</td>
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**G. Recordkeeping Requirements**

None

**H. Implementing Documents**

None

**I. Contact Information**

Research and Institutional Integrity Office
riio@lbl.gov

**J. Revision History**

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<th>By whom</th>
<th>Revision Description</th>
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<td>9/12/2013</td>
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<td>M. Stoufer</td>
<td>Re-write for wiki</td>
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**Document Information**

**DOCUMENT INFORMATION**

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<td>Conflict of Interest – General</td>
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**Source Requirements Documents**

- Contract 31, Clause I.66, *Organizational Conflicts of Interest*
- Contract 31, Clause I.78, *Contractor's Organization*
- Contract 31, Clause I.92, *Technology Transfer Mission*
- Contract 31, Clause I.109, *Federally Funded Research and Development Center (FFRDC) Sponsoring Agreement*

**Other Related Berkeley Lab Policies**

- See the RPM Section *Conflict of Interest*
- See the RPM Section *Conduct of Research and Development*

**Implementing Documents**

None