

IX. AURA POLICY GOVERNING CONFLICT OF INTEREST

A. PREAMBLE

As a recipient of federal funding, AURA has a responsibility to ensure public stewardship of such funds and those related activities including research, observatory operations, community participation and public education and outreach. The public community should be confident that such activities remain unencumbered by potential conflicts of interest that might affect the sound judgment of officers, management, and staff. AURA recognizes that the decisions and actions of its employees may directly influence the public's perception of AURA as a whole.

AURA seeks to ensure that any economic activities it undertakes are consistent with the following core values.

- **Appropriate use of sponsor or government funds:** AURA ensures that its institutions, its leadership, scientists, committee members, and technical and administrative staff do not enter into a relationship where there may be an actual or perceived conflict of interest with their responsibilities and fiduciary obligations to AURA and its centers.
- **Integrity of administrative decision-making:** AURA's leadership and administration must be aware of and deal appropriately with potential conflict of interest situations, both real and perceived, which may exist or arise.
- **Objectivity and integrity of astronomical research:** The advancement of knowledge depends on the ability of scholars to formulate ideas free from the influence of conflicting interests.
- **Open publication and sharing of research results:** Agreements with outside entities and other economic activities should preserve an open environment for the conduct of astronomical research and public dissemination of the results of these activities.

The activities of each AURA Operating Center should be constituted so as to maintain public confidence in AURA as an organization committed to the advancement of astronomical science.

B. PURPOSE

Individuals in each of our operating centers and our corporate office may become involved in situations where their functions are conflicted by, or are perceived to be conflicted by, the opportunity for personal gain. This policy is established to provide appropriate institutional safeguards in order to sustain a climate in which the AURA Corporate and Center operations, management, procurement, sponsored projects, research, and technology transfer are carried out responsibly. In so doing we will foster an atmosphere of openness and integrity. It is critical to the mission and reputation of AURA to maintain the public's trust that our activities are not compromised, or perceived as biased, by financial and business considerations.

C. POLICY

AURA employees shall not enter into any relationships where there may be a perceived or actual conflict of interest with their responsibilities and obligations to AURA and its operating centers.

Each financial interest that presents a potential for conflicts of interest, whether real or perceived, must be fully disclosed and managed, reduced, or eliminated before any contract, sponsored project, dedicated gift, or transaction is executed, any contractual relationship is initiated, or any action is taken that might be influenced or appear to be influenced by the conflict of interest.

All full-time employees are required to give AURA their primary professional loyalty and to arrange their financial interests and other non-institutional activities so as not to conflict or interfere with their commitment to AURA.

All employees must be alert to the possible effects of their non-institutional activities on the objectivity of their decisions, on the fulfillment of their obligations and discharge of the AURA's responsibilities to the general public.

Employees should refrain from engaging in any non-institutional activities that interfere with the proper discharge of their AURA duties, nor should they engage in business, accept employment outside of AURA, or otherwise engage in any non-institutional activity when such business, employment, or activity creates a conflict of interest or a conflict of commitment as hereinafter defined.

Each AURA Operating Center must develop a Conflict of Interest Policy that will provide an oversight process to manage, reduce or eliminate institutional conflicts of interest, and allow the members of the scientific, technical, and administrative staff to identify, evaluate, correct and/or remove real, apparent and potential conflicts of interests and/or commitments. The AURA Center procedures must comply with applicable funding agency requirements and include:

1. Procedures for collecting Conflict of Interest Disclosure Forms from each employee and a process for annual review and updating of these forms by each employee;
2. Institutional mechanisms for review of alleged non-compliance;
3. Identification of staff who will be responsible for implementation of the Center's Conflict of Interest Policy (Conflict of Interest Officer).
4. Procedures for reporting non-compliance; and,
5. Detailed sanctions for non-compliance.

Allegations that include a Center Director should be reported to the AURA Corporate Office.

Center Conflict of Interest Policies and Procedures must be consistent with AURA Policy and established government rules and regulations pertinent to conflict of interest policies.

Any documented conflicts of interest relating to the administrative or financial aspects of a federally funded award must be reported to the AURA Corporate Office in writing. Such findings will be reviewed by the AURA Vice President for Administration, and addressed as required with the appropriate funding agency in the manner defined by the terms and conditions of the related funding document.

D. EMPLOYEE DISCLOSURE

AURA Centers are to establish a procedure in conjunction with their appointed Conflict of Interest Officer, whereby each AURA employee completes a Conflict of Interest (COI)

Disclosure form. New employees will be required to complete COI Disclosure Form at the time of hire.

The AURA COI Disclosure Form should be reviewed and if required updated annually by the employee. The Center COI Officer will audit and review each submission, ensuring compliance by the participant, which may include development of a plan for managing an apparent conflict. Plans created to manage an apparent conflict shall be reviewed annually until the activity is no longer relevant.

All forms, including annual update submissions and reports should be kept by the AURA Center and made available for review by the AURA Vice President for Administration or by the AURA Center COI Officer.

The Centers will keep the COI disclosure forms and copies of all actions taken to resolve conflicts of interests for three years beyond termination of the employee or completion of the grant or cooperative agreement, to which they relate, or until the resolution of any funding agency action involving those records which ever is longer.

E. REPORTING OF NON-COMPLIANCE

Allegations of non-compliance must be reported to the Center COI Officer. Allegations must be in writing and include any supporting documentation. All investigations shall be treated as confidential. Notification of any valid allegation under investigation should be reported to the Center Director.

F. RESOLUTION OF CONFLICTS

The Center COI Officer shall provide the individual subject to the allegation with a copy of the alleged charge. If after a preliminary review, the Center COI Officer determines that there is a potential violation then it shall be referred to the COI Resolution Committee (CRC). The individual subject to the allegation shall have an opportunity to present materials for the CRC to review.

Each Center shall establish a Conflict Resolution Committee. (CRC) At a minimum the committee members shall include:

- The Center COI Officer
- The Center Director or Deputy Director
- The Center Human Resources Manager
- An Ad Hoc Staff member appointed by the Center Director for each particular conflict.

If the CRC finds no violation, it shall so inform the employee in writing, and provide a copy of the finding to the COI Audit File.

If the CRC finds non-compliance with this Policy it shall make a written finding including a recommendation for sanction and send it to the employee, COI Officer and placed in the employee personnel file.

The employee may appeal the decision of the Conflict Resolution Committee to the AURA Vice President for Administration for final determination.

G. SANCTIONS FOR NON-COMPLIANCE

Definition of non-compliance includes failure to:

- a. Comply with this Policy
- b. Report accurately on the designated disclosure form
- c. Comply with decisions under the Policy.

The CRC may recommend one or more of the following disciplinary and/or administrative actions:

- a. Reprimands
- b. Fines
- c. Probation
- d. Suspension
- e. Freezing of research funds
- f. Withholding of payment owed under a procurement contract relating to the conflict
- g. Legal action to rescind AURA contracts entered into in violation of this COI policy or federal law
- h. Legal action to recover the amount of financial benefit received by an employee as a result of his or her violation of this policy
- i. Disqualification from an award, committee, project and/or a contract selection
- j. Termination

Procedures for imposing sanctions and the sanctions used shall be governed by existing AURA and other AURA Center Policies including those regarding grievances and/or termination.

If the conflict of interest has not been satisfactorily managed, AURA will notify the funding agency in writing as required.

Any penalties that may be imposed by an external funding agency shall be deemed separate from any imposed by AURA.