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Educator Conflicts of Interest Policy

Type & Status

Academic (relates to academic affairs, faculty, and/or learners)

Policy Established on	April 18, 2019 (V1); September 16, 2019 (V1, Modified);
Policy Status, Date of Last Review Updated	Current, as of March 31, 2021 (V1, Modified)
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I. Rationale

- A. The purpose of this policy is to establish and describe specific types of Educator Conflicts of Interest and how to avoid them.
- B. In compliance with applicable laws, regulations, and standards (see [Section X](#), below), all Educators at Baylor College of Medicine will focus primarily on the educational development of their students and work to keep the learning environment free from real or perceived personal, financial, or other biases that could arise from participating in the assessment, interview, or promotion of any current or prospective student with whom the Educator has an existing personal relationship or other significant connection.
- C. BCM Educators must avoid all Conflicts of Interest described in this policy, and disclose conflicts as they arise.
- D. Whenever possible, Educators will avoid providing healthcare services to any Learner whom an Educator must also teach, assess, or advise as part of a Baylor College of Medicine educational program. If an ongoing physician-patient or clinician-patient relationship has already been formed with a Learner, then the Educator will avoid future teaching and assessment of that Learner.

II. Stakeholders Affected by this Policy

This policy applies to all Educators, Health Providers, and Learners at BCM.

III. Definitions

- (a) **BCM** refers to the Baylor College of Medicine.
- (b) **Conflict of Interest** occurs when the private interests (financial or otherwise) of an Individual or members of their immediate family have the potential to create an actual or perceived bias in an Individual's obligations to the College, such that an independent observer might reasonably question whether actions or decisions are being made in the best interest of the College. A Conflict of Interest may exist whether or not decisions are affected by a personal interest.

- (c) **Educators** include all Baylor College of Medicine faculty members, House Staff Physicians, and professional staff members who make admission, promotion, or assessment decisions about, or who teach or counsel, Learners.
- (d) **Extended Family** includes an Individual's cousins, aunts and uncles, nieces and nephews, grandparents, grandchildren, great-grandparents, and great-grandchildren.
- (e) **Health Providers** refers to licensed or certified health professionals who Baylor College of Medicine engages to provide healthcare services, including medical or psychological services, to the public.
- (f) **House Staff Physicians** refers to resident and fellow physicians who provide healthcare services for patients under the direction and supervision of attending physician(s) of a Baylor of College Medicine clinic or affiliated hospital or clinic site.
- (g) **Immediate Family** refers to an Individual's spouse or domestic partner, children (biological, adopted, step, foster, or legal ward), parents, and siblings.
- (h) **Individual** means an Educator, current Learner, or applicant.
- (i) **Learners** refers to all students currently enrolled in any Baylor College of Medicine school or program; postdoctoral and pre-doctoral trainees, who are invited to complete time-limited learning experiences administered by designated departments and do not require enrollment; and House Staff Physicians.
- (j) **SDD** refers to the School Dean or their Designee.

IV. Policy

- A. **Culture of Disclosure: Educator Obligations.** Failure to disclose a Conflict of Interest or to recuse when a known Conflict exists may be considered a lapse in professionalism. Educators must disclose that a Conflict of Interest exists with respect to a particular Learner or applicant, but are not required to disclose the nature of the Conflict.
 - 1. Disclosure of Perceived Conflicts. Conflict of Interest disclosures will be made in good faith and based on knowledge that is reasonably available to the Educator at the time. This policy is not intended to specify in advance every Conflict of Interest that could arise in the academic setting. BCM expects Educators to reflect, identify, and disclose the existence of a relationship or significant connection with a current or prospective Learner that a reasonable person would perceive to be a Conflict of Interest. A covered Conflict of Interest may exist when the Educator and Learner or applicant have the following relationships:
 - a. Immediate Family and Extended Family relationships;
 - b. Personal and social relationships, including with the Learner's or applicant's Immediate or Extended Family (for example, friendship or significant work together in charitable activities).
 - c. Business and financial relationships with the Learner, applicant, or a member of the Learner or applicant's Immediate or Extended Family (for example, an Educator pays an applicant for the provision of child-care services, or an Educator invests in a business owned by the Learner's Extended Family).
 - 2. Disclosure of and Recusal from, Conflicts of Interest. Disclosures are to be made to the Educator's SDD. SDDs will process each Educator disclosure as a request to recuse the Educator from the interview, assessment, or promotion of the Learner or applicant to whom the disclosure pertains. Once informed about a Conflict of Interest, the SDD will confer with appropriate administrative personnel and either appoint a designee (if needed) with knowledge of the relevant school/program procedures and requirements, or simply enforce the recusal.
- B. **Avoiding Conflicts of Interest.** Educators must strive to avoid Conflicts of Interest that may arise in relation to the following academic, administrative, or clinical activities, as well as in leadership roles to which Educators may be assigned.
 - 1. Academic Assessments.

- a. *Immediate Family or Extended Family relationship to the Learner* – Educators must recuse themselves from the academic assessment and promotion of the Learner, and all committee discussions in which that Learner or Applicant is a subject. The Educator may not serve as a primary preceptor for that Learner in any graded course.
 - b. *Personal or social relationship with the Learner or a member of the Learner's Immediate or Extended Family* – Educators must recuse themselves from the academic assessment and promotion of the Learners in the event of past personal or social relationships with Learners or their family members. Consistent with BCM's [Policy Regarding Harassment, Discrimination, and Retaliation](#) (see 02.2.25, Section IV.A.3), beginning an amorous relationship with a Learner presently subject to an Educator's supervision, instruction or assessment is prohibited.
 - c. *Business or financial relationship with the Learner or a member of the Learner's Immediate or Extended Family* – Due to the inherently collaborative nature of scientific research, which may lead to the development of intellectual property through the exchange of ideas, resources, and work, unavoidable conflicts may arise for Educators who conduct such collaborative research with a Learner they must also assess. The Educator must recuse themselves from the academic assessment and promotion of the Learner, when possible, and otherwise address the matter with their School Dean as provided below (see [Section IV.B.2.d](#), below).
 - 1) Disclosure of a financial interest related intellectual property may also be required. Educators and Learners who are in business together or have financial relationships with a third party organization must also disclose these financial interests as provided in the Disclosure of Outside Interests Policy (31.2.01).
 - 2) Because potential Conflicts of Interest pertaining to intellectual property may also arise during Learner research experiences, Educators (such as major advisors of research postdoctoral scholars in the Graduate School of Biomedical Sciences) are required to directly inform the student's School Dean of the potential Conflict related to the financial interest (even though it may have already been disclosed to the Office of Compliance and the Department Chair pursuant to the Disclosure of Outside Interests Policy (31.2.01)).
2. Committee Memberships & Leadership Roles. BCM acknowledges that recusal may not be a viable option for Educators in dual or multiple roles (see [Section IV.B.2.d](#), below).
- a. Promotions Committee. Educators serving on school or program promotions committees, whether appointed or elected, should recuse themselves from voting and decision making concerning a Learner when the following relationships or circumstances are present, although Educators may share relevant information about a Learner with the Committee. Recusal is expected when the Educator has:
 - 1) an immediate Family or Extended Family relationship with the Learner;
 - 2) a personal or social relationship with the Learner, or a member of the Learner's Immediate or Extended Family;
 - 3) a business or financial relationship with the Learner, or a member of the Learner's Immediate or Extended Family;
 - 4) graded the Learner in a course for which the course grade is the subject of a pending adverse action or proposed remediation plan;
 - 5) served as the Learner's faculty advisor, formal mentor (e.g., Learning Community Advisor, specialty mentor, research mentor), or other significant relationship with the Learner; or
 - 6) provided healthcare services to the Learner (see [Section IV.B.3](#), below).
 - b. Admissions Committee.

- 1) *Immediate Family or Extended Family relationship to the applicant* –
 - a. Educators serving on Admissions Committees at the School of Health Professions (SHP) and Graduate School of Biomedical Sciences (GSBS) should recuse themselves from participating in screening, interviewing, ranking, and decision making relating to the applicant.
 - b. Educators serving on the School of Medicine Admissions Committee, including the Interviewing Subcommittee, must take a leave of absence from the Committee for one application cycle.
 - 2) *Personal or social relationship with the applicant or a member of the applicant's Immediate or Extended Family* – Educators should recuse themselves from screening, interviewing, ranking, and decision making concerning the applicant.
 - 3) *Business or financial relationship with the applicant or a member of the applicant's Immediate or Extended Family* – Educators should recuse themselves from screening, interviewing, ranking, and decision making concerning the applicant.
- c. *Advisory Committees & Administrative Workgroups.* Educators who are in any of the following circumstances should recuse themselves from voting and decision making concerning a Learner, although they are permitted to share relevant information with the designated decision-makers (e.g., promotions committee).
- 1) *Educators in Learner Health or Wellness Roles.* Designated administrative personnel in the Occupational Health Program, Office of Student Services (e.g., Wellness Intervention Team), and in each SDD's Office that gather health information from Learners' education records (which is protected by the Family Educational Rights and Privacy Act of 1974), provide confidential advice to Learners regarding sensitive personal matters or present health status, and who offer recommendations to the SDD as to the Learner's ability to meet the demands of their academic program, including expectations for ethical behavior, professionalism, and fitness for duty.
 - 2) *Educators on the Student Appeals & Grievances Committee.* Faculty serving on the Student Appeals & Grievances Committee that review sensitive personal information about degree-program students, including allegations of misconduct and concerns about the student's ability to continue with the program of study, and make recommendations to the Provost and Senior Vice President of Academic & Faculty Affairs about the student's ability to meet the demands of their academic program, including expectations for ethical behavior and professionalism.
 - 3) *BCM School Deans, Program Directors, and Student Affairs deans who become privy to sensitive personal information about a Learner,* as may occur in academic counseling, in investigating alleged misconduct or wellness concerns, and in personal conversations with the Learner whose progress and program performance the Educator is monitoring.
 - a. *School of Medicine Personnel only:* The School of Medicine (SOM) will make reasonable efforts to provide medical students with confidentiality within the Office of Student Affairs. When medical students request assistance from Student Affairs, whether related to their academic needs, personal circumstances, professional development goals, or medical status, knowledge of the request is limited to persons with a legitimate educational interest in the information. The School offers an alternate medical student performance evaluation to affected students, known as the "Dean's Letter."

- d. *Educators in Dual or Multiple Roles*. In some circumstances, unavoidable logistical and administrative issues create Conflicts that require affected Learners, Educators, and supervisors to work collaboratively toward an equitable resolution. Unavoidable Conflicts may arise for Educators who serve in multiple administrative and teaching roles in small-scale programs, or for Educators in large programs whose roles cover broad ranges of Learners. Under these circumstances, transparency, peer consultation, and shared responsibility for assessment and promotions decisions may be approved by the School Dean or Designee to mitigate the Conflicts. It is the responsibility of the Educator to promptly bring these circumstances to the School Dean or Designee, who will engage the Educator and affected student in addressing the dual or multiple roles. The Educator will provide the student with a copy of the Conflict of Interest management plan via email, with a copy to the School Dean or Designee.
3. Healthcare Services.
 - a. Educators who also serve as Health Providers may not participate in the academic assessment or promotion of any Learner to whom the Educator currently provides or helps provide healthcare services. This prohibition cannot be waived by students enrolled in any BCM degree-granting program. Educators with past healthcare relationships must contact the supervisor(s) of the learning experience to report that an unspecified Conflict of Interest prevents participation in academic assessment and promotion decisions about that Learner, and a Conflict management plan is appropriate.
 - b. Educators who provide medical or psychological services to Learners, whether currently or in the past, must avoid teaching and evaluating those Learners.
 - c. Educators who are members of committees should recuse themselves from any committee decisions that pertain to a current or prospective Learner to whom the Educator currently provides or helps provide healthcare services.

C. **Learner Obligations.**

1. Report Perceived Conflict(s) of Interest. Learners who have Immediate Family, Extended Family, or personal relationships with an Educator should not participate in evaluations of that Educator. Learners are expected to report an actual or perceived Conflict of Interest that may impact the teacher-learner paradigm. Reports should be directed as follows:
 - a. GSBS: Senior Associate Dean of Graduate Education
 - b. NSTM: Assistant Dean, Education and Student Affairs
 - c. SHP: Program Director
 - d. SOM:
 - 1) Clerkships: report to the Clerkship Director
 - 2) Courses: report to the Course Director
 - 3) Other Issues: Associate Dean of Student Affairs or designee
2. Request for Waiver. Requests from Learners to waive Educator Conflicts of Interest for reasons stated in [Section I](#) of this policy will generally be rejected.
3. Report Alleged Policy Violations. If a Learner believes this policy has been violated, the Learner may report the alleged violation informally to a school official, or file a formal grievance through the [Integrity Hotline](#).

V. Responsibilities

- A. Educators and Learners involved with the admission or promotion of Learners are responsible for prompt disclosure of any actual or perceived Conflict of Interest.
- B. Course and Clerkship Directors are responsible for ensuring their course(s) comply with this policy, monitoring and documenting an actual or perceived Conflict of Interest, and promptly reporting violations of this policy to the SDD.

- C. Admissions and Promotions Committee Chairs are responsible for ensuring their committees comply with this policy, monitoring and documenting any actual or perceived Conflict of Interest, and promptly reporting violations of this policy to the SDD.
- D. Designees of each School Dean and the Associate Provost for Diversity, Inclusion, Equity and Student Services are responsible for ensuring the policy compliance of their offices; monitoring and documenting an actual or perceived Conflict of Interest; and promptly reporting violations to the School Dean.
 - 1. GSBS and SHP Program Directors and SOM Student Affairs Deans are responsible for tracking Learner performance, including monitoring academic achievement as well as ethical and professional development, and reporting to the school or program promotions committee and SDD.
 - 2. The Office of Student Services is responsible for making recommendations to the Office of the SDD regarding the health or wellness of students about a potential leave of absence, student progression, and access to academic and non-academic support resources provided through BCM.

VI. Procedures for Implementation and Review

A. Conflict Avoidance Procedures.

1. Clerkships.
 - a. BCM faculty members are prohibited from serving as course or clerkship Educators for any Learner with whom they have a physician-patient or clinician-patient relationship.
 - b. If a faculty member has taught in the NSTM, SHP, or SOM curriculum, and is asked to complete a clinical performance assessment of a Learner to whom they have provided health services or with whom there is significant preexisting relationship (see [Section IV.A.1.a-c](#)), then the faculty member will decline the evaluation and note that they cannot evaluate the Learner.
2. Courses & Small Group Sessions. At the beginning of each course or small group session, each Educator who serves as a facilitator will be asked to review the course or session roster to confirm there is no Conflict of Interest as to any assigned Learner. If an Educator discovers an actual or potential Conflict of Interest, the Educator will notify the Course or Clerkship Director of the inability to facilitate the group. The Course or Clerkship Director will reassign the Educator to a different group. If the Educator recognizes by sight but not by name a Learner with whom the Educator has an actual or potential Conflict of Interest, the Educator may complete the instructional session, as needed, and promptly bring the matter to the attention of the faculty member's supervisor.
3. Student & House Staff Mental Health Services (SHMHS).
 - a. In the event that an Educator provides services on behalf of the SHMHS, or practices medicine or mental health care at a facility where Learners seek health services or counseling, Learners will not be assigned to those providers for care.
 - b. If, despite efforts to avoid a Conflict of Interest, a Learner is assigned for health care services to a faculty member who may be involved in assessing the Learner's academic or clinical performance, the Learner should notify the Course or Clerkship Director or the Associate Dean of Learner Affairs immediately, so the Learner may be reassigned to a different health care provider.
4. Community Placements. When Learners who are participating in a preceptorship or community placement outside the Texas Medical Center require urgent or emergency health services, preceptors should refer the Learner to a clinician who has no involvement in the academic assessment or promotion of the Learner, unless a delay in referral would harm the Learner or no other health care provider is available to provide such care.

5. Committees. Members of each school's Admissions Committees (including any subcommittees) are required to sign a Conflict of Interest policy before each academic year. Policy compliance, evidenced by signed documentation, is to be monitored by the administrator of each Committee.
6. Other Conflicts of Interest. If a potential Conflict arises in another setting or situation, it is the responsibility of the Educator to promptly bring the Conflict to the supervisor, who will engage the Educator and affected Learner to either manage unavoidable dual roles, or appoint another Educator to participate in the assessment of the Learner or applicant. The Educator will notify the Learner by email of an approved Conflict management plan, with a copy to the supervisor.
7. Tracking Conflict Avoidance. The Provost and Senior Vice President for Academic and Faculty Affairs will work collaboratively with School Deans and other relevant administrators to develop a procedure for tracking Conflicts, and strive to identify relevant trends across school and programs.

B. **Schedule for Policy Review and Update**. This policy will be reviewed every five years, but may be updated sooner if necessary to maintain compliance with applicable laws, regulations, or standards or respond to operational challenges identified by senior leadership.

VII. Stakeholder Compliance

Violations of this policy may be considered lapses in professionalism, which may subject the Educator, Health Provider, or Learner to corrective or disciplinary action under school and institution-level policies.

VIII. Tools

- Conflict of Interest Policy Acknowledgment Form;
- [BCM Office of Compliance – Integrity Hotline Resources](#):
 - Phone: (855) 764-7292
 - Online: [Make Report](#) or [Follow Up on an Existing Report](#).

IX. Related Policies

- SOM:
 - Conflict of Interest Policy – Admissions Committee;
 - Conflict of Interest Policy – MD Committee on Student Promotions and Academic Achievement;

X. Applicable Laws, Regulations & Standards

A. Institution & School Accreditation Standards.

- [Accreditation Council for Graduate Medical Education \(ACGME\): Common Program Requirements](#)
- [Liaison Committee on Medical Education \(LCME\): Functions and Structure of a Medical School \(see current Academic Year\)](#);
 - Standard 12.5 (Non-Involvement of Providers of Student Health Services in Student Assessment);
- [Southern Association of Colleges and Schools Commission on Colleges \(SACSCOC\): Resource Manual for the Principles of Accreditation \(2018\)](#)
 - Comprehensive Standards 10.1(Academic Policies); 10.4 (Academic Governance); 10.8 (Evaluating and Awarding Academic Credit); 9.7 (Program requirements); 12.3 (Student Rights)

B. Program Accreditation Requirements.

- [Accreditation Review Commission on Education for the Physician Assistant, Inc. \(ARC-PA\);](#)
- [Council on Accreditation \(COA\) of Nurse Anesthesia Educational Programs;](#)
- [American Society of Tropical Medicine and Hygiene \(ASTMH\);](#)
- [Commission on Accreditation of Allied Health Programs \(CAAHEP\);](#)
- [National Commission on Prosthetic and Orthotic Education \(NCOPE\);](#)
- [Accrediting Council for Continuing Medical Education \(ACCME\);](#)
- [Accreditation Council for Genetic Counseling \(ACGC\).](#)