

Research Standards of Conduct on Organizational Conflict of Interest (OCI)

I. General

For purposes of this policy, an Organizational Conflict of Interest (“OCI”) is a situation where because of relationships with a parent company, affiliate, or subsidiary organization, Rice University is or may be unable to be impartial in conducting a government procurement action involving a related organization. An OCI may also occur when such a relationship adversely affects or conflicts with the services that Rice University performs as a federal awardee or contractor.

An OCI is distinct from an individual financial conflict of interest, which are covered in Policy [216](#) and Policy [838](#).

Certain federal awards or contracts include clauses that are designed to address potential OCI in entities that receive those contracts. The current federal regulations regarding organizational conflict of interest are described in Federal Acquisition Regulation (FAR) Subpart 9.5 “Organizational and Consultant Conflicts of Interest” as well as OMB Uniform Guidance 2 CFR §200.318. In addition, some other types of sponsors may have their own requirements related to OCI.

Rice University is committed to identifying, avoiding, and/or managing actual or perceived OCIs relating to its research activities, consistent with federal laws and regulations. In conducting federal research and contracting activities, Sponsored Programs and Research Compliance (SPARC) and Rice faculty and staff (“University Members”) have a responsibility to identify and mitigate OCI.

II. Types of OCI

As defined in federal regulations, there are three basic categories of OCI:

1. Unequal Access to Information

This type of OCI arises when Rice University gains an unfair competitive advantage because of a University Member’s access to information not generally available to other parties competing for the same federal funding. For example, a faculty member may have had access to non-public information relating to an agency’s budgets, statements of work, or evaluation criteria in the proposal submission and award process for a grant or project that the University may wish to apply for and such information would provide the University with an unfair competitive advantage that other applicants or bidders would not have.

2. Impaired Objectivity

This type of OCI arises when the University Member's work on a government contract places the University in a situation of evaluating itself or a related entity. For example, the University's work under one government contract could require it to evaluate its own activities or evaluation of proposals from entities competing with the University. In this case, the concern is that the University is unable to render impartial advice under a federal contract.

3. Biased Ground Rules

This type of OCI arises when a University Member provides consultation, advice, or technical assistance relating to a federal funding opportunity and the University then applies for that same funding opportunity. For example, a Faculty Member may serve on a federal advisory board or act as a consultant to develop standards, which are used as basis for a Scope of Work or specifications that are used to support a federal funding opportunity.

III. Identification and Mitigation

The University is required to certify to the federal government that any potential OCI is appropriately identified, disclosed, and mitigated, in accordance with the contract/award terms. There are two main ways that we do this. First, anyone working on a federal contract with an OCI restriction is expected to review this policy.

Second, University Members are required to disclose relationships, interests, commitments or obligations with the federal government that may present an OCI at the time of award and as part of the annual financial disclosure review process. For example, the following activities may create a higher risk for OCI (depending on how the activity relates to the Rice duties or research):

- Serving as an adviser or consultant to the federal government;
- Serving as a member of a federal advisory board;
- Working, consulting, or serving on any federal standard setting committee or board;
- Working on contracts providing scientific, engineering, and technical direction to the federal government;
- Having any access to proprietary, confidential, or sensitive data belonging to the federal government or other entities working with the government.

When a potential OCI is identified, SPARC will work with the university member or department to determine whether OCI indeed exists and, if so, develop of an appropriate means for resolving by developing a mitigation plan.

SPARC will also disclose the OCI and the approach for resolving to the Federal Contract Officer for review and final determination, in accordance with the contract/award terms.

Sponsored Research funds related to the OCI under review may not be expended until the review of the potential OCI is complete.