

Code of Conduct

Conflicts of Interest and Conflicts of Commitment

Adopted by the HSC Executive Committee – September 20, 2010

Adopted by the SoM Executive Committee – January 2011

Revisions approved by the HSC Leadership Team – February 2021

Purpose

The Health Sciences Center of West Virginia University employs innovative faculty and staff who earn regional, national, and international recognition for their contributions to education, research, patient care, and the advancement of their diverse clinical and scientific specialties. Because of their expertise and experience, faculty and staff have opportunities to engage in professional activities with industry, professional and scientific organizations and journals, other universities, and governmental agencies. Such activities can assist faculty and staff to develop their knowledge and skills; contribute to the growth and development of their area of expertise; enhance the academic and clinical missions of their Department, School, and University; and improve patient care. Participation in these activities may also create real and perceived conflicts of interest and conflicts of commitment. The purpose of this document is to specify legitimate relationships with industry and other organizations and entities for faculty and staff of the Health Sciences Center of West Virginia University. The goal is for faculty and staff to advance education, service, and research through collaboration with industry and other organizations in a manner that is ethical and that avoids real or perceived conflicts of interest or commitment.

Definitions

“Conflict of Interest” involves a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest (education, patient care, conducting or reporting research, or performing other University obligations) will be unduly influenced by a secondary interest (financial gain or other personal considerations). Conflict of interest pertains to faculty, staff, or student learners (including undergraduate and graduate students, health profession residents, fellows, and postdoctoral students).

“Conflict of Commitment” occurs when a faculty member, staff, or student engages in an outside activity that interferes, or appears to interfere, with fulfillment of the employee’s or student’s obligations to the University even if the outside activity is valuable to the University or contributes to the individual’s professional development and competence.

“Industry” is defined as all pharmaceutical manufacturers; biotechnology, medical device, and medical equipment supply entities, and their representatives; and other commercial enterprises.

“Institutional Review” means faculty, staff, or students should consult with their Departmental chair for review and approval of relationships with industry or other entities. Where indicated, Departmental chairs may consult with the Dean’s office for further guidance and clarification.

Core Values

Our patients’ best interests are our first priority. The faculty, staff, and students of the Health Sciences Center of West Virginia University strive to maintain their trust through a commitment to avoiding conflicts of interest and commitment where possible. In situations in which potential conflicts of interest may exist or be perceived, the faculty and staff will disclose them to patients. Disclosures of conflicts of interest will be managed by the Dean of the faculty member/staff’s School.

Professional integrity is to be maintained through honesty, transparency, accountability, objectivity, and full disclosure with regard to the relationships of faculty, staff, and students of the Health Sciences Center of West Virginia University with industry and other entities.

The faculty, staff, and students of the Health Sciences Center of West Virginia University seek to contribute to advances in education, research, and patient care, and in some instances, these advances may be best achieved through collaboration with industry or other entities.

Domains

A. Gifts and individual financial relationships with industry and other entities

All gifts that are directly funded or provided by industry or vendors are prohibited regardless of whether they are offered in Health Sciences Center-operated sites or off-site. Textbooks, anatomic models, simulation devices, medical device samples etc., may be donated to the department and then distributed to students or residents for use, or used in the classroom setting, so long as they serve a genuine educational function. These items remain the property of the University and must be returned to the department after use. Meals provided as part of the program of an off-campus event offered by an accredited continuing education organization or a recognized academic, professional, or scientific society that has submitted and been approved to be able to offer continuing education credit are permitted, so long as the organization’s conflict-of-interest policies are followed. Gifts, meals, or compensation for listening to a sales talk by an industry representative are not permitted. Gifts that are provided to the community valued at twenty-five dollars (\$25.00) or less are permitted to be accepted. Pharmaceutical drugs may not be accepted by students, residents, employees, or the University regardless of whether the pharmaceutical drugs serve a genuine educational function.

B. Consulting Relationships

All consulting arrangements must be in accordance with the institutional WVU policy on consulting and must be disclosed annually to WVU (and in NetLearning for clinical staff with hospital privileges). Nothing in this Code of Conduct shall be construed as being in conflict with provisions of the WVU Board of Governors’ Rule 1.4 with regard to consulting activities by faculty. Consulting relationships with industry must be subjected to institutional review and approval by the Dean of the faculty member’s

School. Additionally, they must either be described in a formal contract, or payment for services must be commensurate to the task.

C. Industry-funded Speaking Relationships

Faculty and staff are allowed to engage in industry-funded relationships provided that such relationships are disclosed to and approved by the Dean of the faculty member/staff's School and do not interfere with their responsibilities at the Health Sciences Center of West Virginia University. Nothing in this Code of Conduct shall be construed as being in conflict with provisions of the WVU Board of Governors' Rule 1.4 with regard to industry-funded speaking relationships by faculty. Industry must not be allowed to have a role in determining presentation content. Specific policies for managing honoraria received or speaking relationships will be determined by each School in the Health Science Center. The use of West Virginia University's name or logo is prohibited on presentation and/or other printed materials for use at an industry sponsored event. The intent of this stipulation is to eliminate perceptions that the views/opinions being presented are those of West Virginia University instead of the individual faculty/staff that is presenting. Faculty are not permitted to engage in marketing for industry.

D. Disclosure

Personnel (faculty, staff, and employees) are required to disclose financial ties with industry (for example consulting and speaking agreements, research grants, etc.) to the Dean of their School on an annual basis. These disclosures shall also include financial ties with industry of a faculty or staff member's spouse, domestic partner, or dependent children. Such ties are to be posted on a publicly available website, and faculty and staff are to disclose such relationships to patients when such a relationship might represent an apparent conflict of interest. Faculty and staff must recuse themselves and not knowingly and intentionally participate in the awarding or oversight of a public contract or purchasing agreement with a company with which they have a financial relationship. Disclosures of faculty shall be reviewed when making committee appointments and in other circumstances in which a faculty member's conflict of interest might influence his/her recommendations.

E. Purchasing and Formularies

Faculty and staff are required to recuse themselves from decisions regarding a public contract with a company with which they have a financial interest. Formulary committees and committees overseeing purchases of medical devices shall exclude individuals who have financial relationships with drug or device manufactures from participation in decisions with regard to those drug or device manufacturers. Exclusion may be specific to participation in a particular decision for which the faculty or staff has a conflict of interest. This Code of Conduct does not prevent expert clinicians from advising a committee provided that potential conflicts are disclosed. (NOTE: This code is not intended to prohibit indirect financial interests such as investments in mutual funds that may own pharmaceutical company shares).

F. Industry Sales Representatives

Pharmaceutical representatives are not allowed to enter in-patient or out-patient care areas. Medical device company representatives are not allowed to enter in-patient or out-patient areas with the

following exception: under certain limited circumstances, device industry representatives who are properly credentialed by the Health Sciences Center-affiliated hospital may be allowed in patient care areas at the request of a clinician to facilitate a clinical procedure involving a pertinent device and with the permission of the patient. In these circumstances, medical device company representatives shall register with a designated central office before entering and after leaving the patient care area.

G. Education

All continuing education events hosted or sponsored by the Health Sciences Center must comply with the appropriate ACCME or other professional standards. Any such educational program must be open on equal terms to all interested practitioners and may not be limited to attendees selected by industry sponsors.

Industry funding for such programming should be used to improve the quality of the education. Industry is not permitted to dictate the content of the programming. See section I.

H. Compensation for Travel or Attendance at Off-Site Lectures and Meetings

Industry funds are to be provided to the institution, not directly to the student or trainee. Before travel, the responsible administrator must determine if the funded conference or program has educational merit. There must not be any implicit or explicit expectation that the Health Sciences Center will provide something in return for industry support for student or trainee travel. Financial support for travel by industry should be fully disclosed by the meeting sponsor. The meeting content must be determined by the program committee and by the speaker, not by the industry sponsor.

I. Industry and Other Support for Academic, Clinical, and Research Enterprise Activities and Programs for Health Science Center Schools

Industry support of academic conferences and lectures involving residents or students may be used ONLY if the funds are directly provided to the administrative office of the particular Health Sciences Center School. The Deans of the Schools of the Health Sciences Center at each division are responsible to determine whether the support will be accepted and if so, how the funds will be allocated. No quid pro quo may be involved in any way. The meeting or lecture content must be determined by the academic Department, not the industry sponsor. The lecturers are expected to provide a fair and balanced assessment of therapeutic options and to promote objective scientific and educational activities and discourse.

Industry support of clinical enterprises (e.g., donation of funds to support a new clinical program) may be used ONLY if the funds are directly provided to the administrative office of the particular Health Sciences Center School. The Deans of the Schools of the Health Sciences Center at each division are responsible to determine whether the support will be accepted and, if so, how the funds will be allocated. No quid pro quo may be involved in any way.

Industry support of clinical fellowships or scholarships to support trainees, or grants for specific educational purposes, may be used ONLY if the funds are directly provided to the administrative office of the particular Health Sciences Center School. Industry sponsored conferences can be of educational merit.

Industry may choose to sponsor the attendance by providing travel, meals, and hotel accommodations. In these cases, department chairs or their designees will request approval from the Deans of the Health Sciences Center Schools. The WVU Outside Consulting Arrangement Approval Form <https://medicine.hsc.wvu.edu/faculty-staff/conflicts-of-interest-and-commitment-outside-consulting-and-outside-employment/guidelines-forms/> must be completed and signed by the Dean of the specific Health Sciences Center school. The Deans of the Schools of the Health Sciences Center are responsible to determine whether the support will be accepted and if so, how the funds will be allocated. No quid pro quo may be involved in any way. Industry is prohibited from earmarking or awarding funds to support the training of particular individuals (recipients must be chosen by the School). Industry sponsors may provide equipment or supplies to specific departments for the purpose of training or education. These funds and/or gifts are subject to approval by the Health Science Center administration. Where industry scholarships are to support a particular fellowship or trainee position, institutional review of the industry funding is required.

Industry support of specific research projects is subject to institutional review and approval. See the West Virginia University Conflict of Interest in Research policy. See N.

Philanthropic support of academic, clinical, and/or research enterprises may be used ONLY if the funds are directly provided to the administrative office of the particular Health Sciences Center School. Unrestricted educational grants may be provided by industry to specific departments for the purpose of education and training. The Deans of the specific Health Science Center school will be responsible for to determine whether the support will be accepted, how the funds will be allocated, and ensuring these funds are used for legitimate educational or training purposes. No quid pro quo may be involved.

J. Faculty-Patient Relationships

Direct sales to patients, employees of the Health Sciences Center, and employees of University Health Associates for personal gain and activities designed to foster such sales shall constitute a violation of this Code of Conduct.

K. Health Sciences Center School Curriculum

All students or trainees should receive training by the teaching faculty regarding potential conflicts of interest in their interactions with industry vendors and be taught to recognize how industry promotion can influence clinical judgment.

L. Ghost Writing

Ghost writing is the practice by which individuals or companies make substantial contributions to published scientific or academic literature but are not disclosed as authors. Ghostwritten scientific articles influenced by commercial sources may lead to misrepresentation of data or conclusions, thereby posing a serious threat to public health.

Faculty, staff, students, and trainees are prohibited from allowing their professional presentations, oral or written, to be ghostwritten by any party, industry, or otherwise.

Faculty, staff, students, and trainees may also not participate in ghost authorship of professional presentations as the unnamed author.

M. Publications

When a WVU employee is asked to be a co-author on publications that result from industry-sponsored trials research, the employee must have final editing rights of the data presented. All draft documents must be reviewed and approved by the author before the submission to the journal. There should also be a statement that the study was sponsored by the particular industry. For industry-sponsored research, other than FDA-monitored clinical trials, there should be a statement that the ideas and conclusions reflect those of the authors and do not necessarily represent the views of West Virginia University. In addition, specific guidelines for a WVU employee's role in publications may be defined in the contract that the employee and/or WVU signs with the company. The WVU employee should not have his/her name as part of an industry-sponsored publication that is serving as pure advertising for a product.

N. Research

Please see the WVU Policy on Conflict of Interest in Research available at <https://oric.research.wvu.edu/services/conflict-of-interest/forms#:~:text=Conflict%20of%20Interest%20in%20Research%20Disclosure%20Those%20considered,and%20make%20any%20necessary%20revisions%20to%20a%20disclosure%3A>

O. Enforcement

This Code of Conduct is enforced at the School level. Departmental personnel shall consult with the office of the Dean of their School or with the Vice President's office for further guidance and clarification to abide by this code in each of its domains. Failure to abide by this Code of Conduct may result in disciplinary sanctions up to and including termination of employment.

P. Addenda

With the approval of the Vice President and Executive Dean and or the WVU COI Committee, an individual Health Sciences Center division may develop an addendum to this code to address circumstances unique to their division and campus.

WEST VIRGINIA UNIVERSITY
HOSPITALS
POLICY AND PROCEDURE MANUAL

Policy VI.291
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Revised 02/08/2018

Reviewed 02/08/2018

SITE VISIT GUIDELINES

STANDARD OF CONDUCT

Periodically it may become necessary for management staff to travel off-site or for a vendor to come on-site for the purpose of identifying, evaluating, or implementing various programs, services, or equipment that may be used at West Virginia University Hospitals (WVUH). These guidelines are meant to provide instruction on how to arrange and conduct site visits, including the payment of travel expenses, to assure integrity and fairness in the final selection process, free of any allegations of impropriety.

POLICY

It is the policy of WVUH to be prudent purchasers of equipment, services, and programs. The selection process may require travel to an off-site location to evaluate alternative suppliers. While on such visits or when a vendor comes on-site to provide education, WVUH staff should abide by the following guidelines:

Planning

1. All site visits should be incorporated into the planning/selection process of the particular item being evaluated, including prior approval by the immediate supervisor of the person(s) traveling on the site visit. There should also be documentation of the selection process itself, including vendor proposals, criteria for selection, method of analysis, etc. This should be provided before any site visit to verify the objectivity of the selection process, free from any allegations of impropriety, personal enurement, or conflict of interest.
2. Site visits should be limited to the final three vendors/suppliers to be evaluated, unless specific exceptions to the contrary have been authorized.
3. Travel should be limited to the continental U.S., unless circumstances provide more reasonable alternatives. If attendance at a vendor-promotional event involves travel outside the continental United States or lodging in excess of two nights, the employee must receive approval from his/her direct supervisor and the Vice President of Corporate Compliance must be informed. For example, if the two sites are Toronto and Los Angeles it may be more reasonable to visit Toronto, even though it is not in the continental U.S. than to travel to L.A. If there is no other alternative available (only site is Mexico City), then approval may be granted.
4. Vendor-promotional training, including travel, meals and lodging may be accepted when the business value to WVUH outweighs the recreational or entertainment value of the training event, trip and/or visit.

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“Vendor promotional training” means training, education and or site visits provided by any person or entity for the purpose of promoting its products or services, including vendor-sponsored seminars. It includes reasonable travel and overnight accommodations to attend seminars, obtain information on new products or services, or perform site visits for research of current practice in the industry. It does not include training provided under a contract with a company or by a contractor to facilitate use of products or services it furnishes under an existing contract with the company.

For an on-site vendor educational session, it is permissible for a vendor to provide a meal. To be considered an educational session, the vendor must supply in advance a proposed agenda and educational material to the Corporate Compliance office for consideration and approval. Meals provided must be of reasonable cost given the size of the audience. Educational sessions that include the provision of food should be infrequent. Documentation of the education provided (including handouts) and an attendance roster must be maintained by the department.

5. Expenses for travel, meals and lodging shall be reasonable and not extravagant. By way of example and not limitation, all travel on commercial airlines should be coach rather than first class.
6. When expenses are paid by the hospital, purchasing cards may be used, but in any case, each person participating in the site visit must provide an expense report with all receipts. If expenses are paid by the vendor, a quarterly gratuity report should be filed to document the reasonableness of the vendor's support and assure that the business value outweighed the entertainment value of the trip.

PROCEDURE

If an employee receives an invitation to attend vendor-promotional training, as defined above, he/she must obtain the written approval of his/her immediate supervisor before accepting the invitation. Vendor-promotional training, including travel, meals and lodging, may be accepted when the business value to the Hospital outweighs any recreational or entertainment value of the training event, trip and or visit provided that the appropriate approvals are obtained in advance. If a spouse or other companion accompanies the employee, the spouse and or other companion shall be responsible for their own travel, meal and lodging expenses. The employee will provide the supervisor with sufficient information (such as a course description and/or the letter of invitation) for the supervisor to assess whether the substantive content predominates over the non-substantive content.

Related WVUH Policies

WVUH Policy Ix.020 - Gratuities

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