



UTAH VALLEY UNIVERSITY Policies and Procedures

Proposed Policy Number and Title: 114 Individual Conflicts of Interest and Commitment		
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Approval Process*		
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POLICY APPROVAL PROCESS DATES	
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POLICY TITLE	Individual Conflict of Interest and Commitment	Policy Number	114
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Governance and Organization	Effective Date	
Responsible Office	Office of the Vice President of Finance and Administration		

1.0 PURPOSE

- 1 **1.1** This policy affirms Utah Valley University's commitment to integrity. It promotes
2 confidence and trustworthiness in the University's administration, teaching, scholarship, and
3 stewardship of public resources by establishing standards and procedures for actual, potential,
4 and apparent conflicts between employees' personal interests and their responsibilities to the
5 University.
- 6 **1.2** This policy preserves for employees the same opportunities available to all other citizens of
7 the state to acquire private economic or other interests provided that such opportunities do not
8 interfere with the full and faithful discharge of employees' University duties or otherwise
9 disadvantage the University.

2.0 REFERENCES

- 10 **2.1** *General Definition of Institution of Higher Education*, 20 U.S.C. § 1001(a) (1998)
- 11 **2.2** *Promoting Objectivity in Research*, 42 C.F.R. § 50, Subpart F (2011)
- 12 **2.3** *Responsible Prospective Contractors*, 45 C.F.R. § 94 (2011)
- 13 **2.4** *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal*
14 *Awards*, 2 C.F.R. § 200 (2013)
- 15 **2.5** *Prohibiting Employment of Relatives*, Utah Code Ann. § 52-3-1 (2018)
- 16 **2.6** *Government Records Access and Management Act (GRAMA)*, Utah Code Ann. § 63G-2-101
17 (2008)
- 18 **2.7** *Utah Public Officers' and Employees' Ethics Act*, Utah Code Ann. § 67-16-5 (2014)
- 19 **2.8** *Utah Protection of Public Employees Act*, Utah Code Ann. § 67-21-3 (2018)
- 20 **2.9** *Utah Procurement Code*, Utah Code Ann. § 63G-6a-24 (2014)



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- 21 **2.10** Utah State Board of Regents Policy R925 *Conflicts of Interest*
- 22 **2.11** Utah State Board of Regents Policy R122 *Board Conflict of Interest Policy*
- 23 **2.12** UVU Policy 136 *Intellectual Property*
- 24 **2.13** UVU Policy 138 *Institutional Review Board*
- 25 **2.14** UVU Policy 222 *Bookstore*
- 26 **2.15** UVU Policy 323 *Guidelines for Consulting*
- 27 **2.16** UVU Policy 325 *FLSA Compliance: Exempt/Nonexempt Classifications, Wages, and Work*
- 28 *Hours*
- 29 **2.17** UVU Policy 332 *Work-at-Home*
- 30 **2.18** UVU Policy 606 *Adoption of Course Materials and Textbooks*
- 31 **2.19** UVU Policy 635 *Faculty Rights and Professional Responsibilities*
- 32 **2.20** UVU Policy 641 *Salaried Faculty Workload—Academic Year*

3.0 DEFINITIONS

- 33 **3.1 Agency:** Any department, division, agency, commission, board, council, committee,
- 34 authority, or any other institution of the state of Utah or any of its political subdivisions.
- 35 **3.2 Area specialist:** An employee of the University whose official job duties identify that
- 36 employee as the “most responsible person” for the development, implementation, management,
- 37 and/or oversight of a critical university function related to an applicable conflict of interest.
- 38 **3.3 Compensation:** Anything of economic value, including ownership interest, however
- 39 designated, that is paid, loaned, granted, given, donated, or transferred to any person or business
- 40 entity for or in consideration of personal services, materials, property, or any other thing
- 41 whatsoever.
- 42 **3.4 Compliance Officer:** The attorney in the Office of General Counsel with primary
- 43 responsibility for coordinating university divisions’, units’, departments’, and employees’ efforts
- 44 to comply with state and federal laws, regulations, and statutes, as well as Regents and university
- 45 policy.
- 46 **3.5 Conflict of interest:** A conflict of interest exists when a university employee’s professional
- 47 judgment or performance ~~is~~ are biased or compromised by the employee’s non-university



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48 [activities or](#) interests. Conflicts may arise, for example, from competing time commitments,
49 financial interests, or positions in outside organizations that could cause unsatisfactory
50 performance or bias in the employee's university responsibilities.

51 **3.5.1 Actual conflict of interest:** A situation where a conflict of interest is currently manifested.

52 **3.5.2 Apparent conflict of interest:** A situation that may appear to a reasonable observer as a
53 conflict of interest, whether or not a conflict of interest actually exists.

54 **3.5.3 Potential conflict of interest:** A situation that may foreseeably develop into an actual
55 conflict of interest.

56 **3.5.4 Conflict of commitment:** A situation where an employee's non-university activities, paid
57 or unpaid, interfere with the performance of the employee's university obligations. Employees
58 are expected to perform their obligations to the University with adequate competence, diligence,
59 and reliability.

60 **3.6 Conflict of Interest Disclosure Form:** The university form used to disclose actual, apparent,
61 or potential conflicts of interest.

62 **3.7 Conflict of interest management plan (or "management plan"):** A written plan of action
63 by which [an employee's](#) conflict or potential conflict can be managed ([i.e., reliably and](#)
64 [verifiably prevented](#)) or eliminated.

65 **3.8 Conflict of Interest Review Committee:** A committee comprising the Director of Internal
66 Audit, the Associate Vice President of Academic Affairs, the Director of Procurement, an area
67 specialist, and General Counsel. Other persons with useful expertise or knowledge may be
68 invited to participate on the Conflict of Interest Review Committee as needed.

69 **3.9 Employee:** Any person who is employed full- or part-time by the University, including
70 student employees, staff, administrators, faculty, and adjunct faculty, or who otherwise owes
71 contractual duties to the University. For purposes of this policy, this also includes investigators
72 and sub-recipients of sponsored programs as defined by federal regulations.

73 **3.10 Family member:** For the purposes of this policy, family includes the individual, parents,
74 spouse, domestic partner, children, dependents, and siblings, and each of their respective spouses
75 or domestic partners.

76 **3.11 Financial conflict of interest:** A significant financial interest that could directly and
77 significantly affect the design, conduct, or reporting of Public Health Service (PHS)-funded
78 research. This term applies only to PHS-funded research, [as described in section 4.9.](#)

79 **3.12 Gift:** A transfer of money, property, or service to another without compensation. Gifts
80 include excessive compensation, loans with interest rates below commercial rates, and other



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81 economic benefits tantamount to a gift. For the purposes of this policy, a gift does not include the
82 occasional transfer of a nonpecuniary item or service with insignificant monetary value (less than
83 \$50) or an award publicly presented in recognition of public services.

84 **3.123.13 Household member:** A person who resides in the same residence as an employee.

85 **3.133.14 Intellectual property:** Works created through intellectual and/or discovery efforts of a
86 creator that are generally protectable under patent (U.S. Code), trademark (as recognized by
87 federal and state laws), copyright (as defined in U.S. Code), trade secret (as defined by the
88 *Uniform Trade Secrets Act*), or other state and/or federal law. Intellectual property includes ~~but is~~
89 ~~not limited to~~ inventions, discoveries, trade secrets, trade and service marks, writings, art works,
90 musical compositions and performances, copyrightable software, data and mask works, literary
91 works, and architecture. Works through intellectual and/or discovery efforts of a creator in other
92 areas, including ~~but not limited to~~ multimedia works and various other forms of electronic
93 communications, are also considered intellectual property.

94 **3.143.15 Investigator:** The principal investigator or project director and all faculty, staff,
95 postdoctoral appointees, consultants, or students who are responsible for the design, conduct, or
96 reporting of research or scholarly activities that are funded or proposed for funding and are
97 conducted, in whole or in part, through the University.

98 **3.153.16 Key personnel:** Any member of the university community named as the principal
99 investigator, project director, or otherwise identified as senior/key personnel by the University in
100 a grant application, progress report, or any other report submitted to the Public Health Service
101 PHS by the University. This term applies only to PHS-funded research, as described in section
102 4.9.

103 **3.163.17 Relative:** A parent, spouse, child, sibling, spouse's parent, spouse's sibling, child's
104 spouse, sibling's child, grandparent, grandchild, uncle, aunt, ~~or~~ first cousin, and step or foster
105 relative.

106 **3.173.18 Retaliation:** Intimidation, threats of reprisal, harassment, or other materially adverse
107 actions or threats against anyone who in good faith reports a violation of this policy, honestly
108 participates or assists in a university-related investigation or other proceeding relating to this
109 policy, or otherwise asserts rights protected by law. Any action designed to prevent or discourage
110 someone from reporting a conflict of interest concern may also be considered retaliation.

111 **3.183.19 Significant financial or other interest:** Acting as a part or complete owner, officer,
112 director, manager, agent, or employee of a business entity that appears to be related to an
113 employee's university responsibilities. It further refers means to any of the following interests of
114 the employee or investigator (and those of the employee's or investigator's family members, as
115 defined in this policy) that reasonably appear to be related to the employee's or investigator's
116 responsibilities to the University:



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117 [3.18.13.19.1](#) With regard to any publicly traded entity, a significant financial interest exists if the
118 value of any remuneration received by the individual from the entity in the twelve months
119 preceding the disclosure and the value of any equity interest in the entity as of the date of
120 disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration
121 includes salary, and any payment for services not otherwise identified as salary, received from
122 the publicly traded entity (e.g., consulting fees, honoraria, paid authorship); equity interest
123 includes any stock, stock option, or other ownership interest as determined through reference to
124 public prices or other reasonable measures of fair market value;

125 [3.18.23.19.2](#) With regard to any non-publicly traded entity, a significant financial interest exists
126 if the value of any remuneration received by the individual from the entity in the twelve months
127 preceding the disclosure, when aggregated, exceeds \$5,000, or when the individual holds any
128 equity interest (e.g., stock, stock option, or other ownership interest). For purposes of this
129 definition, remuneration includes salary and any payment for services not otherwise identified as
130 salary, received from the non-publicly traded entity (e.g., consulting fees, honoraria, paid
131 authorship); or

132 [3.18.33.19.3](#) Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of
133 income related to such rights and interests.

134 However, significant financial or other interest does NOT include:

135 [3.18.43.19.4](#) Employee salary, travel reimbursements, or other non-royalty remuneration from
136 the University;

137 [3.18.53.19.5](#) Income from seminars, lectures, or teaching engagements sponsored by a federal,
138 state, or local government agency, an institution of higher education as defined at 20 U.S.C.
139 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated
140 with an institution of higher education;

141 [3.18.63.19.6](#) Income from service on advisory committees or review panels for a federal, state,
142 or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a),
143 an academic teaching hospital, a medical center, or a research institute that is affiliated with an
144 institution of higher education; or

145 [3.19.7](#) Income from investment vehicles, such as mutual funds and retirement accounts, as long
146 as the employee or investigator does not directly control the investment decisions made in these
147 vehicles. ~~Substantial change in employment status: A change in roles or responsibilities,
148 joining an internal committee, or any organizational restructuring involving the employee.~~



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4.0 POLICY

149 4.1 Scope of Policy

150 4.1.1 This policy applies to all employees, as defined in section 3.9, and to all relationships,
151 financial positions, business endeavors, or other conduct that may create actual, potential, or
152 apparent conflicts of interest between the University and the employee. University employees
153 serve the public trust and must fulfill their responsibilities with care and loyalty in both actuality
154 and appearance.

155 4.1.2 Employees are subject to the *Utah Public Officer's and Employees' Ethics Act*, Utah Code
156 Ann. § 67-16-1 *et seq.* (the *Ethics Act*), which requires, among other things, [that](#) the University
157 ~~to~~ disclose certain employee conflicts of interest to other entities, including the Utah Attorney
158 General's Office.

159 4.1.3 Employees must disclose all actual, potential, and apparent conflicts of interest or
160 commitment and manage or eliminate such conflicts as provided in this policy. Failure to adhere
161 to this policy could lead to appropriate disciplinary action, up to and including termination.

162 4.2 Misuse of University Authority

163 4.2.1 Employees may not use their university authority, position, students, subordinates, projects,
164 resources, or facilities to (1) further substantially their non-university business or economic
165 interests, or (2) secure special ([i.e., not generally available to university employees](#)) non-
166 university privileges or exemptions for themselves or others.

167 4.2.2 Faculty members must adhere to Policy 222 *Bookstore* and Policy 606 *Adoption of Course*
168 *Materials and Textbooks* regarding the selection and sale of course materials from which they
169 may derive royalties or other personal gain.

170 4.2.3 Employees may not disclose confidential information acquired through their university
171 position or use this confidential information for their or another's gain or benefit without first
172 obtaining all authorizations and consents required by law and university policy.

173 4.2.4 University employees who evaluate students or employees may not base these evaluations,
174 in whole or in part, on participation (or refusal to participate) in non-university activities
175 involving business entities or organizations in which the evaluating employees or their family
176 members have a significant financial or other interest. Supervising employees may not require
177 participation of employees or students in non-university activities involving these types of
178 businesses or organizations.

179 4.3 Activities Related to Family Members



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180 **4.3.1** Employees may not supervise relatives, ~~or~~ family members, or household members directly
181 or indirectly within their organizational reporting structure. Employees may not participate in
182 employment decisions directly affecting relatives, ~~or~~ family members, or household members,
183 including ~~but not limited to~~ decisions about appointment, hire, retention, tenure, promotion,
184 compensation, benefits, leaves of absence, discipline, and termination.

185 **4.3.2** Employees may not participate in academic decisions directly affecting family members,
186 including ~~but not limited to~~ decisions about admissions, financial aid, grades, and academic
187 advancement.

188 **4.3.3** Employees may teach students who are family members in their courses. In the case of
189 credit-bearing courses, the department chair, or the next-level authority in a course taught by a
190 chair or dean, will designate another appropriate employee (who is not a family member of the
191 student) such as a faculty member or teaching assistant to grade the student's academic
192 coursework (including papers, exams, projects, portfolios, and demonstrations) and assign a final
193 grade for the course.

194 **4.3.4** Employees may not assign their students, interns, or other trainees to university projects
195 sponsored by or benefiting any business or organization in which employees or their family
196 members have a significant financial or other interest.

197 **4.4 Outside Employment and Commitments**

198 **4.4.1** Employees may engage in non-university professional and personal commitments,
199 including externships; however, they must continue to fulfill their obligations to the University
200 with ~~adequate~~ competence, diligence, and reliability. Employees must ensure their non-
201 university activities do not interfere with their performance of university obligations or their
202 ability to work the hours required for their positions at the appropriate UVU location(s). (See
203 Policy 332 Work-at-Home for staff offsite working arrangements.) Faculty members must ensure
204 that their non-university activities do not require extensive time or absence that causes them to
205 neglect course obligations, become unavailable to students or colleagues, or otherwise violate
206 Policy 635 Faculty Rights and Responsibilities.

207 **4.4.2** Employees must work the number of hours required by their department or college and
208 university policy. See UVU Policy 325 *FLSA Compliance: Exempt/Nonexempt Classifications,*
209 *Wages, and Work Hours* or UVU Policy 641 *Salaried Faculty Workload—Academic Year.*

210 **4.4.2.1** For full-time employees, holding additional full-time employment at another organization
211 while maintaining full-time duties at UVU (such as during the academic year for faculty) creates
212 a presumptively unmanageable conflict of commitment, and is therefore not allowed.

213 **4.4.2.2** For full-time employees, holding additional part-time employment at other organizations
214 may create a conflict of commitment and must therefore be disclosed in accordance with section
215 5.2.



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216 [4.4.3 Full-time employees may perform or accept employment for non-UVU academic teaching,](#)
217 [instructional, or research services subject to the following conditions:](#)

218 [4.4.3.1 Full-time faculty must obtain prior written approval from their dean when such](#)
219 [engagements coincide with semesters in which they are teaching for UVU.](#)

220 [4.4.3.2 Full-time staff must obtain prior written approval from their vice president.](#)

221 [4.4.3.3 When considering a request under 4.4.3, the appropriate dean or vice president may](#)
222 [consider any relevant factor, including UVU's scheduling needs; the similarity of the proposed](#)
223 [non-UVU course with UVU course offerings; the quantity, flexibility, foreseeability, and](#)
224 [consistency of the proposed time commitment; delivery method \(e.g., online vs. in person\); the](#)
225 [employee's UVU performance history; class and meeting attendance record; timeliness with](#)
226 [grading and other projects; and UVU workload.](#)

227 [4.4.3.4 Compensated or uncompensated participation in an occasional short-term conference,](#)
228 [seminar, or symposium or the delivery of a scholarly paper or public address at a professional](#)
229 [meeting or academic gathering does not violate this section.](#)

231 [4.4.4 Employees who wish to provide consulting services for persons, companies, universities, or](#)
232 [agencies outside of the University must disclose their consulting arrangements in accordance](#)
233 [with section 5.2 and comply with the requirements of Policy 323 *Guidelines for Consulting*. In](#)
234 [particular, employees who wish to provide such consulting services during regular working](#)
235 [hours must obtain the written approvals required by Policy 323 and any applicable guidelines.](#)

236 **4.5 Gifts or Other Inducements**

237 **4.5.1** Employees may not demand from any person, as a condition of granting any application or
238 request for a contract, approval, or other authorization, that the person donate property, money,
239 or services to any employee or agency, including the University.

240 **4.5.2** Employees may not donate or offer to donate property, money, or services to any employee
241 or agency on the condition that the University or any other agency approve an application or
242 request for a contract, approval, or other authorization.

243 **4.5.3** Employees may not knowingly receive, accept, take, seek, or solicit, directly or indirectly,
244 any gift or loan for themselves or a family member (1) if it would tend to [improperly](#) influence a
245 reasonable person in the discharge of university duties or responsibilities, or (2) if an employee
246 recently has been, currently is, or in the near future may be involved in any university action or
247 decision directly affecting the donor or lender.

248 [4.5.4 Faculty members may not accept gifts, as defined in section 3.12 from students if the](#)
249 [faculty member has been, currently is, or may be involved in assigning a grade to such students.](#)



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250 **4.6 Intellectual Property**

251 **4.6.1** Employees may not negotiate any transfer of intellectual property rights or royalties on
252 behalf of the University with organizations or business entities in which employees or their
253 family members have a significant financial or other interest, and must otherwise comply with
254 Policy 136 *Intellectual Property*.

255 **4.6.2** [Disclosure is required when an employee has a significant financial or other interest in a](#)
256 [business entity related to or using intellectual property owned by the University.](#)

257 **4.7 Procurement and Business Relationships**

258 **4.7.1** Employees may not receive or agree to receive compensation from a non-university source
259 for assisting any person or business entity in any transaction involving the University.

260 **4.7.2** In their university capacity, employees may not negotiate, review, approve, oversee, or
261 otherwise participate in any transaction between the University and any business entity in which
262 the employees or their family members have a significant financial or other interest.

263 **4.7.3** Disclosure is required when employees or their family members hold a significant financial
264 or other interest in a business entity providing goods or services that are the same or similar to
265 university-provided goods and services and the employee is in a position to direct potential
266 purchasers of the goods or services away from the University and to the business entity.

267 **4.8 Research and Scholarly Activity**

268 **4.8.1** Without prior (1) disclosure, (2) completion of a written management plan in accordance
269 with section 5.0 of this policy, and (3) written approval of the management plan by the university
270 research officer, employees may not review, approve, or administratively control a contract,
271 grant, clinical trial, or other research collaboration if:

272 **4.8.1.1** It pertains to a research project involving the University and a business or intellectual
273 property in which the employee or employee's family member has a significant financial or other
274 interest; or

275 **4.8.1.2** The employee or employee's family member is an employee of the business and directly
276 involved with activities pertaining to the research project.

277 **4.8.2** Except with advance disclosure and Institutional Review Board authorization, employees
278 may not participate in research involving human subjects if they have a significant financial or
279 other interest in the sponsor of the research or any technology that could be affected by the
280 outcome of the research. No conflicted research involving human subjects may receive final
281 approval from the Institutional Review Board under Policy 138 *Institutional Review Board* until
282 the conflict of interest is managed or eliminated in accordance with section 5.0 of this policy.



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283 **4.8.3** Employees may not participate in the selection, award, or administration of a contract for
284 property or services needed to carry out a project or program supported by a federal award if
285 they have an actual, potential, or apparent conflict of interest.

286 **4.9 PHS-Funded Research**

287 **4.9.1** Investigators involved in research and projects sponsored by the National Science
288 Foundation (NSF) or the Public Health Service (PHS) must follow additional procedures and
289 requirements related specifically to conflicts of interest. PHS conflict-of-interest regulations are
290 outlined in 42 C.F.R. § 50 and 45 C.F.R. § 94.

291 **4.9.2** When submitting a proposal for PHS funding to the University, each investigator
292 participating in the design, conduct, or reporting of the research in the proposal must submit an
293 electronic *Conflict of Interest Disclosure Form* disclosing any significant financial interests to
294 the Compliance Officer and provide a copy to the University's Office of Sponsored Programs.
295 Each investigator must also provide documentation [showing](#) that they have completed the
296 University's conflict-of-interest training within three years prior to submitting the proposal.
297 Investigators must provide updated disclosures at least annually and within 30 days of the
298 creation or discovery of a new significant financial interest. Disclosures will be reviewed in
299 accordance with section 5.3.

300 **4.9.3** PHS-funded investigators must disclose any travel related to their institutional
301 responsibilities that was reimbursed or sponsored by an entity other than a government entity,
302 institution of higher education or affiliated research institute, academic teaching hospital, or
303 medical center. This disclosure must include the purpose of the trip, identity of the sponsor, the
304 destination, and the duration. Further, investigators must disclose any new significant financial
305 or other interests within 30 days discovery or acquisition (for example, through purchase,
306 marriage, or inheritance).

307 **4.9.4** Before the expenditure of any funds from a PHS grant for which a financial conflict of
308 interest exists, the University will either eliminate the conflict or report the financial conflict of
309 interest to the relevant PHS-awarding agency. The report will include required information about
310 the University's management plan for the financial conflict of interest. If a financial conflict of
311 interest in the research subsequently develops or is discovered, the University will submit its
312 management plan to the awarding agency within 60 days of identifying the new financial conflict
313 of interest.

314 **4.9.5** In situations where the University conducts PHS-funded research with or through other
315 entities, such as sub-grantees, subcontractors, or collaborators (collectively "subrecipients"), the
316 University will take reasonable steps to ensure that investigators working for subrecipients
317 comply with PHS conflict-of-interest regulations. Subrecipients that are funded by PHS shall be
318 required to report financial conflicts of interest to the University in accordance with PHS
319 conflict-of-interest regulations. In turn, the University will report to PHS the existence of any
320 financial conflicts of interest disclosed to the University by any subrecipients and obtain



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321 necessary information for the report as well as assurances that the University has managed the
322 conflict of interest before the expenditure of funds and within 60 days of any subsequently
323 identified conflict of interest.

324 **4.9.6** If an investigator fails to comply with this policy or an applicable management plan, the
325 University will, within 120 days of its determination of noncompliance, complete a retrospective
326 review of the investigator's activities and the PHS-funded research project to determine whether
327 any portion of the PHS-funded research was biased in the design, conduct, or reporting of the
328 research. The University will promptly notify the PHS-awarding agency of the corrective action
329 taken or to be taken, including ~~but not limited to~~ the submission of a mitigation report. On an
330 annual basis the University will also submit ~~on an annual basis~~ to the PHS-awarding agency the
331 required reports regarding the status of all financial conflicts of interest in research related to
332 PHS funding and any changes to the management plan for the duration of the related PHS-
333 funded research.

334 **4.9.7** Within five business days of a request, the University will disclose to any requestor all
335 financial conflicts of interest related to PHS-funded research if they are held by key personnel.
336 The University will ensure that all members of the University community who require training
337 under PHS research regulations complete training upon employment and every four years
338 thereafter.

339 **4.9.8** If the US Department of Health and Human Services determines that a PHS-funded clinical
340 research project intended to evaluate the safety or effectiveness of a drug, medical device, or
341 treatment has been designed, conducted, or reported by an investigator with a financial conflict
342 of interest that was not managed or reported by the University as required by PHS regulations,
343 the investigator involved must disclose the financial conflict of interest in each public
344 presentation of the results of the research and request an addendum to previously published
345 presentations.

5.0 PROCEDURES

346 **5.1** The University's Compliance Officer will facilitate the implementation of this policy.
347 Employees are encouraged to contact the Compliance Officer with any questions or concerns
348 regarding this policy or any conflict of interest or commitment.

349 **5.2 Disclosure of Conflicts of Interest and Commitment**

350 **5.2.1** Disclosure of conflicts of interest and commitment enables the University and its
351 employees to jointly manage or eliminate conflicts, which in turn empowers employees to
352 engage in their work with complete confidence and trustworthiness.

353 **5.2.2** Employees shall disclose all actual, potential, and apparent conflicts of interest and
354 commitment by submitting an electronic *Conflict of Interest Disclosure Form* (1) at the time of



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355 hire, (2) annually, and (3) immediately when a conflict of interest first arises, ~~and (4) when an~~
356 ~~employee experiences a substantial change in employment status with the University.~~

357 **5.2.3** Disclosure consists of completing and submitting an electronic *Conflict of Interest*
358 *Disclosure Form* that includes all the information required by this section.

359 **5.2.4** Immediate supervisors are responsible for monitoring and ensuring the timely completion
360 of *Conflict of Interest Disclosure Forms* by employees under their supervision.

361 **5.2.45.2.5** Any person may report their good-faith belief that an employee has a conflict of
362 interest. Such reports should be delivered to the employee's supervisor or the Compliance
363 Officer at compliance@uvu.edu or anonymously through EthicsPoint at (877) 228-5401 or
364 <https://secure.ethicspoint.com/domain/media/en/gui/23421/index.html>. Employees may not
365 retaliate against any person for making a good-faith report under this policy.

366 **5.3 Conflict of Interest Review**

367 **5.3.1** Immediate supervisors are responsible for reviewing their employees' disclosures and
368 ~~raising broaching~~ any conflict of interest or commitment concerns with the employee and
369 Compliance Officer. If, for example, the supervisor has reason to believe that any employee
370 disclosure forms are false, misleading, or incomplete, they should raise these concerns with the
371 employee and Compliance Officer. The Compliance Officer may independently review
372 disclosures to ensure adequate monitoring.

373 **5.3.2** The Compliance Officer may select an area specialist and/or convene the Conflict of
374 Interest Review Committee to help assess conflicts of interest or commitment and possible
375 management strategies. The Compliance Officer will disclose the identities of the area specialist
376 and the Conflict of Interest Review Committee to the employee and their immediate supervisor.
377 No person with a conflict of interest in the review may assist with the review.

378 **5.3.3** If the Compliance Officer determines no conflict exists, then no further action will be
379 required.

380 **5.3.4** If the Compliance Officer determines that a conflict does exist, the Compliance Officer will
381 determine whether the conflict is manageable (i.e., reliably and verifiably preventable) or
382 incudes an activity or interest that must instead be prohibited, thereby eliminating the conflict. If
383 the activity is prohibited, the Compliance Officer shall inform the employee that failure to
384 eliminate the conflict will constitute a violation of this policy and subject the employee to section
385 5.7. If the conflict of interest or commitment is manageable, ~~can be resolved through appropriate~~
386 ~~management~~ the Compliance Officer will notify the employee and supervisor that a management
387 plan is necessary.

388 **5.3.5** For employees participating in sponsored research, the Compliance Officer will work with
389 the Office of Sponsored Programs to report in writing any actual or potential conflicts of interest



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390 to the federal awarding agency or pass-through entity in accordance with applicable federal
391 awarding agency policy.

392 **5.4 Conflict of Interest Management Plan Requirements**

393 **5.4.1** 5.4.1 Within 10 business days after notification by the Compliance Officer that a
394 management plan is needed, the employee shall, in consultation with the employee's supervisor,
395 complete and submit a proposed conflict-of-interest management plan to the Compliance
396 Office. The Compliance Officer may consult with the employee, the employee's supervisor, the
397 area specialist, and/or the Conflict of Interest Review Committee, to determine any necessary
398 changes to the proposed management plan. The employee may not engage in the activity or
399 interest that is the subject of the proposed management plan until the plan is signed by the
400 Compliance Officer.

401 **5.4.2** Once the Compliance Officer signs-approves a management plan, the Compliance Officer
402 will distribute it to the employee and the employee's immediate supervisor, ~~and the appropriate~~
403 vice president. The employee is then responsible for compliance with the management plan and
404 the employee's immediate supervisor is responsible for monitoring its effectiveness.

405 **5.4.3** The employee and immediate supervisor must jointly review the management plan at least
406 annually to determine its ongoing relevance and any potential for improvement. The employee
407 must communicate the results of this review to the Compliance Officer. The Compliance Officer
408 may consult with the employee, the employee's supervisor, the area specialist, and/or the
409 Conflict of Interest Review Committee to determine any necessary changes to the management
410 plan.

411 **5.5 Appeals**

412 **5.5.1** The employee may appeal any determination made by the Compliance Officer concerning
413 the existence of a conflict of interest or a proposed management plan to the Conflict of Interest
414 Review Committee within 10 business days of the employee's receipt of the written ~~decision~~
415 determination. All appeals must be in writing and should include all pertinent information and
416 documents. The Conflict of Interest Review Committee may ask clarifying questions of the
417 employee, area specialist(s), the Compliance Officer, the Office of General Counsel, and others
418 as needed. The Committee shall submit a recommended decision on the appeal as soon as
419 practicable to the vice president overseeing the employee.

420 **5.5.2** The vice president, in consultation with the Office of General Counsel, may adopt the
421 Committee's recommended decision or issue a modified decision on the conflict of interest
422 determination and/or management plan. The vice president's decision shall be final. If a vice
423 president or the President is the subject of the conflict of interest, then the President-next-level
424 authority will decide the appeal.

425 **5.6 Recordkeeping and Confidentiality**



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426 **5.6.1** The Compliance Officer will maintain records of all disclosures and actions taken by the
427 University with respect to each conflict of interest, including reports to external agencies or
428 sponsors, for at least three years from the date of the investigator’s final expenditure report
429 submission (for PHS-funded research) or termination of employment, or as otherwise required
430 by law.

431 **5.6.2** Unless otherwise required by applicable law, all records and information provided by an
432 employee for the purpose of disclosure and management of a conflict shall be considered private
433 and/or protected records under GRAMA, ~~and~~ shall be used ~~solely for the purpose of only as~~
434 ~~necessary to~~ administering ~~this university~~ policy, and may not be used for any other purpose
435 unless required by law.

436 **5.6.3** The Compliance Officer, with assistance from Academic IT, will maintain an electronic
437 repository for employees’ *Conflict of Interest Disclosure Forms* and conflict of interest
438 management plans.

439 **5.7 Violations**

440 **5.7.1** In the event of any confirmed violation of this policy or ~~any Compliance Officer-signed~~
441 management plan, the vice president overseeing the employee (~~or the next-level authority for~~
442 ~~vice president or President violations~~) may impose appropriate corrective actions, including ~~but~~
443 ~~not limited to~~ the following:

444 **5.7.1.1** Employee discipline, including ~~but not limited to~~ warnings, probation, suspension,
445 termination, ~~and~~ the freezing of sponsored-program funds, ~~etc.~~, pursuant to applicable
446 disciplinary policies and procedures;

447 **5.7.1.2** Withholding payment owed under a procurement contract relating to the conflict;

448 **5.7.1.3** Legal action to rescind university contracts that violate this policy or state law; and

449 **5.7.1.4** Other appropriate actions as required by state and federal law, including ~~but not limited~~
450 ~~to~~ the filing of criminal complaints pursuant to the *Ethics Act*, and reporting conflict of interest
451 violations to external agencies or sponsors.

POLICY HISTORY		
	Revised policy approved.	UVU Board of Trustees
August 13, 2009	Approved for entrance to Policy Manual.	UVU Board of Trustees



POLICY TITLE	Conflict of Interest	Policy Number	114
Section	Governance, Organization, and General Information	Approval Date	August 13, 2009
Subsection	Governance and Organization	Effective Date	August 13, 2009
Responsible Office	Office of the Vice President of Finance and Administration		

1.0 PURPOSE

1.1 This policy is intended to promote the public interest and strengthen public confidence in the integrity of the University by establishing standards and procedures for employees to follow when there are actual or potential conflicts of interest between their duties/responsibilities to the University and their private interests.

1.2 This policy does not intend to deny any employee opportunities available to all other citizens of the state to acquire private economic or other interests so long as this does not interfere with the full and faithful discharge of their university duties or disadvantage the University in any manner.

2.0 REFERENCES

2.1 IRS, *FAQs for Government Entities Regarding De Minimis Fringe Benefits*

2.2 42 CFR Part 50, Subpart F (*Responsibility of Applicants for Promoting Objectivity in Research*)

2.3 Utah Code §63-2 (2) (1992) *Government Records Access and Management Act (GRAMA)*

2.4 Utah Code §67-16-5 (3) (a) *Utah Public Officers' and Employees' Ethics Act*

2.5 Utah State Board of Regents' Policy R925 *Conflict of Interest*

3.0 DEFINITIONS

3.1 Area specialist: An employee of the University whose official job duties identify them as the "most responsible person" for the development, implementation, management, and/or oversight of a critical university function.



3.2 ~~Business entity:~~ A sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity that carries on a trade or business, including parent organizations of such entities or any other arrangement in which an entity operates through a subsidiary.

3.3 ~~Compensation:~~ Anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity for or in consideration of personal services, materials, property, or the like.

3.4 ~~Compliance Officer:~~ A university employee assigned to assist the University's divisions, units, departments, administrators and employees in complying with applicable state and federal laws, regulations, and statutes, as well as Regents' and university policy.

3.5 ~~Conflict of Interest:~~ A conflict of interest exists when a university employee owes a professional obligation to the University, which is or can be compromised by the pursuit of outside interests.

3.6 ~~Conflict of Interest Disclosure Form (Disclosure Form):~~ The University form to be used to disclose actual or potential conflicts of interest.

3.7 ~~Employee:~~ Any person who is employed by the University, whether full or part time. It also includes investigators as defined by federal policies and individuals who are not paid on a project (i.e., volunteers).

3.8 ~~Gift:~~ Includes money, non pecuniary gifts, excessive compensation or non commercial loans. For the purposes of this policy, a gift does not apply to occasional non pecuniary gifts that have an insignificant monetary value, as defined by the *Utah Public Officers' and Employees' Ethics Act*, that would not tend to improperly influence an employee in the discharge of his/her duties.

3.9 ~~Family:~~ For the purposes of this policy, family includes the individual, their spouse, minor children, or any dependent.

3.10 ~~Intellectual property:~~ Any ideas, inventions, technology, creative expression, and embodiments thereof, in which a proprietary interest may be claimed, including but not limited to patents, copyrights, trademarks, know-how, and biological materials.

3.11 ~~Investigator:~~ The principal investigator and all faculty, staff, postdoctoral appointees, residents or students, whether paid by the University or not, who are responsible for the design, conduct or reporting of research or scholarly activities conducted in whole or in part at the University.



3.12 Management plan: A written plan of action developed between the University and an employee by which a conflict or potential conflict can be managed, mitigated, or eliminated. A management plan typically requires the oversight of the employee's immediate supervisor.

3.13 Significant financial or other interest: Anything of significant monetary value, including but not limited to salary or other payments for services; equity interest (e.g., stocks, stock options, or other ownership interest); intellectual property rights (e.g., patents, copyrights, and royalties from such rights). "Significant financial or other interest" also means the holding of a position as an officer, director, agent, or employee of a business entity. "Significant financial and other interest" includes such interest held by the employee or by the employee's family members. However, significant financial or other interest does not include salary, royalties, or other compensation received by the employee from the University; income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities; or income from service on advisory committees or review boards/panels for public or nonprofit entities

3.14 Substantial interest: The ownership, either legally or equitably, by an individual, their spouse, or minor children, of at least ten percent (10%) of the outstanding capital stock of a corporation or ten (10%) interest in any other business entity.

4.0 POLICY

4.1 All employees shall comply with the *Utah Public Officer's and Employees' Ethics Act*, Utah Code Annotated § 67-16-1 et seq. (the Ethics Act) which requires, among other things, disclosure of certain conflicts of interest to other entities including the state Attorney General's Office.

4.2 It is the duty of all employees to disclose in writing to their respective supervisor, all actual and potential conflicts of interest between the employee's duties/responsibilities to the University and their private interests and activities.

4.3 Upon receipt of an employee's disclosure of a conflict of interest or upon the University's own identification of a conflict of interest, the University shall evaluate and, if necessary, appropriately manage the conflict, all in accordance with a conflict management plan.

5.0 PROCEDURES

5.1 The University's Compliance Officer, or the President's designee, will facilitate the implementation of this policy.

5.2 Disclosure of Actual and Potential Conflicts of Interest



~~5.2.1 While all conflicts of interest shall be disclosed to an employee's immediate supervisor at the time of hire and annually thereafter, every employee shall also immediately disclose each actual and potential conflict of interest when such conflict of interest first arises. Disclosure is the key mechanism to bring actual and potential conflicts of interest to light for evaluation and possible oversight.~~

~~5.2.1.1 Disclosure consists of completing and submitting to an immediate supervisor a *Conflict of Interest Disclosure Form* prior to engaging in any potentially prohibited activities.~~

~~5.2.1.2 A *Conflict of Interest Disclosure Form* must be filed any time a new conflict of interest arises or at the first recognition that a potential conflict of interest may exist or has existed.~~

~~5.2.1.3 When making a conflict of interest disclosure, an employee may include a proposed conflict of interest management plan.~~

~~5.2.1.4 Within three business days of receiving a disclosure form from an employee, the supervisor will forward the form to the compliance officer, who will forward the disclosure to the appropriate area specialist.~~

~~5.2.1.5 Employees are encouraged to contact the compliance officer with any questions or concerns regarding this policy or any conflict of interest.~~

5.3 Conflicts of Allegiance, Commitment, or Financial Conflicts

5.3.1 University employees shall not:

- ~~1) Participate in their official capacity with respect to any transaction between the University and a business entity in which the employee has a substantial interest;~~
- ~~2) Receive compensation (in addition to regularly budgeted salary or wages for services to the university) as a result of, or in connection with, any transaction between the University and a business entity in which the employee has a substantial interest;~~
- ~~3) Accept employment or engage in any business or professional activity which the employee may be required or induced to disclose confidential information acquired by reason of the employee's university position;~~
- ~~4) Disclose confidential information acquired by reason of the employee's university position, or to use such information for the employee's or another's gain or benefit;~~
- ~~5) Accept other employment which might impair the employee's independence of judgment in the performance of the employee's university duties and responsibilities;~~



~~6) Knowingly receive, accept, take, seek, or solicit directly or indirectly, any gift or loan for themselves or another if it tends to influence the discharge of the employee's university duties or responsibilities, or if the employee has recently been, now is, or in the near future may be involved in any action or decision directly affecting the donor or lender; or~~

~~7) Have personal investments in any business entity which will create a substantial conflict between their private interests and their university duties.~~

5.4 Additional Activities that Require Disclosure

5.4.1 Research and Scholarly Activity

~~5.4.1.1 Disclosure is required when a principal investigator or project director has a significant financial or other interest that could affect the approval, design, conduct, or reporting of funded research.~~

~~5.4.1.2 Disclosure is also required when all of the following apply:~~

~~1) An employee or family member has a significant financial or other interest in a sponsor of research;~~

~~2) The employee has responsibility for designing, conducting, or reporting the research;~~

~~3) The research will involve subordinates; and~~

~~4) The employee will provide an academic or employment evaluation of the subordinate based in part upon the subordinate's work on the research project, or restrictions will be placed on the publication rights of the subordinate.~~

~~5.4.1.3 Disclosure is required when an investigator has significant financial or other interest in any clinical research.~~

5.4.2 Intellectual Property Activity

~~5.4.2.1 Disclosure is required when an employee is a named inventor of intellectual property owned by the University and the employee has a significant financial or other interest in a business entity related to the intellectual property.~~

5.4.3 Procurement Activity

~~5.4.3.1 Disclosure is required when a university employee, officer, or a member of their family has a significant financial or other interest in a business entity proposing to enter into a~~



~~transaction with the University, and that university employee, officer, or family member is in a position to influence the outcome of the university's decision on that transaction.~~

~~5.4.3.2 Disclosure is required when an employee or family member has a significant or other interest in a business entity that provides goods or services, the University provides the same or similar goods and services, and the employee is in a position to direct potential purchasers of the goods and services away from the university and to the business entity. This provision does not cover consulting faculty or staff.~~

~~5.5.1 Upon receipt of a *Conflict of Interest Disclosure Form*, or upon the University's own identification of a conflict of interest, the Compliance Officer will determine the area specialist who should address the actual or potential conflict and then forward all information regarding the actual or potential conflict of interest to the area specialist for assessment and handling. The employee and their immediate supervisor will be notified of the area specialist assessing and handling the matter.~~

~~5.5.2 The area specialist will determine if a conflict of interest exists. If no conflict of interest exists, then the appropriate parties shall be immediately notified and no further action will be required. However, if a conflict does exist, the area specialist must then determine if the proposed or engaged in activity can perhaps be managed or shall instead be summarily prohibited. In the event the conflict of interest is such that the proposed or engaged in activity is prohibited, the area specialist shall inform the appropriate parties immediately upon making such a decision, and the employee shall cease and/or not engage in such activity. In the event the conflict of interest can perhaps be managed, a management plan shall be required.~~

5.6 Conflict of Interest Management Plan Requirements

~~5.6.1 Whether a proposed management plan is submitted by the employee in conjunction with the disclosure of the conflict of interest, or whether a management plan needs to be developed, the employee, the employee's immediate supervisor, the Compliance Officer and the area specialist, shall work together to develop an acceptable management plan. The employee may not engage in any of the activities where a conflict of interest exists until the parties develop a management plan, acceptable to the area specialist, to manage the conflict of interest.~~

~~5.6.2 Once a management plan is accepted, it will be distributed by the Compliance Officer to the employee, the employee's immediate supervisor, the area specialist, and the appropriate vice president. The employee is responsible for compliance with the management plan and the employee's immediate supervisor is responsible for oversight of the management plan.~~

5.7 Confidentiality

~~5.7.1 Subject to GRAMA and all other applicable state and federal laws, all records and information provided by an employee for the purpose of disclosure and management of a conflict~~



~~shall be considered a private and/or protected record under GRAMA and shall be used solely for the purpose of administering this policy, and may not be used for any other purpose unless required by law.~~

~~5.7.2 The Compliance Officer, or the President's designee, shall maintain a centralized confidential file of conflict of interest disclosures and management plans.~~

~~5.7.3 Improper disclosure of any such information by an employee shall be deemed to be unethical behavior and may subject the employee to discipline, in compliance with applicable university policy, up to and including termination.~~

5.8 Appeals

~~5.8.1 An appeal of any decision of an area specialist concerning the existence of a conflict of interest or acceptability (or non-acceptability) of a proposed management plan may be made to the respective vice president within 10 business days of the employee's receipt of such a decision. In the event the area specialist is a vice president, then the appeal shall be to the President or their designee.~~

~~5.8.2 All appeals must be in writing and should include all pertinent information and any related documents.~~

~~5.8.3 A decision on the appeal shall be made within 10 business days and such decision shall be final and binding.~~

5.9 Violations

~~5.9.1 In the event of any confirmed violation of this policy or of any management plan, the respective vice president may impose appropriate disciplinary actions, including but not limited to the following:~~

~~1) Employee discipline proceeding (including but not restricted to: reprimands, fines, probation, suspension, dismissal, the freezing of sponsored program funds, etc.) pursuant to applicable disciplinary policies and procedures;~~

~~2) Withholding payment owed under a procurement contract relating to the conflict;~~

~~3) Legal action to rescind university contracts entered into in violation of this policy or state law; and~~

~~4) Other appropriate actions as required by state and federal law, such as but not limited to the filing of criminal complaints pursuant to the *Ethics Act*, and reporting conflict of interest violations to external agencies or sponsors.~~



POLICY HISTORY		
<i>Date of Last Action</i>	<i>Action Taken</i>	<i>Authorizing Entity</i>

Executive Summary: Policy 114 Conflict of Interest

Date: January 13, 2016
Sponsor: Cameron Martin, VP, University Relations
Stewards: Karen Clemes, Jason Sweat
Policy Process: Regular
Policy Action: Revise existing policy

Issues/Concerns (including fiscal, legal, and compliance impact):

Disclosure and management of employee conflicts of interest (real, potential, or perceived) are mandated by federal and state law. Conflicts of commitment disrupt the work of the University. While conflicts of commitment can be problematic in and of themselves, in many cases they may be the source of conflicts of interest. These two related concepts and the University's disclosure requirements continue to confuse many administrators, faculty, and staff.

Following a recent PELC conflict of interest training and discussion led by the University's General Counsel, Karen Clemes, President Holland commissioned the formation of a task force, under the direction of Cameron Martin, Vice President of University Relations, to look at procedural and policy issues related to disclosure and management of conflicts of interest and/or commitment.

Suggested Changes:

The subsequent task force assembled by Dr. Martin has identified the need to strengthen policy language, particularly pertaining to conflicts of commitments, and the need to clarify the procedures for disclosure of both conflicts of interest and conflicts of commitment. The title also needs to include reference to "conflict of commitment."

Requested Approval from President's Council: Approval to enter Stage 2 of the policy process.

Proposed Drafting Committee: Cameron Martin (Sponsor), Nancy Bartlett (Steward), Karen Clemes (Steward), Darrel Hammon, Ryan Lindstrom, Nancy Smith, Mark Bracken, Jacob Atkins, Jacob Sybrowsky



Projected Timeline: [Leave blank. To be filled in by the Policy Office.]

POLICY APPROVAL PROCESS - STAGE 2
SUMMARY OF COMMENTS

Policy Title: Conflict of Interest	Policy Number: 114
Sponsor: Val Peterson	Steward: Jeremy Knee
Presentation to: Faculty Senate	Date Presented:

NOTE: Indicate with X whether the comment is editorial (grammar, punctuation, sentence structure, etc.) or is a substance comment (content, procedure, etc.).

CAMPUS ENTITY	POLICY SECTION	Editorial Comment?	Substance Comment?	CONCERN	SPONSOR/STEWARD RESPONSE
Faculty Senate	3.0		X	<p>The key concept of “Employee’s university responsibilities” is not defined anywhere,</p> <p>nor is “manageable conflict of interest”</p> <p>Violating a management plan can subject employee to corrective action as specified in 5.7.1.1, 5.7.1.2, 5.7.1.3, and 5.7.1.4 and yet violation is not defined.</p> <p>“Any management plan” should be broken in to “submitted management</p>	<p>The question of what is an employee’s job is usually defined by a job description, appointment letter, and organizational policy. For instance, faculty responsibilities are set forth in Policy 635 <i>Faculty Rights and Responsibilities</i>, their position description, and university and department RTP criteria</p> <p>The concept of “manageable” conflicts is used in 5.3.4, which has been revised to include an in-text definition “(i.e., reliably and verifiably preventable)”</p> <p>This policy intends no special meaning to the word “violation” and relies on the ordinary dictionary definition. Generally, therefore, a violation of a management plan is any action that’s contrary to the written commitments in a management plan.</p>

				<p>plan” and “approved management plan”. Suggestion: Define “employee’s university responsibilities” and “manageable conflict of interest” and “violation of management plan”. Define ‘submitted management plan’ and ‘approved management plan’ and incorporate accordingly</p>	<p>The phrase “any management plan” is used only in 5.7.1. That phrase has been clarified to say “a signed management plan.” The phrase “approves a management plan” in 5.4.2 has been changed to “<i>signs</i> a management plan.” A signature is a concrete expression of approval and is more specific than “approval” (which Faculty Senate rightly observes could take multiple forms).</p>
	3.5		X	<p>Who determines whether “positions in outside organizations cause unsatisfactory performance or bias?” For example, can a potential conflict of interest be resolved within the department? Suggestion: Define who determines if there is conflict</p>	<p>This process is set forth in section 5.3. The Compliance Officer in consultation with the employee, supervisor, and a Conflict of Interest Review Committee makes these determinations.</p>
	3.7		X	<p>“3.7 Conflict-of-interest management plan (or “management plan”): A written plan of action by which a conflict or potential conflict can be managed or eliminated” → Does this refer to the individual-level plan or the institution-level plan? Or both? Suggestion: Clarify ‘management plan’</p>	<p>Revised to include clarifying language (italics & underlined): “A written plan of action by which <u>an employee’s</u> conflict or potential conflict can be managed <u>(i.e., reliably and verifiably prevented)</u> or eliminated.”</p>
	3.11		X	<p>This might be coming from Federal regulations / accepted terminology, but the statement that the Financial Conflict of Interest “term applies only to PHS funded research” is likely to confuse people. Suggestion: Clarify the title to include PHS funded, and reflect through whole document.</p>	<p>Unsure what the suggestion means. This term and one other term (“key personnel”) are used only in section 4.9 regarding conflicts in PHS funded research. The definitional caveat that “this term applies only to PHS-funded research” is meant to assist readers with ascertaining where/when these terms are relevant. To enhance clarity, added a reference to the</p>

					section number (“...as described in section 4.9”)
	3.17		X	<p>Shouldn't there be protection for the person being investigated for the possible conflict of interest?</p> <p>Suggestion: Define protections made available to the person investigated during and after the investigation - add the accused to the definition of protection from retaliation</p>	<p>Yes. Due process requirements of notice and opportunity to be heard apply to all employees facing allegations that may lead to discipline. Employees are entitled to all the procedural protections, including appeals, set forth in employee disciplinary policies such as 335, 371, 648. Investigators in HR, Title IX, and elsewhere are trained to gather and assess information in a neutral and thorough manner, including talking with the accused. These are standard protections applying to every policy across the board, and it is in the University's interest to ensure strict adherence to these constitutional demands for fairness.</p>
	3.18.1		X	<p>“[E]quity interest includes any stock, stock 113 option, or other ownership interest,” - does this definition mean such equity has to be directly owned by the employee, or does owning, say, a mutual fund that owns said equity count? Including such indirect ownership in the definition might place undue fund content monitoring burden on employees who want to stay policy compliant.</p> <p>Suggestion: Clarify or exclude mutual funds etc. from the equity interest definition, (like 3.18.7 already excludes income from mutual funds etc.)</p>	<p>3.18.7 says that income from mutual funds and other vehicles where the employee “does not directly control the investment decisions” are wholly excluded from the definition of this term. So, yes, to be regarded as a “significant financial or other interest” the employee would need to “directly control” the investment decisions (i.e., don't worry about mutual funds).</p> <p>This definition is drawn entirely from federal law. While we could repeat this caveat in multiple places in the definition, it would be more efficient to say it once, particularly since the federal law says it once. If this is a point of concern or confusion, we could further address it in an informal FAQ document to support this policy.</p>

	3.18-3.19		X	<p>Things that are and are not significant interests or changes need clarification for institutional service and when it is applicable (see below (5.2.2 and 3.19 comment) for additional detail) Suggestion: Clarify when institutional service necessitates completion of conflict of interest documentation</p>	<p>Deleting the term “substantial change in employment status” and the requirement to complete new COI Disclosure Form upon a “substantial change in employment status.” Employees will still be required to complete the form upon hire, annually, and “immediately when a conflict of interest first arises,” which of course <i>could</i> occur with a change in job responsibilities.</p>
	4.1.3		X	<p>“Employees must disclose all actual, potential, and apparent conflicts of interest or 151 commitment, and manage or eliminate such conflicts as provided in this policy” - but how to identify such conflicts in the first place? Suggestion: Maybe add a reference to some guidelines based on which employees can go about identifying “all actual, potential, and apparent conflicts of interest”. Or to the conflict of interest management plan, if that plan is intended to achieve such identifying (which 5.3.4 implies is not the case).</p>	<p>Disclosure does not require certainty. The COI Disclosure Form, when completed honestly, is intended to elicit enough information to help identify conflicts. The employee’s supervisor, Compliance Office, and COI Review Committee will help determine whether responses to the COI Disclosure Form implicate conflicts. See § 5.3. Moreover, this group can help devise solutions to newly discovered conflicts.</p> <p>Compliance will develop an FAQ document to help apply this policy to common situations, and submit it to Faculty Senate for comment.</p>
	4.2.1		X	<p>Part 2 is too broad; it includes things like a discount from a restaurant for being a UVU employee, as this is a “non-university privilege or exemption”. We assume that this is intended for more significant breeches. Suggestion: “Special non-university privileges or exemptions” needs to be better defined so that this statement only includes the types intended. This could be through adding in a monetary value or something similar.</p>	<p>Language is from Utah Code § 67-16-4(1) and agree that it’s broad. Have added the following caveat in <u><i>underlined italics</i></u>:</p> <p>“Employees may not use their university [positions & resources] to secure special <u><i>(i.e., not generally available to university employees)</i></u> non-university privileges or exemptions for themselves or others.”</p>

	4.2.2		X	<p>There are several concerns related to Policy 606 (Adoption of Course Materials and Textbooks) and this policy.</p> <p>Faculty Senate will attempt to open policy 606 with a limited scope emphasis to address these concerns in that policy.</p>	<p>Policy 606 is currently being reviewed to determine whether its provisions related to Policy 114 are addressed per national norms among universities.</p>
	4.2.4		X	<p>This section brings into question whether a faculty member's work with an organization they (or a relative) "have a significant financial or other interest" in would count as scholarly/creative work in their annual reviews by department chairs. This poses a problem, since many faculty own/direct companies, sit on boards, etc. as a significant part of their work. The wording now is too broad and might go beyond the intent.</p> <p>Suggestion: If the intent is to prevent supervisors from requiring employees to participate in outside organizations for the supervisor's benefit, this text needs to be clearer. The second sentence is more precise than the first, but the first sentence is the problematic one. If the intent is to prevent faculty from using those organizations as one part of an overall case for retention or promotion in their annual reviews/portfolios, then I suggest we reconsider whether this appropriate.</p>	<p>Nothing here prohibits a faculty member from using their work through a personal business toward their scholarly/creative portfolio at UVU. It <i>would</i> prohibit evaluations based on participation in the <i>evaluator's</i> business. For example, a department chair could not evaluate a faculty member's performance based on the faculty member's involvement in the <i>department chair's</i> personal business.</p> <p>While I don't believe the text supports the concerns highlighted here, this seems like an excellent point to cover in an accompanying FAQ document.</p>
	4.4, 3.18		X	<p>This policy implies that it covers faculty even on summer months, when they are not on contract.</p>	<p>The policy covers employees. Faculty are employees during and between semesters, even in the summer. Faculty job duties,</p>

				<p>Although we receive payment and benefits over the summer, this is an accounting issue only and not adequate enough definition. Suggestion: Clarify whether the summer months are considered under the contract and provide some guidance on how summer months for faculty fit in to the policy.</p> <p>Request for specifics to address what is covered and what needs to be reported. Add a reference to Guidelines approved by General Council, SVPAA, and Faculty Senate.</p> <p>Vagueness of definitions - who defines these - would be great to have these in the guidelines. (4.2.4 - side businesses - ask to make a new comment for next senate meeting). Need to be more precise in policy, as well.</p> <p>Clarify exactly what summer activities-- as separate from during the academic year--would qualify as conflicts</p>	<p>however, are different and typically lighter in the summer months.</p> <p>This section explicitly says that employees may engage in non-university professional and personal commitments but that these commitments must be balanced against the employee's duties to the university. In the summer, faculty will typically have much more flexibility to engage in outside time commitments without "interfering with their performance of university obligations" or "neglecting course obligations."</p> <p>Added new section 4.4.3 to clarify the relationship between full-time UVU work and full/part-time non-UVU work during period of full-time UVU duties (like during semesters for faculty). Full-time outside employment during full-time UVU duties is presumptively a conflict.</p> <p>Added a new section 4.4.2 to clarify that full-time faculty may not teach adjunct during teaching semesters without approval from dean and VP. Short-term conference/symposium presentations are fine. This brings UVU in line with U of U and Utah State policies prohibiting outside adjuncting during teaching semesters.</p> <p>An accompanying FAQ document now clarifies that full-time faculty do not cease to be UVU employees between semesters, but certainly have different schedules.</p>
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	5.2.2		X	<p>The use of annual conflict of interest form submission along with the filling out of new form for a new conflict is redundant. If a new form is filled out mid-year, the annual form will have no new information.</p> <p>Suggestion: Remove the word annually completely. Instead, add an annual reminder.</p>	<p>Completion of COI Disclosure Form questionnaire is intended to prompt reflection on potential conflicts of interest. A nonbinding encouragement to complete the form does not achieve the same goal. While completing a new form mid-year (upon discovering a new conflict) may diminish the usefulness of the annual disclosure, experience tells us that <i>unprompted</i> disclosures are exceedingly rare and should not substitute for a university-wide annual rhythm. Moreover, the questionnaire comprises 9 substantive questions, is completed electronically, and involves minimal time commitment.</p> <p>Annual disclosures, moreover, allow supervisors to monitor potential conflicts of interests. Added new section 5.2.4 saying “Immediate supervisors are responsible for monitoring and ensuring the timely completion of Conflict of Interest Disclosure Forms by employees under their supervision.” Section 5.3.1 says “immediate supervisors are responsible for reviewing their employees’ disclosures.” Added detail to that expectation, including broaching concerns with the employee and Compliance Office.</p>
	5.2.2 and 3.19		X	<p>Are changes such as joining a committee or serving as department chair/assistant chair count as substantial changes in employment?</p> <p>Suggestion: If this is external committees and only committees with a financial, legal, or time commitment</p>	<p>Agree that this term is overbroad. Deleting this term and the requirement to complete new COI Disclosure Form upon “substantial change in employment status.” Employees will still be required to disclose “immediately when a conflict of interest</p>

				which conflict with the duties or responsibilities at UVU, it should be stated as such. Internal committees should not be included.	first arises," which of course <i>could</i> occur with a change in job responsibilities. This question has been added to the FAQ.
	5.3.1		X	Are there ever situations when an employee will not have an opportunity to discuss the matter with his/her "immediate supervisor"? Suggestion: If no, leave as written. If yes, clarify.	No.
	5.3.3 (related to 5.1.3)		X	If there is no wrongdoing, will record of the investigation be inserted into the employee's permanent employee file that he/she was investigated for a potential conflict of interest? What does "no further action will be required" mean? Suggestion: Clarify if investigation is placed in permanent file	Section 5.6 addresses recordkeeping. COI records are kept by the Compliance Office, unless and until it becomes an employee disciplinary issue. HR would maintain record of such issues in the employee's employment file. These are considered "private records" rather than public records under state law Utah Code Ann. § 63G-2-302(2).
	5.3.4		X	Unclear meaning of the following concepts: [manageable; conflict; activity; prohibited; eliminated; resolved]. What is the meaning of manageable vs. eliminated vs. resolved vs. prohibited conflict? Suggestion: Revise to read: "If the Compliance Officer determines that a conflict does exist, the Compliance Officer will determine whether the conflict is manageable or INCLUDES AN ACTIVITY THAT must instead be prohibited, THEREBY ELIMINATING THE CONFLICT." According to 3.5., 'Conflict of interest' already includes 'conflict of	Suggestion accepted. Line revised to say: "...Compliance Officer will determine whether the conflict is manageable (<u>i.e., reliably and verifiably preventable</u>) or <u>includes an activity or interest that</u> must instead be prohibited, <u>thereby eliminating the conflict.</u> " Also added the word "activity" to the definition of "conflict of interest" Removed the word "resolved": "If the conflict of interest or commitment can be resolved through appropriate management <u>is manageable,...</u> "

				<p>commitment' so 'commitment' may be redundant. Suggestion: Revise to read "If the conflict of interest can be resolved..."</p>	<p>Agree that "commitment" is technically redundant. But, given the multiple layers of meaning for "conflict of interest," this section highlights conflicts of commitment to ensure the reader understands what COI review entails.</p>
	5.4.1		X	<p>A strict time limit is reasonable, but how is the employee then to submit and where? If there's a time limit in policy, it would be a good idea to specify the submission process a bit more thoroughly in policy as well. Suggestion: Outline how to submit the management plan</p>	<p>Clarified that the proposed mgmt. plan should be submitted "<u>to the Compliance Officer.</u>" Further detail, such as specific email addresses or office numbers, may be subject to change. Such details may be more appropriate for an accompanying FAQ document and Compliance webpage.</p>
	5.4.2		X	<p>The policy does not specify what is the status of the employee between the management plan submission and when the approved management plan is distributed back to the employee. Is compliance with the submitted management plan expected in this meantime? It is implied - but not explicated - that it is not. This sounds like a minor issue but the management plan seems to be such a big deal so this is maybe worth clarifying. Suggestion: Add clarifying detail about what happens/should happen between management plan submission and its approval and distribution back to employee Modify to read "The employee is THEN responsible for compliance with the management plan and the employee's immediate supervisor is responsible for monitoring its effectiveness."</p>	<p>Adopted the suggested wording. Also added a sentence to 5.4.1: to clarify expectations between proposed mgmt. plan and approved/signed mgmt. plan: "<u>The employee may not engage in the activity or interest that is the subject of the proposed management plan until such plan is signed by the Compliance Officer.</u>"</p>

	5.5.2		X	<p>Will general counsel have decision making power regarding academic decision (like sabbaticals) after investigating an individual regarding conflict of interest?</p> <p>Suggestion: If no, leave as written. If yes, modify.</p>	<p>No. The Office of General Counsel advises the decision-maker, but does not make the final decision.</p>
	5.5.2		X	<p>If the vice president's decision "shall be final," what about the appeal process?</p> <p>Suggestion: Add an appeal process</p>	<p>The VP's decision is the final step of the appeal process.</p>
	5.6.1		X	<p>Will the records also be placed in a faculty member's employee file (like an annual review, for example)?</p> <p>Suggestion: Clarify if placed in employee file</p>	<p>There's no automatic placement in any file other than Compliance Office records. Records will be used by other UVU units/decision-makers only to the extent required by a separate UVU policy or process. The policy governing merit pay increases, for example, requires compliance with all university policies. A minimal disclosure of COI information would be necessary to confirm that employees have completed the annual disclosure form in compliance with this policy. Any sexual misconduct would need to be reported to Title IX. Egregious violations of law would need to be addressed through HR. If, as in these examples, COI information becomes necessary for the faithful performance of other units' duties, other units would follow their own record-keeping practices and requirements.</p> <p>Supervisors will have access to their employees' disclosure and mgmt. plan information. This is necessary for proper accountability and mgmt. plan monitoring.</p>
	5.6.2		X	<p>Again, what does "private" mean? Can records be used to consider promotion,</p>	<p>Private means that, absent extraordinary circumstances set forth in the GRAMA</p>

				sabbatical, or other decisions (especially if no wrongdoing is determined)? Suggestion: Clarify when and how the information is used for disclosure and management internally	statute, these records cannot be disclosed to the public. Internally, these records will be used <i>“only as necessary to administer university policy.”</i> If COI data is relevant and necessary for certain employment decisions, it could be used. Absent legitimate necessity elsewhere, however, COI data will remain confidential.
PACE	3.5	X		(line 41)“ Judgment or performance is” (not “are”)	Fixed
PACE	3.7	X		Why is this section heading hyphenated and not capitalized whereas sections 3.6 and 3.8 are the opposite. This seems inconsistent.	Removed hyphens
PACE	3.8		X	What if people on the review committee are involved in the conflict of interest? Exactly who is able to invite other people to the review committee?	Added to 5.3.2: <i>“No person with a conflict of interest in the review may assist with the review.”</i>
PACE	3.12 line 73	X		There appears to be an extra space after the comma following “excessive compensation”.	Fixed
PACE	3.16		X	Why have nephew, niece, in-laws, step, and foster relatives been removed from the definition of relative as it exists in the to-be-deleted Policy 304? This seems to leave room open for trouble.	Different words meaning the same thing were used (e.g., spouse’s parents). “Household members” is a term used by statute that will be added and defined. Step- and foster-relatives will be added.
PACE	3.16		Y	I note that the term “Relative” references different relatives from the term “Family member.” Is this intentional? It seems that a conflict could be realized with either of these definitions, and therefore it seems logical to have the terms match. I’d be	The statute prohibiting many of the conflicts of interest apply only to the narrow group defined as “family members” (§ 67-16-3). The statute prohibiting employment/oversight of relatives, however, applies to the broader group defined as “relatives” (§ 52-3) Symmetry in terms would be desirable, but the

				interested to hear the reasoning for the difference.	legislature gave us asymmetrical requirements.
PACE	4.3.3			How does this work if the department chair is the father/mother of a student, and the only person teaching the course/	Added clarifying language. We'd follow the pattern set in this policy of elevating up the organizational chain—to the dean in that case.
PACE	4.5			Students will sometimes provide gifts of appreciation to advisors upon graduation. What is the limits on this?	<p>The test is (1) whether the gift “would tend to improperly influence a reasonable person in the person’s position to depart from faithful and impartial discharge” of duties; (2) the employee knows that the gift was intended as a bribe, OR (3) if the employee “recently has been, is now, or in the near future may be involved in any government action directly affecting the donor or lender.”</p> <p>Gifts adding up to < \$50 value don’t go through the test above. They’re disregarded as insignificant.</p> <p>Given that assigning grades is likely a “governmental action” which automatically forecloses gifts > \$50, the policy will be revised to provide more clarity on the third element of improper gifts. I do not believe that academic advising amounts to any discernable “action,” so that would fall under the improper-influence test under (1).</p>
PACE	5.5.2		X	What happens if the President is the subject of the conflict of interest?	Added clarifying language. We'd follow the pattern of elevating up the organizational chain—to the trustees or regents.
PACE	5.6.3		X	Why Academic IT? This seems more like an administrative function. Or is that the point to provide an extra layer of protection?	The disclosure process is electronic and will continue to evolve electronically. Management plans will eventually go entirely electronic. Ongoing support from

					Academic IT will be necessary to keep streamlining.
PACE	5.7.1		X	Mention that the President can also apply these measures to VPs.	Added clarifying language. We'd follow the pattern of elevating up the organizational chain—to the president or trustees.
PACE	5.6.3		Y	Out of curiosity, why is Academic IT involved in maintaining the disclosure forms? Is this a necessary part of the procedure, or simply the way it's currently expected to happen?	The disclosure process is electronic and will continue to evolve electronically. Management plans will eventually go entirely electronic. Ongoing support from Academic IT will be necessary to keep streamlining.
PACE	Overall		Y	Realizing that each potential conflict of interest is different, I wonder if guidelines could simplify the implementation of this. Specifically, it would be good to have some recognition of common conflicts, such as church callings, board appointments outside UVU, some UVU related appointments (like PACE or other committee service), and other volunteer situations that are common among employees. While these can come into conflict in some cases, does a management plan need to be created for each one, or can a manager simply require that time spent performing these volunteer services be made up? I guess what I'm saying is that the policy is very formal for good reason, but the actual implementation may become confusing as a result of the formality, especially with all the little potential conflicts that are very common.	This is an excellent idea for a FAQ supporting document that could give general advice on common scenarios. As you note, however, scenarios that are typically permissible or typically managed in a particular way, aren't always so. It depends on the demands of the individual's position, department, and circumstances.
UVUSA	None				
AAC	None				

Office of General Counsel	Sections 4.4 to 4.4.4		x		This is the new section that was added to address faculty concerns. Since Faculty Senate's review, we reorganized this section for the logical progression of ideas.
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