Draft 3/16/2020

**Policy 1-006: Individual Financial Conflict of Interest Policy. Revision 12.**

**Effective Date: ????, 2020**

1. **Purpose and Scope**
	1. Purpose

~~A central mission of the~~ The University ~~is to educate the~~ serves society ~~individual~~ through the dissemination, discovery, and refinement of knowledge. In its pursuit of excellence in teaching, research, and service, the University is an institution based on the shared values of learning, diversity and inclusiveness, entrepreneurship, independent inquiry, respect for resources, collegiality, and community. Even when individual members of the University community work to accomplish ~~this mission~~ these institutional objectives with these shared institutional values, individual financial conflicts of interest~~s~~ may naturally arise that have the potential to impair the judgment of the individuals involved in that work.

This Policy establishes and describes the systems and processes through ~~by~~ which the University identifies, evaluates, and manages financial conflicts of interest of individuals, without violating its institutional values ~~central missions~~. It uses disclosure as the key mechanism to bring potential financial conflicts of interest to light for evaluation and possible oversight. This Policy also identifies types of financial conflicts of interest that ~~in which individuals~~ are not allowed ~~to engage~~ because they ~~would be in~~ are a violation of law or are judged by the University to be ~~in~~ a violation of its ~~central missions~~ institutional values.

This Policy establishes the Individual Conflict of Interest Committee and the position of Individual Conflict of Interest Officer to ~~administer~~ implement~~ation of~~ the Policy. It is intended that the Policy will be further implemented through adoption of various associated Rules and Procedures.

* 1. Scope

This Policy applies to all individuals affiliated with the University who meet the definitions of Investigator or Employee, as defined here.

This Policy addresses *individual* conflicts of interest related to the following activities in which an Investigator or Employee may participate: Research (see Rule 1-006C), Scholarly or Educational Activity (see Rule 1-006D), and Transactions (see Rule 1-006E). More detailed direction may be further specified through Rules and Regulations associated with this Policy.

This Policy is not intended to directly govern other conflicts of interest that might arise during an Employee’s University duties, which are governed by other Regulations. [*See e.g.*, Policy 5-204: Remunerative Consultation and Other Employment Activities, Supplemental Rule 1-006: Health Sciences Industry Relations Policy]. Similarly, this Policy is not intended to directly govern financial conflicts of interest of the University as an *institution*, ~~a subject~~ which are governed by other ~~r~~Regulations. [*See* ~~Policy 7-006~~ [Policy 7-006](https://regulations.utah.edu/research/R7-006.php): Institutional Financial Conflicts of Interest for Research Involving Human Subjects].

1. **Definitions**

These definitions apply for the limited purpose of this Policy and any Rules or other University Regulations associated with this Policy.

* 1. **BRR Disclosure Form** is the form through which an individual Investigator or Employee provides personal financial information provided to the University (to be reviewed by the Individual Conflict of Interest Committee). The BRR Disclosure Form is submitted through the University’s online Business Relationship Reporting (“BRR”) system. ~~by an Investigator or Employee, which shall include a complete description, including dollar amounts or percentages of ownership, for all Significant Financial Interests~~ ~~related to their professional responsibilities to the University~~.
	2. **Business Entity** means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a trade or business, including parent organizations of such entities or any other arrangement in which an entity operates through a subsidiary. Business Entity includes local, state, federal, or international entities. ~~Business Entity does not include federal, state, or local government agencies, institutions of higher education as defined at 20 U.S.C. 1001(a), academic teaching hospitals, medical centers, or research institutes affiliated with an institution of higher education.~~
	3. **Compensation** means anything of economic value, however designated, which is paid, loaned, granted, given, donated, ~~or~~ transferred, or promised to any person or Business Entity ~~for or in consideration of personal services, materials, property, or the like~~. Compensation includes a beneficial interest held by an individual on behalf of an Investigator or Employee, even if the Investigator or Employee does not receive the Compensation directly (e.g., an Employee’s or an Investigator’s friend holds an Equity Interest in a Business Entity on behalf of the Employee or Investigator).
	4. **Employee** means~~, for the limited purposes of this Policy,~~ any individual who is employed by the University, whether full or part time and includes, but is not limited to, all of the following categories of individuals when they are employed by the University: staff, faculty members, postdoctoral fellows, medical housestaff, and educational trainees ~~and students~~. An unpaid faculty member is also considered an Employee for purposes of the requirements of this Policy.

An individual who is a student, but also employed by the University, is considered to be an Employee for purposes of the requirements this Policy establishes for Employees. An individual who meets the definition of an Investigator and also the definition of an Employee is subject to the requirements established under this Policy for both such categories of personnel.

* 1. **Equity Interest** means any stock, stock option, or other ownership interest in a Business Entity.
	2. **Family Member** means~~, for the limited purposes of this Policy,~~ a spouse or domestic partner ~~and/~~or a dependent or minor child~~ren.~~ (Domestic partner is further defined in University Rule 5-200A).
	3. **Financial Relationship** means any financial interest or relationship of an Investigator or Employee (or those of an Investigator’s or Employee’s Family Member), whether or not the value is readily ascertainable, that reasonably appears to be related to an Investigator’s or Employee’s responsibilities to the University, as those responsibilities are defined by the Investigator’s or Employee’s department or job description.
		1. Financial Relationship includes:
		2. Employment, consulting, or any other activity resulting in payment or other Compensation;
		3. Any Equity Interest, excluding ownership in mutual funds or pension funds described in Section II.G.2.b;
		4. Any paid or unpaid leadership position in a Business Entity such as director, officer, partner, trustee, agent, or any position of management; and
		5. Any instance in which an Investigator or Employee (or a Family Member) has, or reasonably foresees having, the right to receive Compensation as a result of licensing or other commercialization of Intellectual Property created by that Investigator or Employee (or Family Member), including the right to receive shares of revenue, royalties, or other payments generated by such commercialization (e.g., an inventor’s share of royalty income under University policy).
		6. Financial Relationship does *not include*:
1. Salary, travel reimbursements, or other non-royalty Compensation from the University if that Investigator or Employee (or Family Member) is currently employed by, appointed at, or otherwise affiliated with the University; or
2. Income from investment vehicles, such as mutual funds and retirement accounts, provided that an Investigator or Employee (or a Family Member) does not directly control the investment decisions made in those vehicles.
	1. **Gift** includes money, non-pecuniary gifts, excessive compensation, or non-commercial loans. ~~For the purpose of this Policy a gift does not apply to~~ However, occasional non-pecuniary gifts that have an insignificant monetary value, as defined by the Utah Public Officers' and Employees' Ethics Act [~~[Fn1]~~](https://regulations.utah.edu/general/1-006.php#footnote1), that would *not* tend to improperly influence an Employee in the discharge of ~~his/her~~ the Employee’s duties are not considered to be a Gift for purposes of the requirements of this Policy. Note that as of January 1, 2020, the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 *et seq.*, permitted occasional, nonpecuniary gifts that do not exceed $50.00.
	2. **Human Subjects Research** is any R~~r~~esearch that has been designated as “human subjects research” by the University's Institutional Review Board.
	3. **Intellectual Property** means any ideas, inventions, technology, tangible property, creative expression, or embodiments thereof, in which a proprietary interest is claimed, including, but not limited to, patents, copyrights, trademarks, know-how, ~~and~~ biological or physical materials, artistic works, data, algorithms, software (including its component coding), designs, databases, or media.
	4. **Investigator** means an individual, regardless of whether or not an Employee, ~~of the University as defined in this Policy,~~ who is the project director or the ~~p~~Principal Investigator ~~and~~ or any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of R~~r~~esearch ~~or scholarly activities~~ conducted in whole or in part under the auspices of the University, which may include, for example, visiting scientists, collaborators, consultants, or sub-award or subcontract recipients.
	5. **Research** means a systematic investigation, study, or experiment designed to develop or contribute to ~~generalizeable~~ generalizable knowledge. The term includes, but is not limited to, basic and applied research (e.g., a published article, book or book chapter) or product development (e.g., a diagnostic test or drug). This term also includes Research that is internally funded or unsponsored. Human Subjects Research is a specific subcategory of Research.

**~~Significant Financial Interest~~**~~means a financial interest consisting of one or more of the following interests of the individual Investigator or Employee (and those of the Investigator's or Employee's Family Member as defined in this Policy) that reasonably appear to be related to the Investigator's or Employee's responsibilities to the University, as defined by an individual's department or job description~~[~~[Fn2]~~](https://regulations.utah.edu/general/1-006.php#footnote2)~~:~~

* + 1. ~~With regard to any publicly traded entity, a Significant Financial Interest exists if the value of any remuneration received by the individual from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds $5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;~~
		2. ~~With regard to any non-publicly traded entity, a Significant Financial Interest exists if the value of any remuneration received by the individual from the entity in the twelve months preceding the disclosure, when aggregated, exceeds $5,000, or when the individual holds any equity interest (e.g., stock, stock option, or other ownership interest); or~~
		3. ~~Intellectual property rights and interests (e.g., patents, copyrights), when the patent application is filed or when the copyright is asserted or upon receipt of income related to such rights and interests, including royalty income from Intellectual Property owned by the University of Utah Research Foundation.~~

~~However, Significant Financial Interest does NOT include:~~

* + 1. ~~salary, travel reimbursements or other non-royalty remuneration from the University if the Investigator is currently employed or otherwise appointed by the University;~~
		2. ~~Income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education;~~
		3. ~~Income from service on advisory committees or review panels for a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education;~~

~~Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles.~~

* 1. **Scholarly or Educational Activity** means any activity involving the creation, discovery, dissemination, integration, or application of knowledge, ideas, or concepts, as well as any teaching, mentoring, or other scholarly work that promotes, facilitates, or contributes to the intellectual advancement of students or other individuals. Examples of *Scholarly Activity* include, but are not limited to, academic presentations and publications; creative endeavors, performances, or literary or artistic works; significant study in pursuit of scholarly expertise; or the design or improvement of a method, application, device, computer program, therapy, treatment approach, or teaching/educational model or curriculum. Examples of *Educational Activity* include, but are not limited to, the supervision, training, or mentoring of students, graduate students, trainees, or fellows.
	2. **Transaction** means a formal or informal contract or agreement, express or implied, to which the University or the University of Utah Research Foundation (“UURF”) is a party. Transactions include, but are not limited to, purchases (including the purchase of supplies, equipment, or services), subcontracts, sub-awards, material transfer agreements, term sheets (whether binding or non-binding), option agreements, licensing agreements, agreements for sponsored research, grants, lease agreements, etc.
1. **Policy**
	1. ~~General requirements (disclosure, prohibited activities).~~

~~It is the duty of every individual member of the University community to disclose in a timely manner his or her personal or Family Member's involvement in activities listed as Activities Requiring Disclosure (Section III-B). Approval of the Individual Conflict of Interest Committee must be obtained before engaging in these activities. It is forbidden for individual University Employees or Investigators to engage in any Activities That Are Not Allowed (Section III-C).~~

A. Disclosure and Training Requirements

The system and processes established under this Policy use disclosure by individuals as the key mechanism for identifying, evaluating, and, when necessary, managing individual financial conflicts of interest. To ensure such disclosure occurs appropriately, individuals are required to periodically undergo training, including training regarding disclosure procedures.

* + 1. Disclosure Schedule
			1. Annual Disclosure Requirement for Certain Employees

The following Employees are required to submit a BRR Disclosure Form upon hire and at the start of each academic year:

All faculty members, excluding emeritus faculty, visiting faculty, and adjunct faculty;

All staff employed at the manager level or above; and

All staff with purchasing authority or delegated purchasing authority, including account executives and their delegates, staff authorized to use an institutional credit card (e.g., Purchasing Card or PCard), and staff authorized to make purchases through UShop.

* + - 1. Event-Based Disclosure Requirement for Employees Who Participate in Certain Activities

Each Investigator and each Employee is required to submit a BRR Disclosure Form and receive approval from the Individual Conflict of Interest Committee prior to engaging in the following activities:

Research;

Scholarly or Educational Activity; or

Transactions

* + - 1. Requirement to Update BRR Disclosure Form

Once an Investigator or Employee submits a BRR Disclosure Form as required in this section, Section III.A., the individual is required to update that BRR Disclosure Form:

At least annually; or

Within thirty (30) days of generating, discovering, or acquiring (e.g., through purchase, marriage, inheritance, or any other mechanism) a new Financial Relationship.

* + 1. BRR Disclosure Form Contents (Relevant Information)
			1. As provided for in the University’s approved BRR Disclosure Form instructions, when an Investigator or Employee submits a BRR Disclosure Form as required by this section, Section III.A.1., the individual is required to disclose all Financial Relationships that are reasonably related to the individual’s responsibilities to the University, as those responsibilities are defined by the individual’s department or job description. If the Investigator or Employee has no such Financial Relationships, the Investigator or Employee is required to submit a BRR Disclosure Form and certify that the individual has nothing to disclose.
			2. In addition to disclosing Financial Relationships, each Investigator who participates in Research funded by the United States Public Health Services is required to disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available) that is related to the Investigator’s responsibilities to the University [Fn1]; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by the following entities within the United States:

a federal, state, or local government agency;

an institution of higher education as defined at 20 U.S.C. § 1001(a);

an academic teaching hospital;

a medical center; or

a research institute that is affiliated with an institution of higher education within the United States.

* + - 1. State or federal law or other University Regulations may require individuals to disclose certain financial and other relationships that are not covered by this Policy. It is the responsibility of each Investigator and each Employee to comply with all such laws or Regulations.
		1. Training

Each Investigator and each Employee who is required to submit a BRR Disclosure Form under Section III.A.1. is also required to complete a financial conflict of interest training that is provided by the University. Once an individual completes such training, the individual is required to repeat the training at least every four (4) years thereafter.

~~Activities Requiring Disclosure~~

* + - 1. ~~Research and Scholarly Activity~~
			2. ~~Investigators. Disclosure is required when an Investigator is responsible for the approval, design, conduct, or reporting of sponsored research conducted in whole or in part~~
			3. ~~Employees. Disclosure is required when an Employee or his/her Family Member has a Significant Financial Interest related to research or scholarly activities involving University subordinates or students and the Employee has responsibility for the subordinates' or students' employment and/or academic evaluations.~~
			4. ~~Other individuals. Disclosure is required when a student or postdoctoral scholar or his/her Family Member has a Significant Financial Interest and submits an individual application for fellowship or other research support under the auspices of the University.~~
		1. ~~Human Subjects Research~~

~~Disclosure is required when an Investigator is responsible for the design, conduct, or reporting of human subjects research conducted in whole or in part under the auspices of the University.~~

~~Research with human subjects must receive the highest level of protection from bias or appearance of bias created by an individual's conflict of interest. Consequently, the University shall apply a presumption against the conduct of research with human subjects in any circumstance where the individual has a conflict of interest relating to the research. The Individual Conflict of Interest Committee may approve conduct of the research by the individual only upon a finding of compelling circumstances and only when the Committee can craft an effective management plan to mitigate the conflict. Otherwise, the conflict must be eliminated or the research project shall not be conducted by the individual.~~

* + 1. ~~Intellectual Property~~

~~Disclosure is required prior to the negotiation of any licensing agreements when an Employee is a named inventor on an invention disclosure and the Employee or his/her Family Member has a Significant Financial Interest in a Business Entity related to the Intellectual Property.~~

* + 1. ~~Procurement~~
			1. ~~Disclosure is required when an Employee or his/her Family Member has a Significant Financial Interest in a Business Entity proposing to enter into a transaction with the University, and that Employee or Family Member is in a position to influence the outcome of the University's decision on that transaction.~~
			2. ~~Disclosure is required when an Employee or his/her Family Member has a Significant Financial 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 otherwise limit consulting by faculty or staff as defined under Policy 5-204.~~
			3. ~~The Utah Public Officers' and Employees' Ethics Act, Utah Code Annotated §67-16-1 et seq. (the Ethics Act) requires disclosure of certain conflicts of interest to other entities including the state Attorney General's Office. University Employees are responsible for complying with the Ethics Act.~~
1. ~~Activities That Are Not Allowed (Prohibited Activities)~~

~~The following activities present conflicts of interest in which individuals are not allowed to engage because they would be in violation of law judged by the University to be in violation of its central missions.~~

* + - 1. ~~Academic Freedom Restrictions~~
				1. ~~Secrecy or confidentiality requirements are not allowed if they impact evaluation of a student, faculty member, or other Employee, or if they delay fulfillment of degree requirements by more than the time contractually allowed for publication and/or protection of intellectual property rights (up to 6 months).~~
				2. ~~Investigators shall not permit a sponsor to compromise the integrity of the scientific analysis or the publication of research results or its conclusions,~~
				3. ~~Evaluation of faculty, staff, postdoctoral fellows, medical housestaff, educational trainees, or students is not allowed to be based, in whole or in part, on participation in (or refusal to participate in) non-University activities involving Business Entities in which the evaluating Employee or Investigator has a Significant Financial Interest. The participation of faculty, staff, medical housestaff, educational trainees or students in non-University activities involving such Business Entities.shall not be required or expected.~~
			2. ~~Human Subjects Research~~

~~Individual Investigators or Employees participating in the design, conduct, or reporting of human subjects research study, or their Family Members, shall not, directly or indirectly, accept any incentives or gifts from a Business Entity that is sponsoring or providing support for the study. Payments to the University from Business Entities that are sponsoring or providing support for the study shall only be deposited into the investigators' restricted project account established for the study, unless otherwise approved by the Vice President for Research.~~

* + - 1. ~~Intellectual Property~~

~~Involvement by an Employee in the process of negotiating a license on behalf of the University with a Business Entity in which the Employee or his/her Family Member has a Significant Financial Interest is not allowed.~~

* + - 1. ~~Solicitation or Receipt of Gifts~~[~~[Fn1]~~](https://regulations.utah.edu/general/1-006.php#footnote1)

~~Solicitation or receipt of a gift by a University Employee, whether directly or indirectly through the institution, is not allowed, when (a) the purpose or effect of the gift is likely to improperly influence the Employee in the discharge of his/her University responsibilities; (b) the gift is given to reward the Employee for official action taken; or (c) the gift is given in close proximity~~[~~[Fn3]~~](https://regulations.utah.edu/general/1-006.php#footnote3) ~~to recent past, present, or future transactions between the University and the giver of the gift.~~

~~Investigator and Employee Disclosure Responsibilities~~

~~This Policy uses disclosures as the key mechanism to bring potential financial conflicts of interest to light for evaluation and possible oversight.~~

* + - 1. ~~Each Investigator or Employee engaged in any activities specified in Section III-B is required to complete financial conflict of interest training offered by the University.~~
			2. ~~Each Investigator or Employee must personally complete and submit a Disclosure Form prior to engaging in any activities specified in Section III-B.~~
				1. ~~The Investigator or Employee must provide complete and accurate information about all Significant Financial Interests that reasonably appear related to his/her professional responsibilities to the University.~~
				2. ~~The Investigator or Employee will not engage in any activities specified in Section III-B until the Individual Conflict of Interest Committee determines whether a Significant Financial Interest creates a financial conflict of interest for the Investigator or Employee and approves a plan to manage, reduce or eliminate any such conflicts.~~
			3. ~~Once a Disclosure Form has been required by the University, each Investigator or Employee must update his/her Disclosure Form at least annually and within thirty (30) days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) a new Significant Financial Interest that is related to his/her professional responsibilities to the University~~[~~[Fn2]~~](https://regulations.utah.edu/general/1-006.php#footnote2)~~.~~
			4. ~~Investigators participating in research funded by the Public Health Service (PHS) must also disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available), related to their responsibilities to the University~~[~~[Fn4]~~](https://regulations.utah.edu/general/1-006.php#footnote4)~~; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.~~
1. Individual Conflict of Interest Committee
	* 1. The Individual Conflict of Interest Committee is hereby established as a University standing committee. The voting members shall be nominated by the Personnel and Elections Committee of the Academic Senate and appointed by the President of the University to serve for three (3) year terms. A majority of the voting members shall be University tenure-line or career-line faculty members. The Committee shall be ~~a campus-wide~~ an institution-wide committee with broad representation ~~from across campus~~ throughout the University. The President shall also appoint non-voting ex-officio participants from relevant administrative offices. Further details of the membership structure may be specified in a University Rule associated with this Policy [*See* Rule 1-006A: Individual Conflict of Interest Committee Membership Rule].~~, to be approved as per Policy 1-001~~.
		2. The Committee is charged with:
			1. ~~providing~~ Providing education and training to members of the University community about financial conflicts of interest and how they can be effectively managed, reduced, or eliminated;
			2. ~~reviewing~~ Reviewing ~~Disclosure Forms~~ the information submitted by Investigators and Employees as required under this Policy, including completed BRR Disclosure Forms;
			3. ~~determining~~ Determining whether a disclosed ~~Significant Financial Interest~~ Financial Relationship of an individual that has been (or should have been) disclosed is a financial conflict of interest; and, if so,
			4. ~~determining~~ Determining if and how a financial conflict of interest can be managed, reduced, or eliminated to protect the Investigator or Employee, the interests of the University, University subordinates, ~~r~~Research participants, and the public.
		3. ~~A~~ The University shall establish a Conflict of Interest Office, employ a Conflict of Interest Officer and such other staff as needed, ~~shall be employed by the University~~ and allocate adequate resources ~~allocated~~ to support the duties of the Individual Conflict of Interest Committee and the implementation of this Policy.
		4. The Committee and its members shall act without bias in administering this Policy.
2. Conflict of Interest Office and Committee Responsibilities
	* 1. The Conflict of Interest Office, on behalf of the Individual Conflict of Interest Committee, will ~~determine, for each individual's Disclosure Form,~~ initially screen each individual case (as presented through a submitted Disclosure Form) to determine whether a Financial Relationship ~~Significant Financial Interest~~ exists that requires the review of the ~~Conflict of Interest~~ Committee. The Office will notify the Investigator or Employee, as well as the Investigator’s or Employee’s ~~his/her~~ department chair or supervisor, when the Conflict of Interest Office refers a potential conflict of interest to the ~~Conflict of Interest~~ Committee for review.
		2. For each case referred to it, ~~T~~the Individual Conflict of Interest Committee will consult with the Investigator or Employee as appropriate and determine whether a Financial Relationship creates a financial conflict of interest. If it is determined that a financial conflict of interest exists, the ~~Conflict of Interest~~ Committee will determine how it can be managed, reduced, or eliminated.
		3. The Conflict of Interest Office will transmit the decision of the Individual Conflict of Interest Committee to the Investigator or Employee, the Investigator’s or Employee’s ~~his/her~~ University superiors, and appropriate offices within the University.
		4. The Individual Conflict of Interest Committee is primarily responsible for monitoring and ensuring compliance with an approved plan~~s~~ to manage, reduce, or eliminate a financial conflict~~s~~ of interest. In most circumstances, this will include requiring the Investigator or Employee to submit compliance reports at intervals specified by the Committee in the management plan~~s~~. When a plan~~s~~ requires specific expertise beyond that of the Office or the Committee members, the Committee may enlist ~~peers~~ qualified experts to assist with monitoring compliance as needed.
		5. The University will adhere to ~~r~~Research sponsor requirements and state and federal law for reporting of disclosure and management, reduction, or elimination of conflicts of interest.
3. Appeals

Any decision of the Individual Conflict of Interest Committee concerning the existence of a conflict of interest or the appropriateness of a plan to manage, reduce, or eliminate a conflict may be appealed within thirty (30) days to a panel that includes the Senior Vice President for Academic Affairs, the Senior Vice President for Health Sciences, and the Vice President for Research. The decision of the panel will be the University’s final decision.

1. Confidentiality and Internal and External Dissemination of Information Regarding Conflicts
	* 1. ~~Conflict of interest disclosures and Committee determinations concerning conflicts and violations shall be available to:~~
		2. The information disclosed for a case under this Policy (including contents of any BRR Disclosure Form), the written descriptions of the Individual Conflict of Interest Committee’s determinations in a case concerning any conflicts or any violations/non-compliance, and the final report of a decision on an appeal to the panel (described in Section III.D.) of a decision regarding a policy violation/non-compliance (described in Section III.F.) shall be disseminated (or as appropriate, made available) internally within the University to:
			1. ~~the~~ The Investigator’s or Employee’s University superiors;
			2. ~~the~~ The appropriate University offices, including, but not limited to, the Office of the Vice President for Research, the Office of General Counsel, Internal Audit, Institutional Review Board, Office of Sponsored Projects, Center for Technology & Venture Commercialization ~~Technology Commercialization Office~~, Procurement & Contracting Services, Graduate School; and
			3. ~~other~~ Other Employees whose responsibilities to the University are directly affected by the conflict of interest.
		3. The University will adhere to Research sponsor requirements and state and federal law for reporting of disclosures.
		4. In certain circumstances, federal ~~and~~ or state law may require public ~~disclosure~~ dissemination of information relating to an identified conflict~~s~~ of interest.
		5. In other circumstances, including, but not limited to, conflicts regarding ~~h~~Human ~~s~~Subjects ~~r~~Research, the University may require public ~~disclosure~~ dissemination of information as part of a conflict of interest management plan.
		6. Except for the foregoing ~~disclosures~~ categories allowing for dissemination of information contemplated in this Policy, the Individual Conflict of Interest Committee and ~~those~~ other individuals within the University who have direct responsibility for reviewing potential conflicts or investigating potential violations of this Policy, including non-compliance with conflict of interest management plans, shall treat the information received and considered during these processes as confidential information.
		7. Any information disclosed by an Investigator or Employee as required by this Policy shall be used solely for the purpose of administering this Policy and shall not be used for any other purpose unless required by law.
		8. An Employee who violates Section III.E.5. or Section III.E.6. ~~Unauthorized of any such information by an Employee~~ shall be deemed to have engaged in ~~be~~ unethical behavior, which is ~~and shall be~~ punishable under pertinent University Regulations, including [Policy 5-111](https://regulations.utah.edu/human-resources/5-111.php): ~~(~~Corrective Action and Termination Policy for Staff Employees~~)~~ or [Policy 6-316](https://regulations.utah.edu/academics/6-316.php): Code of Faculty Rights and Responsibilities.[~~Policy 6-316,~~](https://regulations.utah.edu/academics/6-316.php)~~Sections 4 & 5 (Faculty Code).~~
	1. ~~Appeals~~

~~Any decision of the Individual Conflict of Interest Committee concerning the existence of a conflict of interest or the appropriateness of a plan to manage, reduce, or eliminate a conflict may be appealed within thirty (30) days to a panel which shall include the Senior Vice President for Academic Affairs, the Senior Vice President for Health Sciences, and the Vice President for Research. The decision of the panel shall be final.~~

1. Violations/Non-Compliance
	* 1. ~~Reports~~ Reporting Violations or Management Plan ~~of~~ Non-Compliance

~~Potential violations~~ A potential violation of this Policy, including a potential failure to comply with any approved ~~or any~~ conflict of interest management plan~~s~~ adopted under the authority of this Policy, must be reported to the University's Conflict of Interest Officer.

* + 1. Investigation of Violations or Management Plan Non-Compliance

The Individual Conflict of Interest Committee shall investigate any potential ~~non-compliance with~~ violation of this Policy, including any potential ~~non-compliance with prescribed~~ failure to comply with an approved conflict of interest management plan~~s~~.

* + 1. Protection of Affected Parties

To the extent permitted by law and University ~~policies~~ Regulations, the University will protect the identity and privacy of ~~those~~ any individual~~s~~ who, in good faith, ~~report apparent non-compliance with this Policy or furnish information regarding such non-compliance~~ reports or furnishes relevant information for an investigation of a potential violation of this Policy, including potential non-compliance with a conflict of interest management plan. Retaliation of any kind against any such individual~~, who, in good faith, alleges non-compliance or cooperates with the investigation,~~ is prohibited, and the retaliator may be subject to discipline under pertinent University ~~policies~~ Regulations.

* + 1. Restrictions That May Be Imposed by the Individual Conflict of Interest Committee
			1. For a violation~~s~~ of this Policy, including failure to comply with an approved conflict of interest management plan, the Individual Conflict of Interest Committee may impose one or more of the following restrictions on an individual:

Freeze ~~r~~Research funds, or otherwise suspend, a project or projects related to the policy violation/non-compliance;

Remove the individual found to be in violation from a role as ~~Principal Investigator or~~ Investigator on a project(s) related to the policy violation/non-compliance;

Prohibit submission of new applications to the Institutional Review Board or to the Office of Sponsored Projects until resolution of the relevant conflict of interest issues or for a specified period of time; or

Other restrictions as may be deemed appropriate by the Committee.

* + - 1. The individual Investigator or Employee may appeal the restrictions imposed by the Committee to a panel that shall include the Senior Vice President for Academic Affairs, the Senior Vice President for Health Sciences, and the Vice President for Research. The decision of the panel shall be the Unversity’s final decision.
			2. In a situation~~s~~ involving the health or safety of any person or the potential loss of significant University resources, the Committee may implement any restrictions listed in ~~paragraph 4(a)~~ Section III.F.4.a that are necessary to protect these persons and resources pending the outcome of the investigation. Otherwise, no restrictions, disciplinary, or administrative action shall occur until the conclusion of the violation evaluation process set forth in this Policy.
		1. Disciplinary and Other Administrative Actions
			1. For a violation~~s~~ of this Policy, including failure to comply with an approved conflict of interest management plan, the Individual Conflict of Interest Committee may recommend to the cognizant vice president(s) that disciplinary action be taken against the individual (including, but not restricted to, reprimands, fines, probation, suspension, or dismissal). The Committee may proceed with a complaint against the Investigator or Employee before the appropriate University hearing body.
			2. Other Administrative Actions

For a violation~~s~~ of this Policy, including failure to comply with an approved conflict of interest management plan, the Individual Conflict of Interest Committee may recommend to the cognizant vice president(s) that one or more of the following administrative actions be taken:

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

Legal action to rescind or revise University contracts entered into or found to be in violation of this ~~Conflict of Interest~~ Policy or of federal or state law;

Legal action to recover the amount of financial benefit received by an Investigator or Employee as a result of the Investigator’s or Employee’s ~~his or her~~ violation of this ~~p~~Policy; or

Other similar and appropriate actions.

* + 1. Violations of the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. [§ 67-16-1](https://le.utah.gov/xcode/Title67/Chapter16/67-16.html), *et seq.*, may result in prosecution and criminal penalties pursuant to that Act.
		2. The remedies provided or referenced above are cumulative and may include any other remedies required or provided by applicable state or federal law.
		3. The Office of Associate Vice President for Research Integrity and Compliance shall report incidents of violations/non-compliance of with this Policy to external agencies and sponsors as required by state and federal law.

G. Other Conflict of Interest Policies and Procedures

* + - 1. University Institutional Conflict of Interest Policy

In situations ~~where~~ in which both an *individual* and an *institutional* conflict of interest may exist, Investigators and Employees ~~will be~~are required to comply with the requirements of this Policy and also with the requirements of Policy 7-006: Institutional Financial Conflicts of Interest for Research Involving Human Subjects Policy ~~[Policy XXX - (new University Institutional Conflict of Interest policy currently being written)]~~.~~The Individual Conflict of Interest Committee and the University Institutional Conflict of Interest Committee shall consult on cases of overlapping oversight to determine the appropriate plan to manage, reduce, or eliminate both the individual and the institutional conflicts.~~

The Individual Conflict of Interest Committee and the University Institutional Conflict of Interest Officer ~~Committee~~ shall consult on cases of overlapping oversight to determine the appropriate plan to manage, reduce, or eliminate both the individual and the institutional conflicts.

* + - 1. Supplemental Rules Regarding Conflicts of Interest

Any unit within the University may elect to adopt a “Supplemental Rule” (as described in [Policy 1-001](https://regulations.utah.edu/general/1-001.php)) applicable for conflicts of interest arising within that unit. Any such Supplemental Rule shall operate in conjunction with this Policy, provided that such Supplemental Rule must aid in the implementation of and not be in conflict with the terms of this Policy. Any such Supplemental Rule proposed by any unit of the University shall be submitted for the approval of the Individual Conflict of Interest Committee.

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*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

1. **Rules, Procedures, Guidelines, Forms, and Other Related Resources.**
	1. Rules
		1. Rule ~~R~~[1-006A:](https://regulations.utah.edu/general/rules/R1-006A.php) Individual Conflict of Interest Committee Membership Rule
		2. Rule ~~R~~[1-006B](https://regulations.utah.edu/general/rules/R1-006B.php): Individual Financial Conflict of Interest Non-Compliance
		3. Rule 1-006C: Individual Financial Conflict of Interest in Research
		4. Rule 1-006D: Individual Financial Conflict of Interest in Scholarly or Educational Activity
		5. Rule 1-006E: Individual Financial Conflict of Interest in Transactions
	2. Procedures
		1. Procedure ~~P~~[1-006](https://regulations.utah.edu/general/procedures/P1-006.php): Reviewing Individual Conflict of Interest BRR Disclosure Forms
	3. Guidelines [reserved]
	4. Forms [reserved]
	5. Other related resource materials.
		1. Supplemental Rule 1-006: Health Sciences Industry Relations Policy ~~SR1-006~~
2. **References**
	* 1. Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 ~~et seq~~ *et seq*. ~~15 Utah Criminal Code,~~ ~~Utah Code Ann. § 76-8-105(1).~~
		2. Utah Code Ann. § 76-8-105(1).
		3. National Science Foundation ~~Policy;~~ Grant Policy Manual, Chapter V, Grantee Management Standard 510, Conflict of Interest~~Investigator Disclosure~~ Policies~~y~~.~~, 60 F.R.132, pp. 35810-823 (July 11, 1995).~~
		4. U.S. Department of Health and Human Services, ~~Objectivity in Research Subpart F- 19 Responsibility of Applicants for~~ Promoting Objectivity in Research ~~for Which Funding is Sought~~, 42 C.F.R. pt.~~Part~~ 50, Subpart F (for NIH Contracts, 45 C.F.R. pt.~~Part~~ 94, Responsible Prospective Contractors).
		5. U.S. Department of Health and Human Services, Financial Disclosure by Clinical Investigators, 21 C.F.R. pt. ~~Part~~ 54.
		6. Anti-Kickback Act of 1986, ~~(~~41 U.S.C. § 8701 *et seq*.,~~51-58)~~ 48 C.F.R. § 3.502-1 *et seq.*, and OMB ~~Uniform Guidance~~ Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards~~Guidance~~, ~~(~~2 C.F.R. pt. 200~~)~~.
		7. [Policy 5-111](https://regulations.utah.edu/human-resources/5-111.php), Corrective Action and Termination Policy for ~~Disciplinary Actions and Dismissal of~~ Staff Employees.
		8. [Policy 1-012](https://regulations.utah.edu/general/1-012.php)~~5-210~~, University Non-discrimination Policy~~Employee Relations Procedures for Alleging Discrimination or Harassment and for Initiating Staff Employment Grievances~~.
		9. [Rule 3-100E](https://regulations.utah.edu/administration/rules/R3-100E.php) [~~Policy 3-192~~](https://regulations.utah.edu/administration/3-192.php), Restricted Purchases and Special Procurement.
		10. [Policy 7-001](https://regulations.utah.edu/research/7-001.php), Policy for Research Misconduct.
		11. [Policy 7-003](https://regulations.utah.edu/research/7-003.php), Ownership of Copyrightable Works and Related Works ~~Policy: Ownership Purpose and Scope~~.
		12. [Policy 6-400](https://regulations.utah.edu/academics/6-400.php), Code of Student Rights and Responsibilities (“Student Code”).
		13. [Policy 6-316](https://regulations.utah.edu/academics/6-316.php), Code of Faculty Rights and Responsibilities.

 **Regulations Addressing Related Topics Not Directly Addressed by this Policy**

* + 1. [Policy 5-204](https://regulations.utah.edu/human-resources/5-204.php), Remunerative Consultation and Other Employment Activities, and Policy [5-403](https://regulations.utah.edu/human-resources/5-403.php), Additional Compensation and Overload Policy, discuss conflicts of commitment of time and use of the University’s name, property, facilities, or resources.

[~~Policy 4-005~~](https://regulations.utah.edu/it/4-005.php)~~, Use and Security of Property, discusses use of property, supplies and services purchased with University funds.~~

* + 1. [Policy 1-020](https://regulations.utah.edu/general/1-020.php), Required Professional Boundaries in Relationships.
		2. [Policy 5-105](https://regulations.utah.edu/human-resources/5-105.php), Employment or Supervision of Immediate Family.
		3. [Policy 7-004](https://regulations.utah.edu/research/7-004.php), University Faculty Profit-Making Corporations, discusses conflicts of commitment.
		4. [Policy 7-002](https://regulations.utah.edu/research/7-002.php)~~013~~, Patents and Inventions, discusses requirements for transfer of University technology and other intellectual property.
		5. [Policy 6-316](https://regulations.utah.edu/academics/6-316.php), Code of Faculty Rights and Responsibilities, discusses use of the University's name or property.
		6. [Policy 7-006](https://regulations.utah.edu/research/R7-006.php): Institutional Financial Conflicts of Interest for Research Involving Human Subjects~~are not covered by this policy~~.
		7. [Policy 8-001](https://regulations.utah.edu/health-sciences/8-001.php), Medical Practice Plan for the University of Utah School of Medicine Full-Time Faculty.
1. **Contacts:**

The designated contact officials for this Policy are:

* + 1. Policy Owner (primary contact person for questions and advice): Conflict of Interest Officer
		2. Policy Officers: Vice President and General Counsel, Vice President for Research

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

*"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "*

*"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... .[and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ."*University Rule 1-001-III-B & E

1. **History Renumbering:**

Renumbered as Policy 1-006 effective 9/15/2008, formerly known as PPM 2-30.

Revision History:

* + 1. Current version: Revision 12

Effective date: XXXXX

Approved: Academic Senate: ~~May 7, 2012~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved: Board of Trustees:~~;~~ ~~June 12, 2012~~\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Legislative History](https://regulations.utah.edu/general/appendices_1/1-006R11-legishistory.pdf) of Revision 12

* + 1. Earlier versions:

[Revision 11](https://regulations.utah.edu/general/1-006.php): Effective dates – August 20, 2012 to XXXXX

[Revision 10](https://regulations.utah.edu/general/revisions_1/1-006.R10.pdf): Effective dates - March 8, 2004 to August 19, 2012

[Revision 9](https://regulations.utah.edu/general/revisions_1/1-006.R9.pdf): Effective dates - February 9, 2004 to March 7, 2004

[Revision 8](https://regulations.utah.edu/general/revisions_1/1-006.R8.pdf): Effective dates - July 15, 2003 to February 8, 2004

[Revision 7](https://regulations.utah.edu/general/revisions_1/1-006.R7.pdf): Effective dates - April 15, 2002 to July 14, 2003

[Revision 6](https://regulations.utah.edu/general/revisions_1/1-006.R6.pdf): Effective dates - September 22, 2000 to April 14, 2002

[Revision 5](https://regulations.utah.edu/general/revisions_1/1-006.R5.pdf): Effective dates - July 18, 1994 to September 21, 2000

~~As of January 2003, the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 et seq. permitted occasional nonpecuniary gifts not exceeding $50.00.~~

~~For Investigators who are not University Employees, as defined in this Policy, Significant Financial Interest shall include those financial interests that reasonably appear to be related to the Investigator's responsibilities to his/her employer and/or profession.~~

1. An Investigator who is not University Employees, as defined in this Policy, is required to disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available) that is related to the Investigator's responsibilities to the Investigator’s employer or profession; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by the following entities within the United States:
	* + 1. a federal, state, or local government agency;
			2. an institution of higher education as defined at 20 U.S.C. 1001(a);
			3. an academic teaching hospital;
			4. a medical center; or
			5. a research institute that is affiliated with an institution of higher education within the United States.

~~In conformity with the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-5 et seq.~~

~~For Investigators who are not University Employees, as defined in this Policy, disclosure of travel shall include the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available), related to the Investigator's responsibilities to his/her employer and/or profession provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.~~