

POLICY ON CONFLICTS OF COMMITMENT AND INTEREST

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I. Policy Information

Policy Title: University of Illinois System Policy on Outside Activities and Conflicts of Commitment and Interest

Policy Owner: Vice President for Academic Affairs

Responsible Official: Vice President for Academic Affairs (System); Vice Chancellor for Research (UIC); Vice Chancellor for Academic Affairs (UIS); and Vice Chancellor for Research and Innovation (UIUC)

Approved by: University of Illinois Board of Trustees

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Related Policies:

Policy on Financial Conflicts of Interests in Research

Policy on Organizational Conflicts of Interest

II. Purpose

The purpose of the University of Illinois System Policy on Outside Activities and Conflicts of Commitment and Interest (“Policy”) is to provide a framework to identify and either eliminate or manage actual, potential, or perceived Conflicts of Commitment and Conflicts of Interest¹. This policy establishes standards and requirements to protect the financial well-being and reputation of and meet legal obligations of the University.

III. Scope

The Policy applies to all Covered Individuals of the University of Illinois System, including the universities at Urbana-Champaign, Chicago including the University Hospital, and Springfield; and the System Offices (collectively “University”).

IV. Definitions

Conflict of Commitment: exists when a Covered Individual engages in Outside Activities that reasonably appear to interfere with the Covered Individual’s University Responsibilities.

Conflict of Interest:

- (a) exists when the Covered Individual engages in Outside Activities that may directly or indirectly influence the Covered Individual’s professional judgment in exercising any University Responsibilities to the actual or potential detriment of the University;
- (b) exists when a Covered Individual is in a position to directly or indirectly influence University business, research, or other University activities in ways that could lead to personal gain for the Covered

¹ Defined terms are capitalized throughout this Policy. Definitions appear in the “Definitions” section of this Policy.

Individual, or a Covered Individual's Immediate Family Member, to the potential detriment of the University; or

(c) exists when a Covered Individual, or a Covered Individual's Immediate Family Member, is or seeks to be in a vendor or contracting relationship with the University, whether directly or by having a financial or ownership interest in a vendor or contractor doing business with the University.

Covered Individuals: includes academic professionals, academic hourlies, hourly faculty, postdoctoral associates, and the faculty ranks for professor, associate professor, assistant professor (and all of the foregoing whose appointments contain such terms as "specialized", "research", "adjunct", "visiting", "teaching", "clinical", or "emeritus"), instructors, and lecturers. This definition includes retired individuals with active appointments, as well as individuals with 0% unpaid appointments consistent with those named above who have University Responsibilities involving University research or who have access to University laboratories or equipment for the purpose of research. Individuals with 0% unpaid appointments that have University Responsibilities involving only didactic teaching or non-research appointments may be exempted on a year-by-year basis by the Unit Executive Officer ("UEO") from this Policy's disclosure requirements.

Immediate Family Members: Consistent with the UI System Human Resources Policy on Leave, Immediate Family Members include:

- Father;
- Mother;
- Sister;
- Brother;
- Spouse;
- Domestic Partner;
- Civil Union Partner;
- Child, including child of a same-sex domestic partner or civil union partner
- Grandparent;
- Grandchild, including grandchild of a same-sex domestic partner or civil union partner;
- Individual in a biological, adopted, foster, legal ward, step or in loco parentis relationship
- In-law (grandmother-, grandfather-, mother-, father-, brother-, sister-, son-, and daughter-in-law), including a relative of a same-sex domestic partner or civil union partner (grandmother, grandfather, mother, father, brother, sister, son, and daughter); and
- Member of the Covered Individual's household.

Non-compliance: A failure by the Covered Individual (a) to comply with this Policy and/or the applicable procedures; (b) and, when Outside Activities present Conflicts of Commitment or Interest, to comply with a conflict management plan. Non-compliance can range from non-serious to serious.

Outside Activities [Covered Individual]: Any appointment, affiliation, entrepreneurial activity, employment, fiduciary role in an association, or Sponsored or Reimbursed Travel of the Covered Individual with an entity other than the University that reasonably appears related to or competes with the Covered Individual's University Responsibilities or the University's mission of education, research, public service and economic development, regardless of compensation or level of financial interest. Outside Activities may be, but are not necessarily, formalized through a written agreement.

Outside Activities [Immediate Family Members]: Any appointment, affiliation, entrepreneurial activity, employment, fiduciary role in an association, or sponsored or reimbursed travel of the Covered Individual's Immediate Family Member with an entity other than the University that reasonably appears related to the Covered Individual's University Responsibilities regardless of compensation or level of

financial interest. Outside Activities may be, but are not necessarily, formalized through a written agreement.

Responsible Official: The Vice President for Academic Affairs (System); Vice Chancellor for Research (UIC); Vice Chancellor for Academic Affairs (UIS); and Vice Chancellor for Research and Innovation (UIUC).

Sponsored or Reimbursed Travel: Expenses for conference registration, transportation, lodging, and/or meals that are related to the Covered Individual's University Responsibilities when paid by an entity other than the University of Illinois.

Unit Executive Officer ("UEO"): The department head/chair or equivalent officer of other units. For conflicts involving a Unit Executive Officer, the term refers to the administrator at the next higher level in the normal reporting lines.

University of Illinois Responsibilities ("University Responsibilities"): Those responsibilities assigned to the Covered Individual by job description, appointment letters, department by-laws, or other appropriate authorities. University Responsibilities include, but are not limited to, research, research consultation, teaching and mentoring of students, administrative service, professional practice, patient care, committee membership, or service on a university panel at the University of Illinois.

V. Background

This Policy acknowledges that actual and potential Conflicts of Commitment and/or Conflicts of Interest sometimes occur in the pursuit of the University's mission. When timely disclosed to the University in accordance with this Policy and applicable procedures, a potential Conflict of Commitment or Conflict of Interest neither implies nor presumes improper behavior. University UEOs must carefully assess potential Conflicts of Commitment and Conflicts of Interest. It is in the best interests of the University to effectively manage actual or potential Conflicts of Commitment and/or Conflicts of Interest.

Active participation in Outside Activities that enhance professional skills or constitute public service can benefit both the participating Covered Individual and the University. However, no Covered Individual shall have any commitments or interests incompatible with their University Responsibilities.

The University, the appropriate Responsible Official, and UEOs are required to ensure Covered Individuals apply their time and effort pursuant to this and other University policies and procedures, to use University resources toward University ends, and to manage or eliminate any conduct that creates, or appears to create, a Conflict of Commitment and/or Conflict of Interest.

Every five years, the Policy should be reviewed as directed by the President. Policy updates will be applied prospectively and will not negate decisions, actions, or plans implemented under previous versions of the Policy.

VI. Statement of Policy

Covered Individuals may engage in Outside Activities with prior approval from their UEO(s). Covered Individuals are required to disclose Outside Activities through the applicable procedures. The Covered Individual's Immediate Family Members may have Outside Activities that create actual, potential, or perceived Conflicts of Interest with the Covered Individual's University Responsibilities. Outside Activities of Immediate Family Members must be disclosed by the Covered Individual and reviewed through the applicable procedures.

The UEO is responsible for determining when a Covered Individual's Outside Activities or an Immediate Family Member's Outside Activities presents Conflicts of Commitment and/or Conflicts of Interest with the Covered Individual's University Responsibilities. Actual, potential, or perceived Conflicts of Commitment and/or Conflicts of Interest must be managed. If a conflict cannot be managed, the conflict must be eliminated.

The Responsible Official has final authority with respect to establishing disclosure guidance and, the management or elimination of actual or perceived Conflicts of Commitment and/or Conflicts of Interest.

VII. Principles of Conflict of Commitment and Conflict of Interest

Below are principles to guide Covered Individuals and UEOs in situations that may present an actual or perceived Conflict of Commitment and/or Conflict of Interest. The principles are not all inclusive. Other situations may arise from a Covered Individual's Outside Activities that present actual or perceived Conflicts of Commitment and/or Conflicts of Interest. Covered Individuals and UEOs are encouraged to consult with the relevant Conflict of Commitment and Interest Office to provide further advice.

A. Commitment to Outside Activities

- i. A Covered Individual's commitment to Outside Activities, including devotion of time and effort, must not diminish the Covered Individual's commitment or effort to their University Responsibilities.
- ii. A Covered Individual must have approval for the Outside Activities, regardless of level of commitment, from their UEO prior to engaging in the Outside Activities.
- iii. A Covered Individual's disclosure must include an estimate of the amount of time that will be involved for the Outside Activity (prospective time) and a statement of the amount of actual time the Covered Individual spent on Outside Activities (retrospective time).
- iv. Covered Individuals must disclose Outside Activities regardless of whether an Outside Activity occurs:
 - a. during vacation or benefit time, evenings, weekends, holidays, or University approved leave; or,
 - b. outside of the contract period for a Covered Individual with a 9-month or 10-month appointment.
- v. The University will observe, as a guideline, the common convention in higher education that one day per seven-day week is an allowable time commitment for Covered Individuals to engage in Outside Activities. This guideline does not represent an automatic entitlement and the request must be approved prior to engagement in the Outside Activity.

B. Outside Teaching

- i. Teaching is primary among the University's mission. Outside teaching for degree-granting institutions of courses that compete with those offered by the University likely represents a Conflict of Commitment and Conflict of Interest. Outside teaching includes any form of instruction, whether in the classroom or via distance learning.

C. Outside Research

- i. Covered Individuals shall not divert funds, resources, or opportunities to outside entities or other institutions for research support that could be obtained by the University.
- ii. Covered Individuals must make disclosures of other support consistent with the requirements of the University and research sponsors.

D. Use of University Resources

- i. The University Statutes (Article IV, Sections 2 and 3) state the UEO is responsible for the distribution and expenditure of departmental funds and for the care of departmental property.
- ii. Covered Individuals may not use University funds or resources, including equipment, supplies, space, computing resources, email, technology, and intellectual property, to

- conduct Outside Activities or to promote the Covered Individual's Outside Activities. Exceptions must be explicitly authorized by University policy and approved in advance in writing by the University official, normally the UEO, responsible for managing the resources.
- iii. Covered Individuals engaging in Outside Activities may use their University of Illinois title/affiliation for identification purposes only.
- E. Involvement of University of Illinois Students and Staff
- i. University students and staff may benefit from involvement in the Outside Activities of a Covered Individual. However, the educational experience and obligations of the University's students and postdoctoral fellows should not be diminished or impeded; neither they nor other staff members should be diverted from their primary educational objectives or University Responsibilities.
 - ii. The UEO shall implement mechanisms, including a case-specific conflict management plan, to prevent the exploitation of students and staff from any unreasonable interference with their educational objectives and/or University Responsibilities due to the Outside Activities of the Covered Individual. This may include:
 - a. providing independent advisory oversight by non-conflicted faculty members for students as they engage in course, thesis, or research work; and/or
 - b. taking measures to implement appropriate monitoring when a Covered Individual could be prejudiced in judging other staff in issues of rank, compensation, and tenure because of the staff member's involvement in Outside Activities.
 - iii. Students and staff involved in a Covered Individual's approved Outside Activities shall receive written notice of this Policy and entity identified in the Covered Individual's disclosure. Students and staff must also be provided with contact information for a non-conflicted individual who may assist in addressing any concerns.
- F. Vendor Relationship between an Outside Activity and the University
- The Office of Business and Financial Services (OBFS) will review information disclosed by Covered Individuals as well as financial information disclosed by vendors in accordance with Sections 50-13 and 50-35 of the Procurement Code to determine if a prohibited or potential procurement Conflict of Interest exists.
- A proposed purchase of services or supplies from a vendor with a potential Conflict of Interest must comply with the University's internal review procedures and the review process defined in the Illinois Procurement Code. The University will cooperate with the review process conducted by the Procurement Policy Board and the Executive Ethics Commission as defined in the Procurement Code and the Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education.
- G. Employee Donations
- Covered Individuals may make donations to the University in support of programs under their perceived control. When making these gifts, Covered Individuals must follow the procedures outlined in OBFS policy for employee donations under the perceived control of the employee.
- H. Prior Approval of Outside Activities
- i. Proposed new Outside Activities require UEO(s) review and approval prior to engaging in Outside Activities.
 - ii. Once an Outside Activity is approved, the approval is valid through the end of the academic year unless the approval is revoked by the UEO or the scope of the Outside Activities changes, necessitating an interim update to the most recent disclosure.
 - iii. If the Outside Activity will be ongoing to the next academic year, then Outside Activities that were approved in the prior academic year are considered conditionally permitted so long as the Covered Individual complies with University's annual disclosure procedures and the scope of the Outside Activity has not changed. Covered Individuals must continue to comply with existing approved conflict management plans.
 - iv. The UEO may disapprove previously permitted Outside Activities at any time.

- v. When previously approved Outside Activities are disapproved, the Covered Individual does not have permission to engage in the Outside Activities and must work with the UEO to develop or amend the conflict management plan to manage or eliminate the Conflict of Interest and/or Conflict of Commitment.

I. Multiple Appointments

When a Covered Individual holds paid appointments in multiple units, the UEO of each unit in which the Covered Individual holds a paid percentage appointment must review and approve the Covered Individual's disclosures and requests for prior approval of Outside Activities. The UEO of the Covered Individual's home unit takes the lead in this process.

When a Covered Individual holds unpaid, zero-percent appointments in multiple units, the UEO of the Covered Individual's home unit will review the disclosures. UEOs of any unit in which a Covered Individual holds additional unpaid, zero-percent appointments will not approve Outside Activities, but should review disclosures using view only access to the Covered Individual's disclosures and requests for prior approval of Outside Activities.

J. Outside Activity Conflict Management

Covered Individuals must cooperate fully with the University by providing all information requested for the purpose of evaluating and managing actual or perceived Conflicts of Commitment and Conflicts of Interest. Covered Individuals must work with their UEO to manage or eliminate the conflicts.

Conflict management involves:

- The completion of an annual Outside Activities disclosure by the Covered Individual; and
- The evaluation of the disclosure and determination of approval or denial by the UEO; and
- When Outside Activities present actual or perceived Conflicts of Commitment and/or Conflicts of Interest, the disclosure must include the execution of a written conflict management plan approved by the UEO and the UEO at the next higher administrative level of review; and
- The approved management plan must be submitted to and evaluated by the Responsible Official.

When the Responsible Official determines a disclosure or conflict management plan does not conform with the standards and principles set forth in this Policy, the UEO will revoke approval in order to revise the disclosure or the conflict management plan. If the actual or perceived Conflicts of Commitment and/or Conflicts of Interest cannot be managed, then the UEO will disapprove the Outside Activities. Such disapproval may be subject to appeal procedures.

Appeals process can be found in the respective procedures.

VIII. Procedures

Each Responsible Official will implement procedures for their respective university or system offices to meet the University's obligations to comply with this Policy, Illinois and federal law and regulations, and University policies and Statutes.

Each university and the system offices will:

- In consultation with the Office of the Executive Vice President and Vice President for Academic Affairs, define procedures to meet the University's obligations to comply with this Policy's requirements to disclose and manage or eliminate actual, potential, or perceived Conflicts of Commitment and/or Interest, including those resulting from family relationships;
- Conduct an annual disclosure of Outside Activities and review process for Conflicts of Commitment and Conflicts of Interest among its Covered Individuals to meet the requirements of law, of University policies, and of research sponsors.

- Provide further guidance to assist Covered Individuals with disclosure of Outside Activities consistent with this Policy. In the event of a conflict between guidance provided by a university or the system offices and this Policy, this Policy will prevail. Guidance is available at [UIUC, UIC, UIS, UI System].

Covered Individuals will follow the procedures of the university or system office based on their appointment. When Covered Individuals have an appointment or serve as investigator or senior key research personnel on sponsored programs at another university or office within the University, the Covered Individual must also follow the procedures of the university administering the sponsored program.

IX. Violations

For Covered Individuals who violate any part of this Policy, the University may impose sanctions consistent with the *University of Illinois Statutes* and other applicable policies and practices. Severity of sanctions depends on the violation. Inadvertent, unintentional, and minor violations will warrant lesser sanctions than will knowing, deliberate, and major violations.

Allegations for violations of the Policy must be submitted to the Responsible Official for potential further investigation. If Non-Compliance cannot be mediated through corrective action, the Responsible Official will make recommendations to the university chancellor, or to the University president for system office employees, to begin the process to determine appropriate sanctions.

Nothing in this Policy is intended to diminish or replace the procedural rights of academic staff members under the *Statutes*.

X. Resources

[Glossary](#) for additional terms.

[OBFS Policy and Procedure Manual Section 7.7 Procurement Conflicts of Interest](#)

[OBFS Policy and Procedure Manual, Section 11.7 Employee Donations for Programs Under the Perceived Control of the Employee](#)

XI. Legal and Policy Authorities

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| State |
| University Faculty Research and Consulting Act , 110 ILCS 100 |
| Illinois Procurement Code , 30 ILCS 500/50-13, 50-20, and 50-35 |
| Illinois Higher Education Procurement Rule , 44 Ill. Adm. Code § 4.5013; 4.5020; 4.5023; and 4.5035 |
| State Officials and Employees Ethics Act , 5 ILCS 430/5-45 – Procurement revolving door |
| University |
| University Statutes, Art. IX, §2 – Employment of Relatives |
| General Rules, Art. III, § 7(g) – Conflicts in Commercialization |