

# POLICY ON CONFLICTS OF COMMITMENT AND INTEREST

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## I. POLICY INFORMATION

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

**Policy Owner:** Vice President for Academic Affairs

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

**Approved by:** University of Illinois Board of Trustees

**Date Approved:** 07/19/2018

**Effective Date:** 07/19/2018

**Targeted Review Date:** 07/19/2023

**Contact:** System, [coi@uillinois.edu](mailto:coi@uillinois.edu); Chicago, [coi@uic.edu](mailto:coi@uic.edu); Springfield, [coi@uis.edu](mailto:coi@uis.edu); Urbana-Champaign, [coi@uillinois.edu](mailto:coi@uillinois.edu)

**Related Policies:**

Policy on Financial Conflicts of Interests in Research

Policy on Organizational Conflicts of Interest

## II. SCOPE

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The University of Illinois System Policy on Conflicts of Commitment and Interest (“Policy”) applies to all paid academic staff members, whether part time or full time employees of the University of Illinois System, including the universities at Urbana-Champaign, Chicago, and Springfield; the System Offices; and the University Hospital (collectively “University”). The academic staff includes academic professionals, postdoctoral associates, and the faculty ranks of professor, associate professor, assistant professor (and all of the foregoing whose appointments contain such terms as “specialized,” “research,” “adjunct,” “visiting,” “teaching,” or “clinical”), instructor, and lecturer. This Policy also applies to retired academic staff members with paid appointments.

## III. DEFINITIONS

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A conflict of interest arises when:

(a) an academic staff member is in a position to influence either directly or indirectly University business, research, or other decisions in ways that could lead to gain for the academic staff member or his/her immediate family to the detriment of the University, or

(b) an academic staff member or a member of his/her immediate family is or seeks to be in a vendor relationship with the University, whether directly or by having a financial or ownership interest in a vendor doing business with the University.

A conflict of commitment arises when the external activities of an academic staff member are so demanding of time or attention that they interfere with the individual’s responsibilities to the University.

See [Glossary](#) for additional terms.

See [Legal and Policy Authorities](#).

## IV. PURPOSE

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The purpose of the Policy is to provide a framework to identify and either eliminate or manage actual or perceived conflicts of commitment and interest.

## V. BACKGROUND

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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.

See [Legal and Policy Authorities](#).

## VI. STATEMENT OF POLICY

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Conflicts of commitment and interest span a wide spectrum of situations, from minor and inconsequential matters to those that are incompatible with the University's mission and operations. The mere existence of a conflict, whether actual or perceived, will not necessarily prevent an academic staff member from engaging in a particular activity. Active participation in external activities that enhance professional skills or constitute public service can benefit the participating academic staff and the University. However academic staff must meet their obligations as University academic staff members.

Academic staff may engage in non-university activities and other financial or fiduciary relationships with prior approval from their Unit Executive Officer(s) (singularly "UEO") through a disclosure and review process.

## VII. PROCEDURES

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Each of the three universities and the System Offices will conduct a coordinated annual disclosure and review process for conflicts of commitment and interest among its academic staff members to meet the requirements of law and of research sponsors. These processes will be conducted through the University's online reporting tool, START myDisclosures, using the Report of Non-University Activities (RNAU).

See [START myDisclosures](#).

### A. Academic Staff Member Responsibilities

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- i. Academic staff members have the duty to request and obtain approval from their UEOs prior to engaging in activities or relationships that present actual or reasonably perceived conflicts of commitment or interest with their University responsibilities. These activities and relationships include:
  - a. non-University income-producing activities, with certain exceptions as outlined in [Examples of Activities that Generally Do Not Require Prior Approval or Reporting](#);
  - b. non-University financial relationships or fiduciary roles that constitute actual or reasonably perceived conflicts of interest with regard to the academic staff member's University appointment, with certain exceptions as outlined in [Examples of Activities that Generally Do Not Require Prior Approval or Reporting](#); and
  - c. other financial relationships or fiduciary roles, commitments, or activities of academic staff members or their immediate family that present an actual or reasonably perceived conflict of commitment or interest with regard to their University appointment.

See [Examples of Activities that Require Prior Approval or Reporting](#).

- ii. Academic staff members will complete or update the RNAU, even if no activities are reported
  - a. Upon the start date of a new hire or within 30 days of the start of a new hire University appointment;
  - b. when transferring to a different unit within the University;
  - c. when requesting approval from the UEO for a new non-University activity;
  - d. when a change in non-University activity occurs;
  - e. when required by granting agency; and
  - f. annually during the coordinated disclosure process.
- iii. When requesting approval for an activity and completing or updating the annual disclosure, the academic staff member will describe:
  - a. the time commitment to the activity or relationship;
  - b. the role of the academic staff member with the entity, if any;
  - c. whether the entity, if any, did/does business with the University;
  - d. whether any other University of Illinois faculty, staff, or students were/are involved in the activity or relationship; and
  - e. whether any University resources were/are used by the entity.

iv. Time Commitment to Non-University Activities

- a. An academic staff member's devotion of time to non-University activities, even those that benefit the University, must not diminish the academic staff member's commitment or service to the University. When such activities are approved, academic staff members are responsible for ensuring that these non-University activities do not impede or conflict with the performance of their University responsibilities. For example, if the academic staff member has normal business hours on Monday through Friday from 8:30 am to 5:00 pm, the academic staff member must fulfill the commitment to the University and may engage in the approved non-University activity outside of those hours or during approved benefit time. If an alternative work schedule is required, the schedule must be documented and monitored by the UEO.
- b. A common convention in higher education, observed at the University of Illinois System, is that the devotion of the equivalent of an average of one day per seven-day week for full-time academic staff (40 days for an academic year appointment and 52 days for a calendar year appointment) for such engagements is not usually a conflict of commitment. In the case of part-time academic staff, UEOs should consider their part-time status when deciding whether to approve external activities. This guideline does not represent an automatic entitlement. Prior written approval of non-University income producing activities, whether less than or exceeding the one day per week guideline, must be obtained from the UEO.
- c. Academic staff members whose University appointments are less than 50% are required to disclose their non-University activities, but are not required to report the time commitment for those activities.
- d. Conflicts of interest can arise from an academic staff members' non-University activities that occur outside their university appointment periods. Academic staff members must report activities even if the activities are conducted outside of the University contract period. When the activities occur outside of the University contract period, the academic staff member is not required to report or request time.

v. Faculty Conflict of Commitment and Interest in Teaching

Teaching is primary among the University's missions of teaching, research, public service, and economic development and, consequently, it warrants particular mention among the obligations of the University's faculty. Non-University teaching by faculty, other than that assigned or approved by the department, likely represents a conflict of commitment. Moreover, outside teaching by faculty, including any form of instruction, whether in the classroom or via distance learning offered by other entities (including for-profit organizations), could be a conflict of interest if it competes with courses offered by the University. With the exception of occasional guest lectures or seminars, such teaching is prohibited without prior written approval of the UEO.

vi. Research

Without prior written approval from the UEO, it is improper for an academic staff member to divert to external entities or other institutions opportunities for research support that could have been obtained on behalf of the University.

vii. Vendor Relationship between an Entity and the University

The Office of Business and Financial Services will review information disclosed by academic staff members under the RNUA process 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 either a prohibited or a potential conflict of interest must comply with the University of Illinois System's internal review procedures and the review process defined in the Illinois Procurement Code.

The University of Illinois System 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.

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

viii. Involvement of University of Illinois System Students and Staff

University students or staff may benefit from involvement in the non-University activities of an academic staff member. However, the educational experience of the university's students and postdoctoral fellows should not be diminished or impeded in any way; neither they nor other academic staff members should be diverted from their primary educational objectives. Such involvement must be disclosed by the academic staff member and must be approved in writing by the UEO prior to the involvement of the students or staff. The UEO shall implement mechanisms to prevent the exploitation of others and any unreasonable interference with others' University duties and responsibilities. This may include providing independent advisory oversight by faculty members not involved in the particular non-University activity for students as they engage in course, thesis, or research work. Care must also be taken when an academic staff member could be prejudiced in judging other staff in issues of rank, compensation, and tenure as a result of mutual involvement in outside activities. The UEO may need to implement appropriate monitoring mechanisms. Students and staff involved in an academic staff member's non-University activities shall receive written notice of the circumstances, university policy regarding these activities, and the management mechanisms implemented by the academic staff member and the UEO.

ix. Use of University Resources

- a. Academic staff may not use University funds or resources, including equipment, supplies, space, and intellectual property, in non-University activities unless explicitly approved in writing by the University official responsible for managing the resources.
- b. Academic staff engaging in non-University activities are allowed to use their University affiliation for identification purposes only.

x. Gifts in Support of an Academic Staff Member's Program

Academic staff may make gifts to the university in support of their own research programs or other programs under their perceived control. When making these gifts, academic staff must follow the procedures outlined in OBFS policy.

See [OBFS Policy and Procedure Manual, Section 11.7 Make a Donation in Support of Your Own Program](#).

xi. Conflict Management

Academic staff members must cooperate fully with the University by providing all information reasonably requested for the purpose of evaluating and managing actual and perceived conflicts of commitment and interest. Academic staff members must work with their UEO to manage or eliminate the conflicts when a non-University activity presents either an actual or perceived conflict of commitment or interest. Academic staff members whose activities meet significance thresholds or use University resources must adhere to the RNUA Terms & Conditions. In the absence of other applicable regulations, financial interests greater than \$5,000 will be considered significant.

See [RNUA Terms and Conditions](#).

ix. Temporary Releases from Reporting Non-University Activities During the Annual Disclosure Process

- a. In cases where an academic staff member is unable to complete the annual RNUA due to medical leave or a University-approved unpaid leave, the UEO may grant a temporary release to the academic staff member. The release exempts the academic staff member from completing the
- b. RNUA disclosure until he or she returns to work.  
If granted a temporary release from the RNUA disclosure, the academic staff member must comply with the applicable University leave policies. If the academic staff member engages in income-producing activities that had not been approved under the leave and/or if changes to non-University activities occur during the leave, he or she must complete the RNUA to disclose the non-University activities at the time that the previously unapproved activity is initiated.
- c. A UEO may not grant a temporary release to an academic staff member from reporting if he or she continues to conduct, administer, or applies for a sponsored project while on leave.
- d. The UEO must ensure that any academic staff member who is excused from reporting completes the RNUA upon return to work.
- e. The UEO can revoke the release at any time.

See [START myDisclosures Users' Guide](#).

## B. Reviewer Responsibilities

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RNUAs are first reviewed by the UEO. If the UEO determines that the activity disclosed could or does present a conflict of commitment or interest, the UEO will forward the approved RNUA, along with a proposed management plan, to the next administrative level for a second level of review.

### i. Unit Executive Officer (UEO) Responsibilities

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The UEO has the primary responsibility to enforce the Policy, and that responsibility may not be delegated. The UEO or academic staff member may seek, at any time, the advice of the dean, director, responsible official, or other individual responsible for the process that generated the disclosure. The UEO will work with the academic staff member to identify, evaluate, and either manage or eliminate actual or perceived conflicts prior to forwarding the RNUA for the next administrative level for a second level review.

- a. The UEO has the duty to:
  - Evaluate all potential conflict situations reported or known to them (including all requests for approval of non-University, income-producing activities) before approving the activities;
  - Obtain sufficient information to make informed decisions under this Policy;
  - Determine whether the application or use of University time or resources, if requested, is beneficial to the University's mission. If UEO is not custodian of the resources, then the UEO must document the approval or agreement from the appropriate office that oversees the resources;
  - When an actual or perceived conflict is identified, and a decision is made to allow the activity to proceed, develop an appropriate management plan with the academic staff member that specifies the review timeline;
  - Implement management plans for activities that present actual or perceived conflicts of commitment or interest;
  - When an actual or perceived conflict is identified and a management plan is implemented, route the disclosure and management plan for a second level of review;

- Using START myDisclosures, notify academic staff members within 14 days of the decision on a request for approval of the submitted RNUA;
  - Monitor non-University activities of academic staff members and oversee and regularly evaluate/update management plans; and
  - Notify appropriate University offices if the actual or perceived conflict results in a performance issue, misuse of University resources, or a violation of University policies and/or procedures.
- b. Multiple Unit Executive Officers
- When an academic staff member holds paid appointments in multiple units, the UEO of each unit must review and approve the academic staff member’s disclosures and requests for prior approval of non-University activities. The UEO of the academic staff member’s home unit takes the lead in this process. When a second level of review is required, it follows the regular reporting line based on the home unit.
  - If a UEO does not approve the proposed activities or the management plan, a second level of review must occur, and the decision on second-level review will be final, subject only to appeal on procedural grounds.
- c. Revoking Approval
- If at any time, the UEO perceives that the conflict management plan mechanisms are no longer effective, the UEO must revoke approval of the non-University activity and work with the academic staff member to evaluate the situation and revise the management plan.
  - The UEO of the home department shall inform the UEO at the second level when a management plan has been revoked.

## ii. Second Level of Review

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A second level of review is required for any activities or relationships presenting an actual or perceived conflict of commitment or interest. The review takes place at the next administrative level above the academic staff member’s home department. For example, the dean of a college completes the second level of review when a department head determines an actual or reasonably perceived conflict of commitment or interest exists.

- a. The administrator at the second level of review has the duty to:
- Review the proposed activities and management plan;
  - Request additional information, as needed, prior to approving the management plan; and
  - Work with the academic staff member and first level UEO to finalize a management plan.
- b. The second level of review is not an appeal but is a routine part of the process. The administrator at the second level review is required to work with the administrators at the first level review when the second level reviewer has concerns about the activities reported, the first level reviewer’s assessment of the conflict of interest or commitment, and/or the proposed management plan.

## iii. Responsible Official

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As the individual responsible for overseeing the implementation of the Policy, the Responsible Official has the duty to:

- a. Oversee and approve management plans prior to execution of licensing agreement for intellectual property and technology owned by the University;
- b. In cases of non-compliance, enforce compliance with the University policy;
- c. When activities are denied by the second level of review, serve as the arbiter of the appeal and make final determination on the review;
- d. Ensure that any requirements for reporting of significant financial interests or conflicts of interest imposed by laws, regulations or contracts are met;
- e. Report to external agencies, when required by law or contract;
- f. Provide external agencies access to relevant documents for investigations or audits, when required by law or contract; and
- g. Comply with public disclosure requirements of external agencies, when required by law or contract.



## C. Conflict Management Plans

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Conflict management involves the completion of an annual disclosure and approval process; and may require the execution of a written conflict management plan.

See [RNUA Terms and Conditions](#).

- i. Conflict management plans must implement mechanisms and oversight to address, at minimum, the following:
  - a. Time spent on the non-University activities;
  - b. The potential involvement of students and/or other University employees in the activities;
  - c. The potential use of University intellectual property or any other use of University resources;
  - d. The relationship of an outside activity to an academic staff member's University duties or responsibilities; and
  - e. The potential for diversion of funding opportunities to an outside entity.
- ii. Conflict management plans must be reviewed and approved by the UEO and the administrator at the second level of review.

See [Activities that Require Management](#).

## D. Recusal and Confidentiality

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Any UEO or administrator at second level of review involved in negotiating or administering conflict management plans must disclose in writing to the next administrative level any actual or perceived conflict that they have in the matter. If such a conflict is disclosed, the conflicted party may not participate further in the process, and the responsibility for conflict management then passes to the next administrative level.

All parties to the evaluation, management, and approval of conflicts are to make diligent efforts to maintain the confidentiality of personal or proprietary information to the extent allowed by law.

## E. Appeals

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Academic staff have the right to appeal decisions that would require the academic staff member to eliminate, in full or in part, the non-University activity.

See [COCI Appeals Procedures](#).

## F. Conflict Review Committee

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In matters of conflict of commitment or interest, the Responsible Official at each university will be advised by a Conflict Review Committee. This committee will consist of at least three academic staff members appointed after consultation with the executive committee of the respective Senate. When appropriate for conflict issues involving System Office staff, the President's designee will be advised by a System Conflict Review Committee, composed of University experts where relevant and System representatives.

## G. Reports from Third Parties

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Individuals who question whether an academic staff member's outside activity has been appropriately disclosed and managed should bring their concerns to that academic staff member's UEO. In cases where the UEO is involved in the non-University activity, individuals may bring their concerns to the Responsible Official or designee.



## H. Non-Compliance

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If a non-University Activity was not disclosed, a conflict was not managed in a timely manner, or if an academic staff member failed to comply with a conflict management plan, the Responsible Official, in consultation with human resources and/or other appropriate University offices, will oversee a retrospective review, mitigation report or other procedures required by law.

See [Retrospective Review](#).

See [Violations](#).

See [Legal and Policy Authorities](#).

## I. Interim Administrative Actions

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At any time after a potential conflict of interest or commitment has been identified and before final disposition of the case, the UEO may take interim administrative action as required to comply with the law, to protect the objectivity of research, to protect the interests of students and colleagues, to preserve evidence, or to protect resources. Any interim action should be devised and taken so as to create minimal interference with the University activities of the individuals involved, and in accordance with the University policies.

## J. Records Retention

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Conflict of interest files, including RNUAs and conflict management plans, must be retained and disposed of in accordance with State law. Departments must work with Records and Information Management Services (RIMS) to dispose of these records.

## K. Exceptions

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Any exceptions to the procedures described above shall be made only for good cause and with the approval of the chancellor/vice president of the respective university or the University of Illinois System President's designee for members of the University of Illinois System Offices.

## VIII. VIOLATIONS

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

## IX. LEGAL AND POLICY AUTHORITIES

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

[Glossary](#)

[START myDisclosures](#)

[START myDisclosures Users' Guide](#)

[START myDisclosures Reviewers' Guide](#)

[RNUA Terms and Conditions](#)

[Examples of Activities Generally Not Requiring Prior Approval or Reporting](#)

[Examples of Activities that Require Prior Approval and Reporting](#)

[Activities that Require Management](#)

[COI Appeals Procedures](#)

[University of Illinois Policy and Rules for Civil Service Staff Rule 16.01 Conflicts of Interest](#)

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

[OBFS Policy and Procedure Manual, Section 11.7 Make a Donation in Support of Your Own Program](#)

[University of Illinois Ethics Line](#)

[Retrospective Review](#)

### **Examples of Allowable Income Producing Activities Generally Not Requiring Prior Approval or Reporting**

The following are examples of activities that are not normally considered conflicts of interest. They are exempt from disclosure, even if paid an honorarium stipend, or royalty, unless they are so extensive in time and effort that they present an actual or reasonably perceived conflict of commitment.

1. Preparing, publishing, or presenting scholarly or creative works, including books, articles, and software.
2. Participating at professional conferences for the purpose of making scholarly presentations, conducting seminars or workshops.
3. Serving as a special reviewer or on a review panel for academic or governmental organizations.
4. Serving as a reviewer or editor for a scholarly journal.
5. Participating in a clinical practice plan approved by the University of Illinois Board of Trustees.
6. Receiving royalties under the University's royalty distribution policies while currently employed or otherwise appointed by the University.
7. Earning income from passive investments such as interest or dividends from banks, mutual funds, or stocks and bonds that do not otherwise create a conflict of interest with the academic staff member's University responsibilities.

#### **If you are paid an honorarium or receive royalties or compensation for activities noted above, please be aware of the following:**

Though these activities generally do not require disclosure under this Policy, the State Officials and Employees Ethics Act restricts the acceptance of honoraria or travel expenses from prohibited sources generated while in the academic staff member's University capacity, and federal or state agencies may impose additional disclosure requirements. For further information, consult with the University Ethics and Compliance Office regarding restrictions on the acceptance of honoraria from prohibited sources.

If you are a physician, activities that you disclose on your RNUA must be consistent with information reported in the CMS Open Payments database when the nature of the payment requires disclosure per the University Policy on Conflict of Commitment and Interest. Contact the UIC COI Office for additional information regarding CMS Physician Payments Sunshine Act, or see the [UIC FAQs](#).

## Examples of Activities that Require Prior Approval and Reporting

The following activities represent examples of actual or perceived conflicts of commitment or interest. The list is not all-inclusive and is intended to provide guidance. All examples are assumed to include both for-profit and not-for-profit entities.

In the absence of other applicable regulations, financial interests greater than \$5,000 will be considered significant.

1. Using University resources to conduct research that is sponsored by an entity in which the academic staff member or his/her immediate family member has a significant financial interest or fiduciary role.
2. Conducting testing or clinical trials of products, devices, or services owned or controlled by an entity in which the academic staff member or a member of his/her immediate family has a significant financial interest.
3. Diverting research opportunities from the University to any external entity, (e.g., another academic institution, non-profit organization, federal laboratory, business, or consulting entity in which the staff member or a member of his/her immediate family has a significant financial interest, managerial, or executive role).
4. Submitting grant proposals or making subaward arrangements involving the purchase of goods or services from an entity in which an academic staff member or a member of his/her immediate family has a significant financial interest.
5. Serving in an executive or managerial capacity or holding significant financial interests in an entity in one's field of research.
6. Serving on the board of directors or a major advisory committee of an entity that sponsors the academic staff member's research or provides gift funds for the use of the academic staff member or his/her department.
7. Utilizing University students or employees in the staff member's University research sponsored by an entity in which the academic staff member has a significant financial interest.
8. Conducting consulting or other non-University income producing activities involving University students or other University staff.
9. Utilizing University students or employees in the academic staff member's University activities supported by gift funds from an entity in which the academic staff member has a significant financial interest.
10. Serving in an executive or managerial capacity or holding a significant financial interest in an entity doing or seeking to do business with the University.
11. While acting in the context of his/her University duties, making professional referrals to an entity in which an academic staff member or a member of his/her immediate family has a significant financial interest.
12. For academic staff with greater than 50% appointment, spending more than one day per seven-day-week, averaged over the contract period, on non-University income producing activities.
13. Other examples of activities for which prior approval is required include, but are not limited to: ownership and/or management of rental or agricultural property, working at a retail entity, freelance work, paid coaching, and providing or directing paid professional entertainment services.

## Activities That Require Management

If an academic staff member or an entity with which an academic staff member has a fiduciary role meets any of the criteria below, the academic staff member and unit executive officer (UEO) must develop a conflict management plan.

- Licenses University intellectual property of which the academic staff member is an inventor;
- Employs University students or other University employees who have a reporting relationship to the academic staff member;
- Uses University resources, such as laboratory space or equipment, office space, or computing resources;
- Requires a significant commitment of time from the academic staff member, e.g., greater than 40 working days per 9-month appointment or 52 days per 12-month appointment;
- Involves the UEO, the dean or other senior management within a unit;
- Funds sponsored research or gifts in support of their own program;
- Executes a facilities use or technical testing agreement with the University;
- Subcontracts to the University from awards such as Small Business Innovation Research (SBIR), Small Business Technical Transfer (STTR), or Defense Advanced Research Projects Agency (DARPA), on which the company is prime, or accepts subcontracts from awards on which the University is prime.

In addition to the cases of start-up companies listed above, a conflict management plan may be required if it appears necessary for any other reason, for example, if the distinction between the academic staff member's work for the University and his/her non-University activity is not clear; even if University intellectual property is not being licensed.

## COCI Appeals Procedures

### *1. Appealing Denials by the UEO*

When the UEO denies a request to engage in a non-University activity, an academic staff member may appeal the denial to the second level of review within 14 calendar days after receipt of the notice of denial. In any appeal, the academic staff member must present, in writing, the rationale for approval of the activity and may submit documentation or evidence supporting the appeal.

The administrator at the second level of review will evaluate the information provided, may request additional information from the academic staff member or the UEO, and may seek advice from the Responsible Official or other individual responsible for the process which generated the disclosure. Ordinarily, the second level of review must respond to an appeal within 14 calendar days of receiving either the appeal or information provided in response to requests for additional information. The outcome of the appeal is the approval or denial of the request to engage in the external activities. If 14 days pass without the second level of review notifying the academic staff member of the outcome of the appeal, the academic staff member has the right to take the appeal to the next administrative level, in which case the second level of review will be terminated, and the next administrative level will rule on the appeal. The academic staff member may choose not to take the appeal to the next level, and if so, any delay in being told of the outcome by the second level of review will not be considered a procedural violation.

Denial of approval of a non-University activity following an appeal to the second level of review is final, absent an appeal to the President or designee on procedural grounds.

### *2. Appealing Denials Initiated by the Second Level of Review*

When UEO approval of a non-University activity that is an actual or perceived conflict of commitment or interest is over-ridden at the second level of review, an academic staff member may appeal the denial to the Responsible Official within 14 calendar days after the academic staff member receives notice of the denial. Such appeals must present the academic staff member's rationale for approval of the activity. Documentation or evidence supporting the appeal may be submitted.

Denial of approval of a non-University activity by the Responsible Official is final, absent an appeal to the President's designee on procedural grounds.

### ***3. Final Appeals Based on Procedural Grounds***

Appeals on procedural grounds must be filed with the President's designee within 14 calendar days after the academic staff member receives notice of the denial by the second-level reviewer. The appeal must include a description of the procedures that were violated and may include documentation or evidence supporting the claim of procedural violation. The President's designee shall, within 30 calendar days, either affirm or vacate the decision to deny approval of the activity, and notify the academic staff member and others concerned. This decision shall be final. In making a decision on an appeal, the President's designee will consider the University's obligations and interests as stated in this policy and whether fundamental fairness was afforded to the academic staff member. The President's designee will also consult, if possible, with the chair of the appropriate University-wide or System Office advisory committee that represents the interests of the academic staff member prior to issuing a decision.

### **Retrospective Review**

#### ***1. An activity was not disclosed***

- If an academic staff member discloses non-University activities after the activities have occurred and the staff member did not obtain prior approval for the activities, then the UEO must conduct the review of the activities retrospectively.
- The UEO must obtain from the academic staff member a written explanation that documents why the activities were not reported prior to engaging in the activities and indicates whether the activities will continue or have ended.
- The UEO must assess the retrospective disclosure and determine whether the retrospective activities present conflicts of commitment or interest; and whether mitigation is necessary.
- If the non-University activities present conflicts of commitment or interest, the UEO must upload an explanation on how the conflict will be managed or eliminated, and the UEO must forward the RNUA for a second level of review.
- If mitigation is necessary, the UEO and academic staff member will work together to mitigate the effects of the undisclosed activity and unmanaged conflict.

#### ***2. An academic staff member does not comply with the management plan.***

- The UEO must document a written explanation that details the circumstances surrounding the non-compliance. The UEO may consult with the academic staff member for additional information.
- The UEO must assess the explanation and determine whether mitigation is necessary. If mitigation is necessary, the UEO and academic staff member will work together to implement mitigation steps. The UEO must also consider, acknowledging past non-compliance, whether revoking approval for the activity is warranted.

#### ***3. Conflicts are not managed in a timely manner***

- The UEO will attach to the academic staff member's RNUA a written explanation detailing the circumstances surrounding the failure to manage the conflict(s).
- The administrator at the second level of review, in consultation with the Responsible Official or designee, will review the explanation and determine whether mitigation steps are necessary.
- If mitigation is necessary, the UEO and academic staff member will work together to mitigate the effects of the unmanaged conflict.