

POLICIES GOVERNING CONFLICT OF INTEREST AND COMMITMENT

UNIVERSITY OF WYOMING

October 12, 2010

I. INTRODUCTION

The University of Wyoming is a community of scholars, learners and leaders committed to exploring, creating, and sharing knowledge to advance the intellectual and ethical capacities of its students and employees. Consistent with this vision and with the requirements of state and federal agencies, the University of Wyoming has adopted the following policy to identify and address conflicts of interest and commitment that are potential, actual, or apparent. Each member of the University of Wyoming community has a duty to act in the best interest of the university. Outside activities or outside financial interests must not interfere with these obligations. This policy is intended to increase awareness of the potential for conflicts of interest and commitment and to establish procedures whereby such conflicts may be avoided or properly managed. This policy enhances public trust in the university through transparency in interactions between the university and outside activities and entities.

UW Regulation 4-2 governs employment provisions applicable to all personnel, including conflicts of interest, conflicts of commitment, and consulting. Because conflicts of interest and/or commitment may occur in the course of conducting research, the Office of Research and Economic Development has developed a detailed policy on Conflicts of Interest and Commitment in Research to guarantee proper stewardship of federal funds in compliance with federal codes of regulation 45 CFR Part 94 and 42 CFR Part 50 Subpart F. This policy is found at: <http://www.uwyo.edu/Research/policies-resources/conflict-of-interest.html>. Because academic personnel, athletic coaching and training personnel, and university officers may perform professional consulting work, the Office of Academic Affairs has developed a process that is specifically designed to limit the potential for outside consulting to result in conflicts of interest or commitment. Consulting requests must be approved by the appropriate supervisors and University officers, and the President of the University has final approval authority. Consulting request forms are found at: http://www.uwyo.edu/AcadAffairs/_files/docs/Req_outside_consulting.pdf.

Addressing conflicts of interest and commitment is a shared responsibility. The guidelines and procedures for disclosure, evaluation, and management of conflicts of interest and/or commitment outlined in this policy apply to University of Wyoming administrators, officers, and employees, both faculty and staff. The University of Wyoming is committed to ensuring that the policies included herein are carried out properly and consistently, in accordance with the university's ethical code of conduct. If possible, conflicts of interest and commitment should be managed between the employee and his/her academic or administrative supervisor. Conflicts that cannot be managed through discussion with supervisors and appropriate officials may be referred to the Committee on Conflicts of Interest and Commitment as specified in section B.1 of this document.

II. CATEGORIES OF CONFLICTS

A. CONFLICTS OF INTEREST

1. *Definition.* A conflict of interest exists when an individual has an external interest that affects or provides an incentive to affect the individual's conduct of his/her university activities.
2. *Generally.* Conflicts of interest can arise naturally from an individual's engagement with the world outside the university, and the existence of a conflict of interest does not necessarily imply

wrongdoing on anyone's part. When conflicts of interest do arise, however, they must be recognized, disclosed, and properly managed or eliminated.

The appearance of a conflict may be as serious and potentially damaging as an actual distortion of instructional, research, or administrative goals, processes, or outcomes. Reports of conflicts based on appearances can undermine public trust in ways that may not be adequately restored even when the mitigating facts of a situation are brought to light. Apparent conflicts, therefore, should be disclosed and managed, or eliminated with the same vigor as actual conflicts.

3. *Financial Conflicts of Interest.* Conflicts of interest may exist with respect to financial decisions in which the University of Wyoming is involved, for example, investments, loans, purchases or sales of goods or services, and accounting decisions. Conflicts may also exist with respect to matters with both financial and non-financial implications, such as decisions about the use of university equipment and facilities and the negotiation of research agreements and license agreements.

4. *Conflicts of Interest in Research.* In research, a potential conflict exists when there is a possibility that an individual's outside financial interests could directly and significantly affect the design, conduct, or reporting of the research. Conflicts may also exist with respect to the particular conduct of research, the care of patients, the protection of human research subjects, and the treatment of students and colleagues. This policy observes the proper stewardship of federal funds under the Department of Health and Human Services, the Public Health Service, and the National Institutes of Health directives. Federal codes of regulation (CFR) exist for conflict of financial interest requiring university compliance (45 CFR Part 94; 42 CFR Part 50 Subpart F).

B. CONFLICTS OF COMMITMENT

1. *Definition.* A conflict of commitment exists when a member of the university community renders professional service that is not part of his/her duties to the university to the detriment of his/her obligations to the university.

2. *Generally.* A conflict of commitment arises when professional service or research contracted outside the university, consultations, or other outside activities (e.g. outside teaching or business) of an employee interferes with the paramount obligations to students, colleagues and the primary missions and policies of the university. Conflicts of commitment primarily involve questions of obligation and effort, but are often tied to financial remuneration or other inducements that also constitute conflicts of interest.

All those associated with the University of Wyoming owe their primary professional allegiance to the university. In particular, academic personnel and university officers have a principal commitment of time and intellectual energies to the university's education, research, and service missions. Specific responsibilities and professional activities that constitute an appropriate and primary commitment will differ across colleges, divisions, and departments, but in general they are established between the employee and his/her academic or administrative supervisor. Efforts of university employees to balance university responsibilities with non-university activities can result in conflicts regarding allocation of time and energies. Such conflicts should be disclosed and managed at the local level whenever possible. This policy provides standards for the disclosure, evaluation and management of conflicts of commitment to insure compliance with UW Regulations.

III. CONFLICT IDENTIFICATION, DISCLOSURE AND MANAGEMENT PLAN

A. PREFACE

This policy provides procedures for identifying potential and actual conflicts through immediate and/or annual disclosure. Full disclosure and the creation of a public record will benefit both the University of Wyoming and its employees while preserving the integrity of the university's relationship with the public.

The university shall adhere to federal regulations mandated by NSF, PHS, and/or other federal entities for conflicts of interest and/or commitment and pursuant to the guidelines established in this policy. Additionally, the university shall encourage transparency via disclosure of conflicts among those within the UW community who often have close connections with boards of companies doing business with the institution.

The University Office of General Counsel, working with the Office of Research and Economic Development and others, will be responsible for reviewing and revising this policy as needed. Time frames given within this policy are guidelines. The Office of Research and Economic Development will provide training and advice to academic administrators, faculty, staff and students about conflict of interest and commitment issues, including required disclosures and the proper disclosure process.

B. UNIVERSITY OF WYOMING ADMINISTRATORS, FACULTY AND STAFF

1. *Committee.* The Vice President for Research and Economic Development shall appoint a standing Committee on Conflict of Interest and Conflict of Commitment that shall consist of the President of Staff Senate or his/her designee and the President of Faculty Senate or his/her designee, each of whom will serve one (1) year terms, and one administrator and two tenured faculty, who will serve staggered three (3) year terms. Conflict of interest and conflict of commitment issues will be referred to this committee if satisfactory management does not occur at the local level. The committee will serve in an advisory capacity in the evaluation and management of such conflicts as further delineated within this policy.
2. *Disclosure.* University of Wyoming administrators, officers, and employees, both faculty and staff must, in a timely manner, make full disclosure of relevant information on potential conflicts of commitment and/or interest to their immediate supervisor. If the conflict is not managed at that level, then the employee and/or supervisor shall disclose the conflict to the chair of the Committee on Conflict of Interest and Conflict of Commitment.
 - i. Certain individuals are required to make regular, annual disclosures, with updates as needed; others need only disclose on an ad hoc basis. Annual disclosures to the Office of Research and Economic Development are required from those individuals who apply for federal funding and must satisfy the requirements of NSF, PHS, and/or other federal entities.
 - ii. When a disclosure is received, the Committee on Conflict of Interest and Conflict of Commitment will review the disclosure and within thirty (30) days of receipt will make a recommendation regarding the existence of a conflict or apparent conflict. Further, if a conflict or apparent conflict is identified, the committee will make a recommendation on procedures to eliminate or manage the conflict appropriately. All recommendations will be made to the Vice President for Research and Economic Development. The Vice President for Research and Economic Development shall make a decision regarding the conflict and its management within fifteen (15) days of receipt of the recommendation.

3. *Management.* If the potential conflict of interest and/or commitment is identified as an actual or apparent conflict, options for management may include, but are not limited to:
- i. refraining from engaging in the proposed activity;
 - ii. seeking permission from the university to engage in the activity if the conflict necessarily can be reduced or restructured to be compatible with the required standard for the employee to properly perform his/her university responsibilities; and/or,
 - iii. seeking approval of the activity conditioned upon the implementation of a procedure to monitor the situation.
 - iv. Where research is involved, management of conflicts may include, but is not limited to: public disclosure of significant financial interests; monitoring of research by independent reviewers; modification of the research plan; disqualification from participation in all or a portion of the research funded by the NIH, PHS or other agency; divestiture of significant financial interests; or severance of relationships that create actual or potential conflicts.

4. *Appeals Procedure.* Affected individuals who disagree with a decision of the Vice President for Research and Economic Development regarding management of a potential conflict of interest and/or commitment may file a written appeal within fifteen (15) days of that decision to the Provost. The decision of the provost shall be made within fifteen (15) days of receipt of the appeal and shall be final and not appealable.

5. *Retention of records.* The Office of the Vice President for Research and Economic Development shall retain the records relating to this conflict identification, disclosure, and management plan.

IV. SANCTIONS

A. EMPLOYEE SANCTIONS

The initiative and responsibility for reporting potential or actual conflicts rests upon the individual. Any employee who fails to make timely reports of potential conflicts or otherwise violates university policies on conflicts may be subject to disciplinary action up to and including termination of employment pursuant to applicable UW Regulations. Other employment requirements that may be imposed as sanctions include, but are not limited to, divestiture of significant financial interests that create conflict. The Committee on Conflicts of Interest and Conflicts of Commitment will review allegations of violations and make recommendations regarding the imposition of sanctions to the Provost.