



# Standard Administrative Policy and Procedure

**Subject:** University Conflicts of Interest and Commitment Policy

**Number:** UW SAP 9-3.5

---

## I. PURPOSE

The purpose of this policy is to enhance the integrity of institutional research; the quality of the University's educational programs; the viability of the University's outreach mission, especially as it relates to information dissemination, and technology development and commercialization; and prevent a conflict of interest from harming the University and/or the Employee. This policy describes the requirement for reporting potential conflicts of interest or commitment and the institutional responsibility for evaluation and management of conflicts.

## II. DEFINITIONS

**Conflict of Commitment:** A conflict of commitment exists when an Employee renders professional service or engages in an external activity that is not part of his/her duties to the University that interferes with the Employee's ability to perform their obligations to the university.

**Conflict of Interest:** A conflict of interest exists when an Employee has an interest that affects or provides an incentive to affect the Employee's conduct of her or his University activities.

**Conflict of Interest and Commitment Committee:** A Committee appointed by the Vice President for Research and Economic Development that assists with and reviews complex conflict matters as outlined in this policy. The Committee consists of one administrator from the Office of Research and Economic Development; one representative from the Office of the General Counsel; two senior faculty members appointed by the Provost upon recommendation by the Faculty Senate Executive Committee, and one staff Employee appointed by the Deputy Vice President for Budget and Finance upon recommendation by the Staff Senate Executive Committee. Other members can be added at the discretion of the Vice President for Research and Economic Development.

**Compensated Professional Services:** Includes outside compensated work or scholarly services performed by a University Employee. Provision of compensated professional services is recognized as a legitimate activity unless specifically prohibited by an Employee's contract of employment. Compensated professional service is not considered appropriate when it interferes with the regular work of the University Employee; involves

unauthorized use of University facilities, personnel, or other resources; or unfairly competes with private sector companies. (See W.S. 9-2-3220(b)(viii)). The following time commitment is generally not considered a conflict: thirty-nine (39) calendar days per academic year for academic year Employees and forty-eight (48) calendar days per fiscal year for fiscal year Employees.

**Employee:** For the limited purpose of this Policy, Employee shall mean any individual who is employed by the University, whether full or part-time, and includes but is not limited to staff, faculty (including tenured, tenure-track, non-tenure track, in-residence, visiting, and emeritus faculty if performing a function for the University), administration, postdoctoral fellows, and student Employees.

**Manage:** Taking action to address a conflict by reducing, managing through a management plan, or eliminating the conflict.

**On-duty period:** The time during which an Employee is expected to work for the University. A full-time Employee's on-duty period is generally 40 hours per week. For an academic year Employee, the on-duty period is the academic year, which is defined as the period beginning with the faculty reporting day of the Fall semester and ending when Spring semester grades are due, including periods during the academic year when classes may not be in session. For part-time Employees and graduate assistants, the on-duty period is the hours or time required to perform the job duties for which the Employee has been hired per week.

**Relationship:** Relationship shall include the following:

- A. Family, defined as the legal spouse, domestic partner, dependent children and dependent relatives of the Employee. The term "family" shall also include the legal spouses of any of the individuals named above.
- B. Business partners and corporate professional associates.

**Significant Financial Interest of an Employee:** Significant financial interest means anything of monetary value in excess of \$5,000 owned or payable to an Employee, including but not limited to:

- A. Salary, royalties, commissions, consulting fees or honoraria and/or any other form of compensation for services which is directly or indirectly paid or payable to the Employee while on-duty by an entity other than the University or an affiliate or instrumentality of the University.
- B. Equity interests such as stocks and stock options and other ownership interests which:
  - 1. Exceed \$5,000 in value or represent more than five percent ownership interest in any single entity; and

2. Do not comprise widely held, publicly available, diversified investment funds over which the Employee does not and has no ability to exercise control; and
  3. Are not held in a blind trust where the Employee has no knowledge of trust assets.
- C. Intellectual property rights, such as patents and copyrights and royalties from those rights.

“Significant Financial Interest” does not include the following types of financial interest:

1. Salary, royalties, or other remuneration paid by the University to the Employee if the Employee is currently employed or otherwise appointed by the University, including intellectual property rights assigned to the University and agreement to share in royalties related to such rights;
2. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Employee does not directly control the investment decision made in these vehicles;
3. Income from seminars, lectures, or teaching engagements sponsored by a US Federal, state, or local government agency, an Institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education; or
4. Income from service on advisory committees or review panels for a US Federal, state, or local government agency, an Institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

If required by a federal funding agency, significant financial interests of a spouse, dependent children or dependent relative may also have to be disclosed.

### **III. POLICY**

The University of Wyoming is a community of scholars, learners and leaders committed to maintaining academic freedom and research integrity while 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 has adopted the following policy to identify and address conflicts of interest and commitment that are potential, actual, or apparent and that arise during the conduct of activities at the University. Each Employee, according to their employment responsibilities, as well as the University as a legal entity, has a duty to act in furtherance of the University’s mission. Outside activities or outside financial interests must not interfere with these obligations.

This policy observes the proper stewardship of federal funds under federal agencies including but not necessarily limited to the National Endowment for Arts/Humanities, Department of Defense, Department of Energy, National Science Foundation, the Department of Health and Human Services, the Public Health Service, and the National Institutes of Health directives. Codes of federal regulation (CFR) exist for financial conflict of interest requiring the University's compliance.

The University is committed to ensuring that the policies and procedures included herein are carried out properly and consistently, in accordance with the University's Code of Ethical Conduct. The principles of excellence, integrity, respect and responsibility are fundamental to the responsible management of the University's business and its stature as a national model of leadership for a civil society.

#### **IV. PROCESS**

##### **A. Disclosure**

Employees are responsible to identify and disclose any potential, perceived, or actual conflicts of interest: (1) when hired; (2) immediately upon acquisition of a new interest; and (3) annually. All foreign affiliations and collaborations as outlined in this document are considered potential conflicts of interest. Employee disclosures must be filed through the University's electronic research administration software system and in accordance with University policy.

##### **B. Research Based Disclosures**

Upon application and/or receipt of a compensated research award, all research personnel must complete the required (event based) disclosure form through the University's electronic research administration software system . The disclosure will be routed as appropriate and any conflicts will be managed by a conflict of interest management plan.

##### **C. Annual Disclosure**

All Employees are required to complete an annual disclosure form regarding any potential, perceived, or actual conflicts of interest or commitment, including all foreign affiliations and collaborations as outlined in this document, through the University's electronic research administration software system. Even if the Employee determines there is no potential, perceived, or actual conflicts of interest, the Employee shall so indicate annually through the University's electronic research administration software system. The disclosure will be routed as appropriate and any conflicts will be managed by a conflict management plan.

#### **V. FOREIGN AFFILIATIONS AND COLLABORATIONS**

- A.** All financial interests, whether on-duty or not, (including but not limited to travel, salary, awards, honoraria, talent programs, and grants) received from or relationships with a foreign institution of higher education, a foreign research

institute, a foreign academic teaching hospital or medical center, the government of another country (which includes local, provincial, or equivalent governments of another country), or private foreign entity must be disclosed.

- B.** All participation on foreign grant review panels must be disclosed.
- C.** Formal affiliations or titles (even unpaid) with foreign entities, including companies or universities must be disclosed.
- D.** Participation in foreign talent recruitment programs (paid or unpaid) must be disclosed. In general, such programs include any foreign-state-sponsored attempt to acquire U.S. scientific-funded research or technology through government-run or funded recruitment programs that target scientists, engineers, academics, researchers, and entrepreneurs of all nationalities working or educated in the U.S. These recruitment programs are often part of broader whole-of-government strategies to reduce costs associated with basic research while focusing investment on military development or dominance in emerging technology sectors.
- E.** Other support and foreign components must be disclosed when required as outlined in NIH NOT-OD-19-114.

## **VI. CONFLICT OF INTEREST**

### **A. General Conflicts of Interest**

Conflicts of interest can arise naturally from an Employee'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 identified, disclosed, and either properly managed or eliminated.

The appearance of a conflict may be as serious and potentially damaging as an actual conflict. Apparent conflicts, therefore, should be disclosed and evaluated, managed, or eliminated with the same vigor as actual conflicts.

### **B. Financial Conflicts of Interest**

A conflict exists when there is a possibility that an Employee's outside financial interests adversely affects, compromises or is incompatible with the obligations of the Employee to the University.

An Employee must identify and disclose those elements as listed below if:

a) required by the federal funding agency; or b) related to the Employee's research such that an Employee's outside financial interests could directly and significantly affect the design, conduct, or reporting of research; or c) related to the Employee's duties such that involvement in transactions or decisions on behalf of the University

when the Employee knows benefits will accrue to her/himself through the Employee's financial interest in a private capacity.

1. Significant Financial Interests as defined in this policy that may be a potential, perceived, or actual conflict of interest.
2. Becoming a contractor or vendor for purchase of supplies, equipment, services and construction under any contract or purchase order of any kind.
3. Business relationship (including equity ownership) of Employee or others through Employee's commitment in a private capacity with a non-University entity that the Employee makes decisions in the acquisition of supplies, goods, or services for the University; or fiscal interest of the University.
4. Involvement in transactions or decisions on behalf of the University when the Employee knows benefits will accrue to her/himself or others through Employee's commitment in a private capacity.
5. Promotion or provision of information about goods or services to the University community when the Employee or others through Employee's commitment in a private capacity may benefit from decisions resulting from the promotion or information.
6. Involvement in or recusal from voting on a University matter in which the Employee has accepted a gift or loan, or has a business relationship or commitment in a private capacity.
7. Assigning duties or offering employment to a student when the duties or employment are related to an Employee's business relationship or commitment in a private capacity, and the student is enrolled in a course being taught by the Employee or the student's academic work or research is being singularly and directly supervised by the Employee.
8. The occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Employee and not reimbursed to the Employee so that the exact monetary value may not be readily available, related to their University responsibilities; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a U.S. Federal, state, or local government agency, an Institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education). This travel disclosure shall also include the provision of the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration.
9. Conducting research or novel scientific investigation with outside entities, which could be conducted more appropriately as research sponsored through the University.

### **C. Non-financial Conflicts of Interest in Research**

Conflicts may also exist with respect to matters with non-financial implications, such as decisions about the use of University equipment and facilities and the negotiation of research agreements and license agreements. 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 faculty colleagues.

Other potential non-financial Conflict of Interest that must be disclosed include any Foreign Affiliations as outlined in Section V of this document.

## **VII. CONFLICT OF COMMITMENT**

- A.** All full time Employees associated with the University of Wyoming have a principal commitment of time and intellectual energies according to their employment responsibilities to the University's education, research, and service missions. Efforts of Employees to balance University responsibilities with non-University activities can result in conflicts regarding allocation of time and energies. These Conflicts of Commitment primarily involve questions of obligation and effort, but are often tied to financial remuneration or other inducements and, in such cases, may also constitute Conflicts of Interest.
- B.** A Conflict of Commitment arises and must be disclosed when activities contracted outside the University, such as consultations, external activities, or outside business activities, of an Employee interfere with their obligations to students, colleagues and the primary missions and policies of the University. An activity interferes when it is to the detriment of the Employee's on-duty responsibilities to the University. Common examples of Conflict of Commitment may include:
  - 1.** Teaching at another university during on-duty periods in an academic year, or otherwise representing yourself as a faculty member of another university when you are a full-time faculty member at the University.
  - 2.** Participating in private business or other activities to the detriment of your University education, research, scholarship or service responsibilities.
- C.** Conflicts of commitment must be disclosed and managed via the conflict management plan process described in this policy.

## **VIII. ALLOWABLE PROFESSIONAL ACTIVITIES**

- A.** Activities that are generally allowable and not required to be disclosed under this policy include but are not limited to:

1. Membership in and service to professional societies, organizations, or associations
2. Presentations
3. Conference participation
4. Editing and reviewing scholarly products, such as manuscripts, grant proposals, and award nominations for domestic external institutions and organizations
5. Conducting external reviews for tenure and promotion
6. Engaging in service duties
7. Service on domestic review panels
8. Acting as an expert witness (see Section IX below)
9. Providing factual information to the Legislature upon request, pursuant to the requirements of UW Regulation 12-4 (see Section IX below)

These activities are allowed without disclosure even if they are performed for payment or reimbursement, as long as the payment or reimbursement does not conflict with other applicable University, State or Federal policy.

## **IX. TESTIMONY**

### **A. Expert Witness Testimony Pursuant to a Subpoena**

1. Employees may receive subpoenas to provide expert witness testimony in a court. If a subpoena is received, the Employee must contact the Office of General Counsel to coordinate testimony.

### **B. Providing Information to the Legislature**

1. University Employees have a responsibility to respond to requests from state and federal elected officials and agencies for factual, non-partisan information. Such requests may involve testifying at a public committee hearing, providing a fiscal impact note, and informational visits to University facilities by elected officials or their staff. University Employees shall advise their supervisors of such requests, and the supervisors shall advise both the Vice President for their division and the Director of Government Relations. The Director of Government Relations shall assume responsibility for coordinating the institution's response to the inquiry. See UW Regulation 12-4 for more information.



## **X. USE OF UNIVERSITY FACILITIES AND EQUIPMENT**

### **A. Use of University Facilities**

The facilities of the University may not be used for outside work without the recommendation of the appropriate dean or director and approval of the Vice President for Campus Operations through a Facilities Use Agreement.

## **XI. TRAINING AND DISCLOSURE PROCEDURES**

### **A. Training**

All University Employees must complete the University of Wyoming specific course on Conflict of Interest. These trainings must be completed at least once every four years or as otherwise required by federal agencies.

### **B. Conflict Disclosure**

When a possible conflict is identified, the conflict management plan may be used, as appropriate, to place the interest in context, identify the conflicts and develop a plan to reduce or manage the conflict. The designee from the Research and Economic Development Division shall work with the Employee and the appropriate department head, dean, director or applicable Vice President in the development of the plan, a written copy of which shall be provided to other leadership as appropriate.

The Vice President for Research and Economic Development shall appoint a Committee on Conflict of Interest and Commitment. Conflict plans or other matters may be referred to this committee by Research and Economic Development or other leadership as appropriate. The committee will serve in an advisory capacity in the evaluation and management of such conflicts as further delineated within this policy.

### **C. Conflict Management Plans**

As described above, management plans may be required when conflicts of interest and commitment are identified. The content of management plans may vary depending on the nature of the conflict of interest or conflict of commitment and the level of conflict management required. All management plans are required to be in writing and must describe the conflict; specify the actions to be taken to manage, reduce, or eliminate the conflict; and define the effective period of the plan.

More specifically, as applicable to the conflict of interest or conflict of commitment, conflict management plans shall also include the following:

1. A description of the nature and extent of the potential conflicts.
2. Safeguards to protect the integrity of research or other scholarly activities conducted at the University, whether funded by the University, the entity, or a third party.
3. Controls to protect University personnel under the Employee's supervision who may be impacted by the external activity and other vulnerable populations, such as humans and animals as subjects of research.
4. Controls to protect against the loss of University and non-University intellectual property and to protect the Employee's right to continue to conduct his/her University scholarly activities.
5. Clarification of the employee's responsibilities to prevent inappropriate use of state and University resources and misuse of the University name or trademark.
6. A plan to disclose the Employee's relationship to the non-University entity whenever appropriate in scholarly publications and presentations.
7. A description of the extent of any external time and effort commitments and how the Employee will ensure that his/her University responsibilities are met.
8. A description of the Employee's ownership role in a non-University entity that does business with or wants to do business with the institution.

**D. Review Procedure**

Initial review of disclosures will be conducted by the designee from the Research and Economic Development Division and routed to the appropriate department head, dean, director, or alternate as deemed appropriate by the designee. Complex cases will be reviewed by the Conflict of Interest and Commitment Committee as appropriate. Individuals who disagree with a decision regarding a request to manage a potential conflict of interest and/or commitment may, in writing and within fifteen (15) days of receiving the decision, request additional review by the University President or designee (if a non-academic unit) and the Provost or designee (if an academic unit). The results of this process shall be final.

**E. Retrospective Review for Public Health Service-Funded Grants or Contracts**

For Employees engaging in research related to any Public Health Service of the U.S. Department of Health and Human Services (PHS)-funded grant or contract, if a financial conflict of interest is not identified in a timely manner by the researcher, the Committee on Conflict of Interest and Conflict of Commitment will complete a retrospective review of the researcher's activities to determine whether research conducted during the time period of the noncompliance was biased in the design, conduct, or reporting of such research. If bias is found, the Vice President for

Research and Economic Development will notify PHS promptly and submit a mitigation report.

The mitigation report will include the following: the key elements documented in the retrospective review; a description of the impact of the bias on the research projects; and the University's plan of action or actions taken to eliminate or mitigate the effect of the bias, including impact on the research project, extent of harm done, and analysis of whether the research project is salvageable.

Other federal agencies may also request or require retrospective review based on identified concerns.

#### **F. Sanctions**

The initiative and responsibility for reporting potential conflicts rests upon the Employee. Any Employee who does not make a good faith effort to timely report potential conflicts or otherwise violates this policy may be subject to disciplinary action up to and including termination of employment in accordance with UW Regulations, policies and procedures and the Employee Handbook.

**Responsible Division/Unit:** Office of Research and Economic Development

**Source:** None

**Links:** <http://www.uwyo.edu/regs-policies>

**Associated Regulations, Policies, and Forms:** None

**Approved:** 8/1/2023