POLICY TITLE	Individual Conflict of Interest and Commitment	**Policy Number**	114
Section	Governance, Organization, and General Information	**Approval Date**	May 9, 2023
Subsection	Governance and Organization	**Effective Date**	May 9, 2023
Responsible Office	Office of the President	**Last Review**	May 9, 2023

1.0 PURPOSE

1.1 This policy affirms Utah Valley University's commitment to integrity. It promotes confidence and trustworthiness in the University's administration, teaching, scholarship, and stewardship of public resources by establishing standards and procedures for actual, potential, and apparent conflicts between employees' personal interests and their responsibilities to the University.

1.2 This policy provides employees with the same opportunities available to all other citizens of the state to acquire private economic or other interests provided that such opportunities do not interfere with the full and faithful discharge of employees' university duties or otherwise disadvantage the University.

2.0 REFERENCES

2.1 *General Definition of Institution of Higher Education,* 20 U.S.C. § 1001(a) (1998)

2.2 *Promoting Objectivity in Research*, 42 C.F.R. § 50, Subpart F (2011)

2.3 *Responsible Prospective Contractors*, 45 C.F.R. § 94 (2011)

2.4 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, 2 C.F.R. § 200 (2013)

2.5 *Prohibiting Employment of Relatives,* Utah Code Ann. § 52-3-1 (2018)

2.6 *Government Records Access and Management Act* (*GRAMA*), Utah Code Ann. § 63G-2-101 (2008)

2.7 *Utah Public Officers' and Employees' Ethics Act*, Utah Code Ann. § 67-16-5 (2014)

2.8 *Utah Protection of Public Employees Act*, Utah Code Ann. § 67-21-3 (2018)

2.9 *Utah Procurement Code*, Utah Code Ann. § 63G-6a-24 (2014)

2.10 Utah Board of Higher Education Policy R122, *Board Conflict of Interest Policy*

2.11 Utah Board of Higher Education Policy R925, *Conflicts of Interest*

2.12 UVU Policy 136 *Intellectual Property*

2.13 UVU Policy 138 *Institutional Review Board*

2.14 UVU Policy 222 *Bookstore*

2.15 UVU Policy 325 *FLSA Compliance: Exempt/Nonexempt Classifications, Wages, and Work Hours*

2.16 UVU Policy 332 *Remote Work*

2.17 UVU Policy 371 *Performance Management and Development for Full-Time Staff Employees*

2.18 UVU Policy 606 *Adoption of Course Materials and Textbooks*

2.19 UVU Policy 635 *Faculty Rights and Professional Responsibilities*

2.20 UVU Policy 641 *Salaried Faculty Workload—Academic Year*

2.21 UVU Policy 649 *Faculty Sanction and Dismissal for Cause*

3.0 DEFINITIONS

3.1 Agency: Any department, division, agency, commission, board, council, committee, authority, or other institution of the state of Utah and any of its political subdivisions.

3.2 Area specialist: An employee of the University whose official job duties identify them as the "most responsible person" for the development, implementation, management, and/or oversight of a critical university function related to an applicable conflict of interest.

3.3 Compensation: Anything of economic value, including ownership interest, however designated, that is paid, loaned, granted, given, donated, or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing.

3.4 Compliance officer: The attorney in the Office of General Counsel with primary responsibility for coordinating university divisions', units', departments', and employees' efforts

to comply with state and federal laws, regulations, and statutes, as well as Utah Board of Higher Education and UVU policy.

3.5 Conflict of interest: When a university employee's professional judgment or performance is biased or compromised by the employee's non-university activities or interests. Examples of conflicts may include competing time commitments, financial interests, or positions in outside organizations that could cause unsatisfactory performance or bias in the employee's university responsibilities.

3.5.1 Actual conflict of interest: A situation in which there is a current conflict of interest.

3.5.2 Apparent conflict of interest: A situation that may appear, but is not proved, to a reasonable observer as a conflict of interest.

3.5.3 Potential conflict of interest: A situation that may foreseeably develop into an actual conflict of interest.

3.5.4 Conflict of commitment: A situation in which an employee's non-university activities, paid or unpaid, interfere with the performance of their university obligations. Employees are expected to perform their obligations to the University with adequate competence, diligence, and reliability.

3.6 *Conflict of Interest Disclosure Form*: The university form used to disclose actual, apparent, or potential conflicts of interest.

3.7 Conflict of interest management plan (or "management plan"): A written plan of action by which an employee's conflict or potential conflict can be managed (i.e., reliably and verifiably prevented) or eliminated.

3.8 Conflict of Interest Review Committee: A committee composed of the Director of Internal Audit, the Associate Vice President of Academic Affairs, the Director of Procurement, an area specialist, and General Counsel. Other persons with useful expertise or knowledge may be invited to participate on the Conflict of Interest Review Committee as needed.

3.9 Employee: Any person who is employed full- or part-time by the University, including student employees, staff, administrators, faculty, and adjunct faculty, or who otherwise owes contractual duties to the University. For the purposes of this policy, this also includes investigators and subrecipients of sponsored programs as defined by federal regulations.

3.10 Family member: For the purposes of this policy, family includes parents, spouses, domestic partners, romantic partners, children, dependents, and siblings and each of their respective spouses or domestic partners.

3.11 Financial conflict of interest: A significant financial interest that could directly and significantly affect the design, conduct, or reporting of Public Health Service (PHS)-funded research. This term applies only to PHS-funded research, as described in section 4.9.

3.12 Gift: A transfer of money, property, or service to another without compensation. Gifts include excessive compensation, loans with interest rates below commercial rates, and other economic benefits tantamount to a gift. For the purposes of this policy, a gift does not include the occasional transfer of a nonpecuniary item or service with insignificant monetary value (less than $50) or an award publicly presented in recognition of public services.

3.13 Household member: A person who resides in the same residence as an employee.

3.14 Intellectual property: Works created through intellectual and/or discovery efforts of a creator that are generally protectable under patent (U.S. Code), trademark (as recognized by federal and state laws), copyright (as defined in U.S. Code), trade secret (as defined by the *Uniform Trade Secrets Act*), or other state and/or federal law. Intellectual property includes inventions, discoveries, trade secrets, trade and service marks, writings, art works, musical compositions and performances, copyrightable software, data and mask works, literary works, and architecture. Works through intellectual and/or discovery efforts of a creator in other areas, including multimedia works and various other forms of electronic communications, are also considered intellectual property.

3.15 Investigator: The principal investigator or project director and all faculty, staff, postdoctoral appointees, consultants, or students who are responsible for the design, conduct, or reporting of research or scholarly activities that are funded or proposed for funding and are conducted, in whole or in part, through the University.

3.16 Key personnel: Any member of the university community named as the principal investigator, project director, or otherwise identified as senior/key personnel by the University in a grant application, progress report, or any other report submitted to the Public Health Service PHS by the University. This term applies only to research funded by the Public Health Service (PHS), National Institutes of Health (NIH), National Science Foundation (NSF), or an entity who requires the use of PHS regulation, as described in section 4.9.

3.17 Relative: A parent, spouse, child, sibling, spouse's parent, spouse's sibling, child's spouse, sibling's child, grandparent, grandchild, uncle, aunt, first cousin, and step or foster relative.

3.18 Retaliation: Intimidation, threats of reprisal, harassment, or other materially adverse actions or threats against anyone who in good faith reports a violation of this policy, honestly participates or assists in a university-related investigation or other proceeding relating to this policy, or otherwise asserts rights protected by law. Any action designed to prevent or discourage someone from reporting a conflict of interest concern may also be considered retaliation.

3.19 Romantic partner: For purposes of this policy, individuals who engage in "sexual conduct" with the employee, as defined in Policy 165.

3.20 Significant financial or other interest: Acting as a part or complete owner, officer, director, manager, agent, or employee of a business entity that appears to be related to an employee's university responsibilities. It further refers to any of the following interests of the employee or investigator (and those of the employee's or investigator's family members, as defined in this policy) that reasonably appear to be related to the employee's or investigator's responsibilities to the University:

3.20.1 With regard to any publicly traded entity, a significant financial interest exists if the value of any remuneration received by the individual from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds $5,000. For purposes of this definition, remuneration includes salary, and any payment for services not otherwise identified as salary, received from the publicly traded entity (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest as determined through reference to public prices or other reasonable measures of fair market value;

3.20.2 With regard to any non-publicly traded entity, a significant financial interest exists if the value of any remuneration received by the individual from the entity in the twelve months preceding the disclosure, when aggregated, exceeds $5,000, or when the individual holds any equity interest (e.g., stock, stock option, or other ownership interest). For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary, received from the non-publicly traded entity (e.g., consulting fees, honoraria, paid authorship); or

3.20.3 Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

However, significant financial or other interest does not include:

3.20.4 Employee salary, travel reimbursements, or other non-royalty remuneration from the University;

3.20.5 Income from seminars, lectures, or teaching engagements sponsored by a United States (US) federal, state, or local government agency, a U.S. institution of higher education as defined at 20 U.S.C. 1001(a), a U.S. academic teaching hospital, a medical center, or a research institute that is affiliated with a U.S. institution of higher education;

3.20.6 Income from service on advisory committees or review panels for a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an

academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education; or

3.20.7 Income from investment vehicles, such as mutual funds and retirement accounts, as long as the employee or investigator does not directly control the investment decisions made in these vehicles.

3.20.8 Income from investment vehicles, such as mutual funds and retirement accounts, as long as the employee or investigator does not directly control the investment decisions made in these vehicles.

3.21 Sponsoring organization: An organization external to the University that provides or awards sponsored programs.

3.22 Sponsoring program: A potentially revocable transfer of monetary funds, or personal or real property, made to the University by a sponsoring organization for a specified purpose designated by the sponsoring organization, or for a specified benefit or intended beneficial outcome in return for the award, and usually made by an enforceable contract. Sponsored programs do not include institutional procurement or charitable gifts from private sources. Funds appropriated by the State of Utah for the purpose of funding non-contractual university activities are not considered sponsored programs. A sponsored program should not be confused with a "Qualified Sponsorship" as defined in Policy 234.

3.23 Sponsoring project: A project supported by a sponsored program. Activities include research, scholarship, creative activities, educational or training activities, or a program of service.

4.0 POLICY

4.1 Scope of Policy

4.1.1 This policy applies to all employees, as defined in section 3.9, and to all relationships, financial positions, business endeavors, or other conduct that may create actual, potential, or apparent conflicts of interest between the University and the employee. University employees serve the public trust and must fulfill their responsibilities with care and loyalty in both actuality and appearance.

4.1.2 Employees are subject to the *Utah Public Officer's and Employees' Ethics Act*, Utah Code Ann. § 67-16-1 *et seq.* (the *Ethics Act*), which requires, among other things, that the University disclose certain employee conflicts of interest to other entities, including the Utah Attorney General's Office.

4.1.3 Employees must disclose all actual, potential, and apparent conflicts of interest or commitment and manage or eliminate such conflicts as provided in this policy. Failure to adhere to this policy could lead to appropriate disciplinary action, up to and including termination.

4.2 Misuse of University Authority

4.2.1 Employees may not use their university authority or position including coercion of students or subordinate employees to (1) further substantially their non-university business or economic interests, or (2) secure special (i.e., not generally available to university employees) non-university privileges or exemptions for themselves or others.

4.2.2 Faculty members must adhere to Policy 222 *Bookstore* and Policy 606 *Adoption of Course Materials and Textbooks* regarding the selection and sale of course materials from which they may derive royalties or other personal gain.

4.2.3 Employees may not disclose confidential information acquired through their university position or use this confidential information for their or another's gain or benefit without first obtaining all authorizations and consents required by law and university policy.

4.2.4 University employees who evaluate students or employees may not base these evaluations, in whole or in part, on participation (or refusal to participate) in non-university activities involving business entities or organizations in which the evaluating employees or their family members have a significant financial or other interest. Supervising employees may not require participation of employees or students in non-university activities involving these types of businesses or organizations.

4.3 Activities Related to Relatives, Family Members, and Household Members

4.3.1 Employees may not directly supervise relatives, family members, or household members. Employees shall disclose any indirect (second-level or greater) supervision of relatives, family members, or household members at UVU and shall complete a written management plan in accordance with section 5.4. Employees may not participate in or seek to influence employment decisions directly affecting relatives, family members, or household members, including decisions about appointment, hire, retention, tenure, promotion, compensation, benefits, leaves of absence, discipline, and termination.

4.3.2 Employees may not participate in academic decisions directly affecting family members, including decisions about admissions, financial aid, grades, and academic advancement.

4.3.3 Employees may teach students who are family members in their courses. In the case of credit-bearing courses, the department chair, or the next-level authority in a course taught by a chair or dean, will designate another appropriate employee (who is not a family member of the student) such as a faculty member or teaching assistant to grade the student's academic

coursework (including papers, exams, projects, portfolios, and demonstrations) and assign a final grade for the course.

4.3.4 Employees may not assign their students, interns, or other trainees to university projects sponsored by or benefiting any business or organization in which employees or their family members have a significant financial or other interest.

4.4 Outside Employment and Commitments

4.4.1 Employees may engage in non-university professional and personal commitments, including externships; however, they must continue to fulfill their obligations to the University with competence, diligence, and reliability. Employees must ensure their non-university activities do not interfere with their performance of university obligations or their ability to work the hours required for their positions at the appropriate UVU location(s). (See Policy 332 *Remote Work* for staff offsite working arrangements.) Faculty members must ensure that their non-university activities do not require extensive time or absence that causes them to neglect course obligations, become unavailable to students or colleagues, or otherwise violate Policy 635 *Faculty Rights and Responsibilities*.

4.4.2 Employees must work the number of hours required by their department or college and university policy. See UVU Policy 325 *FLSA Compliance: Exempt/Nonexempt Classifications, Wages, and Work Hours* or UVU Policy *641 Salaried Faculty Workload—Academic Year*.

4.4.2.1 For full-time employees, holding additional full-time employment at another organization while maintaining full-time duties at UVU (such as during the academic year for faculty) creates a presumptively unmanageable conflict of commitment, and is therefore not allowed.

4.4.2.2 For full-time employees, holding additional part-time employment at other organizations may create a conflict of commitment and must therefore be disclosed in accordance with section 5.2.

4.4.3 Full-time employees may perform or accept employment for non-UVU academic teaching, instructional, or research services subject to the following conditions:

4.4.3.1 Full-time faculty must obtain prior written approval from their dean when such engagements coincide with semesters in which they are teaching for UVU.

4.4.3.2 Full-time staff must obtain prior written approval from their immediate supervisor.

4.4.3.3 When considering a request under 4.4.3, the appropriate dean or supervisor may consider any relevant factor, including UVU's scheduling needs; the similarity of the proposed non-UVU course with UVU course offerings; the quantity, flexibility, foreseeability, and consistency of the proposed time commitment; delivery method (e.g., online vs. in person); the employee's UVU

performance history; class and meeting attendance record; timeliness with grading and other projects; and UVU workload.

4.4.3.4 Compensated or uncompensated participation in an occasional short-term conference, seminar, or symposium or the delivery of a scholarly paper or public address at a professional meeting or academic gathering does not violate this section.

4.4.4 Full-time, exempt employees who wish to provide consulting services for persons, companies, universities, or agencies outside of the University must disclose their consulting arrangements through the *Conflict of Interest Disclosure* form (see section 5.2.)

4.5 Gifts or Other Inducements

4.5.1 Employees may not demand from any person, as a condition of granting any application or request for a contract, approval, or other authorization, that the person donate property, money, or services to any employee or agency, including the University.

4.5.2 Employees may not donate or offer to donate property, money, or services to any employee or agency on the condition that the University or any other agency approve an application or request for a contract, approval, or other authorization.

4.5.3 Employees may not knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for themselves or a family member (1) if it would tend to improperly influence a reasonable person in the discharge of university duties or responsibilities, or (2) if an employee recently has been, currently is, or in the near future may be involved in any university action or decision directly affecting the donor or lender.

4.5.4 Faculty members may not accept gifts, as defined in section 3.12 from students if the faculty member has been, currently is, or may be involved in assigning a grade to such students.

4.6 Intellectual Property

4.6.1 Employees may not negotiate any transfer of intellectual property rights or royalties on behalf of the University with organizations or business entities in which employees or their family members have a significant financial or other interest, and must otherwise comply with Policy 136 *Intellectual Property*.

4.6.2 Disclosure is required when an employee has a significant financial or other interest in a business entity related to or using intellectual property owned by the University.

4.7 Procurement and Business Relationships

4.7.1 Employees may not receive or agree to receive compensation from a non-university source for assisting any person or business entity in any transaction involving the University.

4.7.2 In their university capacity, employees may not negotiate, review, approve, oversee, or otherwise participate in any transaction between the University and any business entity in which the employees or their family members have a significant financial or other interest.

4.7.3 Disclosure is required when employees or their family members hold a significant financial or other interest in a business entity providing goods or services that are the same or similar to university-provided goods and services and the employee is in a position to direct potential purchasers of the goods or services away from the University and to the business entity.

4.8 Research and Scholarly Activity

4.8.1 Without prior (1) disclosure, (2) completion of a written management plan in accordance with section 5.0 of this policy, and (3) written approval of the management plan by the university research officer, employees may not review, approve, or administratively control a contract, grant, clinical trial, or other sponsored program collaboration if:

4.8.1.1 It pertains to a research project or other sponsored program involving the University and a business or intellectual property in which the employee or employee's family member has a significant financial or other interest; or

4.8.1.2 The employee or employee's family member is an employee of the business and directly involved with activities pertaining to the sponsored program.

4.8.2 Except with advance disclosure and Institutional Review Board authorization, employees may not participate in research involving human subjects if they have a significant financial or other interest in the sponsor of the research or any technology that could be affected by the outcome of the research. No conflicted research involving human subjects may receive final approval from the Institutional Review Board under Policy 138 *Institutional Review Board* until the conflict of interest is managed or eliminated in accordance with section 5.0 of this policy.

4.8.3 Employees may not participate in the selection, award, or administration of a contract for property or services needed to carry out a project or program supported by a sponsored program award if they have an actual, potential, or apparent conflict of interest.

4.9 PHS-Funded Research

4.9.1 Investigators involved in research and projects sponsored by the National Science Foundation (NSF), the Public Health Service (PHS), or other entities that require the use of PHS regulations must follow additional procedures and requirements related specifically to conflicts of interest. PHS conflict of interest regulations are outlined in 42 C.F.R. § 50 and 45 C.F.R. § 94.

4.9.2 PHS-funded investigators must disclose any travel related to their institutional responsibilities that was reimbursed or sponsored by an entity other than a U.S. government

entity, a U.S. institution of higher education or affiliated research institute, a U.S. academic teaching hospital, or medical center. This disclosure must include the purpose of the trip, the identity of the sponsor, the destination, and the duration. Further, investigators must disclose any new significant financial or other interests within 30 days discovery or acquisition (for example, through purchase, marriage, or inheritance).

4.9.3 Before the expenditure of any funds from a PHS grant for which a financial conflict of interest exists, the University will either eliminate the conflict or report the financial conflict of interest to the relevant PHS-awarding agency. The report will include required information about the University's management plan for the financial conflict of interest. If a financial conflict of interest in the research subsequently develops or is discovered, the University will submit its management plan to the awarding agency within 60 days of identifying the new financial conflict of interest.

4.9.4 In situations where the University conducts PHS-funded research with or through other entities, such as sub-grantees, subcontractors, or collaborators (collectively "subrecipients"), the University will take reasonable steps to ensure that investigators working for subrecipients comply with PHS conflict-of-interest regulations. Subrecipients that are funded by PHS shall be required to report financial conflicts of interest to the University in accordance with PHS conflict-of-interest regulations. In turn, the University will report to PHS the existence of any financial conflicts of interest disclosed to the University by any subrecipients and obtain necessary information for the report as well as assurances that the University has managed the conflict of interest before the expenditure of funds and within 60 days of any subsequently identified conflict of interest.

4.9.5 If an investigator fails to comply with this policy or an applicable management plan, the University will, within 120 days of its determination of noncompliance, complete a retrospective review of the investigator's activities and the PHS-funded research project to determine whether any portion of the PHS-funded research was biased in the design, conduct, or reporting of the research. The University will promptly notify the PHS-awarding agency of the corrective action taken or to be taken, including the submission of a mitigation report. On an annual basis the University will also submit to the PHS-awarding agency the required reports regarding the status of all financial conflicts of interest in research related to PHS funding and any changes to the management plan for the duration of the related PHS-funded research.

4.9.6 Within five business days of a request, the University will disclose to any requestor all financial conflicts of interest related to PHS-funded research if they are held by key personnel. The University will ensure that all members of the University community who require training under PHS research regulations complete training upon employment and every four years thereafter.

4.9.7 If the U.S. Department of Health and Human Services determines that a PHS-funded clinical research project intended to evaluate the safety or effectiveness of a drug, medical

device, or treatment has been designed, conducted, or reported by an investigator with a financial conflict of interest that was not managed or reported by the University as required by PHS regulations, the investigator involved must disclose the financial conflict of interest in each public presentation of the results of the research and request an addendum to previously published presentations.

5.0 PROCEDURES

5.1 The University's Compliance Officer will facilitate the implementation of this policy. Employees are encouraged to contact the Compliance Officer with any questions or concerns regarding this policy or any conflict of interest or commitment.

5.2 Disclosure of Conflicts of Interest and Commitment

5.2.1 Disclosure of conflicts of interest and commitment enables the University and its employees to jointly manage or eliminate conflicts, which in turn empowers employees to engage in their work with complete confidence and trustworthiness.

5.2.2 Employees shall disclose all actual, potential, and apparent conflicts of interest and commitment by submitting an electronic *Conflict of Interest Disclosure Form* (1) immediately when a conflict of interest first arises and (2) when asked to complete the form by their supervisor. Additionally, all employees, with the exception of part-time employees (including student employees and adjunct faculty members), must submit a *Conflict of Interest Disclosure Form* at the time of hire and annually thereafter.

5.2.3 Prior to submitting a proposal for sponsored program funding, employees (and any person or external organization involved in the sponsored program) must disclose all actual, potential, and apparent conflicts of interest and commitment by submitting an electronic *Conflict of Interest Disclosure* Form. Prior to submission, each employee must also have completed and be current on their UVU conflict-of-interest training.

5.2.4 Disclosure consists of completing and submitting an electronic *Conflict of Interest Disclosure Form* that includes all the information required by this section.

5.2.5 Immediate supervisors are responsible for monitoring and ensuring the timely completion of *Conflict of Interest Disclosure Forms* by employees under their supervision.

5.2.6 Any person may report their good-faith belief that an employee has a conflict of interest. Such reports should be delivered to the employee's supervisor or the Compliance Officer at compliance@uvu.edu or anonymously through the Report Concerns webpage at https://www.uvu.edu/audit/concerns/. Employees may not retaliate against any person for making a good-faith report under this policy.

5.3 Conflict of Interest Review

5.3.1 Immediate supervisors are responsible for reviewing their employees' disclosures and broaching any conflict of interest or commitment concerns with the employee and Compliance Officer. If, for example, the supervisor has reason to believe that any employee disclosure forms are false, misleading, or incomplete, they should raise these concerns with the employee and Compliance Officer. The Compliance Officer may independently review disclosures to ensure adequate monitoring.

5.3.2 The Compliance Officer may select an area specialist and/or convene the Conflict of Interest Review Committee to help assess conflicts of interest or commitment and possible management strategies. The Compliance Officer will disclose the identities of the area specialist and the Conflict of Interest Review Committee to the employee and their immediate supervisor. No person with a conflict of interest in the review may assist with the review.

5.3.3 If the Compliance Officer determines no conflict exists, then no further action will be required.

5.3.4 If the Compliance Officer determines that a conflict does exist, the Compliance Officer will determine whether the conflict is manageable (i.e., reliably and verifiably preventable) or incudes an activity or interest that must instead be prohibited, thereby eliminating the conflict. If the activity is prohibited, the Compliance Officer shall inform the employee that failure to eliminate the conflict will constitute a violation of this policy and subject the employee to section 5.7. If the conflict of interest or commitment is manageable, the Compliance Officer will notify the employee and supervisor that a management plan is necessary.

5.3.5 For employees participating in sponsored programs, the Compliance Officer will work with the Office of Sponsored Programs to report in writing any actual or potential conflicts of interest to the federal awarding agency or pass-through entity in accordance with applicable federal awarding agency policy.

5.4 Conflict of Interest Management Plan Requirements

5.4.1 Within 10 business days after notification by the Compliance Officer that a management plan is needed, the employee shall, in consultation with the employee's supervisor, complete and submit a proposed conflict-of-interest management plan to the Compliance Office. The Compliance Officer may consult with the employee, the employee's supervisor, the area specialist, and/or the Conflict of Interest Review Committee, to determine any necessary changes to the proposed management plan. The employee may not engage in the activity or interest that is the subject of the proposed management plan until the plan is signed by the Compliance Officer.

5.4.2 Once the Compliance Officer signs a management plan, the Compliance Officer will distribute it to the employee and the employee's immediate supervisor. The employee is then

responsible for compliance with the management plan and the employee's immediate supervisor is responsible for monitoring its effectiveness.

5.4.3 The employee and immediate supervisor must jointly review the management plan at least annually to determine its ongoing relevance and any potential for improvement. The employee must communicate the results of this review to the Compliance Officer. The Compliance Officer may consult with the employee, the employee's supervisor, the area specialist, and/or the Conflict of Interest Review Committee to determine any necessary changes to the management plan.

5.5 Recordkeeping and Confidentiality

5.5.1 The Compliance Officer will maintain records of all disclosures and actions taken by the University with respect to each conflict of interest, including reports to external agencies or sponsors, for at least three years from the date of the investigator's final expenditure report submission (for PHS-funded research) or termination of employment, or as otherwise required by law.

5.5.2 Unless otherwise required by applicable law, all records and information provided by an employee for the purpose of disclosure and management of a conflict shall be considered private and/or protected records under GRAMA shall be used only as necessary to administer university policy and may not be used for any other purpose unless required by law.

5.5.3 The Compliance Officer, with assistance from Business Intelligence and Research Services (BIRS), will maintain an electronic repository for employees' *Conflict of Interest Disclosure Forms* and conflict of interest management plans.

5.6 Violations

5.6.1 Individuals who violate this policy, including the terms of a fully signed management plan, may be subject to corrective action under the applicable disciplinary procedure given the status of the employee (see Policy 649 for most faculty and Policy 371 for most staff). Additional corrective measures may include the following:

5.6.1.1 Freezing of sponsored-program funds pursuant to applicable disciplinary policies and procedures;

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

5.6.1.3 Legal action to rescind university contracts that violate this policy or state law; and

5.6.1.4 Other appropriate actions as required by state and federal law, including the filing of criminal complaints pursuant to the *Ethics Act* and reporting conflict of interest violations to external agencies or sponsors.

POLICY HISTORY		
August 13, 2009	Approved for entrance to Policy Manual.	UVU Board of Trustees
May 9, 2023	Revised policy approved.	UVU Board of Trustees
Sep. 27, 2023	4.9.2 Change "the purpose of the trip, identity of the sponsor, the destination," to "the purpose of the trip, the identity of the sponsor, the destination,"	Policy Office
Sep. 27, 2023	4.4.1 Changed "Policy 332 *Work-at-Home*" to "Policy 332 *Remote Work*"	Policy Office
Sep. 27, 2023	5.5.3 Changed "Academic IT" to "Business Intelligence and Research Services (BIRS)"	Policy Office
November 20, 2024	Non-substantive change: Removed reference to Policy 365	UVU Policy Office
December 11, 2024	Non-substantive change: Section 5.6.1: Corrected reference to Policy 648 to 649.	UVU Policy Office and Office of General Counsel
December 11, 2024	Non-substantive change: Section 2.0: Added these two references-- Policy 649 *Faculty Sanction and Dismissal for Cause* Policy 371 *Performance Management and Development for Full-Time Staff Employees*	UVU Policy Office and Office of General Counsel
September 22, 2026	Non-substantive change: Replace "EthicsPoint" with "the Report Concerns webpage"	UVU Policy Office