

I'm Bill Bickel, Professor of Physics.

At the Senate meeting on September 14, President Likins devoted half of his report to a defense of his July 15, 1998 decision to terminate Regents Professor Marguerite Kay on the charge of scientific misconduct.

I read a copy of the Senate transcript from the tape
The minutes are out - corrections are pending.
The Senators heard what the president said.

The essence of the president's defense can be summarized by the following quotes from the transcript: I quote: "... I went very, very carefully through all the evidence that was available to me ... I persuaded myself with absolute confidence that I do know that there was misrepresentation in publication of the results of laboratory research. That is a confirmable outcome."

This appears to be a statement of authority and absolute certainty.

Yet it is the next statement of the president that bothers me. I quote the president again:

"What is never so clear, however, is why and by whom and who did what exactly and what are appropriate sanctions. "

Let me repeat the president's statement:

"What is never so clear, however, is why and by whom and who did what exactly and what are appropriate sanctions. "

This statement completely negates the previous statement of authority and absolute certainty. And therefore ~~his~~ ^{The president's} July 15 decision to terminate Regents Professor Kay was flawed.

It seems to me that if President Likens believed what he said, then he should have asked for a new hearing to get at the facts and to get to the bottom of the whole thing.

Therefore ~~his~~ ^{The} flawed decision ^{by the president} should be corrected. And the Faculty Senate should take the initiative to set up a new hearing by an independent panel assembled from outside the University.

Thank you.

William S. Bickel

THE UNIVERSITY OF
ARIZONA
TUCSON ARIZONA


Chair of the Faculty

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October 14, 1998

TO: Paul S. Sypherd, Senior Vice President and Provost

FR: The Faculty Chair's Task Force on Faculty Salaries (*see attached list*)

Jerrold E. Hogle, Chair of the Faculty and Task Force Chair 

RE: Recommendations on faculty salary distributions in 1998-99 and after

Preamble

The Task Force gratefully acknowledges the progress made on UA faculty salaries over the last few years. After studying our salary levels, though, and comparing them with peer institutions, we have found that the following problems continue to persist:

- * Compression still prevails in many colleges, both within departments (*internal* compression) and in how far UA salaries fall below those for faculty in the same ranks and fields at peer institutions (*external* compression);
- * Many faculty salaries here fall beneath the 50th percentile of comparable salaries at AAUDE peer universities, and that dislocation worsens yearly;
- * Methods of distributing state merit money to faculty (which includes academic professionals, as far as we are concerned) have often taken little account of that dislocation;
- * Too much inconsistency prevails among colleges and departments in their methods of determining individual merit raises, a problem indicated in our surveys of faculty; and
- * Promotion raises here are so small that many faculty never reach average peer salaries for their ranks and fields.

Although we want to address some other salary issues at a future point, these are the most pressing and serious ones, according to the data we now have. We urge that these be addressed as soon as possible in the following ways:

Recommendations

1. *Classification Salary Adjustment funds (CSA) should be used at first to rectify internal compression among faculty and academic professionals . If there are future CSA allotments, however, they should be used primarily to close the gaps in external compression.*

2. *We strongly urge that more faculty job titles be included in CSA next year. But above all we believe every effort should be made systematically, using CSA, to bring all meritorious faculty at least up to the 50th percentile salary for each rank and field among peer institutions.*

3. *In those years where there are substantial CSA increases for faculty, merit allocations should be distributed to colleges based on each college's share of the total increase for merit in the University salary pool for faculty. But in those future years where no CSA money is awarded to the universities, merit distributions to colleges should be based in part on proven salary inequities that remain in certain colleges compared to peer standards.*

4. *Each department at the UA should have written policies and procedures for determining merit raises, all produced in accordance with the principles of shared governance. These policies and procedures should factor in all the dimensions appropriate to the professional fields involved.*

5. *Promotion adjustments should be increased to a minimum of \$5,000, whatever the rank being entered. Every effort should be made in the first year to raise the salary of a newly promoted faculty member far enough to bring it as close as possible to within 10% of the mean salary at peer institutions for that rank and field.*

Thank you very much for your time and effort on these crucial matters. We look forward to discussing these recommendations with you.

- cc: Peter Likins, President, University of Arizona
- All Members of the Faculty Senate (Jeffrey Warburton, Presiding Officer)
- All Members of the UA Strategic Planning and Budget Advisory Committee
 (Joaquin Ruiz, Chair)
- The Commission on the Status of Women (Jennifer Aviles, Coordinator)
- All Salaries Task Force members

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Chair's Task Force on Faculty Salaries

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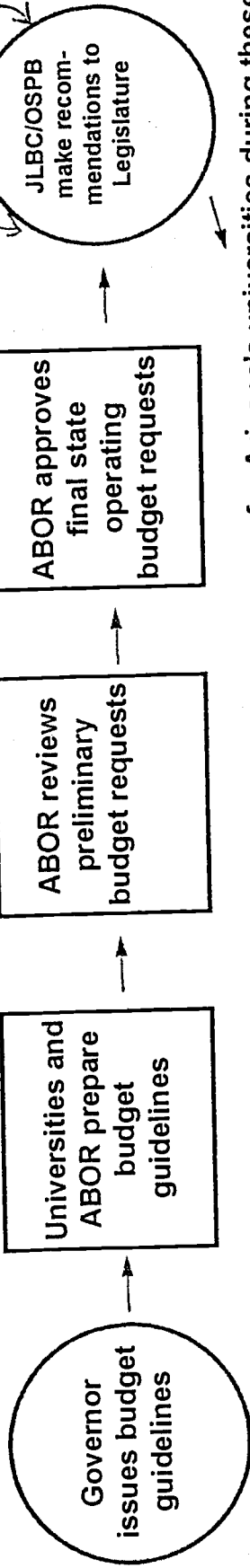
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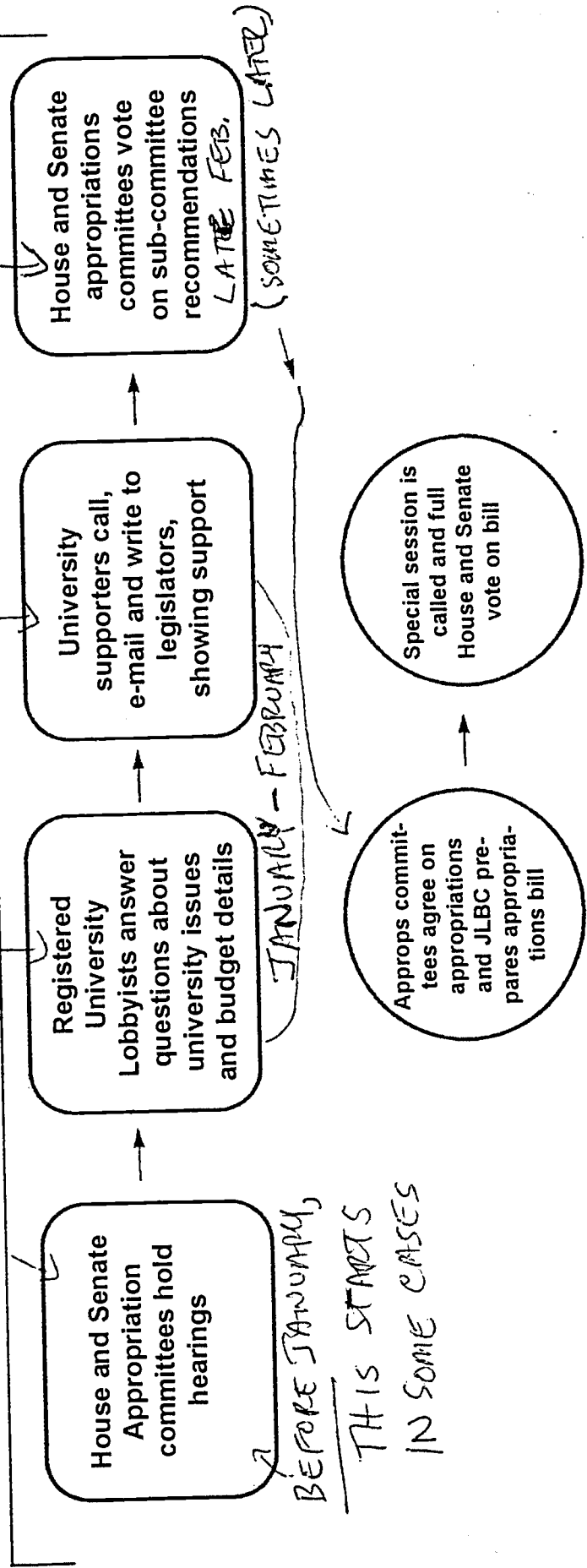
Arizona University/Legislative Budget Process

UP TO THIS POINT, DONE BY NOW

BY EARLY JAN. 1999



University supporters have the best opportunity to make an impact on resources for Arizona's universities during these stages



LATE FEB. (SOMETIMES LATER)

JANUARY - FEBRUARY

BEFORE JANUARY, THIS STARTS IN SOME CASES

From Greg Falvey
 + State Universities
 Advocacy Team
 through Jerry Hoyle

STATE OF ARIZONA
 GENERAL FUND
 ESTIMATED REVENUES & EXPENDITURES
 (\$ in Millions)

Possible scenario
 if face of reduction
 of growth to 2-3%

CURRENT OPERATING FUNDS

| SOURCES | FY 97-98 Estimated | FY 98-99 Estimated | FY 99-00 Estimated |
|---|-----------------------|-----------------------|-----------------------|
| Current Operating Revenues | | | |
| Sales | 2,368 | 2,439 | 2,565 |
| Income - Individual | 1,883 | 1,877 | 1,991 |
| Income - Corporation | 528 | 688 | 697 |
| Income-Urban Revenue Sharing | (291) | (340) | (388) |
| Property | 46 | 47 | 45 |
| Luxury | 64 | 58 | 58 |
| Insurance premium | 125 | 146 | 158 |
| Motor Vehicle License | 155 | 97 | 73 |
| Other Revenue | 353 | 352 | 355 |
| BSF Transfer | 0 | 0 | 89 |
| Total Sources | 5,231 | 5,364 | 5,643 |
| USES | | | |
| Current Operating Expense | | | |
| K-12 Education | 2,122 | 2,212 | 2,309 |
| Universities | 681 | 729 | 775 |
| AHCCCS | 505 | 502 | 536 |
| Corrections | 460 | 519 | 564 |
| Economic Security | 410 | 423 | 445 |
| School Capital Finance Board | 0 | 313 | 313 |
| Health Services | 231 | 233 | 239 |
| Courts | 129 | 140 | 147 |
| Community Colleges | 121 | 122 | 130 |
| Public Safety | 64 | 76 | 76 |
| Juvenile Corrections | 56 | 67 | 73 |
| Dept. of Revenue | 55 | 59 | 57 |
| All Other | 307 | 330 | 362 |
| Other Bills | 0 | 0 | 25 |
| State Employee Pay Adjustment | 0 | 0 | 25 |
| Admin. Adjustments/Revertments | (58) | (25) | (25) |
| Total Uses | 5,083 | 5,700 | 6,051 |
| NET CURRENT OPERATING CONTRIBUTION | 148 | (336) | (408) |
| Balance Forward from Previous Year | 516 | 524 | 9 |
| Available to Fund Non-Current | 664 | 188 | (399) |
| NON-CURRENT OPERATING FUND COSTS | | | |
| Capital Outlay | 110 | 104 | 100 |
| Budget Stabilization "Pay-In" | 30 | 75 | 0 |
| Total Non-Current Operating Fund Costs | 140 | 179 | 100 |
| BALANCE FORWARD TO NEXT FISCAL YEAR | 524 | 9 | (499) |

NOT available i bond for K-12 construction

ALSO: tax cuts probable
 ⊕ not included here

Crunch coming! ←

THE UNIVERSITY OF
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Chair of the Faculty

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October 20, 1998

TO: Members of the Faculty Senate
FROM:  Jerry Hogle, Chair of the Faculty
RE: Membership on Advisory Councils, Effective January 1, 1999

President Likins recently distributed membership lists for the various advisory councils in which he plans to participate in 1999. In the interest of disseminating this information as widely as possible on campus, I am passing along the lists to you.

dl
Attachments

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CABINET

12 October 1998

CABINET (11)

(Meets 2nd and 4th Monday of every month 9:00 -11:00 a.m.)

Peter Likins, President (presiding)

Paul Sypherd, Senior Vice President for Academic Affairs and Provost

Joel Valdez, Senior Vice President for Business Affairs

Sandra Taylor, Vice President for Campus Life

Michael Cusanovich, Vice President for Research and Graduate Studies

Michael Gottfredson, Vice President for Undergraduate Education

James Dalen, Vice President, Health Sciences and Dean, College of Medicine

Open, Vice President for Advancement

Judith Leonard, General Counsel

Jerry Hogle, Faculty Chair and Professor, English

Terence Burke, Associate to the President (Cabinet secretary)

PRESIDENT'S COUNCIL

12 October 1998

PRESIDENT'S COUNCIL (30)

(Meets 1st and 3rd Monday of every month 9:00 -11:00 a.m.)

- 1) Peter Likins, President (presiding)
- 2) Paul Sypherd, Senior Vice President for Academic Affairs and Provost
- 3) Joel Valdez, Senior Vice President for Business Affairs
- 4) Sandra Taylor, Vice President for Campus Life
- 5) Open, Vice President for Advancement
- 6) Judith Leonard, General Counsel
- 7) D. James Livengood, Director of Athletics
- 8) Terence Burke, Associate to the President (Council secretary)
- 9) Michael Cusanovich, Vice President for Research and Graduate Studies
- 10) Michael Gottfredson, Vice President for Undergraduate Education
- 11) Elizabeth Ervin, Vice Provost for Academic Personnel
- 12) Jerry Hogle, Chair of the Faculty
- 13) John Schwarz, Senior Faculty Associate to the President
- 14) Joaquin Ruiz, Geosciences Head and SBAC Chair
- 15) Amelia Tynan, Vice Provost for University Information Technology
- 16) Sharon Kha, Associate Vice President for Communications
- 17) Bruce Wright, Associate Vice President for Economic Development
- 18) Greg Fahey, Associate Vice President for State Relations
- 19) Margaret McGonagill, Assistant Vice President for Federal Relations
- 20) Jaime Gutierrez, Assistant Vice President for Community Relations
- 21) Richard Imwalle, President of the UA Foundation
- 22) Kent Rollins, Director, Alumni Association
- 23) James Dalen, Vice President for Health Sciences/Dean of Medicine
- 24) Eugene Sander, Vice Provost and Dean of Agriculture
- 25) Randy Groth, Dean of Sierra Vista Campus
- 26&27) Arts and Sciences Colleges Representatives (2 rotating on staggered two-year terms)
 - Holly Smith, Dean of Social and Behavioral Sciences*
 - Eugene Levy, Dean of Science**
 - Charles Tatum, Dean of Humanities
 - Maurice Sevigny, Dean of Fine Arts
 - Paul Rosenblatt, Dean of Arizona International College
- 28, 29&30) Professional Colleges Representatives (3 rotating on staggered three-year terms)
 - Thomas Peterson, Dean of Engineering and Mines*
 - John Taylor, Dean of Education**
 - Mark Zupan, Dean of Business and Public Administration***
 - Richard Eribes, Dean of Architecture
 - Lyle Bootman, Dean of Pharmacy
 - Suzanne Van Ort, Dean of Nursing
 - Joel Seligman, Dean of Law

*Serving initial one-year term in 1998-99

**Serving first year of two-year term in 1998-99

***Serving first year of three-year term in 1998-99

ADVANCEMENT TEAM

12 October 1998

ADVANCEMENT TEAM (11)

(Meets monthly on fixed schedule e.g. first Friday 9:00 a.m.)

Open, Vice President for Advancement (presiding)
Peter Likins, President
Paul Sypherd, Provost
Richard Imwalle, President of UA Foundation
Kent Rollins, Director, Alumni Association
Sharon Kha, Associate Vice President for Communications
Bruce Wright, Associate Vice President for Economic Development
Greg Fahey, Associate Vice President for State Relations
Margaret McGonagill, Assistant Vice President for Federal Relations
Jaime Gutierrez, Assistant Vice President for Community Relations
John Schwarz, Senior Faculty Associate to the President

PROVOST'S COUNCIL

12 October 1998

PROVOST'S COUNCIL (25)

(Meets monthly on fixed schedule, e.g. first Monday 1:00 - 3:00 p.m.)

Paul Sypherd, Provost (Presiding)
Lyle Bootman, Dean of Pharmacy
James Dalen, Dean of Medicine
Richard A. Eribes, Dean of Architecture
Randy Groth, Dean of Sierra Vista Campus
Tom Hixon, Dean of Graduate College
Gene Levy, Dean of Science
Patricia MacCorquodale, Dean, Honors Center
Anita McDonald, Dean of Extended University
Tom Peterson, Dean of Engineering
Paul Rosenblatt, Dean of Arizona International College
Eugene Sander, Dean of Agriculture
Joel Seligman, Dean of Law
Maurice Sevigny, Dean of Fine Arts
Holly Smith, Dean of Social and Behavioral Sciences
Carla Stoffle, Dean of University Libraries
Charles Tatum, Dean of Humanities
John Taylor, Dean of Education
Suzanne Van Ort, Dean of Nursing
Melissa Vito, Dean of Students
Mark Zupan, Dean of Business and Public Administration
Betty Atwater, Director, School of Health Professions
Richard Powell, Director, Optical Sciences Center
Jeff Warburton, Presiding Officer, Faculty Senate
Peter Likins, President

CAMPUS ADVISORY COUNCIL

12 October 1998

CAMPUS ADVISORY COUNCIL (13)

(Meets monthly on fixed schedule, eg. second Friday 9:00 a.m.)

Peter Likins, President (presiding)

Sandra Taylor, Vice President for Campus Life

Terence Burke, Associate to the President (Council secretary)

Jeff Warburton, Presiding Officer, Faculty Senate

Roger Caldwell, Chair, Committee of Eleven

Patricia Perkins, Chair of Staff Advisory Council (SAC)

Frances Sherlock, Chair of Appointed Personnel Advisory Council

Tara Taylor, Student Body President

Barbara Cohen, President, Graduate and Professional Students Association

Janie Nuñez, Director, Equal Opportunity and Affirmative Action

Ken Foster, Co-Chair, Diversity Action Council

Kent Rollins, Director, Alumni Association

Jaime Gutierrez, Assistant Vice President for Community Relations

BUDGET TEAM

12 October 1998

BUDGET TEAM (10)

(Meets as required)

Paul Sypherd, Senior Vice President for Academic Affairs and Provost (presiding)
Peter Likins, President
Joel Valdez, Senior Vice President for Business Affairs
Mike Gottfredson, Vice President for Undergraduate Education
Mike Cusanovich, Vice President for Research and Graduate Studies
Saundra Taylor, Vice President for Campus Life
Richard Roberts, Chief Budget Officer
Edward Frisch, Assistant Vice President, Resource Planning
Greg Fahey, Associate Vice President for State Relations
Joaquin Ruiz, Geosciences Head and SPBAC Chair

SPACE COMMITTEE

12 October 1998

SPACE COMMITTEE (17)

(Meets as required)

Joel Valdez (presiding), Senior Vice President for Business Affairs
Paul Sypherd, Senior Vice President for Academic Affairs and Provost
Peter Likins, President
Michael Cusanovich, Vice President for Research
Michael Gottfredson, Vice President for Undergraduate Education
Saundra Taylor, Vice President for Campus Life
Joaquin Ruiz, Geosciences Head and SPBAC Chair (or other SPBAC representative)
Jaime Gutierrez, Assistant Vice President for Community Relations

Mercy Valencia, Director, Space Management
Charles Ingram, Associate Budget Officer
Robert Smith, Director, Facilities Design & Construction
Ann Libecap, Director, AHSC Facilities Management
Al Tarcola, Director, Facilities Management
David Duffy, Director, Campus & Facilities Planning
Robert L. Davis, CB Commercial Real Estate Group, Inc.
Chuck Pettis, University of Arizona Foundation
Pat Cole, Administrative Assistant, Space Management

Instruction and Curriculum Policy Committee
Proposals for possible Faculty Senate action on Nov 2, 1998

Proposal to delete BA degree in Astronomy.

Justification: Degree is no longer offered.

Approvals: Undergraduate Council 10/13/98,
ICPC 10/13/98.

Proposal to allow College of Nursing to increase minimum credits required for graduation from 120 to 122 until Fall of 2000.

Justification: Changes in a required math course (from 3 to 4 credits) and failure of anticipated redesign of a nutrition course (was not reduced from 3 to 2 credits) resulted in an increase in total credits required for degree.

Approvals: Undergraduate Council 10/13/98,
ICPC 10/13/98.

Proposal to consolidate Agricultural Education and Agricultural Technology Management into a single major, Agricultural Technology Management and Education, with options in Agricultural Teacher Education and Agricultural Technology Management.

Justification: "Agricultural education and agricultural technology management have both been interdisciplinary programs by design. The identical backgrounds required of these two professions have dictated that this be so. In fact, the agricultural education and agricultural technology managers majors are identical with the exception of 38 credit units of specialization required in each..." Memo from Roger Huber, Head, Dept of Agricultural Education.

Approvals: Undergraduate Council 4/21/98,
ICPC 10/13/98.

CLEAN COPY DRAFT OF 4/27/98
FOR VOTE & ADOPTION BY FACULTY SENATE F'98
W/ additional revisions: 10/4 & 10/5/98

UNIVERSITY OF ARIZONA
CONFLICT OF INTEREST
AND COMMITMENT POLICY

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CONFLICT OF INTEREST AND COMMITMENT POLICY

I. INTRODUCTION

Employees of the University must be aware that outside obligations, financial interests or other employment may result in a conflict of interest or commitment and could therefore affect the objectivity of employees' decisions and the effectiveness of their performance. It is the purpose of this Policy to set forth the principles for identifying potential conflicts and the procedures for reviewing and addressing conflicts that occur. This Policy covers all University employees.

Nothing in this Policy restricts faculty members from choosing the subject matter of their research, scholarly work or other activities, subject to the budgetary and programmatic constraints of the unit and the University in any given year. Similarly, this Policy is not intended to limit the types of external activities or business transactions of University employees as long as those activities do not present conflicts of interest and commitment.

II. CONFLICT OF INTEREST DEFINED

A. UNIVERSITY POLICY

A conflict of interest exists when an employee is in a position to influence any University business transaction, research activity or other decisions in ways that could lead to any manner or form of personal gain for the employee, or for his/her family members, other than salary from the University, regardless of source.

[phrase moved fr end to middle of sentence 10/4; RPC]

This Policy incorporates all policies and procedures set forth in the: *Arizona Board of Regents (ABOR) Policy Manual, University Handbook for Appointed Personnel (UHAP), Classified Staff Personnel Policy Manual, Arizona Conflict of Interest statute (ARS § 38-501, et seq.)*, and all applicable federal laws and regulations. Use of this policy does not preclude the use of any other departmental, unit, University or ABOR policy to address these issues, including but not limited to the grievance procedures involving the Committee on Academic Freedom & Tenure (CAFT), Section 6, UHAP. However, these alternatives cannot be used to avoid compliance with the Policy.

B. STATE AND FEDERAL LAW

Under the Arizona Conflict of Interest statute, employees must disclose in writing to the University any substantial interest, as defined in this Policy (see Sec IV #18,21), they or their close relatives have in dealing with the University and refrain from voting upon or participating in any decision in which the employee or his/her relative has a substantial interest. Under the statute there are also instances in which employees may need to submit a Disclosure of Substantial Interest form to ABOR.

Federal law and grant regulations require assurances from recipient institutions that their conflict policies are in force, will be utilized and that records as to employee activities are maintained. In reviewing University records, federal agencies may not agree with the decision of the University concerning this matter. Copies of applicable federal policies are available through Sponsored Projects and in the offices of academic units.

III. CONFLICT OF COMMITMENT DEFINED

A conflict of commitment is an activity that interferes with an employee's ability to carry out his/her duties effectively. External employment, or self-employment in an employee's profession or specialty, is permitted where there is not a conflict of interest or commitment. Employees on full-time appointment are compensated for full-time employment and outside or dual employment or other activity, whether compensated or not, that in any way interferes with the performance of an employee's University duties and responsibilities is a conflict of commitment and as such is not permitted.

Conflicts of interest and commitment do not include professional and academic activities such as: site visits, academic panels, promotion and tenure activities, program reviews, recruiting, journal editing, attendance or preparations for conferences or other professional activities. Such activities are considered to be integral to the employee's professional standing and public service commitments and hence are encouraged.

IV. DEFINITIONS

1. **Administrators**: Employees of the University whose Notice of Appointment incorporates the ABOR Conditions of Administrative Service as the conditions of their employment.
2. **Appeal**: A process requesting a re-evaluation of a conflict determination by a panel (under this policy, a panel consisting of the elected Committee on Ethics & Commitment, the Vice President for Research, the Senior Vice President for Business Affairs, and the Provost) subsequent to a decision by the Vice President for Research or the Senior Vice President for Business Affairs, having been delivered to the employee. The determination of this panel may be further appealed to the President, whose decision shall be final.
3. **Appeals Process**: All appeals must be in writing, must include documents related to the case and must be submitted to the parties listed in paragraph 2 above.
CT ✓
['must' added where shown; RPC 10/4]
4. **Appointed Personnel**: All employees with a Notice of Appointment including administrators, faculty, academic and service professionals and graduate assistants and associates.
5. **Business Transactions**: Covers all business transactions involving the University and/or ABOR for the University, except sponsored research. For forms and procedures, contact the Associate Vice President for Business Affairs.

Nov(s)
add.
3 □

6. **Classified Staff**: All employees whose positions are classified under the Arizona Universities Personnel System (AUPS) and who are either regular classified staff, part-time classified staff or temporary classified staff.
 7. **Committee on Academic Freedom & Tenure (CAFT)**: The faculty committee that hears grievances under Section 6 of UHAP ~~and which can be utilized in a parallel procedure by faculty who are involved in assertions of non-compliance under this Policy.~~
 8. **Conflict of Interest and Commitment Disclosure Form (Disclosure Form)**: The University form to be completed containing information about an employee's "substantial interest," as defined in this Policy. "Conflicts" as used in the Policy refers to both conflicts of interest and commitment.
 9. **Consulting**: External, professional activities including, but not limited to, any activity that: (1) is performed on an individual contractual basis for any individual, firm or agency other than The University of Arizona; (2) is based upon one's professional knowledge, experience and abilities; and (3) is undertaken for personal gain beyond the payment of a nominal honorarium and/or reimbursement for expenses.
 10. **Employees**: All paid members of the University community including faculty, administrators, appointed personnel, classified staff and student employees, whether full-time, part-time or contract employees.
- ✓ |Senator's addition 10/5/98|
11. **Faculty**: Employees who are responsible for and whose performance evaluations are based primarily on the teaching, research and public service goals and objectives of the University.
 12. **Financial Data**: Financial data describes the type of information reported on the Disclosure Form for any interests that are not "Remote Interests" under Arizona law. It includes, but is not limited to, anything of monetary value excluding reimbursed expenses. The data required includes, but is not limited to, salary, payment for services, consulting fees, honoraria, stocks, stock options, warrants, patents, copyrights, trade secrets, future rights, in-kind remuneration, gifts, debts or other financial benefit. Disclosures of financial interest may include data on an employee's family and business associates, if the individual(s) is doing business with the University.
 13. **Institutional Review Committee (IRC)**: The IRC shall review the Disclosure Form, and other matters as set forth in this Policy. The seven members shall be appointed by the President and include: three tenured faculty nominated by the Chairperson of the Faculty and elected by the Faculty Senate (two of whom must have scientific or technical training), one college-level administrator, one appointed personnel who is not faculty, one member of the classified staff, and one person with the appropriate background who is not affiliated with the University. In addition, this group shall have one representative from the Office of Technology Transfer and one representative from the University Attorney's Office to act in an advisory capacity. **A majority of the IRC may exclude the University Attorney's Office representative, if they choose, on a particular issue.** The presence of any four members, two of whom shall have scientific or technical training, shall constitute a quorum.

✓ |Senator's addition 10/5/98|

14. **Office of the Vice President for Research (OVPR)**: The OVPR acts as staff to the IRC and maintains conflicts forms, files, and a database on all potential and actual conflicts, allegations of non-compliance and sanctions, in keeping with federal requirements.
15. **Principal Investigator (PI)**: The principal investigator is the individual who has decision-making responsibilities for the design, conduct, evaluation, monitoring, expenditure of funds and reporting of a sponsored research project at the University. PI includes any co-principal investigators.
16. **Provost**: The Provost and Senior Vice President for Academic Affairs as a member of the three-person panel shall consider appeals under this Policy. The Provost may delegate resolution of any matter hereunder if unavailable or unable to review the matter impartially.
17. **Relatives**: Relatives are defined under ABOR Policy 6-704 and ARS §38-502.
18. **Remote Interest**: A remote interest as defined in ARS § 38-502 is any of the following. Under this Policy employees do not have to disclose remote interests.
 - a. Any interest or income less than a monetary value of \$10,000 annually (federal standard applicable to NIH/NSF grantees);
[phrase added by RPC 10/4]
 - b. A nonsalaried officer of a nonprofit corporation;
 - c. Landlord or tenant of a contracting party;
 - d. Attorney of a contracting party;
 - e. Member of a nonprofit cooperative marketing association;
 - f. Ownership of less than 3 percent of the shares of a for-profit corporation from which the dividend income to the employee does not exceed five percent of the employee's total annual income, and other payments from the corporation to the employee do not exceed an additional 5 percent of the employee's annual income (see §ARS 38-502);
 - g. Reimbursement for actual and necessary expenses incurred in the performance of official duties;
 - h. Recipient of public services generally available to the public;
 - i. A public officer or employee of another public agency unless the action of that agency would confer a direct economic benefit or detriment upon the employee or the employee's family;
 - j. Member of a trade, business, occupation, or professional association or class of persons whose interest is no greater than the interest of any other members of that or similar groups (see ARS §38-502);
 - k. Gifts, in cash or in kind, of no more than \$400.00, in any year, from any entity doing business with the University.
19. **Senior Vice President for Business Affairs (SVPBA)**: The SVPBA is charged with reviewing allegations of non-compliance for all classified staff under Section VII of this Policy. The SVPBA may delegate resolution of any matter hereunder if unavailable or unable to review the matter impartially.

20. **Sponsored Activities**: Academic, research or educational programs funded by any outside source or entity including: government, for-profit, or not-for-profit entities.
21. **Substantial Interest**: Any pecuniary or proprietary interest, either direct or indirect, other than a remote interest (see ARS §38-502).
22. **University Attorneys' Office (UAO)**: UAO shall advise unit heads and administrators as to implementation and interpretation of this Policy. A member of UAO shall serve in an advisory capacity to the IRC.
23. **University Committee on Ethics and Commitment (UCEC)**: The committee that deals with questions of fraud in research, conflict of commitment, and facilities misuse.
24. **University Handbook for Appointed Personnel (UHAP)**: UHAP contains University policies applicable to faculty and appointed personnel.
25. **Vice President for Research (VPR)**: The VPR is responsible for monitoring all Sponsored Activities under federal and state law and shall make certain decisions under this Policy. The VPR may delegate resolution of any matter hereunder if unavailable or unable to review the matter impartially.

V. REPORTING POTENTIAL OR ACTUAL CONFLICTS

The Disclosure Form must be completed and submitted any time an employee or the employee's relative: (1) is or may be involved in an activity covered in Section VI; (2) has or may have a substantial interest as defined in this Policy; or, (3) is involved in any actual or potential conflict of commitment or interest which involves remunerative, part-time or full-time employment, self-employment, consulting or advising, whether or not done on University premises or during University business hours and even if for a not-for-profit or government entity.

This Policy establishes a process which is self-identifying. However, third parties may report alleged conflicts, in writing, to their supervisor, IRC or OVPR, if an employee fails to do so or do so adequately. Reports by a third party shall be held in confidence by the recipient.

VI. PROCEDURES

- A. There are three types of transactions:
 1. **Business Transactions** involving any contracts not based on a sponsored activity.
 2. **Personnel Transactions** concerning appointment, retention, promotion or compensation of a relative or responsibility for managing or evaluating the work of a relative.

3. **Sponsored Transactions** cover participation by an employee in sponsored activities which includes but is not limited to research, training, testing, clinical trials, patient care or services provided to the University in connection with sponsored activities in the form of: grants, contracts, and gifts from any government agency or unit, for profit, or not-for-profit entity.
- B. Disclosures for any of the above transactions will be routed as follows depending upon the employment status of the employee:
1. Classified staff members will submit Disclosure Forms to the Associate Vice President for Business Affairs.
 2. Faculty, Appointed Personnel, and students will submit Disclosure Forms to the Associate Vice President for Research.
- C. The process by which Conflict of Interest and Conflict of Commitment reviews will take place is as follows:
1. When submitting a Proposal Routing Sheet for Sponsored Activities, the PI shall initial the box stating "This project is in conformance with The University of Arizona Policy on Conflict of Interest and Commitment. If a real or apparent conflict of interest exists, a Conflict of Interest Disclosure Form has been submitted to the Office of the Vice President for Research." Copies of the Policy are available at the Faculty Center, at departmental offices as indicated on the disclosure form, and will be posted on the VPR's web site.
 2. When an employee indicates, on the Proposal Routing Sheet, the existence (or potential existence) of conflict of interest and/or commitment, the employee shall complete the Conflict of Interest Disclosure form, place it in a sealed envelope with any supporting documentation, mark it confidential and forward it to the appropriate office.
 3. The routing of material for Sponsored Activities will continue according to University and sponsor requirements but if a conflict is found commencement of funded activity will proceed only after the adjustment of the conflict.
 4. The OVPR or the OSVPBA shall review all disclosures and forward them to the IRC. If the IRC determines that no conflict exists, it shall notify the employee in writing.
 5. If the IRC determines that a conflict does exist, it shall notify the employee in writing and allow the employee to provide it with information and present the matter before a quorum of the IRC. At the employee's request the IRC meeting may be open to the public.

6. If the matter is not resolved using No. 5 above, the IRC shall recommend one or more of the following to the VPR or the SVPBA: the proposal be: (1) directed to be revised in a manner that results in compliance; or (2) granted an exemption by ABOR under ARS 15-1635.01(B); (3) any other resolution which results in compliance with this policy by both the institution and the employee. The recommendations shall be in writing and a copy sent to the employee.
7. The VPR or the SVPBA shall review the recommendations of the IRC and decide on the appropriate course of action, including, but not limited to the options set forth in No. 6 above. The employee may present materials to and meet with the VPR or the SVPBA whose decision shall be in writing with copies sent to the employee and IRC.
8. The employee may appeal the Vice President's decision to the Provost who shall convene a meeting of the appeals panel consisting of the elected Committee on Ethics & Commitment, the Vice President for Research, the Senior Vice President for Business Affairs, and the Provost who will evaluate all of the materials presented and allow the employee a chance to present the case in person and with the assistance of counsel or ombudsperson of the employee's choice. This Panel's review is limited to approving the respective Vice President's decision or referring it back to the respective Vice President for further consideration. After reconsideration by the respective Vice President, the employee may further appeal that decision to the President, whose decision shall be final.

D. CONSULTING and OUTSIDE EMPLOYMENT: FULL-TIME EMPLOYEES

Conflicts of interest and commitment do not include professional and academic activities which are uncompensated (or include only a minimal honorarium), such as: site visits, academic panels, promotion and tenure activities, program reviews, recruiting, journal editing, attendance at or preparations for conferences or other professional activities.

Nov(s)
add C 7

1. All consulting or outside employment whose income is likely to exceed the limits defined as Remote Interest (Section IV; #18) must be discussed with to the employee's supervisor before engaging in such activity. All such activities must be approved by the employee's supervisor. By November 1st each year, full-time employees shall provide a written summary of these activities to their supervisor. This information must be updated if the facts change during the year.
2. Supervisors shall forward all reports (paragraph 1 above) to the unit head who shall then forward the reports to the dean, director or vice president. Reports from academic units shall also be sent to OVPR for record keeping.
3. If the unit head fails to approve any such activity under this Section, the employee may request that the matter be reviewed by the IRC.
4. If there is evidence to suggest that a conflict may exist, a supervisor shall discuss the issue with the employee in order to seek resolution of the matter.

'discussed with' & 'such' replace 'reported to' & 'reported' RPC 10/4

Nov OCT
11

5. If an employee requests review of a decision on consulting or outside employment, the IRC shall follow the procedures set forth in Article VI, Section C of this Policy.

E. CONSULTING and OUTSIDE EMPLOYMENT: PART-TIME EMPLOYEES

1. Part-time employees are required to discuss with their supervisors outside activities which may result in a conflict of interest or commitment.
2. If there is evidence to suggest that a conflict may exist, a supervisor shall discuss the issue with the employee in order to seek resolution of the matter.
3. If the unit head fails to approve any such activity under this section, the employee may request that the matter be reviewed by the IRC.

OCT/2006
□

|'discuss with' & 'such' replace 'disclose to' & 'reported' RPC 10/4|

F. SPONSORED RESEARCH: COMPLIANCE BY CONSULTANTS

In compliance with federal regulations, the University will ensure that outside parties, whether not-for-profit or for-profit, consulting to or participating in the University's federally funded sponsored activities agree to be bound by this Policy, or similar policies of their own institutions, and not engage in conflicts of interest as defined in the applicable regulations.

It is the responsibility of the employee to provide consultants with copies of this Policy and report their compliance to the funding agencies and the Office of Sponsored Projects Services. The determination as to unacceptable conflicts for outside participants rests with the funding agency.

VII. SANCTIONS FOR NON-COMPLIANCE

A. DEFINITION OF NON-COMPLIANCE

Non-compliance includes ~~but is not limited to~~ failure to: (1) comply with this Policy, (2) report accurately on the Disclosure Form, (3) comply with decisions under the Policy. ~~Other actions may be deemed non-compliance at the discretion of the administrator or committee involved.~~ Non-compliance may result in disciplinary action, up to and including termination from employment.

NOV(R)
add D
□

B. REPORTING OF NON-COMPLIANCE

Any employee may make an allegation of non-compliance to the IRC. All allegations must be in writing and shall be treated as confidential. Allegations should include documentation of non-compliance.

|sentence added 10/4 by RPC; 'must' changed to 'should' by Senator's amendment 10/5|

NOV(R)
reversion □

C. PROCEDURES FOR REVIEW OF ALLEGED NON-COMPLIANCE

1. The IRC shall provide the employee subject to the allegation with an anonymous copy of the charge. The employee shall have an opportunity to present materials with the aid of counsel at employee's choice and meet with the committee. Proceedings of the IRC are confidential.

NOV(9)
add E
□

2. If the IRC finds no violation, it shall so inform the employee in writing, and provide a copy of the finding to the VPR or SVPBA.
3. If the IRC finds either non-compliance with this Policy or a decision of the VPR or SVPBA, it shall make a written finding and send it to the employee and the VPR or SVPBA.
4. The VPR or the SVPBA shall give the employee an opportunity to present materials and meet with the VPR or SVPBA and then consider the finding of the IRC, determine the proper remedy to correct the situation or begin the process to impose sanctions as set forth in Subsection D below. The VPR or SVPBA shall notify the employee in writing of the decision.
5. An employee may appeal the decision of the VPR or the SVPBA to the Provost. The Provost shall call a meeting with the VPR and SVPBA and the Committee of Ethics and Commitment to re-evaluate the decision of the VPR or SVPBA. After reconsideration by this panel, the employee may appeal that decision to the President, whose decision shall be final.

D. SANCTIONS

1. Both the procedures for imposing sanctions and the sanctions used shall be governed by existing ABOR and University policies and procedures and state law, if applicable.
2. Violations of this Policy relating to participation in sponsored research shall also be reported to the employee's funding agency, if applicable. Any penalties imposed by an external funding agency shall be deemed separate from any imposed by the University or ABOR.

Attachments

1. Revised Proposal Routing Sheet
2. Revised Disclosure Form
3. Summary of Procedures and Appeals Flow Chart

uacnfcIn427.doc/rpc/
RPC COM rev 4/22/98
Further revisions (grammatical) 4/27/98
'clean' copy
cnfct105.doc/rpc/incl rev. of Faculty Senate 10/5/98

CONFLICT OF INTEREST & COMMITMENT POLICY
FURTHER SUGGESTED REVISIONS
Nov. 2, 1998

from: SENATORS AND CONSTITUENCY (& after RPC deliberations)

A

p.2 II A parag 2 sentence #3: Use of this policy does not preclude the use of any other departmental, unit University or ABOR policy--TO BE EITHER LAX OR RESTRICTIVE--and all applicable federal laws and regulations.

B.

p.4 #7: The faculty committee that hears grievances under section 6 of UHAP. AN EMPLOYEE AGAINST WHOM A COMPLAINT IS MADE, CONCERNING NON-COMPLIANCE UNDER THIS POLICY, MAY ELECT TO GO DIRECTLY TO CAFT TO RESOLVE THE COMPLAINT.

C.

p.8 D1: All INDIVIDUAL INSTANCES OF consulting or outside employment....

RG fr Podium

D.

p. 9 VII A

Non compliance includes failure to: (1) comply..... (2) report....., (3) comply.....Policy. Non compliance may result in disciplinary..... from employment.

In this section, the words "but is not limited to" are removed AS WELL as the sentence starting with:

"Other actions may be deemed non compliance at the discretion of the administrator or committee involved"

E.

p. 9 C 1 REMOVE THE WORD 'ANONYMOUS' : The IRC shall provide the employee subject to the allegation with a copy of the charge.

CONFLICT OF INTEREST & COMMITMENT POLICY

UNIVERSITY OF ARIZONA

adopted by the Faculty Senate
November 2, 1998

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CONFLICT OF INTEREST AND COMMITMENT POLICY

I. INTRODUCTION

Employees of the University must be aware that outside obligations, financial interests or other employment may result in a conflict of interest or commitment and could therefore affect the objectivity of employees' decisions and the effectiveness of their performance. It is the purpose of this Policy to set forth the principles for identifying potential conflicts and the procedures for reviewing and addressing conflicts that occur. This Policy covers all University employees.

Nothing in this Policy restricts faculty members from choosing the subject matter of their research, scholarly work or other activities, subject to the budgetary and programmatic constraints of the unit and the University in any given year. Similarly, this Policy is not intended to limit the types of external activities or business transactions of University employees as long as those activities do not present conflicts of interest and commitment.

II. CONFLICT OF INTEREST DEFINED

A. UNIVERSITY POLICY

A conflict of interest exists when an employee is in a position to influence any University business transaction, research activity or other decisions in ways that could lead to any manner or form of personal gain for the employee, or for his/her family members, other than salary from the University, regardless of source.

This Policy incorporates all policies and procedures set forth in the: *Arizona Board of Regents (ABOR) Policy Manual*, *University Handbook for Appointed Personnel (UHAP)*, *Classified Staff Personnel Policy Manual*, Arizona Conflict of Interest statute (ARS § 38-501, et seq.), and all applicable federal laws and regulations. Use of this policy does not preclude the use of any other departmental, unit, University or ABOR policy to address these issues, including but not limited to the grievance procedures involving the Committee on Academic Freedom & Tenure (CAFT), Section 6, UHAP. However, these alternatives cannot be used to avoid compliance with the Policy, by being either too lax or too restrictive.

B. STATE AND FEDERAL LAW

Under the Arizona Conflict of Interest statute, employees must disclose in writing to the University any substantial interest, as defined in this Policy (see Sec IV #18,21), they or their close relatives have in dealing with the University and refrain from voting upon or participating in any decision in which the employee or his/her relative has a substantial interest. Under the statute there are also instances in which employees may need to submit a Disclosure of Substantial Interest form to ABOR.

Federal law and grant regulations require assurances from recipient institutions that their conflict policies are in force, will be utilized and that records as to employee activities are maintained. In reviewing University records, federal agencies may not agree with the decision of the University concerning this matter. Copies of applicable federal policies are available through Sponsored Projects and in the offices of academic units.

III. CONFLICT OF COMMITMENT DEFINED

A conflict of commitment is an activity that interferes with an employee's ability to carry out his/her duties effectively. External employment, or self-employment in an employee's profession or specialty, is permitted where there is not a conflict of interest or commitment. Employees on full-time appointment are compensated for full-time employment and outside or dual employment or other activity, whether compensated or not, that in any way interferes with the performance of an employee's University duties and responsibilities is a conflict of commitment and as such is not permitted.

Conflicts of interest and commitment do not include professional and academic activities such as: site visits, academic panels, promotion and tenure activities, program reviews, recruiting, journal editing, attendance or preparations for conferences or other professional activities. Such activities are considered to be integral to the employee's professional standing and public service commitments and hence are encouraged.

IV. DEFINITIONS

1. **Administrators**: Employees of the University whose Notice of Appointment incorporates the ABOR Conditions of Administrative Service as the conditions of their employment.
2. **Appeal**: A process requesting a re-evaluation of a conflict determination by a panel (under this policy, a panel consisting of the elected Committee on Ethics & Commitment, the Vice President for Research, the Senior Vice President for Business Affairs, and the Provost) subsequent to a decision by the Vice President for Research or the Senior Vice President for Business Affairs, having been delivered to the employee. The determination of this panel may be further appealed to the President, whose decision shall be final.
3. **Appeals Process**: All appeals must be in writing, must include documents related to the case and must be submitted to the parties listed in paragraph 2 above.
4. **Appointed Personnel**: All employees with a Notice of Appointment including administrators, faculty, academic and service professionals and graduate assistants and associates.
5. **Business Transactions**: Covers all business transactions involving the University and/or ABOR for the University, except sponsored research. For forms and procedures, contact the Associate Vice President for Business Affairs.

6. **Classified Staff:** All employees whose positions are classified under the Arizona Universities Personnel System (AUPS) and who are either regular classified staff, part-time classified staff or temporary classified staff.
7. **Committee on Academic Freedom & Tenure (CAFT):** The faculty committee that hears grievances under Section 6 of UHAP. An employee against whom a complaint is made, concerning non-compliance under this policy, may elect to go directly to CAFT to resolve the complaint.
8. **Conflict of Interest and Commitment Disclosure Form (Disclosure Form):** The University form to be completed containing information about an employee's "substantial interest," as defined in this Policy. "Conflicts" as used in the Policy refers to both conflicts of interest and commitment.
9. **Consulting:** External, professional activities including, but not limited to, any activity that: (1) is performed on an individual contractual basis for any individual, firm or agency other than The University of Arizona; (2) is based upon one's professional knowledge, experience and abilities; and (3) is undertaken for personal gain beyond the payment of a nominal honorarium and/or reimbursement for expenses.
10. **Employees:** All paid members of the University community including faculty, administrators, appointed personnel, classified staff and student employees, whether full-time, part-time or contract employees.
11. **Faculty:** Employees who are responsible for and whose performance evaluations are based primarily on the teaching, research and public service goals and objectives of the University.
12. **Financial Data:** Financial data describes the type of information reported on the Disclosure Form for any interests that are not "Remote Interests" under Arizona law. It includes, but is not limited to, anything of monetary value excluding reimbursed expenses. The data required includes, but is not limited to, salary, payment for services, consulting fees, honoraria, stocks, stock options, warrants, patents, copyrights, trade secrets, future rights, in-kind remuneration, gifts, debts or other financial benefit. Disclosures of financial interest may include data on an employee's family and business associates, if the individual(s) is doing business with the University.
13. **Institutional Review Committee (IRC):** The IRC shall review the Disclosure Form, and other matters as set forth in this Policy. The seven members shall be appointed by the President and include: three tenured faculty nominated by the Chairperson of the Faculty and elected by the Faculty Senate (two of whom must have scientific or technical training), one college-level administrator, one appointed personnel who is not faculty, one member of the classified staff, and one person with the appropriate background who is not affiliated with the University. In addition, this group shall have one representative from the Office of Technology Transfer and one representative from the University Attorney's Office to act in an advisory capacity. A majority of the IRC may exclude the University Attorney's Office representative, if they choose, on a particular issue. The presence of any four members, two of whom shall have scientific or technical training, shall constitute a quorum.

14. **Office of the Vice President for Research (OVPR)**: The OVPR acts as staff to the IRC and maintains conflicts forms, files, and a database on all potential and actual conflicts, allegations of non-compliance and sanctions, in keeping with federal requirements.
15. **Principal Investigator (PI)**: The principal investigator is the individual who has decision-making responsibilities for the design, conduct, evaluation, monitoring, expenditure of funds and reporting of a sponsored research project at the University. PI includes any co-principal investigators.
16. **Provost**: The Provost and Senior Vice President for Academic Affairs as a member of the three-person panel shall consider appeals under this Policy. The Provost may delegate resolution of any matter hereunder if unavailable or unable to review the matter impartially.
17. **Relatives**: Relatives are defined under ABOR Policy 6-704 and ARS §38-502.
18. **Remote Interest**: A remote interest as defined in ARS § 38-502 is any of the following. Under this Policy employees do not have to disclose remote interests.
 - a. Any interest or income less than a monetary value of \$10,000 annually (federal standard applicable to NIH/NSF grantees);
 - b. A nonsalaried officer of a nonprofit corporation;
 - c. Landlord or tenant of a contracting party;
 - d. Attorney of a contracting party;
 - e. Member of a nonprofit cooperative marketing association;
 - f. Ownership of less than 3 percent of the shares of a for-profit corporation from which the dividend income to the employee does not exceed five percent of the employee's total annual income, and other payments from the corporation to the employee do not exceed an additional 5 percent of the employee's annual income (see §ARS 38-502);
 - g. Reimbursement for actual and necessary expenses incurred in the performance of official duties;
 - h. Recipient of public services generally available to the public;
 - i. A public officer or employee of another public agency unless the action of that agency would confer a direct economic benefit or detriment upon the employee or the employee's family;
 - j. Member of a trade, business, occupation, or professional association or class of persons whose interest is no greater than the interest of any other members of that or similar groups (see ARS §38-502);
 - k. Gifts, in cash or in kind, of no more than \$400.00, in any year, from any entity doing business with the University.
19. **Senior Vice President for Business Affairs (SVPBA)**: The SVPBA is charged with reviewing allegations of non-compliance for all classified staff under Section VII of this Policy. The SVPBA may delegate resolution of any matter hereunder if unavailable or unable to review the matter impartially.

20. **Sponsored Activities**: Academic, research or educational programs funded by any outside source or entity including: government, for-profit, or not-for-profit entities.
21. **Substantial Interest**: Any pecuniary or proprietary interest, either direct or indirect, other than a remote interest (see ARS §38-502).
22. **University Attorneys' Office (UAO)**: UAO shall advise unit heads and administrators as to implementation and interpretation of this Policy. A member of UAO shall serve in an advisory capacity to the IRC.
23. **University Committee on Ethics and Commitment (UCEC)**: The committee that deals with questions of fraud in research, conflict of commitment, and facilities misuse.
24. **University Handbook for Appointed Personnel (UHAP)**: UHAP contains University policies applicable to faculty and appointed personnel.
25. **Vice President for Research (VPR)**: The VPR is responsible for monitoring all Sponsored Activities under federal and state law and shall make certain decisions under this Policy. The VPR may delegate resolution of any matter hereunder if unavailable or unable to review the matter impartially.

V. REPORTING POTENTIAL OR ACTUAL CONFLICTS

The Disclosure Form must be completed and submitted any time an employee or the employee's relative: (1) is or may be involved in an activity covered in Section VI; (2) has or may have a substantial interest as defined in this Policy; or, (3) is involved in any actual or potential conflict of commitment or interest which involves remunerative, part-time or full-time employment, self-employment, consulting or advising, whether or not done on University premises or during University business hours and even if for a not-for-profit or government entity.

This Policy establishes a process which is self-identifying. However, third parties may report alleged conflicts, in writing, to their supervisor, IRC or OVPR, if an employee fails to do so or do so adequately. Reports by a third party shall be held in confidence by the recipient.

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- A. There are three types of transactions:
 1. **Business Transactions** involving any contracts not based on a sponsored activity.
 2. **Personnel Transactions** concerning appointment, retention, promotion or compensation of a relative or responsibility for managing or evaluating the work of a relative.

3. **Sponsored Transactions** cover participation by an employee in sponsored activities which includes but is not limited to research, training, testing, clinical trials, patient care or services provided to the University in connection with sponsored activities in the form of: grants, contracts, and gifts from any government agency or unit, for profit, or not-for-profit entity.

B. Disclosures for any of the above transactions will be routed as follows depending upon the employment status of the employee:

1. Classified staff members will submit Disclosure Forms to the Associate Vice President for Business Affairs.
2. Faculty, Appointed Personnel, and students will submit Disclosure Forms to the Associate Vice President for Research.

C. The process by which Conflict of Interest and Conflict of Commitment reviews will take place is as follows:

1. When submitting a Proposal Routing Sheet for Sponsored Activities, the PI shall initial the box stating "This project is in conformance with The University of Arizona Policy on Conflict of Interest and Commitment. If a real or apparent conflict of interest exists, a Conflict of Interest Disclosure Form has been submitted to the Office of the Vice President for Research." Copies of the Policy are available at the Faculty Center, at departmental offices as indicated on the disclosure form, and will be posted on the VPR's web site.
2. When an employee indicates, on the Proposal Routing Sheet, the existence (or potential existence) of conflict of interest and/or commitment, the employee shall complete the Conflict of Interest Disclosure form, place it in a sealed envelope with any supporting documentation, mark it confidential and forward it to the appropriate office.
3. The routing of material for Sponsored Activities will continue according to University and sponsor requirements but if a conflict is found commencement of funded activity will proceed only after the adjustment of the conflict.
4. The OVPR or the OSVPBA shall review all disclosures and forward them to the IRC. If the IRC determines that no conflict exists, it shall notify the employee in writing.
5. If the IRC determines that a conflict does exist, it shall notify the employee in writing and allow the employee to provide it with information and present the matter before a quorum of the IRC. At the employee's request the IRC meeting may be open to the public.

6. If the matter is not resolved using No. 5 above, the IRC shall recommend one or more of the following to the VPR or the SVPBA: the proposal be: (1) directed to be revised in a manner that results in compliance; or (2) granted an exemption by ABOR under ARS 15-1635.01(B); (3) any other resolution which results in compliance with this policy by both the institution and the employee. The recommendations shall be in writing and a copy sent to the employee.
7. The VPR or the SVPBA shall review the recommendations of the IRC and decide on the appropriate course of action, including, but not limited to the options set forth in No. 6 above. The employee may present materials to and meet with the VPR or the SVPBA whose decision shall be in writing with copies sent to the employee and IRC.
8. The employee may appeal the Vice President's decision to the Provost who shall convene a meeting of the appeals panel consisting of the elected Committee on Ethics & Commitment, the Vice President for Research, the Senior Vice President for Business Affairs, and the Provost who will evaluate all of the materials presented and allow the employee a chance to present the case in person and with the assistance of counsel or ombudsperson of the employee's choice. This Panel's review is limited to approving the respective Vice President's decision or referring it back to the respective Vice President for further consideration. After reconsideration by the respective Vice President, the employee may further appeal that decision to the President, whose decision shall be final.

D. CONSULTING and OUTSIDE EMPLOYMENT: FULL-TIME EMPLOYEES

Conflicts of interest and commitment do not include professional and academic activities which are uncompensated (or include only a minimal honorarium), such as: site visits, academic panels, promotion and tenure activities, program reviews, recruiting, journal editing, attendance at or preparations for conferences or other professional activities.

1. All individual instances of consulting or outside employment whose income is likely to exceed the limits defined as Remote Interest (Section IV; #18) must be discussed with the employee's supervisor before engaging in such activity. All such activities must be approved by the employee's supervisor. By November 1st each year, full-time employees shall provide a written summary of these activities to their supervisor. This information must be updated if the facts change during the year.
2. Supervisors shall forward all reports (paragraph 1 above) to the unit head who shall then forward the reports to the dean, director or vice president. Reports from academic units shall also be sent to OVPR for record keeping.
3. If the unit head fails to approve any such activity under this Section, the employee may request that the matter be reviewed by the IRC.
4. If there is evidence to suggest that a conflict may exist, a supervisor shall discuss the issue with the employee in order to seek resolution of the matter.

5. If an employee requests review of a decision on consulting or outside employment, the IRC shall follow the procedures set forth in Article VI, Section C of this Policy.

E. CONSULTING and OUTSIDE EMPLOYMENT: PART-TIME EMPLOYEES

1. Part-time employees are required to discuss with their supervisors outside activities which may result in a conflict of interest or commitment.
2. If there is evidence to suggest that a conflict may exist, a supervisor shall discuss the issue with the employee in order to seek resolution of the matter.
3. If the unit head fails to approve any such activity under this section, the employee may request that the matter be reviewed by the IRC.

F. SPONSORED RESEARCH: COMPLIANCE BY CONSULTANTS

In compliance with federal regulations, the University will ensure that outside parties, whether not-for-profit or for-profit, consulting to or participating in the University's federally funded sponsored activities agree to be bound by this Policy, or similar policies of their own institutions, and not engage in conflicts of interest as defined in the applicable regulations.

It is the responsibility of the employee to provide consultants with copies of this Policy and report their compliance to the funding agencies and the Office of Sponsored Projects Services. The determination as to unacceptable conflicts for outside participants rests with the funding agency.

VII. SANCTIONS FOR NON-COMPLIANCE

A. DEFINITION OF NON-COMPLIANCE

Non-compliance includes failure to: (1) comply with this Policy, (2) report accurately on the Disclosure Form, (3) comply with decisions under the Policy. Non-compliance may result in disciplinary action, up to and including termination from employment.

B. REPORTING OF NON-COMPLIANCE

Any employee may make an allegation of non-compliance to the IRC. All allegations must be in writing and shall be treated as confidential. Allegations must include documentation of non-compliance.

C. PROCEDURES FOR REVIEW OF ALLEGED NON-COMPLIANCE

1. The IRC shall provide the employee subject to the allegation with a copy of the charge. The employee shall have an opportunity to present materials with the aid of counsel at employee's choice and meet with the committee. Proceedings of the IRC are confidential.

2. If the IRC finds no violation, it shall so inform the employee in writing, and provide a copy of the finding to the VPR or SVPBA.
3. If the IRC finds either non-compliance with this Policy or a decision of the VPR or SVPBA, it shall make a written finding and send it to the employee and the VPR or SVPBA.
4. The VPR or the SVPBA shall give the employee an opportunity to present materials and meet with the VPR or SVPBA and then consider the finding of the IRC, determine the proper remedy to correct the situation or begin the process to impose sanctions as set forth in Subsection D below. The VPR or SVPBA shall notify the employee in writing of the decision.
5. An employee may appeal the decision of the VPR or the SVPBA to the Provost. The Provost shall call a meeting with the VPR and SVPBA and the Committee of Ethics and Commitment to re-evaluate the decision of the VPR or SVPBA. After reconsideration by this panel, the employee may appeal that decision to the President, whose decision shall be final.

D. SANCTIONS

1. Both the procedures for imposing sanctions and the sanctions used shall be governed by existing ABOR and University policies and procedures and state law, if applicable. Should the sanction of dismissal be proposed, it sets into motion the protections of a dismissal proceeding.
2. Violations of this Policy relating to participation in sponsored research shall also be reported to the employee's funding agency, if applicable. Any penalties imposed by an external funding agency shall be deemed separate from any imposed by the University or ABOR.

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