

MESSAGE TO PROFESSOR HOGLE AND FACULTY SENATE FROM JAN LO VECCHIO

Senate Bill 1168 is at risk of being killed by Rules Chairman Jim Weiers (Republican from Phoenix). Representative Weiers voted present on this bill last Tuesday at the Appropriations Committee when it was approved 12-0.

Representative Weiers opposes this bill because he believes that disabled state employees will receive unfair advantages by having the retirement cap increased to 30 years. He also believes that disabled state employees are receiving adequate coverage under the current disability system. Representative Weiers is overlooking the inequity issue which Senate Bill 1168 addresses.

Calls are urgently needed to Speaker of the House Groscost and Representative Weiers. Please request Representative Groscost to intervene with Representative Weiers and get Senate Bill 1168 out of the Rules Committee. Please request Representative Weiers to pass the bill out of the Rules Committee and send it to the floor where the merits of the bill should properly be debated.

It is unjust and unfair that an unopposed bill affecting state disabled employees should be killed by a committee chair. While I respect Representative Weier s right to oppose a bill, I request that it be released to the floor of the House where the merits can be disputed. The duty of the Rules Committee is to determine the constitutionality of bills NOT debate their merits.

The voting of record of this bill is:

Retirement Committee 3-0, Finance Committee 8-0, Senate 26-1, Appropriations Committee 12-0, 3 present.

Vice President Greg Fahey has been contacted and will try to meet with Representative Weiers this afternoon to discuss this issue.

CALLS SHOULD BE PLACED TO 1-800-352-8404.

Thank you for your support.

Proposal for Extending Shared Governance

*Presented by the UA Task Force on Extending Shared Governance, as Approved by the Shared Governance Review Committee and the Academic Personnel Policy Committee
March 4, 1998*

We propose the following as an addendum to the Shared Governance Memorandum.

Overall Principle:

The Task Force assumed a stance of inclusion rather than focus on exclusion. This was predicated on a sense of community. Inclusion occurs when all affected constituents are represented on all relevant committees. Representation assumes full and equal voting rights for all committee members.

The Task Force came to agreement early in its discussions that The University of Arizona is more than a community of faculty and administrators. Students, classified staff, and appointed personnel are part of the community of The University of Arizona and without their contributions, help, and assistance, the University would be a poorer community. In principle, every member of the community has a voice and that voice should be respected, heard, and acknowledged within the community.

As an extension of the Shared Governance Agreement, this document acknowledges the responsibility for final decisions within the University rests with the President and the President's designees. The responsibility of the President and the President's designees is to open and to increase the access of the University community to the governance process.

Charge to the Task Force

The "Guidelines for Shared Governance" document, passed by the Faculty Senate and signed by President Likins and by Chair of the Faculty, Jerrold Hogle, on September 8, 1997, included a section calling for appointment of a task force charged to extend participation in shared governance to professional personnel, staff, and students.

G. Involvement of Students, Staff, and Professional Personnel.

Students, classified staff, and professional personnel should participate in the shared governance process where appropriate and in a fitting manner. A task force shall be appointed to develop further details of this participation for consideration by the Faculty Senate and the administration. This task force should include one representative selected by each of the following groups: Appointed Personnel Organization Council, Staff Advisory Council, ASUA, GPSC, Faculty Senate, and the Provost's Office. The recommendations of this task force should be submitted to the Senate and the administration for further action by the end of the first year of the start of the implementation of the shared governance process.

Recommendations:

Two specific groups of recommendations arose from the work of the Task Force. The first group (Recommendations 1-4) is consistent with our charge. A second group is a pair of recommendations (Recommendations 5-6) to explore and address problem areas encountered by the Task Force in examining the involvement of all members of the University community in its governance. In implementation of any recommendations, the minimal mandate must be to retain the current voice in governance of all groups. Optimally, the goal is to expand the voice and participation of all members of the University community.

Recommendation 1:

All members of the University community should be involved in the governance and operation of the University of Arizona where and when appropriate. The timing and appropriateness of the involvement should be driven by the nature of the issue at hand and by the adoption of the general principle of inclusion rather than by rigid mandate. The intent of this recommendation is the inclusion and involvement of members of the University community at all organizational levels, from the unit level through the President's Office.

Many areas of governance and operation at all levels of the University have an impact on students, classified staff, and appointed personnel as well as on faculty and administrators. The following are examples of areas in which representation should normally include, where appropriate, appointed personnel, classified staff, graduate and undergraduate students as well as faculty and administrators:

- Policy-making bodies at the unit through University level dealing with issues such as sexual harassment, salary equity, and affirmative action
- Any body at the unit through University level recommending the creation, development, or elimination of programs or units
- Any body at the unit through University level involved in the selection and review of administrators
- Any strategic planning and budget body at the unit through University level, including the Strategic Planning and Budget Advisory Committee
- Academic, personnel, and curriculum policy bodies at the unit through University level

Recommendation 2:

The Shared Governance Review Committee is charged with oversight of the process of shared governance within the University, as described in Section F of the original document.

F. Shared Governance Review Committee

With the purpose of enhancing the smooth operation of shared governance, a review committee composed of the Chair of the Faculty, the Presiding Officer of the Senate, three Senators (elected by the Senate), the Provost, and two other members of the administration shall be established. Its purposes are to address issues regarding the implementation and functioning of the procedures contained in this document, to recommend a process to review compliance with this agreement, and to make recommendations toward more effective working of shared governance.

Following from Recommendation 1, there should be representation by all members of the University community within the Shared Governance Review Committee. This would involve adding to the eight members described above one representative from the classified staff, one representative from appointed personnel, and one representative each from undergraduate and graduate students. These representatives would be put forward by the respective governance mechanisms for each of the groups. In making these selections, significant care should be taken to insure the involvement and inclusion of representative members from these groups. For example, traditional students may have very different perspectives on a variety of issues than non-traditional or new-traditional students. Similarly, student perspectives on issues vary between undergraduate students and graduate students.

Recommendation 3:

To demonstrate the seriousness of and commitment to shared governance at The University of Arizona, reporting on adoption of and success in shared governance activities will be a required part of the annual reporting process now required of all units. Reporting on adoption of and success in shared governance activities will be a part of all review processes for administrators.

Recommendation 4:

The adoption of shared governance for the University community will require a commitment on the part of the University administration and the Shared Governance Review Committee to examine and propose solutions to implementation problems. The Task Force recommends that the President commits to and takes a leadership role in smoothing the way for shared governance at all levels.

Additional Recommendations:

In examining the issues before it, the Task Force determined there are some problems outside its charge but which have a significant impact on governance within the University.

Recommendation 5:

The communication structure throughout the University is fragmented and, in too many places, nonexistent. The University needs a clean and dependable communication mechanism if shared governance is to operate in an efficient manner. A task force should be formed to address the ways in which the University can communicate better, or at all, among all its members.

Recommendation 6:

Appointment of larger numbers of appointed personnel and increasing the uses of these positions throughout the University requires the University to reexamine the role and future of appointed personnel. These issues have confronted and will continue to come before the Faculty Senate, individual units, and other areas of the University. The Task Force recommends a comprehensive examination of the status and future of appointed personnel at the University.

Task Force on Extending Shared Governance

Membership List, 1997-98

Jerrold Hogle, CHAIR, Faculty Center

Joyce Baum, University Animal Care

Laura Casper, ASUA

Eileen DeLauer, Humanities Program

Elizabeth Ervin, Academic Affairs, Provost's Office

Alexis Hernandez, Dean of Students Office

Charlie Hurt, School of Information Resources & Library Science

Anne Marie Jones (alternate SAC rep), Campus Agricultural Center

Kim Montanaro, ASUA

Lisa Rashotte, Department of Sociology

Francis Sherlock, KUAT Communications Group

Lewis Tenney (ad hoc SAC rep), CCIT - Decision Support

The Mission of the Shared Governance Review Committee (SGRC)

The SGRC's function is to oversee the process by which Shared Governance is incorporated in all academic units at every level of the University. The SGRC is the primary body to help clarify and suggest how to interpret the Shared Governance Agreement passed by the Faculty Senate on September 8, 1997, and signed by the Chair of the Faculty and the President of the University. The SGRC will provide a method of assessing progress on Shared Governance at all levels of the University. Specifically, the SGRC will establish a process to review (1) compliance with the agreement and (2) ways in which apparent breaches of the agreement can be addressed. It will therefore be the body to which members of the University community can bring particular concerns, and it will also examine whether the agreement has been violated or is in need of clarification or modification.

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3-4-98

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Shared Governance Review Committee

Membership List, 1997-98

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“Emeritus” Language Revisited by APPC March, 1998

UHAP Language (1988) - Section 3.20 EMERITUS STATUS

Emeritus status is granted to faculty members who retire after serving fifteen years or more. Emeritus status may also be granted by action of the President for service of shorter duration.

ABOR Language (1988 through present) - Section 6-208, Chapter VI EMERITUS STATUS

The president of each institution may, with the approval of the Board, confer upon retired faculty members who have served the institution for a substantial length of time the title of “Emeritus” and may list their titles in this way in the rosters of the institution.

UHAP Language (4/95) - Section 3.22 EMERITUS STATUS

The President may, with the approval of the Board of Regents, confer upon retired faculty members who have served the institution for a substantial length of time the title of “Emeritus” and may list their titles in this way in the rosters of the institution.

Changes in UHAP Language on EMERITUS STATUS - Approved by the Faculty Senate (10/96)

- ** With the approval of the Board of Regents, faculty who retire from the University of Arizona after serving fifteen years or more are given the title of *Emeritus*. This status may also be granted to other faculty by recommendation of their department, endorsement of the President and approval by the Board.

Emeritus faculty shall be entitled to library and information system access, and access to parking privileges, as well as other benefits which may be granted by the University to retirees.

Departments shall endeavor to meet reasonable scholarly and academic needs of emeritus faculty in a manner consistent with continuing contributions to the mission of the department and university, within limits governed by the availability of resources, and balanced against other needs and priorities. Each department should negotiate specific agreements for each individual case, for a specific period of time, and document these agreements in writing.

THE PROBLEM: Apparently the first paragraph of the Senate-approved language (10/96) goes too far in changing ABOR language and intent. For example, it does not contain any mention of the President’s involvement in emeritus recommendations. Also, the specific resource commitments described in the second paragraph may be difficult to guarantee in the future.

Proposed Amendments to Senate-approved EMERITUS STATUS Language (above) for UHAP:**

PARAGRAPH 1

Replace the first paragraph with the following: The President may, with the approval of the Board of Regents, confer upon retired faculty members who have served the institution for a substantial length of time (usually 15 years or more) the title of “Emeritus” and may list their titles in this way in the rosters of the institution.

PARAGRAPH 2

Replace this paragraph with the following: Within limits governed by the availability of resources, the university shall provide emeritus faculty with access to library and information systems, and to parking privileges, in addition to those benefits provided to other retirees.

NEW "Emeritus" Language Approved by Faculty Senate, April 1998

UHAP language approved by Faculty Senate, April 27, 1998

The President may, with the approval of the Board of Regents, confer upon retired faculty members who have served the institution for a substantial length of time (usually 15 years or more) the title of "Emeritus" and may list their titles in this way in the rosters of the institution.

Within limits governed by the availability of resources, the university shall provide emeritus faculty with access to university resources and privileges, in addition to those benefits provided to other retirees.

Departments shall endeavor to meet reasonable scholarly and academic needs of emeritus faculty in a manner consistent with continuing contributions to the mission of the department and university, within limits governed by the availability of resources, and balanced against other needs and priorities. Each department should negotiate specific agreements for each individual case, for a specific period of time, and document these agreements in writing.

Other statements of EMERITUS POLICY:

ABOR Language (1988 through present) - Section 6-208, Chapter VI EMERITUS STATUS

The president of each institution may, with the approval of the Board, confer upon retired faculty members who have served the institution for a substantial length of time the title of "Emeritus" and may list their titles in this way in the rosters of the institution.

UHAP Language (1988) - Section 3.20 EMERITUS STATUS

Emeritus status is granted to faculty members who retire after serving fifteen years or more. Emeritus status may also be granted by action of the President for service of shorter duration.

UHAP Language (4/95) - Section 3.22 EMERITUS STATUS

The President may, with the approval of the Board of Regents, confer upon retired faculty members who have served the institution for a substantial length of time the title of "Emeritus" and may list their titles in this way in the rosters of the institution.

Changes in UHAP Language on EMERITUS STATUS - Approved by the Faculty Senate (10/96)

(SUPERSEDED BY CHANGES APPROVED BY FACULTY SENATE - APRIL 27, 1998)

With the approval of the Board of Regents, faculty who retire from the University of Arizona after serving fifteen years or more are given the title of *Emeritus*. This status may also be granted to other faculty by recommendation of their department, endorsement of the President and approval by the Board.

Emeritus faculty shall be entitled to library and information system access, and access to parking privileges, as well as other benefits which may be granted by the University to retirees.

Departments shall endeavor to meet reasonable scholarly and academic needs of emeritus faculty in a manner consistent with continuing contributions to the mission of the department and university, within limits governed by the availability of resources, and balanced against other needs and priorities. Each department should negotiate specific agreements for each individual case, for a specific period of time, and document these agreements in writing.

University Handbook for Appointed Personnel, Section 3.22, as adopted by the University of Arizona Faculty Senate on April 27, 1998. (This supersedes the passage adopted by the Senate on October 7, 1996.)

3.22 EMERITUS STATUS

The President may, with the approval of the Board of Regents, confer upon retired faculty members who have served the institution for a substantial length of time (usually 15 years or more) the title of "Emeritus" and may list their titles in this way in the rosters of the institution.

Within limits governed by the availability of resources, the university shall provide emeritus faculty with access to university resources and privileges, in addition to those benefits provided to other retirees.

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6-18-98

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Interim Policy: Conflict of Interest

Date: 4/3/98

To: Faculty Senate

Cc: [Click here and type names]

From: Raphael Gruener & RPC Committee



RE: For Upcoming Meeting: Discussion & Vote--Conflict of Interest & Commitment Policy

The enclosed interim policy concerning "Conflict of Interest & Commitment" has been re-examined by the Research Policy Committee. Suggested changes are shown in ~~strike-out~~ (text suggested for deletion) and shading (new or substitute text).

In our deliberations, we have concentrated on issues of:

1. Full disclosure principle
2. Shared governance principles
3. Presumption of good intentions and innocence.

We were constrained by ABOR and ARS rules and regulations in addition to Federal regulations. The proposed revisions were discussed with VPR Cusanovich and with the UA Attorneys' office for clarification and in order not to violate existing regulations superimposed on the UA by outside agencies.

We believe that our revisions are in line with shared governance principles, an equitable process of appeals and mutual respect of employees and administration.

Please read the document and send your comments (preferably by email) to:

Raphael Gruener, Chair RPC

Rgruener@u.arizona.edu

626 6519

We intend to present the revised policy for discussion and possible adoption by the Faculty Senate during its 4/27/98 meeting.

REVISED DRAFT 3/25/98
FOR DISCUSSION & VOTE on 4/27

INTERIM 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, Nor is 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, other than salary from the University, regardless of source, or for his/her family members.

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 (A.R.S. § 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 now 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 find conflicts, even though the University reached a different conclusion. 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 ~~standard, external,~~ professional and academic activities such as: site visits, academic panels, promotion and tenure activities, program reviews, faculty 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 ~~Action of~~ requesting a **re-evaluation of a conflict** determination by ~~from higher authority~~ a panel (under this policy, a panel ~~of three, 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** ~~after the~~ decision by ~~of the~~ Vice President for Research or the Senior Vice President for Business Affairs, ~~has having~~ been delivered to the employee.
3. **Appeals Process:** All appeals must be in writing, include documents related to the case and be submitted to the panel ~~parties~~ stated in this Policy. ~~The determination of the panel referenced above is final.~~
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 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, 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 Senate 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 representative from the UA Legal Office to act in an advisory capacity.** The presence of any four members, two of whom shall have scientific or technical training, shall constitute a quorum. An attorney from the University Attorneys’ Office shall serve in an advisory capacity.
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 as defined under ABOR Policy 6-704. ~~and include spouse, and children, grandchildren, parents, grandparents, brothers, sisters, and all half, step and in-law relations in these categories. For purposes of personnel decisions the definition of relative also includes great grandparents, great grandchildren, aunts, uncles, nieces and nephews.~~

18. **Remote Interest**: A remote interest as defined in the Arizona Revised Statutes (A.R.S. §§ 38-501, et. seq.) 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 (Federal standard) **annually**;
- 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 does not exceed ~~5 percent of~~ \$10,000 annually ~~the person's total family income~~, and other payments from the corporation to the person do not exceed an additional 5 percent of the person's ~~total family~~ annual income **in accord with ARS 38-501**;
- 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 **(per ARS 38-501)**;
- 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 (38 A.R.S. § 502.11).

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 must indicate whether an actual or potential conflict exists by checking the appropriate space under approvals.
 2. If the employee checks “does” 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.

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 Vice President for Research, the Senior Vice President for Business Affairs and the three of them 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.

D. CONSULTING & OUTSIDE EMPLOYMENT: FULL-TIME EMPLOYEES.

Conflicts of interest and commitment do not include ~~standard, external,~~ professional and academic activities ~~which are uncompensated,~~ such as: site visits, academic panels, promotion and tenure activities, program reviews, faculty recruiting, journal editing, attendance at or preparations for conferences or other professional activities.

1. All consulting or outside employment **whose income exceeds the limits defined as Remote Interest (p.5 #18)** must be reported to the University annually and approved by an employee's supervisor. By November 1st each year full-time employees shall provide a written summary of these activities to their supervisor for approval. ~~Employees with no outside employment or consulting must so indicate, in writing, to their supervisors.~~ This information must be updated if the facts change during the year.

2. Unit heads shall forward all reports from No. 1 above 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 ~~rejects~~ **fails to approve** any reported activity under this Section, the employee may request that the matter be reviewed by the IRC.
4. 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 & OUTSIDE EMPLOYMENT: PART-TIME EMPLOYEES

1. Part-time employees are required to disclose **to their supervisors need not** ~~disease all outside activities to their supervisors, but must report those 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.** ~~If an employee has not made a disclosure of outside employment or consulting, but the supervisor is concerned that the employee may have a conflict, the supervisor may require the employee to disclose the outside activity.~~
3. ~~Following disclosure, the supervisor shall meet with the employee to review the matter and shall then make a determination as to whether a conflict exists and suggest corrective action to resolve the matter and, if requested present the decision to the employee in writing.~~
4. If the unit head **fails to approve any reported activity under this section, the employee may request that the matter be reviewed by the IRC. The employee may appeal the supervisor's decision to the administrator to whom the supervisor reports. This appeal is final.**

F. SPONSORED RESEARCH: COMPLIANCE BY CONSULTANTS

1. 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.

2. 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

1. 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.

B. REPORTING OF NON-COMPLIANCE

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

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.
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 ~~either~~ the VPR or the SVPBA **or the IRC** to the Provost. The Provost shall call a meeting with the VPR and SVPBA and the Committee of Ethics and Commitment to re-evaluate

~~three person panel may either affirm the decision of the VPR or SVPBA or the IRC send the matter back for reconsideration. The decision of the panel is final. The decision of this panel will be presented to the President for a final decision.~~

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.

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