

February 26, 2014

TO ALL MEMBERS OF THE FACULTY SENATE:

The Faculty Senate will meet on Monday, March 3, 2014, at 3:00 PM
in the **College of Law, Room 164.**

PLEASE NOTE: The meeting will begin at 3:00 PM, and we will make every effort to
conclude by 5:00 PM.

Bobbi McKean, Secretary of the Faculty

Date: February 26, 2014

Memo to: Faculty Senate Research Policy Committee

From: Victoria Tugade, Conflict of Interest Officer

Re: UA Conflict of Commitment Policy Revision – Summary of Changes and Training Plan

ORCR has prepared the attached proposed revision to the UA's current Conflict of Commitment, External Professional Activities and Outside Employment Policy (the "Revised Policy"). The Revised Policy has been created with the guidance and input of the Conflict of Interest Policy Committee and has been reviewed and approved by the Office of the General Counsel. We are requesting that the Revised Policy be included as an agenda item for the next scheduled President's Cabinet meeting for discussion and approval.

This memo summarizes the major changes in the Revised Policy and outlines the Conflict of Interest Program Office's implementation and training plan.

- **The Revised Policy has edited to streamline and clarify:**
 - In an effort to simplify we elected to retitle the policy to "Conflict of Commitment."
 - The tone and direction of the policy has been revised to reflect the goals of the UA's Strategic Plan (i.e. fostering external relationships, Faculty IP business ventures, etc.).
 - Edited the entirety of the Revised Policy to create a more concise and easy to follow policy that provides guidance and addressed the concerns voiced by the campus community in the previous draft.
- **New Procedures Are Ready to Implement:**
 - Campus communication will announce the revised policy and the COI website will be improved to include simplified, easy-to-use links to the Revised Policy and Procedures, training request forms, and posting of open office hours to make personalized Conflict of Interest Office assistance readily available.

- The COI office will be working with individual departments and colleges to assist in the development of department/college specific guidelines. Initial discussions have already begun with the Dean of the College of Medicine and the College of Humanities. The results of these and other discussions will be used to develop best practices and FAQs to assist the campus community.

A copy of the Revised Policy is attached to this memo. Please let us know if you have any questions or concerns, or if you would like any additional information.

Policy Number:	Policy Name: Conflict of Commitment
Initial Effective Date/Approved By: August 24th, 2012	Revision Dates/Approved By:

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INTRODUCTION

The University of Arizona (the “**University**”) encourages its faculty and appointed professionals to use their professional expertise to advance and communicate knowledge through interaction with the public, the community and external entities. The University feels that such activities enhance performance of University teaching, advance University research and public service missions, and bring credit to the University.

At the same time, the University has a fiduciary responsibility to ensure that inappropriate external influences outside the course and scope of one’s University employment do not affect the performance of one’s primary duties to the University. Outside employment and outside professional commitments raise important questions related to time and energy allocation, University resource allocation, intellectual property protection and potential for financial conflicts of interest.

As used this Policy, “**Conflict of Commitment**” relates to an individual’s distribution of time and effort between his/her full-time duties as a University Employee,¹ and his/her responsibilities resulting from outside employment and outside professional commitments.

The purpose of this Policy is to:

- Provide guidance on the University’s requirements related to possible Conflicts of Commitment (as defined in Section J, below) resulting from outside employment and outside professional commitments;
- Outline Conflict of Commitment disclosure requirements; and
- Provide guidance to assist Supervisors, Department Heads and Deans in their review of such disclosures for approval or rejection.

While every Full-time University employee is considered to have a primary commitment of time and intellectual energies to his/her work for the University, this Policy is not intended to deter the cultivation of outside interest in University expertise. Both the individual employee and the University may benefit from approved interactions with external scholars and organizations and from commitments to professional societies, journals, etc. Administrative Departments and individual colleges may establish their own Conflict of Commitment conventions within the parameters outlined in this Policy and based upon the Department Head or Dean’s determination of the unit’s and University’s best interests.

¹ All capitalized terms used in this Policy that are not otherwise defined in the text have the meanings set forth in the Section L, below.

POLICY PRINCIPLES

This Policy applies to all Covered Individuals (as defined in Section J, below). Covered Individuals have a primary commitment of time and intellectual energies to their work for the University. Outside Employment and Outside Professional Commitments must not detract in time or content from their obligations to these responsibilities.

A. Request and Approval Responsibilities

1. Covered Individuals Responsibilities:

Covered Individuals must request written approval as provided in this Policy prior to engaging in Outside Employment or Professional Commitments that occur at any time during the calendar year while the individual's status is that of a Full-time University Employee as defined in Section K, below. Prior approval is not required to participate in professional commitments that are: (a) required as a condition of employment or tenure-eligibility, (b) are a part of a Covered Individual's duties on behalf the University, or (c) are encouraged by the University as part of the Covered Individual's academic or professional development (such as professional societies, committee memberships, journal editorships, service to the discipline, service to the University, routine scholarly collaboration, etc.).

The requestor must complete an Outside Employment/Professional Commitment Request form (referred to below as the "**Request form**"), available on the COI Program Office website (URL), and submit it for written approval as follows:

- For Faculty Members: the Request form must be submitted to and approved by the requestor's department head and dean.
- For all other University Employees (as defined in Section J, below), including Deans, Vice Presidents, Assistant and Associate Vice Presidents, Senior Vice Presidents and above (but *excluding* the University President²): the Request form must be submitted to and approved by the requestor's Supervisor.

It is recommended that the Request form be submitted four (4) weeks prior to beginning the outside activity to allow a reasonable time for consideration of the Request.

² The University President's accountability relative to Conflict of Commitment is to The Arizona Board of Regents and is not addressed in this Policy.

2. Responsibility for Review and Approval or Denial:

The Covered Individual's department head and dean (with respect to faculty members), or Supervisor (with respect to all other University Employees), are responsible for reviewing the requestor's Request form and providing approval or denial. Approval or denial will be based upon the information provided in the Request form and an assessment of the requestor's time commitments relative to the request. To avoid denial and facilitate approval, the individual(s) responsible for reviewing the requestor's Request form (as provided in Section A(1), above) may make recommendations for adjustment of commitments to allow appropriate time allocation.

3. Responsibility for Maintaining Request form Records:

The primary administrative unit, department or college of the individual responsible for the review and approval/denial of a Request form (see Sections A(1) and A(2), above) is the "**Office of Record**" and is responsible for maintaining the original documentation of the Request form and response as a personnel record in accord with the University's Records Retention Policy for personnel records.

The Office of Record is responsible for providing a *copy* of each approved Request form to the Conflict of Interest Program Office.

B. Contracts, Liabilities, etc.

1. When a Covered Individual enters into a personal consulting, non-disclosure, fee-for-service or other type agreement with an external entity relative to an approved Outside Employment or Professional Commitment, the University shall not be a party to the agreement, shall not be named or referenced in any such agreement for any reason, and shall have no obligations whatsoever under such agreement.
2. Covered Individuals who enter into personal consulting, non-disclosure, fee for service or other type agreements relative to an approved Outside Employment or Professional Commitment are solely responsible for the negotiation of such agreements and for ensuring that the terms and conditions are consistent with this Policy and all other applicable ABOR and University policies, including but not limited to Intellectual Property Policies (see Section G, below).
3. The University will not provide indemnity nor any other form of guarantee or insurance coverage for activities or obligations pursuant to Outside Employment or Professional Commitment agreements executed between any Covered Individuals and external third parties.

4. Use of University name, logo, or other identifiers for the promotion or endorsement of an outside entity generally is not permitted, and must comply with the University policy and guidelines related to such use as described in the University's Department of Trademarks and Licensing policies (see <http://www.licensing.arizona.edu/>).

C. External Faculty, Administrative, Managerial and Operational Responsibilities

1. Outside Employment with Post-Secondary Institutions:

Covered Individuals may not be employed as faculty members, professional staff or administrators at any other post-secondary educational institution while they are Full-time University Employees unless approved under this Policy; however, consulting and collaborative research relationships with other post-secondary institutions may be permitted, subject to the review and approval process set forth in Section A(1) of this Policy.

2. External Managerial Responsibilities:

- a) Covered Individuals, including individuals on approved sabbatical leave, must file a Request form and obtain prior written approval (as described in Sections A(1) and A(2), above) prior to assuming significant managerial responsibilities with an outside entity, *e.g.* as an officer or director. If a Covered Individual believes it to be essential for the success of an outside entity that he/she provide significant managerial responsibilities to the entity, he or she may be required to take a full or partial leave of absence from the University, or a revised appointment at the University for a specified period of time, consistent with relevant leave of absence policies. The Covered Individual in such case should work with the individual responsible for reviewing his/her Request form (*i.e.*, Supervisor, Department Head or Dean) to explore the best course of action, and must also fulfill the disclosure and other obligations under the University's applicable Conflict of Interest policies.³

³ See the Office for the Responsible Conduct of Research web page for guidance on the University's Conflict of Interest policies: <www.orcr.arizona.edu>.

- b) It is not unusual for Covered Individuals to be asked to serve on the boards of commercial enterprises or non-profit entities. The following guidelines apply to board memberships (excluding those situations where prior approval is not required, as outlined in Section A(1), above). Before joining any board of a for-profit or nonprofit entity related to one's professional expertise, and regardless of whether the board membership is paid or unpaid, a Covered Individual must receive advance written approval as described in Section A(1), above, in addition to fulfilling the disclosure and other obligations under the University's applicable Conflict of Interest policies.

3. Involvement in Certain Sponsored Projects:

Faculty Members are normally prohibited from serving as Principal Investigator at the University on sponsored projects that are funded by an organization in which the Faculty Member has an Outside Employment or Professional Commitment arrangement. In such cases, the Faculty Member must fulfill the disclosure and other obligations under the University's applicable Conflict of Interest policies. Exceptions may be approved by the Senior Vice President for Research in special circumstances such as (but not limited to) an SBIR/STTR arrangement or for ongoing research of a Faculty Member newly arriving at the University from another research institution. This stipulation is not intended to limit Faculty Members from participating in multi-site training or research programs nor is it intended to apply to circumstances in which the Faculty Member's research requires access to facilities not available at the University.

D. Faculty and the Protection of University Students, Post –Doctoral Scholars and Trainees

1. The academic activities of students, graduate students, postdoctoral researchers and other University trainees (together referred to as “**Trainees**”), including but not limited to those activities described in Section G, below) must be directed in accord with the best interests of the academic progress of these individuals and without regard for the external interests of a Covered Individual. While Covered Individuals who have external interests in companies often see opportunities for Trainees to obtain valuable practical experience through those companies, issues can arise when the Covered Individual has an interest in a successful outcome that is related to his/her Outside Employment or Professional Commitment with the company involved. A Trainee may not feel that he/she is in a position to decline the opportunity when it is offered by a Covered Individual on whom he/she is dependent for academic guidance or recommendations. Additionally, after becoming involved with a project supported by the entity with which the Covered Individual has an Outside Employment or Professional Commitment, the Trainee may become concerned about the effects on his or her academic career caused by unanticipated issues in the external relationship.

2. Certain steps are necessary to ensure that Trainees are informed and properly advised in these situations:
 - a) Where the matter relates to research or research-related activities, the University requires that such activities adhere to the Policy on Individual Conflict of Interest in Research (see <http://orcr.arizona.edu/coi/uapol/investigator>).
 - b) For non-research related matters, the a Covered Individual's Outside Employment or Professional Commitment arrangements must be presented to the Trainee in a context that (1) protects the Trainee from feeling any potential coercion in accepting an offer of employment, internship or project experience; and (2) includes a mechanism for handling any issues that may emerge in the employment, internship or project experience separately and independently from evaluation and guidance on academic progress. The Conflict of Interest Officer, in coordination with the Faculty Member's Department Head and Dean (or Administrative Professional's Supervisor) is available to assist and provide guidance in such arrangements.

E. Requirements for Significant Use of University Resources and Proprietary Confidential Information.

1. Significant Use of University Resources (as defined in Section J(8), below) or the University's proprietary confidential information may not occur in connection with a Covered Individual's Outside Employment or Professional Commitments unless:
 - a) Such use is approved by the head(s) of all unit(s) with authority over the resources and by the Dean and the relevant Vice President; and
 - b) The use does not interfere with the University's performance of its missions; and
 - c) The use is covered by a fully-executed written agreement signed by a duly-authorized signatory on behalf of the University in which all such uses of University resources are compensated in accord with fair market value or actual costs, pursuant to the relevant University research, business and finance policies; and
 - d) The Office of Record provides a copy of the facility use or other agreement authorizing the use of University resources (see <http://www.space.arizona.edu/services2.shtm>) to the University's Conflict of Interest Officer, along with the approved Outside Employment/Professional Commitment form.

2. Resources purchased by the University through sponsored project grants or other contractual arrangements may be used only in accord with the terms and conditions of the grant or contract and may not be used to fulfill an individual's Outside Employment or Professional Commitments.
3. Covered Individuals may not provide, as part of any approved Outside Employment or Professional Commitment, access to or use of research results, patentable inventions, copyright-protected materials, confidential information, materials or products, or other intellectual property in which ABOR claims an ownership interest under ABOR Intellectual Property Policy No. 6-908, without first obtaining a University license agreement, non-disclosure agreement, material transfer agreement or other appropriate contract authorizing such access and use, signed by a duly-authorized signatory on behalf of the University.
4. Use of the University's or any University Sponsor's confidential Information may not be used as part of an Outside Employment or Professional Commitment, without first obtaining the written consent of the owner of such confidential information (*i.e.*, the University or University Sponsor) for such use, signed by a duly-authorized signatory. (See also the University's policy on "Misuse of University Assets" <http://www.hr.arizona.edu/policy/420>.)

F. Publication Rights and Protection of Open Exchange of Scholarship

Free and open exchange of ideas and the results of scholarly activities are of the utmost importance to the University. As such, University scholars, including Faculty and Trainees, must be able to pursue topics of interest, have access to available information and facilities, and be able to communicate the results of their work to other scholars and the public. Therefore, Covered Individuals must ensure that their Outside Employment or Professional Commitment arrangements do not restrict the rights of the University and University scholars to undertake research and scholarly work, and to publish, present and disseminate the results of University research and scholarship in an open and timely manner to the broader scholarly community and public in keeping with University and ABOR policies.

G. Ownership of Intellectual Property

Covered Individuals do not have the authority to license, assign or otherwise transfer rights in any intellectual property in which ABOR and/or University claims ownership under ABOR Intellectual Property Policy, and should not enter into any agreements in connection with an approved Outside Employment or Professional Commitment that purport to confer rights to such intellectual property in conflict with the ABOR and University Intellectual Property Policies. Information related to the ABOR and University Intellectual Property Policies and assistance in obtaining a license or other

grant of rights to ABOR-owned intellectual property rights is available through the University's Technology Transfer Arizona (see <http://ott.arizona.edu/>) or the Office of the General Counsel (see <http://ogc.arizona.edu/>).

H. Authorship, Speaking and Marketing/Promotional Activities

1. Where a Covered Individual is listed as an author on any publication or presentation that is based on his/her performance of an Outside Employment or Professional Commitment (and not as the result of work performed under a University agreement with the external entity), the Covered Individual should clearly identify the entity under which the performance occurred. In such cases, the Covered Individual may list the University in their affiliation, but each such publication or presentation should include a disclosure of funding and must not state or imply that project funding was provided by the University, nor that the Covered Individual's contribution to such publication or presentation was part of his/her Institutional Responsibilities.
2. Covered Individuals are prohibited from publishing under their own names articles related to their professional activities or Institutional Responsibilities that are written in whole or in part by employees of external entities who are not identified as authors and project collaborators (*i.e.*, "Ghost Written"). This is intended to address situations such as those in which articles essentially are drafted by employees of an external commercial entity (such as, but not limited to, a pharmaceutical company) for publication under the Covered Individual's name. This section does not apply to publications from multi-site programs, including training, clinical trial and other research programs that are drafted on behalf of the group by a subset of the multi-site collaborators.

I. Noncompliance

In cases of noncompliance with this Policy, the University, the Appointed Professional's Supervisor, or the Faculty Member's Department Head and/or Dean may apply personnel sanctions or administrative actions in accord with relevant University administrative, academic, and employment policies.

J. Definitions

1. **Conflict of Commitment:** relates to an individual's distribution of time and effort between his/her Full-time duties as a University Employee, and his/her responsibilities resulting from outside employment and outside professional commitments.
2. **Covered Individual:** refers to Full-time University Employees (defined in Sections K(4) and K(9), below) including faculty members, administrators and academic and services professional who are appointed to serve in the area of teaching, research and administrative services pursuant to notices of appointment issued by the University's Human Resources Department.

- 3. Supervisor:** in relation to an Appointed Professional refers to the individual who is directly responsible for day-to-day oversight, performance evaluations and promotion recommendations related to such Appointed Professional.
- 4. Full-time:** is a status determined by the University's Human Resources Department and in general refers to employment at 50% or more full-time equivalent, which employment is expected to continue for six (6) months or more.
- 5. Institutional Responsibilities:** means activities in the course and scope of an individual's performance as a University employee related to activities involving the individual's professional expertise, such as: teaching, administrative duties, clinical activities, research (sponsored or unsponsored), service on University committees, professional participation on panels and review boards, creation and presentation of scholarly work, and duties and responsibilities outlined in an individual's University employment agreement, etc., regardless of when and where the activities occur.
- 6. Outside professional commitments:** are professional activities undertaken by a Covered Individual that are related to the individual's professional expertise, outside of the individual's Institutional Responsibilities, for the benefit of an external entity or individual, and/or not covered by a fully-executed written agreement between the University and the external entity.
- 7. Outside Employment:** refers to any employment relationship of a Covered Individual outside of the University. For purposes of this Policy, Outside Employment may or may not be a professional activity and may or may not be compensated but does require a time commitment from the Covered Individual.
- 8. Significant Use of University Resources:** has the meaning set forth in the ABOR Intellectual Property Policy, No. 6-908, Section F. By way of example only, Significant Use of University Resources may include:
 - Use of University research funding;
 - Use of funding allocated for asynchronous or distance learning programs;
 - Use of University-paid time within the employment period (other than during sabbaticals, under approved consulting arrangements or otherwise as permitted under ABOR and University policies);
 - Assistance of University-employed support staff;
 - Use of University telecommunication services (beyond ordinary telephone services);
 - Use of University central computing resources;
 - Use of University instructional design or media production services; and

- Access to and use of University research equipment and facilities, or production facilities.

Any inconsistency between this Policy and the ABOR IP Policy definition of “Significant Use of University Resources” shall be resolved by reference to the ABOR IP Policy definition.

9. University Employee: for the purposes of this Policy, refers to all University Appointed Personnel, as defined by the University Department of Human Resources in the University Handbook for Appointed Personnel (UHAP) Definitions Section. Such appointments may be tenure eligible, tenured or non-tenure eligible, and are subject to ABOR Personnel Policy as follows:

- Administrative Service, Chapter 6-101
- Faculty Service, Chapter 6-201
- Academic and Service Professionals, Chapter 6-301

Date: February 26, 2014

Memo to: Faculty Senate Research Policy Committee

From: Victoria Tugade, Conflict of Interest Officer

Re: UA Investigator Conflict of Interest in Research – Summary of Changes and Training Plan

In order to clarify and streamline the UA's Conflict of Interest policy relating to individual research investigators, and align with the UA's Strategic Plan and goals for increasing UA's research portfolio, ORCR has prepared the attached proposed revision to the UA's current Investigator Conflict of Interest in Research policy (the "Revised Policy"). The Revised policy has been created with the guidance and input of the Conflict of Interest Policy Committee and has been reviewed and approved by the Office of the General Counsel. We are requesting that the Revised Policy be included as an agenda item for the next scheduled President's Cabinet meeting for discussion and approval.

This memo summarizes the major changes in the Revised Policy and outlines the Conflict of Interest Program Office's implementation and training plan.

- **Revised tone and general edicts to clarify:**
 - Updated to align policy with revised federal guidelines (CFR 200.112 and NSF General Guidelines). Added provisions requiring all Investigators to complete annual update each June.
 - The tone and direction of the policy has been revised to reflect the goals of the UA's Strategic Plan (i.e. fostering external relationships, Faculty IP business ventures, SBIR/STTR collaborative research projects, etc.).
 - Edited the entirety of the Revised Policy to create a more concise and easy to follow policy that provides guidance and helpful information to the campus community.
 - Definitions have been revised to include clarification based upon frequently asked questions and calls for clarification over the course of the last twelve months.
- **Added provisions for Research Administrators:**
 - The Revised Policy includes the addition of disclosure requirements for those individuals who participate in the business function of research administration (i.e. contract negotiation, budget negotiation, vendor selection, IP licensing, etc.).

- Understanding that these individuals have the potential to influence the research through the course and scope of the performance of their job duties, the Revised Policy incorporates disclosure requirements (separate from those established for Investigators) to ensure that any potential conflicts are properly disclosed and managed.
- **Procedures for the Revised Policy:**
 - Procedures document is in final form and is ready to present to the campus community upon approval of the Revised Policy.
 - The campus community will be notified via official UA Announce communication, with follow-up notification on trusted list serves across campus (i.e., RAMtalk, Financial Administrator, and internal department list serves).
 - Campus communication will include links to the Revised Policy and procedures document, as well as a request for training form, and an open office hours schedule for the Conflict of Interest Office to assist with questions or concerns on policy requirements.
- **Training for campus community:**
 - The Conflict of Interest Office has developed training aimed at assisting the three main groups that are affected by Conflict of Interest: (1) those individual who must complete disclosure and/or training under the policy; (2) those who support individuals who must complete disclosure; and (3) those campus colleagues who participate in conflict of interest administrative activities on behalf of the UA (i.e. Tech Launch Arizona, Institutional Review Committee, Office of Research and Contract Analysis, Sponsored Projects Services, etc.).
 - Training will be provided in mediums to suit the needs of our campus community, including web-delivered video presentations, written guidelines and in person training classes.
 - In addition to training materials, the Conflict of Interest Office will have open office hours every Tuesday and Thursday, from 11:00am to 1:00pm to allow individuals the opportunity to seek advice and assistance for specific circumstances.
 - The Conflict of Interest Office will continue to provide in-person training to the campus community upon request, but will also hold trainings every other month which will be open to any member of the campus community, for as long as such trainings are needed.

A copy of the Revised Policy is attached to this memo. Please let us know if you have any questions or concerns, or if you would like any additional information.

Policy Number:	Policy Name: Individual Conflict of Interest in Research
Initial Effective Date/Approved By: August 24, 2012	Revision Dates/Approved By:

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INTRODUCTION

The University of Arizona (“University”) is dedicated to maintaining high standards of objectivity, integrity, credibility and ethical conduct in the conduct of its research and research-related activities, including sponsored research services, research contracting, technology transfer, research compliance and research administration.

The University recognizes that faculty and other employees engage in many relationships with external entities, some of which could have a direct relevance to his/her University research, academic and/or administrative responsibilities. Such relationships frequently advance important public interests, by fostering public-private interactions in research and development, facilitating the transfer of University-developed knowledge into practical applications, creating new businesses and promoting general economic development for the benefit of the state of Arizona, the nation and the global community. At the same time, the intersection of an individual’s financial or other personal interests with his/her responsibilities to the University may compromise, or may reasonably appear to compromise, the individual’s objectivity, professional judgment or integrity, and/or ability to perform University research, educational or administrative responsibilities free from bias or undue outside influence.

POLICY PRINCIPLES

Consistent with the University’s research, education, technology transfer and public service missions, the University encourages its faculty, staff, and students to engage in appropriate relationships with private industry and the non-profit sector. Since actual or potential conflicts of interest may frequently arise as a result of such interactions, each person who is a Covered Individual under this Policy (as defined below) has the responsibility to ensure that his/her actual or potential conflicts of interest are disclosed, reviewed and managed in accordance with this Policy.

In recognition of his/her unique access to information and his/her special obligations with respect to the University’s core missions, this Policy applies to all Investigators and Research Administrators, as defined in Section D, below.¹ (For purposes of this Policy, Investigators and Research Administrators are sometimes referred to collectively as “Covered Individuals”).

In general terms,² a Financial Conflict of Interest (FCOI) for purposes of this Policy means a situation in which a Covered Individual’s Significant Financial Interests (SFI) or Significant Personal Interests (SPI), or those of a Family Member (or Relative as applicable to Research Administrators) may compromise, or appear to compromise, the Covered Individual’s objectivity in the performance of his/her Institutional Responsibilities.

¹ Capitalized terms used in this Policy that are not defined within the text are defined in Section D, below.

² The complete definition of “Financial Conflict of Interest” is found in Section D, below.

Members of a scientific and intellectual community such as the University recognize that in order to maintain objectivity about one's own situation and ensure credibility with outside observers, an evaluation external to oneself is required. Moreover, a determination that an actual or potential FCOI exists does not imply unethical or impermissible conduct. Such a determination does mean, however, that the relation of the conflict to the Covered Individual's Institutional Responsibilities must be carefully examined, and in some cases managed. Otherwise, even potential or perceived conflicts of interest may impair the University's ability to perform its core missions and jeopardize public trust and support.

Depending on the nature of a Covered Individual's Institutional Responsibilities, different levels of University risk exist and different types of ethical or legal requirements apply to the conflict of interest analysis.³ In general terms, however, the analysis and determination of an FCOI under this Policy always involves consideration of the following three criteria:

- The existence of an Outside Interest of a Covered Individual (or his/her Family Member or Relative);
- Relatedness between the SFI or SPI and the Covered Individual's Institutional Responsibilities; and
- The appropriate management or elimination of any SFI or SPI that is determined to be Related to the Individual's Institutional Responsibilities, as set forth in this Policy and accompanying procedures.

Because federal regulatory requirements apply specifically to conflicts of interest related to the Research responsibilities of Investigators, and Arizona state conflict of interest laws apply to public employees including Research Administrators, this Policy treats Investigators (Article A) separately from Research Administrators (Section B).

³ Guidance on each of these policies and procedures is available at the Conflicts of Interest Office page on the Office for the Responsible Conduct of Research website www.orcr.arizona.edu. Other University policies that require the disclosure and management of specific types of conflicts include: Policy on Managing Institutional Conflicts of Interest; Conflict of Commitment Policy; Purchasing Policy Manual; College of Medicine Policy on Interactions with Commercial Interests; Policy on Conflicts of Interest Arising from Interpersonal Relationships. Procedures for accepting gifts for the benefit of the University, including guidance about what is and what is not a gift, are detailed at: <http://policy.fso.arizona.edu/fsm/800/812>. When Research involves human subjects, the University may require additional conflict of interest review under the Institutional Conflict of Interest policy or other policies as necessary.

This Policy is supplemental to, and does not restrict the applicability of, such other policies. Members of the University community are expected to become familiar with and fulfill the requirements of each of these policies.

A. Investigator Requirements

The Conduct of Research should be free from bias generated by FCOI on the part of any Investigator, regardless of title or position, who is responsible for the design, conduct or reporting of such Research. This includes the Principal Investigator (PI) and co-PI, co-Investigator, Project Director (PD) and Co-PD, as well as any students, trainees, collaborators, volunteers, Subrecipients and Consultants, if those individuals have some degree of independence in performing some aspect of design, conduct or reporting of the research. **All such individuals are included in the term “Investigator” for purposes of this Policy.**

1) Investigators’ Disclosure Responsibilities:

a) Disclosure of Outside Interests Related to the Conduct of Research.

The following SFI are required to be disclosed by Investigators: (1) Outside Interests of the Investigator that would reasonably appear to be related to his/her Institutional Responsibilities; and (2) Outside Interests in entities whose financial interests would reasonably appear to be affected by the Research.

1. Who must disclose:

All Investigators must disclose all Outside Interests (*i.e.*, theirs and those of their Family Members) that may reasonably Relate to his/her Institutional Responsibilities (each, a “**Disclosure**”). Investigators with no Outside Interests that are reasonably Related to his/her Institutional Responsibilities must complete the Disclosure by certifying that he/she has no such Outside Interests. Investigator Disclosures are submitted using the online Disclosure system, a link to which can be found on the Conflict of Interest Office’s web page (<https://orcr.arizona.edu/COI/>). Investigators’ Excluded Interests, as defined in Article V, are not subject to this Policy’s Disclosure requirements.

2. When Disclosures must be submitted or updated:⁴

a) For all Investigators participating in the Conduct of Research where the activity is receiving funding from **any** federal source, including sub-

⁴ For more information regarding Investigator Disclosure requirements, please visit “Procedures for the Policy on Individual Conflict of Interest in Research” posted on the Website for the Office for the Responsible Conduct of Research (<http://orcr.arizona.edu/coi/procedures/investigator>) or contact the Conflict of Interest Program Office.

federal awards, an initial disclosure is required *prior* to the submission of any federal or sub-federal proposal.

- b) For all other Investigators participating in the Conduct of Research not funded by any federal or sub-federal awards, an initial Disclosure is required *prior* to participating in any Research activities at the University.
- c) After initial completion, Disclosures must be updated upon the following schedule:
 1. Annually, between June 1 and June 30 of each calendar year, all Investigators must recertify his/her disclosure.
 2. Within thirty (30) days of acquiring a new SFI, or a change in an existing SFI.
 3. For initial Disclosures where the Investigator has disclosed Outside Interests that are reasonably Related to his/her Institutional Responsibilities, subsequent Disclosure must be made upon the following schedule:
 - Prior to the expenditure of funds on any Research project where he/she is an Investigator; *and*
 - More often as circumstances require or as required by the University's Human Subjects Protection Program for research involving human subjects, or pursuant to other applicable University COI policies (see footnote 3).

2) Training on Conflict of Interest:

Every Investigator must successfully complete the mandatory conflict of interest Training course, provided by the Office for the Responsible Conduct of Research (see <http://orcr.arizona.edu/coi/training>), on the following schedule:

- a) Prior to proposal submission for all Investigators receiving funding from any federal source, including sub-federal awards; or
- b) Prior to participating in the Conduct of Research for all other Investigators; and
- c) Every four years thereafter or as directed by the University when either of the following applies:
 1. The University revises the training requirements; and/or

2. When the University determines that the Investigator is found to be noncompliant with this Policy or any management plan related to an identified FCOI.
- 3) Institutional Oversight:
- a) Review, determination and notification.⁵

The Institutional Review Committee (IRC) appointed by, and advisory to, the Senior Vice President for Research (SVPR), and the Conflict of Interest Officer are responsible for reviewing Investigator Disclosures, making determinations of FCOIs based upon the information in the Disclosures, and notifying Investigators and relevant parties of such determinations. Several examples of determinations are as follows:

1. Identified FCOI. When an FCOI is identified, the IRC and Conflicts of Interest Officer develop a recommended management strategy, which is presented to the Investigator by the Conflict of Interest Officer. The Conflict of Interest Officer then works with the Investigator to develop a management plan based upon the recommendations. A finalized plan is provided to IRC for review and approval and, upon approval, sent to the SVPR for final review and approval. All management plans require monitoring by the Conflict of Interest Officer, beginning six (6) months after the fully-approved management plan is completed, and on a recurring schedule every six (6) months until such time as it is determined by the IRC and the Conflict of Interest Officer that the identified FCOI no longer exists.
2. No FCOI-administrative action notice. When an Investigator's Disclosure is reviewed and no FCOI is identified, but the IRC and/or Conflict of Interest Officer determines that the facts of the Disclosure require advice to the Investigator to avoid a potential FCOI in the future, an administrative action notice is sent to the Investigator. Such notices are informal and sent to the individual Investigator via electronic mail from the Conflict of Interest Officer.
3. No FCOI-referral to separate committee or review procedure. When an Investigator's Disclosure is reviewed and no FCOI is identified, but the IRC and/or Conflict of Interest Officer determines that the facts of the Disclosure

⁵ Information related to procedures of this policy can be found in the "Procedures for the University of Arizona Policy on Individual Conflict of Interest in Research" posted on the COI Program Office page at the website of The Office for the Responsible Conduct of Research, <http://orcr.arizona.edu/coi/procedures/investigator>.

indicate potential issues under other University policies, the Conflict of Interest Officer may refer the matter to another office or review committee as appropriate (see footnote 3).

4. No FCOI-no additional action required. When an Investigator's Disclosure is reviewed by the IRC and/or the Conflict of Interest Officer and no FCOI is identified and no additional action is required from the Investigator, the Conflict of Interest Officer will update the online Disclosure system to reflect "no FCOI" and the Investigator will receive an automated electronic message from the disclosure system stating no FCOI was found.

b) External Reporting of Investigators' Financial Conflicts of Interest

As required by the applicable Research grant, agreement or contract, the COI Officer will provide information to research sponsors or funding agencies regarding the IRC's determinations of an Investigator's FCOI and related management plans, as required by such grants, agreements, and contracts.

1. Specific reporting requirements for Research funded by the PHS/NIH:

For Research funded by the PHS/NIH, (excluding Phase I SBIR/STTR grants), the University will submit reports to the funding agency regarding the IRC's determinations of an Investigator's FCOI and related management plan in accordance with the following requirements:

- Prior to the initial expenditure of PHS/NIH funds; and/or
- Within sixty (60) days of determination of a new or newly-identified FCOI; and/or
- At least annually, at the time of an extension of funding or submission of the annual progress report; and/or
- Within one hundred and twenty (120) days of completion of a retrospective review pursuant to Section C (Compliance; Sanctions for Non-Compliance), below.

2. Public access to FCOI information related to PHS/NIH-funded studies:

For Research projects funded by the PHS/NIH (excluding Phase I SBIR/STTR grants), the University is required to respond within five (5) business days of receipt of a written request from a member of the public for information regarding determination of an FCOI of Senior/Key Personnel for the funded project. Such public requests must comply with the requirements of 42 CFR §

50.605(a)(5) and 45 CFR § 94.5(a)(5) of the NIH grants policy (http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf).⁶

c) Subrecipients and Consultants

With respect to any Subrecipient or Consultant agreement awarded pursuant to a federally funded award to the University (excluding Phase I SBIR/STTR grants), one of the options provided below shall be established:

1. Option 1 (Subrecipients and Consultants with existing PHS/NSF-compliant COI policies and processes):

A Subrecipient or Consultant under a federally funded agreement from the University may provide certification that: 1) it has implemented a PHS/NSF-compliant COI policy and process; 2) it agrees to apply the PHS/NSF-compliant COI policy to all of its Investigators (as defined herein) performing under the PHS/NSF-supported agreement; and 3) it will be responsible for its Investigators' compliance under its policy and pursuant to the agreement.

2. Option 2 (Subrecipients and Consultants lacking PHS/NSF-compliant COI policies and processes):

Any Subrecipient or Consultant that cannot certify the existence of an established a PHS/NSF-compliant COI policy and process within its organization shall agree that: 1) all of its Investigators participating in the subcontracted work or consulting project will be subject to the University's COI policy and processes, and 2) the Subrecipient organization or Consultant will be responsible for all Investigators' compliance under the University's policy and pursuant to the subcontract or consulting agreement.

For more detailed information on institutional oversight, please visit the procedures for this policy (see footnote 5, above).

B. Requirements for Research Administrators

1) General Obligations:

⁶ The University's procedure for making such a request, along with a link to the required form, is posted online at the Conflict of Interest Program Office page on the Responsible Conduct of Research website. <http://orcr.arizona.edu/coi/public>.

In the performance of his/her Institutional Responsibilities, Research Administrators will not:

- a) Use his/her University position to derive personal or financial benefits outside the normal University compensation and benefits structure;
- b) Advise, or intentionally or knowingly influence, any University employees, contractors or students to act in a manner contrary to the interests of the University or otherwise contrary to his/her employment, academic, contractual or other responsibilities to the University;
- c) Compete with the University while pursuing his/her own Outside Interests;
- d) Show favoritism toward sponsors, licensees or other Third Party Organizations, including other University employees, to advance the Research Administrator's (or his/her Relative's) Outside Interests;
- e) Use or disclose to any Third Party Organization information, intellectual property or technology that is the property of the University or its research sponsors, without first obtaining appropriate authorization for such use or disclosure as set forth in The Arizona Board of Regents and University of Arizona Intellectual Property Policies, and applicable sponsor agreements;
- f) Participate in or influence negotiations, or make financial or business decisions related to transactions between the University and any Third Party Organization in which the Research Administrator (or his/her Relative) has an Outside Interest; or
- g) Accept gratuities, gifts or favors in exchange for the use of influence on behalf of, or the granting of special treatment to, any Third Party Organization.

Each of the foregoing actions is an FCOI under this Policy.

2) Disclosure Requirements: Institutional Oversight.

- a) Research Administrators are charged with the responsibility to disclose all Outside Interests (*i.e.*, theirs and those of their Family Members and Relatives) that can reasonably be deemed Related to his/her Institutional Responsibilities by submitting a Disclosure to his/her immediate supervisor, on a form to be provided by the COI Office, with a copy to the head of the Research Administrator's primary department or unit.
- b) Disclosures must be submitted by the Research Administrator promptly upon becoming aware of an Outside Interest that is Related to, or that may reasonably

appear to be Related to, the individual's Institutional Responsibilities. Disclosures should be updated at least annually, or more often in the event of a change in the Research Administrator's Outside Interests.

- c) The Research Administrator's supervisor will review the Disclosure and determine whether the Outside Interest is Related, or may reasonably appear to be Related, to the discloser's Institutional Responsibilities (*i.e.*, whether the Outside Interest has the potential to directly and significantly affect the individual's performance of his/her Institutional Responsibilities, including but not limited to any of the obligations listed in Section B.1, above). If the supervisor's determination is in the affirmative, an FCOI exists under this Policy.
- d) Upon the supervisor's determination that an FCOI exists, the supervisor will provide written notification of such determination to the disclosing Research Administrator, with a copy to the applicable department or unit head and the COI Officer. The Research Administrator and his/her supervisor will work with the COI Officer, to create a management plan that appropriately eliminates or manages the FCOI, and submit the plan for review and approval by the applicable department or unit head. The final, approved management plan will be signed by the Research Administrator, his/her supervisor and the applicable department or unit head. The Research Administrator's supervisor is the "**Office of Record**" and is responsible for maintaining the original documentation of the request and response as a personnel record in accord with the University policy for personnel record retention. The Office of Record also is responsible for providing a *copy* of any management plans to the COI Office and for providing relevant portions of the management plan to other University departments that are affected by the management plan.
- e) The Research Administrator's supervisor will be responsible for monitoring the Research Administrator's compliance with the obligations found in the management plan and reporting compliance status to the COI Officer on an annual basis, beginning the date the final management plan was signed.

C. Compliance; Sanctions for Noncompliance

All Covered Individuals are required to comply with this Policy and with any management plans or administrative directives that may be issued as a result of the determination of an FCOI under this Policy. Research that is Related to a disclosed Outside Interest will be permitted to proceed when the Investigator certifies in writing his/her commitment to the management plan related to the University's determination that an FCOI exists. When Research involves human subjects, the Investigator may be required to obtain additional IRB approvals pursuant to human subjects research regulations, or as required by other University review committees.

1) Compliance inquiries:

In the event that the University becomes aware through its active monitoring processes or otherwise that a Covered Individual may have been noncompliant with one or more requirements of this Policy, the University will make appropriate inquiries to determine the facts.

2) Retrospective reviews for PHS/NIH funded Research:

A retrospective review will be conducted if the University determines that an Investigator participating in any University project funded by the PHS/NIH (excluding Phase I SBIR/STTR grants) has not: a) complied with this Policy; or b) complied with a required FCOI management plan; or c) disclosed a SFI or SPI in a timely manner to allow appropriate review and management.

- a) In accord with PHS/NIH policy ([42 CFR § 50.605\(3\)](#)), the IRC will complete a review within sixty (60) days of a determination of undisclosed or un-reviewed interest to assess whether there is an FCOI related to University research, in which case the University will: (1) immediately implement an interim management plan; (2) complete a retrospective review within one hundred and twenty (120) days to determine whether any noncompliance with this Policy and/or noncompliance with an FCOI management plan has biased the design, conduct or reporting of University research; and (3) determine the means by which any identified bias may be mitigated.
- b) In the event that a retrospective review identifies an FCOI related to PHS/NIH-funded University Research, the University will timely make reports to the PHS/NIH as required under NIH grants policy pursuant to ([42 CFR § 50.605\(3\)\(B\)\(9\)\(iii\)](#)).

3) Sanctions or administrative actions:

In cases of noncompliance with this Policy, the University may apply appropriate employee sanctions or administrative actions, in accordance with relevant administrative, academic and employment policies.

Consistent with PHS/NIH grants policy ([42 CFR § 50.606\(c\)](#)) (http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf),

“in any case in which a determination is made that a PHS/NIH-funded project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by an Investigator with an FCOI that was not managed or reported by the Institution as required, the Investigator will be required to disclose the FCOI in

each public presentation of the results of the research and to request an addendum to previously published presentations.”

D. Definitions

- 1) **Conduct of Research or Research:** Any organized program of scientific inquiry that involves a systematic investigation designed to develop or contribute to generalizable knowledge that is performed at, or under the auspices of the University, whether or not such Research is sponsor-funded. “Conduct of Research,” as used in this Policy, includes the design, development, testing, evaluation, conduct, reporting, review or oversight of such program of scientific inquiry. By way of example, the Conduct of Research includes, but is not limited to, directing or serving as an Investigator, performing laboratory experiments, soliciting consent from research subjects, or making decisions related to the Research, such as eligibility of patients to participate in Research, analyzing or reporting Research data, or submitting manuscripts or abstracts related to the Research for publication. “Conduct of Research” as used in this Policy, includes, but is not limited to, basic and applied research, clinical research, research fellowships and training programs, and research-related activities in undergraduate and graduate education.
- 2) **Consultant:** An individual or firm that provides professional advice or services on a sponsored project for a fee, but is not a University employee.
- 3) **Covered Individuals:** Any Investigator (as defined in this Section D. 9) or Research Administrator (as defined in this Section D. 15).
- 4) **Equity Interest:** Any stock or other ownership interest, or an entitlement to obtain any stock or ownership interests (*e.g.*, stock options and warrants). The value of an Equity Interest is determined through reference to public prices or other reasonable measures of fair market value.
- 5) **Family Member:** An Investigator’s spouse or dependent children. For purposes of this Policy, a “spouse” includes a person to whom one is married, or a person with whom one lives together in the same residence and each person shares responsibility for the other’s welfare and financial obligations.
- 6) **Federally Funded:** Any sponsored research activity where the source of funds are provided, either directly or through subaward, to the University from any federal agency.
- 7) **Financial Conflict of Interest (FCOI):** A Significant Financial Interest (SFI) or Significant Personal Interest (SPI) is considered to be a Financial Conflict of

Interest (FCOI) under this Policy when the SFI or SPI is Related to, or can be perceived to be Related to, the Covered Individual's Institutional Responsibilities.

8) Institutional Review Committee (IRC): The IRC is a University-wide committee consisting of at least ten (10) voting members who are appointed by the Senior Vice President for Research:

- Three (3) faculty members from the Health Sciences;
- One (1) faculty member from the College of Engineering;
- Two (2) faculty members from the College of Science;
- Four (4) faculty members from other academic units.

Faculty members should be active researchers with an understanding of research practices and activities within his/her respective disciplines.

The committee also includes non-voting, ex-officio members from the following units as necessary: the Office for the Responsible Conduct of Research, the Technology Transfer Arizona (TTA), the Office of Research and Contract Analysis (ORCA), Sponsored Projects Services (SPS), the Office of the Human Subjects Protection Program (HSPP), Procurement and Contracting Services (PACS), and the Office of the General Counsel (OGC). The committee may invite other non-voting, ad hoc members to assist in discussions and decisions as needed.

9) Institutional Responsibilities: Institutional Responsibilities of Covered Individuals include research, scholarship, teaching and instruction, development and commercialization of research results, administrative service to the University, membership on institutional committees, and all other work and activities that the University considers in its review of an individual's performance in the course and scope of his/her University employment or other obligations.

An Investigator's Institutional Responsibilities include any activities: (1) performed as a University employee or a collaborator with or Consultant to the University; or (2) related to activities involving the Investigator's professional expertise, such as teaching, administrative duties, clinical activities, Research (sponsored or unsponsored), federally funded project activities, service on University committees, professional participation on panels and review boards, including data and safety monitoring boards, creation and presentation of scholarly work, etc., regardless of when and where the activities occur.

10) Investigator means any person who is responsible for the design, conduct or reporting of such Research. This includes, but is not limited to, the Principal Investigator (PI), Co-PI, Co-Investigator, Project Director (PD), Co- PD, Senior/Key Personnel and any other persons involved in the Conduct of Research, regardless of title or position, who are responsible for the design, conduct or

reporting of Research performed by or under the auspices of the University. This may include students, trainees, collaborators, volunteers, and Consultants if those individuals have some degree of independence in performing some aspect of design, conduct or reporting of the Research. The term, “Investigator,” does not include individuals whose performance within the Research is purely ancillary or occurs solely under immediate supervision.

- a) With respect to clinical research, the term Investigator includes individuals who are directly involved in the research intervention or consenting or evaluation of human research subjects, but does not include hospital staff or office staff who only provide ancillary or intermittent care and do not make direct and significant contributions to the research data.
- b) For the purposes of compliance with this Policy, an individual’s position, title on the project, employment status (full or part-time), or percent of effort devoted to the project *do not* factor into the definition of Investigator. The term, “Investigator,” is based upon the individual’s independence in the design, conduct or reporting of the Research.

11) National Science Foundation (NSF) - The National Science Foundation (NSF) and any components of the NSF to which the authority involved may be delegated, including those federal sponsors that incorporate NSF general terms and conditions by reference into grant and contract terms and conditions for that funding agency.

12) Outside Interests means all Significant Personal Interests and Significant Financial Interests of a Covered Individual, or his/her Family Member (with respect to Investigators) or Relative (with respect to Research Administrators) that are not Excluded Interests, as such terms are defined in this Section D.

- a) **Significant Personal Interest (SPI):** A “Significant Personal Interest” is any managerial, professional or fiduciary position held in any Third Party Organization (*e.g.*, as an officer, director, trustee, advisory board member, board of directors or other managerial position), whether or not he or she is compensated.
- b) **Significant Financial Interest (SFI):** For purposes of this Policy, the definition of a “Significant Financial Interest” with respect to an Investigator (section D(10)(b)(1), below) differs from the definition applicable to a Research Administrator (section D(10)(b)(2), below):

1. Investigator SFIs:

A SFI exists when any of the following interests are present with respect to the Investigator or his/her Family Member:

- Intellectual Property Interests: Has received income related to intellectual property rights or interests (*e.g.*, as owner of a patent or copyright or as a licensee of such rights) except for those interests determined to be Investigator's Excluded Interests, as outlined in this Section D(10)(c), below; *or*
- With respect to any publicly traded entity: (i) Has received Remuneration from any publicly traded entity in the twelve months prior to disclosure; *and/or* (ii) has any Equity Interest in the publicly traded entity as of the date of disclosure *and* the combined total of all such Remuneration and Equity Interests exceeds \$5,000 in value when aggregated; *or*
- With respect to any non-publicly traded entity: (i) Has received Remuneration from a non-publicly traded entity in the twelve months prior to a disclosure, and the value of all such Remuneration exceeds \$5,000 when aggregated; *or* (ii) Holds ANY Equity Interest in a non-publicly traded entity, regardless of the percentage of equity or value.

2. Research Administrator SFIs:

A Significant Financial Interest (SFI) of a Research Administrator under this Policy means ANY pecuniary or proprietary interest held by the Research Administrator or his/her Relative in a Third Party Organization, *other than* a "remote interest." "Remote interests" are defined in the Arizona conflict of interest law (Arizona Revised Statutes (ARS) § 38-502) and include the following types of interests, which do not need to be disclosed under this Policy ("**Research Administrators Excluded Interests**"):

- Non-salaried officer of a nonprofit corporation;
- Landlord or tenant of a contracting party;
- Attorney of a contracting party;
- Member of a nonprofit cooperative marketing association;
- Ownership of less than 3% of the shares of a for-profit corporation, provided the total annual income from stock dividend or other payments, including the value of stock dividends, from the corporation does not exceed 5% of the total annual income of such Research Administrator (or Relative) and any other payments made to him/her by the corporation do not exceed 5% per cent of his/her total annual income; and
- Reimbursement received by a public officer or employee for actual and necessary expenses incurred in performance of official duty.

c) SFIs of an Investigator do not include the following interests, which do not need to be disclosed under this Policy (**Investigators' Excluded Interests**):

- Salary, royalties or other Remuneration paid by the University to a current University employee or appointee; and
- Payments made by the University in exchange for the transfer of intellectual property rights assigned to the University and from agreements by the University to share any royalties related to such rights; and
- Income from investment vehicles such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made by the investment managers within these funds or accounts; and
- Income from seminars, lectures, teaching engagements or service on advisory committees or review panels sponsored by: (i) a government agency (federal, state or local), or (ii) an institution of higher education as defined at 20 USC § 1001(a); or (iii) an academic teaching hospital, medical center, or research institute that is affiliated with an institution of higher education

13) Public Health Service (PHS): The U.S. Department of Health and Human Services (DHHS), and any components of the PHS to which the authority involved may be delegated, including the National Institutes of Health (NIH).

14) Related to or Relatedness: “Relatedness” is the condition in which it may reasonably appear that decisions made by the Covered Individual in the performance of his/her Institutional Responsibilities could directly and significantly affect the value of his/her Significant Financial Interests or be in conflict with Significant Personal Interests. Relatedness includes situations in which a Covered Individual’s Outside Interests would reasonably appear to affect, or to be affected by, the individual’s Research or other Institutional Responsibilities, as well as situations in which the Outside Interest involves an entity whose financial interests would reasonably appear to affect, or be affected by, the Covered Individual’s Conduct of Research or other Institutional Responsibilities. Examples in the context of Research are provided below. Relatedness is not a judgment on whether the Covered Individual would deliberately make choices in the Conduct of Research or the performance of his/her Institutional Responsibilities based on considerations related to his/her Significant Financial Interest or Significant Personal Interest. Rather, “Relatedness” refers to the condition in which it may reasonably appear that choices made in the Conduct of Research or other performance of the individual’s Institutional Responsibilities could be directly and significantly influenced by the existence of Outside Interests. For detailed information on relatedness as applied in IRC reviews, please visit the procedures for this policy (see footnote 5, above).

15) Relative has the definition set forth in ARS § 38-502 and, for purpose of this Policy, means a Research Administrator’s spouse, child, grandchild, parent, grandparent, brother or sister of the whole or half blood, and his/her spouses and the parent, brother, sister or child of a spouse. For purposes of this Policy, a “spouse” includes a person to whom one is married, or a person with whom one lives together in the same residence and each person shares responsibility for the other’s welfare and financial obligations.

16) Remuneration: Includes the aggregate amount of all loans, salary and other payments for services not otherwise identified as salary (*e.g.*, consulting fees, honoraria and paid authorship) received from a Third Party Organization. For purposes of this Policy, Remuneration includes the value of any loans received from a Third Party Organization, regardless of whether the lender is a for-profit or non-profit entity.

- **With respect to Investigators funded by PHS/NIH**, the Remuneration subject to this Policy includes the value in the aggregate of all sponsored or reimbursed travel costs received by the Investigator from a Third Party Organization (regardless of whether a for-profit or non-profit entity) that is related to the Investigator’s Institutional Responsibilities, as set forth in PHS/NIH policy ([42 CFR § 50.606\(c\)](#)). An approximate value of travel Remuneration may be reported if the actual value is not known. *Travel costs paid from a University account for budgeted travel related to sponsored projects or other work contracted for through the University are EXCLUDED from the definition of Remuneration for purposes of this Policy.*

17) Research Administrator means any individual employed by the University on a full-time or part-time basis whose responsibilities include participation in any manner in contracts or services related to research administration, research contracting, research compliance, responsible conduct of research, sponsored projects services or technology transfer (whether at the University, college, department or program level), and who are in a position to influence decisions or commit University resources in the performance of his/her Institutional Responsibilities.

This term *does not include* the following: (i) individuals whose responsibilities are purely clerical or are performed solely under immediate supervision; (ii) employees of Purchasing and Contracting Services (who are subject to Procurement and Contracting Services policy number 1.4); *nor* (iii) senior-level “University

Administrators” (who are subject to the Managing Institutional Conflicts of Interest policy).⁷

- 18) Senior/Key Personnel:** Anyone (including, but not limited to, the Principal Investigator or Project Director) identified as senior/key personnel in the grant application, contract proposal, contract, progress report or any other report submitted to the sponsor or funding agency by the University.
- 19) Subrecipient:** A party that receives a Subaward or Subcontract from the University under a University sponsored project and is accountable to the University for the use of the funds provided by the subaward.
- 20) Third Party Organization:** Any group, organization or legal entity (*e.g.*, partnership, firm, trust, joint venture, corporation, etc.) that is not part of The University of Arizona or The Arizona Board of Regents.

E. References.

- 1) Arizona Board of Regents Conflict of Interest Policy 3-901. <http://azregents.asu.edu/rrc/Policy%20Manual/3-901-Conflict%20of%20Interest.pdf>
- 2) PHS/NIH 42 CFR Part 50 and 45 CFR Part 94, “Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and Responsible Prospective Contractors” (DHHS Final Rule August 25, 2011): <http://www.gpo.gov/fdsys/pkg/FR-2011-08-25/pdf/2011-21633.pdf>
- 3) NIH FAQs on COI Rules: http://grants.nih.gov/grants/policy/coi/coi_faqs.htm
- 4) NSF Grant Proposal Guide Chapter II.C.1.e., Proposal Certifications: http://www.nsf.gov/pubs/policydocs/pappguide/nsf14001/gpg_2.jsp
- 5) NSF Award and Administration Guide Chapter IV.A., Conflict of Interest Policies: http://www.nsf.gov/pubs/policydocs/pappguide/nsf14001/aag_4.jsp
- 6) U.S. Food and Drug Administration CFR Part 54, “Financial Disclosure by Clinical Investigators:” <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/cfrsearch.cfm>
- 7) FDA: <http://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/ProposedRegulationsandDraftGuidances/default.htm>
- 8) NSF: http://www.nsf.gov/pubs/manuals/gpm05_131/gpm5.jsp and <http://www.iecjournal.org/iec/2011/10/nsf-conflict-of-interest-issues.html>
- 9) AAMC: <https://www.aamc.org/initiatives/coi/>

⁷ Conflicts of interest related to purchasing transactions are to be disclosed and managed as set forth in the Purchasing Policy Manual. Conflicts of interest involving senior-level University Administrators are subject to the University’s Policy on Managing Institutional Conflicts of Interest. Guidance on each of these policies and procedures is available at the Conflicts of Interest Office page on the Office for the Responsible Conduct of Research website, www.orcr.arizona.edu.

10) Arizona Revised Statutes (ARS) §§ 38-501, 502 and 503:

a. § 38-

501: <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/38/00501.htm&Title=38&DocType=ARS>

b. § 38-

502: <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/38/00502.htm&Title=38&DocType=ARS>

c. § 38-

503: <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/38/00503.htm&Title=38&DocType=ARS>

**University of Arizona Interim Policy on Conflict of Commitment,
External Professional Activities and Outside Employment**

(Effective August 24, 2012)

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POLICY REQUIREMENTS

INTRODUCTION

The University of Arizona encourages its faculty and appointed professionals to use their professional expertise to advance and communicate knowledge through interaction with the public, the community and external entities in ways that may render valuable service; provide an important on-going link between the University and business, industry, professional groups, governmental agencies, or other public or private organizations; enhance their performance of University teaching, research and public service missions; and bring credit to the University.

At the same time, the University has a fiduciary responsibility to protect its individual employment relationships from inappropriate external influences outside the course and scope of employment. External professional commitments are a privilege, not a right, and must not detract from a faculty member's or appointed professional's foremost obligation to his or her University duties. Even activities such as pro bono work, government service in the public interest, and any outside employment unrelated to the faculty member's or appointed professional's University responsibilities, are to be managed so they do not interfere with the individual's primary commitment to the University. External professional commitments and outside employment raise important questions of faculty member or appointed professional time and energy allocation, university resource allocation, intellectual property protection and potential for financial conflicts of interest.

The purpose of this policy is to address the requirements and criteria for approval of external professional commitments and employment of University faculty and appointed professionals. This policy is not intended to address whether or how any approved external professional activities may be evaluated in personnel review.

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POLICY PRINCIPLES

PRIMARY ALLEGIANCE AND OBLIGATION

All University faculty and appointed professionals have a primary commitment of time and intellectual energies to their work for the University. Outside employment and external professional commitments must not detract in time or content from their obligations to these duties.

PRE-APPROVAL REQUIREMENT:

CONDITION OF EMPLOYMENT

1. Faculty and appointed professionals (including senior administrators) of the University are required to receive advance written approval (not simply to provide "notice") of their supervisors for external professional commitments to commercial entities or to other institutions of higher education and for all external professional commitments that are more than a day on an occasional basis and that are not faculty commitments to participate in professional organization meetings. The request for approval should be submitted at least four (4) weeks prior to making the commitment.
2. **The written approval must be explicit in defining an approved scope of activity within a defined amount of time and period of time. Approvals should not be valid for periods longer than a year unless there are exceptional circumstances that require a commitment of longer than a year.** The unit that offers the approval is the office of record and responsible for maintaining the original documentation of the request and response as a personnel record in accord with the University policy for personnel record retention. A *copy* of the approval must be sent to the University's Conflict of Interest Program Office.
3. This obligation for prior approval applies to all University faculty members and appointed professionals including senior administrators. For faculty, the supervisor's approval must be provided by the Department Head and the Dean. All levels of Deans, Vice Presidents, Senior Vice Presidents and above must obtain approval from their direct supervisors. The President's accountability to ABOR for the President's own external commitments is not covered by this policy.
4. The review and approval is handled on a case-by-case basis. Individuals are not automatically entitled to any pre-established

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amount of time for external professional activity; however, it is acknowledged that the individual University professionals and the University may benefit from approved faculty member or appointed professional interactions with innovative external scholars and organizations and from commitments to professional societies, journals, etc. Even where the external activity has clear relevance to professional development, service and interactions, the extent of the commitment is a matter for the supervisor's evaluation.

5. **Approval of external professional commitments must be consistent with the provisions of this policy and its procedures.** Within these parameters, individual colleges may establish their own more restrictive conventions for approved external commitments based on the Dean's determination of the College's and the University's best interests.

OTHER REQUIREMENTS

Performance by University faculty and appointed professionals of external professional commitments and outside employment, as well as the terms of any contracts or agreements executed by the faculty member or appointed professionals (not executed by the University) with external individuals or organizations for those external commitments, must be consistent with all of the requirements of this policy and procedures. See the links on the left to other specific provisions of this University of Arizona Policy on Conflict of Commitment, External Professional Commitments and Outside Employment.

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A. DEFINITIONS

The term “**Conflict of Commitment**” relates to an individual’s distribution of effort between University duties and external professional commitments.

“**Full time faculty member or appointed professional**” is a status determined by reference to several criteria. Any questions about this status should be discussed with the Division of Human Resources.

“**External professional commitments**” are professional activities undertaken by a University faculty member or appointed professional that are:

- related to the individual’s professional expertise; and
- outside the individual’s institutional responsibilities; and
- for the benefit of an external entity or individual; and
- not covered by a fully-executed written agreement between the University of Arizona and the external entity.

“**Outside employment**” refers to any employment relationship of a University faculty member or appointed professional outside of the University. This outside employment may or may not be a professional activity and may or may not be compensated.

“**Institutional Responsibilities**” means a faculty member’s or appointed professional’s activities in performance of course and scope of University employment or in professional activity associated with the faculty member or appointed professional’s professional expertise performed as a University faculty member or University appointed professional regardless of when and where the activities occur, including but not limited to: teaching, administrative duties, clinical activities, sponsored project activities, research (sponsored or unsponsored), service on University committees, panels and review boards, and creation and presentation of scholarly work.

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B. RESPONSIBILITIES OF UNIVERSITY FACULTY MEMBER OR APPOINTED PROFESSIONAL AND UNITS

1. Faculty Member or Appointed Professional Responsibility:

Faculty members or appointed professionals of the University are required to receive advance written approval (not simply to provide “notice”) of their supervisors for external professional commitments to commercial entities or to other institutions of higher education and for all external professional commitments that are more than a day on an occasional basis and that are not faculty commitments to participate in professional organization meetings. This obligation for prior approval applies to all University faculty members or appointed professionals including senior administrators.

2. Responsibility for Review and Approval or Denial:

The immediate supervisor and unit head are responsible for review and approval or denial. This obligation for prior approval applies to all University faculty members and appointed professionals including senior administrators. For faculty, the supervisor’s approval must be provided by the Department Head and the Dean. All levels of Deans, Vice Presidents, Senior Vice Presidents and above must obtain approval from their direct supervisors. The President’s accountability to ABOR for the President’s own external commitments is not covered by this policy.

3. Responsibility for Maintaining Records of Review and Approval or Denial:

The unit that offers the approval is the office of record and responsible for maintaining the original documentation of the request and response as a personnel record in accord with the University policy for personnel record retention.

This same office is responsible for providing a *copy* of any approved external activity to the Conflict of Interest Program Office.

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C. CONTRACTS, LIABILITIES, ETC.

1. When the University of Arizona is not a party to a consulting or non-disclosure or another agreement between its faculty member or appointed professional and outside third parties for external professional activity, the University shall have no obligations or potential liability under such an agreement, and its rights shall not be impaired in any way by any such agreement.
2. Faculty members and appointed professionals who execute consulting or non-disclosure or other agreements for their external professional activities are responsible for ensuring that any contract or agreement that they execute complies with this policy.
3. The University of Arizona does not provide indemnity or any other insurance coverage for activities pursuant to such agreements executed between its faculty members or appointed professionals and external third parties.

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D. EXTERNAL FACULTY, ADMINISTRATIVE, MANAGERIAL AND OPERATIONAL RESPONSIBILITIES

1. Full-time faculty members or appointed professionals of the University may not be simultaneously employed as faculty members, professional staff, or administrators at any other postsecondary educational institution. Such employment is regarded as a *prima facie* conflict of interest. However, brief consultantships and collaborative research which meet the stipulations of this policy may be permitted with other postsecondary institutions. (See University Handbook for Appointed Personnel 2.06.06)
2. Full-time faculty members or appointed professionals and individuals on approved sabbatical leave must have prior written approval (as described earlier) to hold significant outside managerial responsibilities, e.g. President, Director, Chief Scientific Officer, Chief Technical Officer, Director of Research, etc. other than a position of proprietorship of a company that serves as the faculty member's or appointed professional's external consulting identity. If a faculty member or appointed professional believes it is essential for the success of an external venture that he/she provide substantial service to the external venture, the faculty member or appointed professional may be required to take a full or partial leave of absence from the University or a revised appointment at the University, for a specified period of time, consistent with relevant leave of absence policies.
3. Outside professional activities can generate conflicts of commitment regardless of the time involved. For example, directing a program of research or scholarship at another institution that could be conducted appropriately at the University of Arizona as part of the individual's normal research or scholarly work can deprive University of Arizona students and colleagues of the benefits of the individual's primary intellectual energies.
4. Another example is submitting research proposals through channels other than the University to support work that could be performed here. First, the use of University resources in the course of that work may be practically unavoidable. Second, it is impossible for the University to review and reward the contributions of its faculty member or appointed professional for

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work managed and/or conducted elsewhere. Third, this arrangement can result in unanticipated and unmanaged conflicts of interest for those involved.

5. For these reasons UA faculty members normally are prohibited from serving as principal investigators on sponsored projects submitted and managed through other institutions. Exceptions may be approved by the Senior Vice President for Research in special circumstances such as (but not limited to) an SBIR arrangement or for ongoing research of a faculty member newly arriving at the University of Arizona from another research institution. This stipulation is not intended to limit faculty from participating in multi-site training or research programs nor is it intended to apply to circumstances in which the faculty member's research requires access to facilities not available at the University of Arizona.

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E. BOARD MEMBERSHIPS

It is not unusual for University administrators, faculty and staff to be asked to serve on the boards of commercial enterprises or private 501(c)(3) entities. The following provisions apply to all, including University administrators.

1. Before joining any board of a for-profit entity, or board of a nonprofit entity related to one's professional expertise or institutional responsibilities, and regardless of whether the board membership is paid or unpaid, the faculty member or appointed professional must receive advance written approval as described earlier.
2. The recipient of an invitation to join an external entity's board may have a strong personal reputation for his or her professional skills that is a basis for the invitation to join the board; however, in some cases an additional basis of the invitation is an interest in having the University's name allied with the entity's public image. Board members' names and positions of employment will be displayed on websites and in printed materials.

A variety of state, Arizona Board of Regents, and University regulations and policies prohibit individuals from personally providing a University endorsement for an external entity. The University faculty member's or appointed professional's involvement may serve in some contexts as a degree of implied University endorsement of the enterprise. Depending on the context, there could be a view that the University's prestige would be enhanced by a University presence on the board of the entity. Additionally, competitors of the entity may argue that they should be entitled to equal representation by the public University on their boards. These are matters for careful consideration about board membership.

There are some relationships with external entities and their boards that the University maintains as a significant member of the community and for which board membership filled by a University faculty member or appointed professional may be an important and appropriate component of the University's role in the community. In many of these cases, the established nature of the external entity and the nature of the University's relationship to it in the community will be transparent to external observers and will preclude an implied University endorsement.

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3. Invitations to become a board member may be accompanied by assurances that the required time and effort will be minimal. However, board membership is not a token role. Board members have a fiduciary responsibility for that organization's well-being. If the entity performs poorly, there can be an unexpected negative impact on the University faculty member or appointed professional who serves on that board. Additionally, in any board matter that involves potential conflict between the best interests of the University and the best interests of the external entity, basic conflict of interest principles require that a University faculty member or appointed professional remind the board of his/her conflict in any discussions of the matter and recuse himself or herself from any vote on the matter. The board may have its own conflict of interest rules and procedures that apply to board members as well.

4. Most external boards will have insurance to indemnify board members for liability arising from their service on that board. If such coverage is available from the external board, this would be expected to respond as primary coverage for a university faculty member or appointed professional serving on that board. However, if a university faculty member or appointed professional is assigned to serve on an external board as part of the course and scope of his or her University employment duties, then claims associated with board service are also eligible for coverage through the State of Arizona's statutory insurance program, on an excess basis.

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F. PROTECTION OF UNIVERSITY STUDENTS, POST-DOCTORAL SCHOLARS AND TRAINEES

1. The academic activities of students, graduate students, postdoctoral researchers and other University trainees must be directed in accord with the best interests of the academic progress of these individuals and without regard for the personal external professional interests of a faculty member or the commercial interest of research sponsors.
2. Caution is necessary when university students, graduate students, post-doctoral scholars and trainees participate in activities where the supervising faculty member has a significant financial interest. Faculty who have external professional financial interests in companies often see opportunities for students and other trainees to obtain valuable practical experience in their field of study through those companies. Students and trainees may also see attractive benefits in such options. However, there is another side to this opportunity when it is connected to personal external financial interests of the faculty member or the faculty member's supervisor. A student may not feel he or she is in a position to decline such an opportunity when offered by a faculty member upon whom the student is dependent for academic guidance and recommendations. Additionally, after becoming involved with employment or an internship or a project supported by the faculty member's external financial interest, the student may find himself or herself concerned about effects on his or her academic career caused by unanticipated issues in the external relationship.
3. Any opportunities for practical experience or sponsored projects that faculty present to students must be presented in a context that (1) protects the student from feeling any potential coercion in accepting an offer of employment or internship or project experience and (2) includes a mechanism for handling any issues that may emerge in the employment or internship or project experience separately and independently from evaluation and guidance on academic progress. The Executive Review Committee or the Institutional Review Committee (when research is involved) can provide guidance on the appropriate arrangement. They can be contacted through the University's Conflict of Interest Program Office.

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This means that:

- Faculty members and staff members may not assign to students or trainees class work that will create a specific financial benefit for the external professional activities and financial interests of the faculty or staff member.
- Faculty members and staff members may not during their period of University employment involve themselves financially in the IP or start-ups of University students, graduate students, post-doctoral scholars or trainees during the period of these individuals' student or post-doctoral or trainee status. If students, graduate students, post-doctoral scholars or trainees seek guidance on their IP or start-ups or related entrepreneurial activity, they should be referred to the University's Office of Technology Transfer for assistance.
- If a faculty member or appointed professional wants to provide opportunities for University students or trainees through projects sponsored by the faculty or staff member's external financial interest (e.g. a faculty start-up) or using data from an external company in which the faculty member or appointed professional has a financial interest, the faculty member or appointed professional should present the proposal to the relevant University conflict of interest review committee (ERC or IRC for advance review and approval. Contact the University's Conflict of Interest Program Office). The committee review will address issues including but not limited to whether alternative options of equal academic value are offered to the students; the relationships of faculty supervising the academic progress of the students and the financial and supervisory experience on offer; the terms and conditions relevant to academic progress and publication by the students.
- Faculty or staff may not hire or directly supervise a University of Arizona student, graduate student, post-doctoral scholar or trainee in employment activities outside the University while serving as the student's, graduate student's, post-doctoral scholar's or trainee's major advisor or as a participant on the individual's dissertation committee without the advance written approval of both the University's relevant conflict of interest committee (ERC or IRC) and the director of the individual's training program or program of undergraduate or graduate studies (as long as

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this director does not have related personal significant financial interest).

4. Exceptions may be made with the written approval of the relevant University conflict of interest committee (IRC or ERC. Contact the University's Conflict of Interest Program Office). Where exceptions are allowed, the student or trainee must be fully informed about the specifics of the related significant financial interest including identity name, the nature and magnitude of the financial interest and the relationship to the project or enterprise in which the student or trainee would be involved. The student or trainee must have the real opportunity to decline to participate and to choose an unconflicted alternative project of no less educational value.

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G. RESTRICTIONS ON THE USE OF UNIVERSITY RESOURCES, INCLUDING PERSONNEL, FACILITIES, EQUIPMENT, SUPPLIES, CONFIDENTIAL INFORMATION, ETC.

1. supplies may not be used as part of external professional commitments except in a purely incidental way unless:
 - such use is approved by the head(s) of all unit(s) with authority over the resources and by the dean and the relevant vice president; and
 - the use does not interfere with UA performance of its missions; and
 - the resource use is covered by a fully-executed written agreement signed by authorized contract signatories of the University of Arizona in which use of all University of Arizona resources is compensated in accord with fair market value or actual costs, pursuant to the relevant UA business and finance policies. A copy of the facility use or other agreement for use of University resources must be provided to the University's Conflict of Interest Program Office.

(See <http://www.space.arizona.edu/services2.shtm>)
2. Resources purchased through sponsored project grants or other contractual arrangements may be used only in accord with the terms and conditions of the contract or grant.
3. Whenever University faculty members or appointed professionals are involved in external consulting or other external professional commitments, they must establish clear boundaries in space and time and procedures that separate their University and outside obligations, so as to avoid confusion about their appropriate use of resources and attributions of products of their work.
4. Faculty members or appointed professionals may not provide to external entities preferential access to research results, materials or products generated from University teaching (except course materials developed and owned by the individual), scholarship, research or business activities for purposes of the faculty members or appointed professional's personal financial interests, or the interests of the sponsors or gift supporters of the faculty member or appointed professional's institutional work, except

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through University contracts for such access . This would not preclude appropriate licensing arrangements for inventions, or consulting on the basis of sponsored project results where there is significant additional work or expertise involved.

5. A faculty member or appointed professional may not use for personal gain, or grant unauthorized access to others, confidential information not broadly available to the general public and acquired by the faculty member or appointed professional through the performance of University work.

See also the University's policy on "Misuse of University Assets" <http://www.hr.arizona.edu/policy/420>

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H. PUBLICATION RIGHTS AND PROTECTION OF OPEN EXCHANGE OF SCHOLARSHIP

Free and open exchange of ideas and the results of scholarly activities is one foundation of a community of scholars. University scholars must be able to pursue topics of interest, have access to available information and facilities, and be able to communicate the results of their work to other scholars and the public. Therefore, University faculty members and appointed professionals must ensure that in their interactions with external financial interests, they protect the rights of the University and University scholars to undertake research and scholarly work, and to disseminate the results of University research and scholarship, in an open and timely manner to the broader scholarly community and public in keeping with UA policies.

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I. OWNERSHIP OF INTELLECTUAL PROPERTY

The University of Arizona owns the title to all potentially patentable inventions conceived, or first reduced to practice, in whole or in part, by faculty in the course of their University of Arizona responsibilities, or with more than incidental use of University of Arizona resources, and the title must be assigned to the University of Arizona. However, some intellectual property, including lecture content developed by a University faculty member, may be owned by the faculty member.

Faculty members do not have the authority to assign or otherwise transfer rights in any University of Arizona intellectual property. If a faculty member has any uncertainty at all about the definition and scope of ownership for any intellectual property, that faculty member should seek the assistance of the University's Office of Technology Transfer or the Office of the General Counsel.

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J. USE OF THE UNIVERSITY OF ARIZONA'S IDENTITY

None of the University of Arizona's names or logos may be used in any external professional commitments except in accord with the University's policies on trademarks and licensing (See <http://www.licensing.arizona.edu/>). A University of Arizona faculty member or appointed professional is obligated to take care that the faculty member's or appointed professional's external activities are not characterized in a manner implying endorsement by the University of Arizona except as the University of Arizona may officially make an endorsement.

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**K. AUTHORSHIP, SPEAKING AND
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1. University faculty members and appointed professionals are prohibited from using any form of the University's name in a manner that may imply University endorsement of the faculty member's or appointed professional's non-University activities or an external entity with which the University faculty member or appointed professional has a relationship.
2. If a University faculty member or appointed professional is listed as an author on any publication resulting from performance of external professional commitments (not the faculty member or appointed professional's work under a University contract or grant with the external entity), or delivers an oral presentation related to his/her performance of external professional commitments, a disclosure must be included in the presentation and in all publications and distributed presentation materials stating that "[Name]'s contribution to this publication was as [paid consultant or other] and was not part of his/her University of Arizona duties or responsibilities."
3. University faculty members and appointed professionals are prohibited from publishing under their own names articles related to their professional activities or institutional responsibilities that are written in whole or in part by employees of external entities who are not identified as authors and project collaborators ("Ghost Written"). This is not intended to include publications from multi-site clinical trials that are drafted on behalf of the group by a subset of the multi-site investigators. This is intended to address articles essentially drafted by employees of an external commercial entity (such as, but not limited to, a pharmaceutical company) for publication under the University faculty member's or appointed professional's name.

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L. NONCOMPLIANCE

In cases of noncompliance with this policy, the University may apply personnel sanctions or administrative actions as it deems appropriate to the case and in accord with relevant employment policies.

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M. RECORD RETENTION

The unit that offers the approval is the office of record and responsible for maintaining the original documentation of the request and response as a personnel record in accord with the University policy for personnel record retention.

This same office is responsible for providing a copy of any approved external activity to the Conflict of Interest Program Office.

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External Professional Activities and Outside Employment**

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N. APPROVAL FORM

The approval form required for external professional activities and outside employment of University faculty members and appointed personnel is posted at <http://orcr.arizona.edu/coi/forms>. The request for approval should be submitted at least four (4) weeks prior to making the commitment.

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POLICY REQUIREMENTS

INTRODUCTION

The University of Arizona (“University”) is dedicated to research integrity. This means that in its performance of research the University is committed to ethical conduct, upholding the principles of transparency and accountability, free and unbiased inquiry, the transfer of ideas and technologies for the benefit of the public, sound stewardship of the resources entrusted to it, and compliance with all applicable state and federal laws and terms of relevant contracts and grants.

The University recognizes that faculty and other employees engage in many relationships with external entities, some of which could have a direct relevance to University research. These interrelationships are increasingly common and are not only sometimes unavoidable but often arise as part of conscious 21st Century national public policies fostering public-private partnerships and interactions in research and development. The University is committed to facilitating technology transfer activity that moves University-developed knowledge into practical applications, the creation of new businesses, and general economic development for the benefit of the people of Arizona.

Because the intersection of individuals’ personal financial interests with University research creates both possibility and perception of potential for bias in research, the University recognizes its obligation to protect the reasonable expectation that the design, conduct and reporting of University research is free from bias generated by Investigators’ financial conflict of interest. Commitment to the following principles guides this University research policy:

- Objectivity, integrity and credibility in the University’s research activities and related institutional research review processes;
- The safety and welfare of participants in University research;
- The public’s trust in the University and its research;
- Full compliance with applicable federal and state laws and regulations and sponsor agreements for research funding;

Nothing in this Policy is intended to restrict faculty members from choosing the subject matter of their research, scholarly work or other activities.

(NOTE: The first occurrence of **bolded words or phrases** in this policy refers to terms listed in the ‘Definitions’ section.)

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A. Investigator Requirement: Training on Conflict of Interest

1. Who must complete this course
Every **Investigator** (see ‘Definitions’).
2. Timing of required course completion
 - a. Prior to engaging in any Public Health Service (PHS, including NIH) funded project begun on or after August 24, 2012 (excluding Phase I SBIR/STTR grants); and
 - b. Prior to January 1, 2013, for all University of Arizona Investigators; and
 - c. At least every four years; and
 - d. As directed by the University when one of the following applies:
 - (i) the University revises the requirements for Investigators pursuant to this policy;
 - (ii) the Investigator is new to the University;
 - (iii) the Investigator is found not to be in compliance with this policy or a University management plan for the Investigator’s **financial conflict of interest** [42 CFR 50.604(b)]:
(http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf).
3. Link to the course
Course information: <http://orcr.arizona.edu/coi/training>

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B. Investigator Requirement: Disclosures of Significant Financial Interests

1. Who must disclose and what must be disclosed

Investigators must disclose all **significant financial interests** that can reasonably be deemed related to any of the Investigator's **institutional responsibilities**, including areas of professional activity or expertise broadly.

This “**relatedness**” is not a judgment on whether the employee would deliberately within his/her exercise of institutional responsibilities make choices for the purpose of affecting the value of her/his significant financial value. “Relatedness” is the condition in which it may reasonably appear that choices directly and significantly affecting the value of the significant financial interest could be made.

See the ‘Definitions’ section of this policy for more information on “relatedness” of significant financial interests.

2. When and how required disclosures are made

Investigators must file an initial disclosure of significant financial interests or update previously filed disclosures. Each Investigator is required to recertify their disclosure:

- a. Annually; and
- b. Within 30 days of acquisition of a new significant financial interest not previously disclosed; and
- c. As may be required by the University's Human Subjects Protection Program for new or continuing IRB review applications; and
- d. For projects that have received from PHS (including NIH) on or after August 24, 2012, a Notice of Award or noncompeting continuation with funding (excluding Phase I SBIR/STTR grants):
 - (1) For new awards, at least 45 days prior to access to funds; and
 - (2) For ongoing projects, at least 105 days before the start of the new budget period; and
 - (3) For Investigators newly joining an existing sponsored project, no later than 45 days in advance of their first day of participation as an Investigator in the project.

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3. Link to disclosure

The required form and instructions for disclosing significant financial interests are online at <http://orcr.arizona.edu/coi/forms>.

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C. Investigator Requirement: Compliance

Investigators are required to comply with the provisions of this policy including all management plans and administrative directives issued to them as a result of the University's evaluation of their significant financial interests, which process is described below.

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D. Institutional Obligations: Review, Assessment, Management and Reporting of Financial Interests

1. Institutional Review Committee (“IRC”)

Evaluations of Financial Conflict of Interest and determination of any management plan are performed by the **IRC** with the support of the University’s Conflict of Interest Program staff. More detail is provided in the “Procedures for the University of Arizona Policy on Investigator Conflict of Interest in Research” (<http://orcr.arizona.edu/coi/procedures/investigator>).

2. Evaluation of Financial Conflict of Interest (“FCOI”)

The first step is an evaluation to determine whether the significant financial interest constitutes an **FCOI**. An FCOI is a significant financial interest that is deemed to have potential to *directly and significantly* affect the design, conduct, or reporting of research.

3. Determination of management plan

If an FCOI is identified, the second step is an evaluation to determine whether the FCOI is permissible with a management plan. More detail is provided in the “Procedures for the University of Arizona Policy on Investigator Conflict of Interest in Research” (<http://orcr.arizona.edu/coi/procedures/investigator>).

4. IRC report to Investigator, supervisor, involved offices

If the IRC determines that there is an FCOI, the IRC will report that determination and any IRC-specified management plan to the Investigator and the Investigator’s immediate supervisor as well as to the University’s Human Subjects Protection Program if the project is human subjects research. The IRC-specified management plan will also be reported to any other offices that have a role in the plan.

5. Investigator certification of commitment to management plans

If the Investigator certifies his or her commitment to the IRC’s management plan, then the affected research will be permitted to proceed, subject to any IRB approval that may be separately required pursuant to human subjects research regulations.

6. University reports FCOI to research sponsors as required

The University will make FCOI identification and management reports to research sponsors with the timing and format required

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under the terms and conditions of the relevant sponsorship rules and agreements.

For PHS/NIH-funded projects, initial, annual and revised FCOI reports will be made to the NIH in accord with following NIH requirements:

- a. Prior to the initial expenditure of PHS funds;
- b. Within sixty (60) days of new or newly-identified significant financial interest;
- c. At least annually, at the time of an extension or the annual progress report;
- d. Within 120 days for a retrospective review pursuant to F.2 below.

7. Public access to FCOI information for PHS-funded studies

For projects that have received from PHS (including NIH) on or after August 24, 2012, a Notice of Award or noncompeting continuation with funding (excluding Phase I SBIR/STTR grants), the University is required to respond within five (5) business days of receipt of a request from a member of the public for information about identified financial conflicts of interest of **senior/key personnel** in a specific PHS-funded project by providing: the senior/key personnel name, title and role in the research project, the name of entity in which the financial conflict of interest is held by the senior/key personnel, the nature of the financial conflict of interest and its approximate dollar value [42 CFR 50.605(a)(5) and 45 CFR 94.5(a)(5)]: (http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf).

The procedure and form for making such a request is posted online at <http://orcr.arizona.edu/coi/public>.

8. IRC additional actions

As part of the IRC's review, the IRC may determine that disclosed significant financial interests do not constitute FCOI for the design, conduct or reporting of a research project but may require administrative direction to the disclosing Investigator pursuant to the University's commitment to financial interest transparency, to student/trainee protection, or to other relevant policies on financial interests. The IRC may respond with a letter of administrative direction to the Investigator, copying the department head and dean; it may refer the matter to another

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University office or review group (such as the Executive Review Committee) with relevant responsibilities; or it may submit recommendations to the Senior Vice President for Research, who will make the final determination regarding specific actions on a case-by-case basis.

9. Link to detailed procedures

The details of the procedures for these evaluations and reports are provided in the “Procedures for the University of Arizona Policy on Investigator Conflict of Interest in Research” (<http://orcr.arizona.edu/coi/procedures/investigator>).

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E. Subrecipients

For any subcontract pursuant to a PHS award to the University of funding (initial or noncompeting continuation) on or after August 24, 2012 (excluding Phase I SBIR/STTR grants), one of the following two options will be established in the subrecipient contract [42 CFR 50.604(c)]:

http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf.

1. Option 1

The subrecipient shall certify that it has a PHS-compliant COI policy and process and shall agree to apply its PHS-compliant COI policy to all of its investigators performing under the PHS-supported subrecipient contract and that it will be responsible for its investigators' compliance under its policy and pursuant to the subcontract.

2. Option 2

The subrecipient shall agree that all of its investigators participating in the subcontracted work will be subject to the University's COI Policy and processes, and that it will be responsible for its investigators' compliance under the University's policy and pursuant to the subcontract.

3. Link to detailed procedures

The University's relevant procedures are described in greater detail in the "Procedures for the University of Arizona Policy on Investigator Conflict of Interest in Research"
<http://orcr.arizona.edu/coi/procedures/investigator>).

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F. Noncompliance

1. Inquiries to determine facts

In the event that the University becomes aware through its active monitoring processes or otherwise that one or more requirements of this policy may not have been complied with, the University will make appropriate inquiries to determine the facts.

2. Retrospective review

For any University project that has received on or after August 24, 2012, from PHS (including NIH) a Notice of Award or noncompeting continuation with funding (excluding Phase I SBIR/STTR grants), if the University determines (a) that there has been noncompliance with this policy or (b) that there has been noncompliance with a required FCOI management plan, or (c) that a significant financial interest related to the project has not been timely reported and reviewed and managed:

- a. The IRC will complete a review within sixty (60) days to assess (a) whether there is an FCOI, in which case the University will immediately implement an interim management plan, and (b) if so, within 120 days the University will complete a retrospective review to determine whether the FCOI, and/or any noncompliance with this policy or with an FCOI management plan, has biased the design, conduct or reporting of the research and (c) how any identified bias may be mitigated [42 CFR 50.605 (3)]: (http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf).

3. Required reports to PHS

If the IRC retrospective review described above has identified FCOI, the University will timely make the required reports to the PHS [42 CFR 50.605 (3)(B)(9)(iii)]: (http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf).

4. Additional sanctions or administrative actions

In cases of noncompliance with this policy, the University may apply employee sanctions or administrative actions as it deems appropriate to the case and in accord with relevant employment policies.

5. Sponsor requirements for corrective action

Research sponsors may make their own determinations regarding the adequacy of the University's corrective responses

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and may also direct specific different or additional corrective actions, for example: “In any case in which the HHS determines that a PHS-funded project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by an Investigator with a financial conflict of interest that was not managed or reported by the Institution as required by this part, the Institution shall require the Investigator involved to disclose the financial conflict of interest in each public presentation of the results of the research and to request an addendum to previously published presentations.” [42 CFR 50.606(c)]: (http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf).

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G. References

- **NIH 42 CFR Part 50 and 45 CFR Part 94** “Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and Responsible Prospective Contractors” (DHHS Final Rule August 25, 2011): <http://www.gpo.gov/fdsys/pkg/FR-2011-08-25/pdf/2011-21633.pdf>
- **NIH FAQs on COI Rules:** http://grants.nih.gov/grants/policy/coi/coi_faqs.htm
- **CFR Part 54** (US Food and Drug Administration “Financial Disclosure by Clinical Investigators”): <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm>
- **FDA:** <http://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/ProposedRegulationsandDraftGuidances/default.htm>
- **NSF:** http://www.nsf.gov/pubs/manuals/gpm05_131/gpm5.jsp
- **NSF:** <http://www.iecjournal.org/iec/2011/10/nsf-conflict-of-interest-issues.html>
- **AAMC:** <https://www.aamc.org/initiatives/coi/>

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Investigator(s): The Project Director or Principal Investigator or Co-Principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct or reporting of research performed by the University. This may include students, trainees, collaborators, and consultants. This term includes only persons who have some degree of independence in performing some aspect of design, conduct or reporting of the research and does not include persons whose performance within the research activities is purely ancillary or solely under immediate supervision.

With respect to clinical research this term includes all persons who are directly involved in the research intervention or consenting or evaluation of human research subjects, but it does not include hospital staff or office staff who only provide ancillary or intermittent care and who do not make direct and significant contributions to the data.

Senior/key personnel: The Principal Investigator, the Project Director and any other person identified as senior/key personnel in the grant application, contract proposal and contract, progress report, or any other report submitted to the sponsor by the University. “Zero percent” or “as needed” is not an acceptable level of involvement for senior/key personnel.

Institutional Responsibilities: An Investigator’s activities in performance as a University employee, as a collaborator with or consultant to the University, or related to activities involving the Investigator’s professional expertise, such as: teaching, administrative duties, clinical activities, research (sponsored or unsponsored), PHS-sponsored project activities, service on University committees, professional participation on panels and review boards including data and safety monitoring boards, creation and presentation of scholarly work, etc., regardless of when and where the activities occur.

Institutional Review Committee (IRC): A University-wide committee, consisting of at least 10 voting members who are appointed by the Senior Vice President for Research: 3 faculty from the Health Sciences; 1 faculty from the College of Engineering; 2 faculty from the College of Science; 4 faculty from other academic units. Members should be active researchers with an understanding of their respective disciplines’ research practices and activities. The committee also includes non-voting, ex-officio members as necessary: the Assistant Vice President for Research Compliance and Policy; Director of Technology Transfer; Director of Office of Research Contracts and

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Analysis; a representative from Sponsored Projects; the Human Subjects Protection Program; Procurement and Purchasing. Office of the General Counsel shall provide legal advice to the committee. The committee may invite other non-voting, ad hoc members to assist in discussions and decisions as needed.

Relatedness to Institutional Responsibilities: When applied to a significant financial interest and institutional responsibilities, “relatedness” means that the value of the significant financial interest may reasonably appear to have potential to be significantly and directly affected by the Investigator’s performance of his or her institutional responsibilities.

This relatedness is not a judgment on whether the Investigator would deliberately within his/her exercise of institutional responsibilities make choices for the purpose of affecting the value of her/his significant financial value. Relatedness is the condition in which it may reasonably appear that choices directly and significantly affecting the value of the significant financial interest could be made.

Following are a few nonexclusive examples of appearance of relatedness to institutional responsibilities:

- One’s professional activities include presentations on topics that are directly and significantly material to one’s own significant financial interests.
- One’s clinical practice includes professional choices that could benefit one’s own significant financial interests.
- One’s professional or administrative responsibilities include potential to influence University research, business, or purchase decisions (1) with a company in which one has equity; (2) regarding real property one owns or regarding intellectual property from which one earns royalties paid outside the University; (3) with a company for which one is an officer or a board member.

Relatedness to a specific research project: When applied to a significant financial interest and any of the investigator’s research projects, “relatedness” means that the value of the significant financial interest may reasonably appear to have potential to be significantly and directly affected by the employee’s performance in the design, conduct or reporting of the research.

This relatedness may be to: services for which an investigator has received external compensation or equity; or to the best interests of the

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entity from which the investigator has received external compensation or equity; or to the intellectual property that is evaluated or used in the research; or to more than one of these interfaces.

This relatedness is not a judgment on whether the investigator would deliberately make choices within design, conduct or reporting of the research for the purpose of affecting the value of her/his significant financial value. Relatedness is the condition in which it may reasonably appear that choices directly and significantly affecting the value of the significant financial interest could be made.

Following are a few nonexclusive examples of appearance of relatedness to a research project:

- The research evaluates or uses drugs, devices, assays, biologics, software, equipment, or other products, procedures or materials in which the investigator has a significant financial interest.
- The research evaluates or uses drugs, devices, assays, biologics, procedures, software, equipment, or other products, procedures or materials owned by, or with significant potential impact on, an entity in which the investigator has a significant financial interest.
- The research evaluates or uses intellectual property that is a direct competitor to intellectual property in which the investigator has a significant financial interest.

Significant Financial Interest: A financial interest consisting of one or more of the following interests of the Investigator, *and those of the Investigator's spouse or domestic partner, and dependent children*, that reasonably appear to be related to the Investigator's institutional responsibilities (see definition of Institutional Responsibilities above):

- With regard to any *publicly traded entity*, a significant financial interest is:
 - an *aggregated value of \$5,000 or more composed* of any remuneration received from the entity in the twelve months preceding the disclosure plus the value of any equity interest in the entity as of the date of disclosure plus the value of any loans between the Investigator and the publicly traded entity.
 - For purposes of this definition, *remuneration* includes salary and also any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship).
 - For purposes of this definition *equity* interest includes any stock, stock option, or other ownership interest. Value of equity

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interests is determined through reference to public prices or other reasonable measures of fair market value.

- With regard to any *non-publicly traded entity*, a significant financial interest is:
 - any remuneration received from the entity that exceeds \$5,000 in aggregate in the twelve months preceding the disclosure.
 - any equity interest at all, regardless of value (e.g., any stock, stock option, or other ownership interest);
 - any loan of any amount between the Investigator and the non-publicly traded entity.
- Any intellectual property right or interest (e.g., patent, copyright, license) for which income related to such right or interest has been received, unless the intellectual property rights have been assigned to the University and income received is per a royalty-sharing agreement with the University.
- Position as an official, advisory board member, or other board member in a for-profit entity, whether or not compensated.
- ***Travel-related*** significant financial interest:

Investigators in projects that have received from the U.S. Department of Health and Human Services (“Public Health Service” or “PHS” or NIH) on or after August 24, 2012 (excluding Phase I SBIR/STTR grants), a notice of award (initial or noncompeting continuation) with funding, must disclose to the University all travel related to institutional responsibilities (see definition of “institutional responsibilities”) that is reimbursed or sponsored by an entity other than a U.S. Federal, state, or local government agency, a U.S. Institution of higher education as defined at 20 U.S.C. 2 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with a U.S. Institution of higher education (note that this exclusion does not encompass all nonprofit entities) [42 CFR 50.603 (2) under “Significant financial interest means...”]:
http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf.
- **Exclusions from Significant Financial Interest:**

The following types of financial interests are not considered significant financial interests even if related to the Investigator’s institutional responsibilities:

 - salary, royalties, or other remuneration paid by the University to the Investigator if the Investigator is currently employed or

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- otherwise appointed by the University, including intellectual property rights assigned to the University and agreements to share with the University in royalties related to such rights;
- income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made by the investment managers within these mutual funds or retirement accounts;
 - income from seminars, lectures, teaching engagements or service on advisory committees or review panels sponsored by a U.S. Federal, state, or local government agency, a U.S. Institution of higher education as defined at 20 U.S.C. 1001(a), a U.S. academic teaching hospital, medical center, or a research institute that is affiliated with a U.S. institution of higher education (note that this exclusion does not encompass all nonprofit entities);
 - for Investigators in PHS-funded research required to report sponsored or reimbursed travel as noted above, excluded from this reporting requirement is travel sponsored or reimbursed by a U.S. federal, state, or local government agency, a U.S. institution of higher education as defined at 20 U.S.C. 2 1001(a), or an academic teaching hospital, medical center, or research institute that is affiliated with a U.S. institution of higher education (note that this exclusion does not encompass all nonprofit entities).

Financial Conflict of Interest (FCOI): A significant financial interest that is deemed to have potential to *directly and significantly* affect the design, conduct, or reporting of research. This policy requires that Investigators report significant financial interests to the University. The University is responsible for determining whether any of the significant financial interests constitutes an **FCOI**.

Public Health Service (PHS): The U.S. Department of Health and Human Services (DHHS), and any components of the PHS to which the authority involved may be delegated, including the NIH.

Non-Tenure/Non-Continuing Status Task Force Recommendations for Associate Provost/Human Resources

Action Item 1: Standardize the use and meaning of “adjunct” across campus so that it is used solely as a modifier to describe Non-Tenure Track appointments that are less than full fiscal or academic year appointments in term, and are below .75 FTE in effort (see chart).

Timeline: The new definition should be in place and used on contracts across campus beginning July 1, 2014.

Action Item 2: Standardize the use and meaning of the title modifier “visiting,” so that there is greater clarity and consistency in how it is used across campus.

Timeline: The new definition should be in place and used on contracts beginning July 1, 2014.

Action Item 3: Provide greater clarity at the campus level for how units should approach defining and differentiating between Non-Tenure Track Titles, based on the nature of the assigned work and on the distribution of effort.

Timeline: The Associate Provost for Faculty Affairs will begin working with units to use the broad campus definitions and framework to inform local practice for applying NTT titles. By 2015, all units are expected to have codified their local practice for applying NTT titles and file a description of that practice centrally (with their college and with the office of the Associate Vice Provost for Faculty Affairs or other appropriate unit).

Action Item 4: “Principal Lecturer” is a title that is described in ABOR (and is referenced in official UA documents, including the Faculty Constitution) but is not in use at the UA. The Task Force recommends that this title be made available for use by units, as appropriate

Action Item 5: The Task Force Recommends that the University curtail the practice of adding language to faculty contracts that waives rights given to them by UHAP (or ABOR).

Action Item 6: The Task Force recommends that UHAP be modified so that Non-Tenure Track faculty members with the adjunct or visiting modifiers in their title (under the revised definition) are not afforded the same right to notice of non-renewal or to notice of eligibility for review as are other NTT faculty appointments.

Action Item 7: The Task Force recommends that units be prompted 100 days prior to the renewal date for each of their Non-Tenure Track faculty appointments (other than those with the adjunct or visiting modifiers in their titles), so that notices of non-renewal may be send out, if necessary.

Action Item 8: The Task Force recommends that “renewal date” be clearly defined in UHAP (and/or elsewhere in UA policy, as appropriate), so that it is clear when a 90 day notice of nonrenewal must be received in order to comply with policy.

Timeline: The timing of all of these actions are interrelated and also depend on the implementation of the recommended changes in the use of adjunct and visiting modifiers. As such, they should be put into practice no later than FY2015/16.

Action Item 9: The Task Force recommends that UHAP be modified to require that all NTT faculty receive reviews (as is current policy), but that reviews with a peer element only be required for NTT faculty without adjunct or visiting modifiers. As a result, units would only be required to provide adjunct and visiting NTT faculty with a supervisory review. As is current policy, the type and extent of the peer element of the review should be at the discretion of each department.

Timeline: These changes should go into effect when the rewrite of UHAP goes into effect, preferably prior to FY 2014/15.

Action Item 10: The Task Force recommends that the quality and extent of annual reviews of faculty conducted in a unit be formally included as a data point in the annual and five-year evaluations of unit heads.

Timeline: As the new processes and competencies for administrative reviews (for both 5-year and annual reviews) are developed and then implemented across campus, this data point should be included as part of those reviews.

Action Item 11: Establish a set of required/core elements for annual reviews for NTT faculty.

Action Item 12: Work with departments to establish formal decision points for, or career tracks leading to MYE contracts for NTT faculty.

Action Item 13: Develop (and market to departments) a more flexible renewal process for those on MYE contracts in order to make these contracts more attractive to units, while still remaining fair to those on the contracts.

Timeline: The Associate Provost for Faculty Affairs should work with campus stakeholders to develop a more flexible process (or processes) and market it to units beginning in FY2014/15.

Action Item 14: Gather and make available to campus how some units have established criteria, expectations, and processes/career paths for the awarding of multiple year contracts for NTT faculty.

Action Item 15: Gather and make available to campus how some units have established career paths that include a move into continuing status for some of their long term NTT faculty.

Timeline: This work should be undertaken by the Associate Provost for Faculty Affairs beginning in FY 2014/15. Information on how units have accomplished the above should be made easily available to other units.

Action Item 16: All incoming NTT faculty should have access to an orientation to the institution to help them succeed in the positions they've accepted.

Timeline: Colleges should ensure delivery of orientations to their NTT faculty, but Faculty Affairs should coordinate with colleges, campus HR, and other units to ensure a baseline of information about university policies, procedures, and services are communicated to all incoming NTT faculty.

Action Item 17: Units and colleges currently provide varying kinds (and amounts) of instructional support for faculty. The Task Force recommends the creation of an Instructional Portal to ensure that all faculty have centralized access to the full range of institutional resources, and that all instructional support units have a venue through which to expose their services directly to teaching faculty.

Timeline: An instructional portal should be in place and available to all faculty, no later than the beginning of FY 2015/16.

Action Item 18: Gather and make available to campus examples of "best practices," from units that have established criteria, expectations, and processes for NTT faculty to take periods of professional leave for defined purposes (analogous to faculty sabbaticals) and other forms of professional development and/or support.

Timeline: This work should be undertaken by the Associate Provost for Faculty Affairs beginning in FY 2014/15. Information on how units have accomplished the above should be made easily available to other units.

Action Item 19: Training for Administrators: A mandatory core curriculum (online modules, workshops, assessments, etc.) should be developed for new department heads or other administrators, in order to familiarize them with their responsibilities, campus (and ABOR) policies and bylaws, avenues for support or mentorship, etc.

Action Item 20: Faculty Awareness: The Task Force recommends that we consider iteratively asking our faculty to validate their understanding of a core set of UA policies, bylaws, and campus practices (concerning employment, governance, etc.), much as we do their knowledge of other topics (computer security, preventing sexual harassment, understanding IRB/Human Subjects, etc.).

Action Item 21: Support for Faculty on Specific Policy Questions: The Task Force recommends a faculty group be charged with providing support for individual faculty who have questions about policy (or the implementation of policy) that would fall under the purview of faculty governance.

Action Item 22: Policy Portal: the Task Force recommends the campus invest in the development of a campus policy portal or other mechanism through which campus (and ABOR) policies could be more easily (and exclusively) browsed or searched.

Non-Tenure Track Task Force Report and Action Items

The Non-Tenure Track Task Force was charged by the Chair of the Faculty, Wanda Howell, to “study the clarity and consistency in the use of non-tenure track titles, comparable job expectations, and compensation and career track options.”

Principles:

- Non-Tenure Track faculty are mission-critical, contributing in a variety of significant ways to the teaching, research/innovation, and outreach/impact goals of the institution.
- Both the institution and Non-Tenure Track faculty benefit when goals and expectations for this group are clearly identified.
- To be effective, units need clear campus guidelines concerning Non-Tenure Track appointments, but they also need flexibility locally in order to describe, employ, and manage their Non-Tenure Track workforce in ways that meet their unique needs.

Stakeholder Input

Task Force members have conferred with, solicited feedback from, or presented to the following units:

- Faculty Senate, Senate Executive Committee, & Faculty Officers;
- Heads Up/Dept Heads;
- Academic Personnel Policy Committee [APPC];
- The Council of Academic Business Officers [CABO];
- Division of Human Resources;
- Associate Provost for Faculty Affairs;
- Provost’s Council & Deans’ Council [pending]; and
- The Office of Institutional Research and Planning Support.

Action Items

This report contains a number of action items. Each has an accompanying timeline that details when the item is expected to be addressed. The Task Force also recommends that the Chair of the Faculty formally appoint a group to review and report on progress, as well as on any continuing (or new) issues related to Non-Tenure Track faculty no later than FY 2015/16.

Non-Tenure Track Titles

Currently, there are minimal campus-wide definitions for Non-Tenure Track faculty titles. As a result, there has been little uniformity in how these titles are applied. Establishing clearer

definitions of and distinctions between different Non-Tenure Track titles (based on the nature of assigned work, the distribution of effort, and the term and/or FTE of the position/appointment) could allow units to:

- 1) More consistently and appropriately allocate work;
- 2) Provide campus with a better understanding of the nature of service and the distribution of effort for individuals with different Non-Tenure Track titles;
- 3) Provide Non-Tenure Track faculty with titles that more clearly represent their work and their level of engagement with and value to the university; and
- 4) Lead to a stronger shared understanding of the different potential career paths for our Non-Tenure Track faculty.

Action Item: Defining “Adjunct”

Action Item 1: Standardize the use and meaning of “adjunct” across campus so that it is used solely as a modifier to describe Non-Tenure Track appointments that are less than full fiscal or academic year appointments in term and are below .75 FTE in effort.¹

Timeline: The new definition should be in place and used on contracts across campus beginning July 1, 2014.

See Appendix A: *Conditions for Adjunct Appointments.*

The Task Force initially looked at using the same criteria for adjunct as we will be using for ACA and UA benefits eligibility (see Appendix B). However, after investigating the very low numbers of appointments throughout the campus which are both benefits eligible and also less than fulltime or full effort; and thinking as well about the purpose of assigning (or not assigning) the adjunct modifier (to, as much as possible, delineate “fully engaged” NTT appointments from those that are not), we settled on the above criteria.

Action Item: Defining “Visiting”

Action Item 2: Standardize the use and meaning of the title modifier “visiting,” so that there is greater clarity and consistency in how it is used across campus.

Timeline: The new definition should be in place and used on contracts beginning July 1, 2014.

The Task Force recommends that the campus establish guidelines to 1) primarily limit the use of “visiting” to appointments that are not expected to be renewed multiple times, and 2) to use this title only for appointments of individuals who have held, are on leave from, or are retired from an academic or research position at another educational institution; and/or whose

research, creative activities, or professional achievement makes a visiting appointment the most appropriate title choice. It may be decided that in rare cases when an appointment meets all the criteria for “adjunct,” but an adjunct appointment is inappropriate because of the stature of the individual (e.g., distinguished professor, former high government official, etc.) units should be allowed to use “visiting” as a qualifier instead. The Associate Provost for Faculty Affairs and the Division of Human Resources should work with APPC to finalize the definition.

Action Item: Differentiating Between Common Non-Tenure Track Titles

Action Item 3: Provide greater clarity at the campus level for how units should approach defining and differentiating between Non-Tenure Track Titles, based on the nature of the assigned work and on the distribution of effort.

Timeline: The Associate Provost for Faculty Affairs will begin working with units to use the broad campus definitions and framework to inform local practice for applying NTT titles. By 2015, all units are expected to have codified their local practice for applying NTT titles and file a description of that practice centrally (with their college and with the office of the Associate Vice Provost for Faculty Affairs or other appropriate unit).

Action Item: Making Better Use of Principal Lecturer

Action Item 4: Principal Lecturer is a title that is described in ABOR (and is referenced in official UA documents, including the Faculty Constitution) but is not in use at the UA. The Task Force recommends that this title be made available for use by units, as appropriate.²

The Task Force recommends that the campus continue to concentrate the distribution of our Non-Tenure Track faculty appointments in either the Lecturer “series” of titles (Lecturer, Senior Lecturer, Principal Lecturer³), or in one of the ranked Professor series of titles (Asst./Assoc./Full Clinical, Research, or Professor of Practice; or Asst./Assoc./Full Professor, Non-Tenure Track [NTT])⁴ and use the “Instructor” title sparingly, if at all, as has been our general practice.⁵

These two “series” of titles, however, need to be more formally differentiated to allow us to achieve greater consistency in their use (across campus and within colleges/units), and to provide our Non-Tenure Track faculty with titles that reflect the nature of their assigned work and/or the distribution of their effort. Toward this goal, the Task Force recommends that the campus establish better guidelines and support for units in identifying which titles to use for Non-Tenure Track appointments. These guidelines would concentrate the use of the Lecturer series on those Non-Tenure Track faculty who are primarily engaged in teaching, and use the appropriate ranked Professor title for those Non-Tenure Track faculty whose distribution of effort includes significant additional responsibilities (e.g., leadership on curriculum design,

assessment, advising, program management, or significant service or research responsibilities, etc.) or who are more heavily engaged in graduate education.

Because the specific needs of individual colleges or units will differ, the Task Force suggests that a framework and broad definitions be developed at the campus level (including more descriptive definitions in UHAP) and that those be further fleshed out by colleges or units, using differences in nature of assigned work and distribution of effort to differentiate between these titles locally. Colleges or units should be required to develop these criteria locally, based on the work and needs of their units, and keep an updated copy of those criteria on file centrally (with the office of the Associate Provost for Faculty Affairs or other appropriate unit).

See Appendix B: *Selecting Appropriate Non-Tenure Track Faculty Titles*.

Contracts, Reviews, Promotion, & Career Advancement

90 Day Notice of Renewal/Non-Renewal: Currently, language is added to contracts that waives the rights in UHAP to notice of nonrenewal or review for employees with appointments of less than six months or for any appointments with “adjunct” in their title.⁶

Related Action Items:

Action Item 5: The Task Force Recommends that the University curtail the practice of adding language to faculty contracts that waives rights given to them by UHAP (or ABOR).

Action Item 6: The Task Force recommends that UHAP be modified so that Non-Tenure Track faculty members with the adjunct or visiting modifiers in their title (under the revised definition) are not afforded the same right to notice of non-renewal or to notice of eligibility for review⁷ as are other NTT faculty appointments.

Action Item 7: The Task Force recommends that units be prompted 100 days prior to the renewal date for each of their Non-Tenure Track faculty appointments (other than those with the adjunct or visiting modifiers in their titles), so that notices of non-renewal may be sent out, if necessary.⁸

Action Item 8: The Task Force recommends that “renewal date” be clearly defined in UHAP (and/or elsewhere in UA policy, as appropriate), so that it is clear when a 90 day notice of nonrenewal must be received in order to comply with policy.⁹

Timeline: The timing of all of these actions are interrelated and also depend on the implementation of the recommended changes in the use of adjunct and visiting modifiers. As such, they should be put into practice no later than FY2015/16.

Reviews: Regular and thorough reviews are essential to realizing the goals the institution has for Non-Tenure Track faculty, and for those faculty to meet their own professional goals.

- Department heads or supervisors need to review their NTT faculty employees in order to ensure the quality of the product (teaching, research, etc.) they are receiving (toward future decisions concerning renewals/non-renewals, performance improvement plans, or promotion or career advancement), and ensure they are acting good stewards of the fiscal and human resources the University has entrusted to them.
- Non-Tenure Track faculty need to be reviewed in order to understand the value of their contributions to the goals of the unit, to understand areas they might have for improvement or growth, and to be aware of the career path options that may be available to them in the short and longer term.
- UHAP currently requires all faculty (with no distinction between NTT and TT faculty, or between fulltime/effort faculty and limited term/effort appointments) to have annual reviews with peer review (UHAP 3.10).
- In UHAP, recommendations for the promotion of Non-Tenure Track faculty are to be considered by departmental committees on faculty status. If departmental faculty are expected to weigh in on promotions, it is important that they also have the opportunity to provide meaningful feedback for Non-Tenure Track faculty as part of their annual reviews.
- The UA currently utilizes two types of reviews for Non-Tenure Track faculty: those with peer-review and those without. There may also be a significant number of NTT faculty who are not receiving regular reviews.

It is the Task Force's recommendation that all NTT faculty receive reviews (per current policy), but that reviews with a peer element only be required for NTT faculty without the adjunct or visiting modifiers. As is current policy, the type and extent of the peer element of the review should be at the discretion of each department; some departments may (as they do now) elect to conduct a full peer review to parallel reviews completed for TT and CS faculty, while other departments may elect to conduct a supervisory review with a more formative or developmental peer review component (course observation, evaluation of teaching materials, TCE assessments, etc.).

Establishing required elements for the annual reviews for NTT (or other) faculty could help to ensure there are shared, written assumptions between supervisor and employee about performance in assigned work (strengths, areas needing improvement, etc.), work and workload expectations for the coming year, review of any plans for promotion or opportunities for career advancement, etc.

Action Items: Reviews

Action Item 9: The Task Force recommends that UHAP be modified to require that all NTT faculty receive reviews (as is current policy), but that reviews with a peer element only be required for NTT faculty without adjunct or visiting modifiers. As a result, units would only be required to provide adjunct and visiting NTT faculty with a supervisory review. As is current policy, the type and extent of the peer element of the review should be at the discretion of each department.

Timeline: These changes should go into effect when the rewrite of UHAP goes into effect, preferably prior to FY 2014/15.

Action Item 10: The Task Force recommends that the quality and extent of annual reviews of faculty conducted in a unit be formally included as a data point in the annual and five-year evaluations of unit heads.¹⁰

Timeline: As the new processes and competencies for administrative reviews (for both 5-year and annual reviews) are developed and then implemented across campus, this data point should be included as part of those reviews.

Action Item 11: Establish a set of required/core elements for annual reviews for NTT faculty.

Promotion/Career Advancement

Promotion or Career Advancement options for Non-Tenure Track faculty include promotion, which occurs within a title (e.g., Lecturer to Senior Lecturer), or advancement into a different title (e.g., moving from Lecturer to a ranked Non-Tenure Track title) depending on performance, job expectations, departmental funds, and unit priorities.¹¹

Notice of Eligibility for Review

Minimally, Non-Tenure Track faculty who are not in adjunct appointments should be informed of their eligibility to be considered for promotion in rank at reasonable intervals (UHAP currently reads every 5 years). To facilitate this, the Task Force suggests that all annual performance reviews include a component discussing the Non-Tenure Track faculty member's progress toward promotion/career advancement.

3-Year/Multiple-Year Employment [MYE] Contracts

Many colleges elect to hire their Non-Tenure Track faculty on one-year contracts, though often for many years running. MYE contracts increase job security (thus advancing engagement with the campus and the community); allow for more robust participation in leadership and shared governance; and may increase the retention of valued institutional professionals.

Non-Tenure Track faculty with single-year contracts are currently not considered Faculty for purposes of shared governance (Faculty Senate ARTICLE II Section 1 c. and d.) – and the

decision point rests not on the nature of the service, but rather, on the length of the contract. In addition to a category of “Non-Voting” Members of the General Faculty being proposed later in this document, it is also the Task Force’s recommendation that departments establish formal decision points at which to consider moving their NTT faculty to MYE appointments, particularly in those cases where the individual holds a ranked title (under the new definitions), has consistently exceeded expectations, and where unit budgets allow.

Action Items: Multiple-Year Contracts

Action Item 12: Work with departments to establish formal decision points for, or career tracks leading to MYE contracts for NTT faculty.

Action Item 13: Develop (and market to departments) a more flexible renewal process for those on MYE contracts in order to make these contracts more attractive to units, while still remaining fair to those on the contracts.

Proposal: MYE reviews for renewals (done at the end of the second year, as is current ABOR policy) would have three possible outcomes (instead of just two):

- 1) Nonrenewal – the individual is guaranteed a terminal year (as is the case now), but is not renewed beyond that. They could still be rehired in some capacity following the terminal year, but the nonrenewal makes clear that there is no expectation of that;*
- 2) Conditional Renewal¹² – the individual is guaranteed a second contract following the terminal year of the MYE contract (is “renewed”), but the type of contract that will be offered [Y2Y or MYE] is determined at least 90 days prior to the renewal date [beginning of the fourth year], when budgets and priorities are more clear; or*
- 3) Renewal – the individual is renewed for another three-year contract a year before the end of the current contract (as is current practice).*

Timeline: The Associate Provost for Faculty Affairs should work with campus stakeholders to develop a more flexible process (or processes) and market it to units beginning in FY2014/15.

Action Items: Career Path Options

Action Item 14: Gather and make available to campus how some units have established criteria, expectations, and processes/career paths for the awarding of multiple year contracts for NTT faculty.

Action Item 15: Gather and make available to campus how some units have established career paths that include a move into continuing status for some of their long term NTT faculty.

Timeline: This work should be undertaken by the Associate Provost for Faculty Affairs beginning in FY 2014/15. Information on how units have accomplished the above should be made easily available to other units.

Support for Non-Tenure Track Faculty and their Supervisors

While not specifically mandated as part of the charge, the issue of support for Non-Tenure Track faculty deserves attention. To fully realize the myriad strengths that Non-Tenure Track faculty bring to the institution, in particular, specific content or methods expertise, it will be necessary that Non-Tenure Track faculty be given the tools to fully meet both their own and the institution's expectations.

Action Item: Orientation

Action Item 16: All incoming NTT faculty should have access to an orientation to the institution to help them succeed in the positions they've accepted.

Timeline: Colleges should ensure delivery of orientations to their NTT faculty, but Faculty Affairs should coordinate with colleges, campus HR, and other units to ensure a baseline of information about university policies, procedures, and services are communicated to all incoming NTT faculty.

Orientations allow new faculty to better understand campus culture and values, develop a sense of belonging and buy-in, and situate their particular contributions within the broader goals of the University. From a practical perspective, orientations help create a successful transition to the UA, and can make an often-steep learning curve much more manageable.

Action Item: Instructional support

Action Item 17: Units and colleges currently provide varying kinds (and amounts) of instructional support for faculty. The Task Force recommends the creation of an Instructional Portal to ensure that all faculty have centralized access to the full range of institutional resources, and that all instructional support units have a venue through which to expose their services directly to teaching faculty.

Timeline: An instructional portal should be in place and available to all faculty, no later than the beginning of FY 2015/16.

At a minimum, the instructional portal should include the following:

- Instructional forms (e.g., Change of Schedule Form, Report of Incomplete Grade, Code of Academic Integrity, Record of Faculty/Student Conference, TCE request forms);

- Instructional policies, procedures and guidelines (e.g., FERPA, Grading Policy Manual, UA Undergraduate Course Syllabus Policy, Summary of Course Evaluation Rubric for Tier 1 and Tier 2 General Education Courses, University General Petitions);
- Instructional resources for course improvement, classroom management, and other resources to maximize teaching and learning effectiveness (e.g., Office of Instruction and Assessment; D2L course site request/support; DRC resources and recommendations for Universal Design; Dean of Students office; Think Tank; University Libraries content & services; UA BookStores' order forms and calendar; TCE calendar, forms, and information; etc.);
- “Where Am I Teaching?” with a link to UITS’s [classroom information](#) (note: hundreds of requests are made by instructors to change rooms after classes have started. Not only does this present a burden to Room and Course Scheduling, but it also seriously impacts students who may have crafted their schedules with attention to the amount of time needed to travel from one class to another); and
- Providing (or requiring) online training (FERPA, Sexual Harassment, Information Security, etc.) through the portal would also be a possibility.

Action Item: Professional Development

Action Item 18: Gather and make available to campus examples of “best practices,” from units that have established criteria, expectations, and processes for NTT faculty to take periods of professional leave for defined purposes (analogous to faculty sabbaticals) and other forms of professional development and/or support.

Timeline: This work should be undertaken by the Associate Provost for Faculty Affairs beginning in FY 2014/15. Information on how units have accomplished the above should be made easily available to other units.

Action Items: Policy Awareness and Training for Faculty and Administrators

While we have mandatory online modules that cover policy and best practice surrounding things such as preventing sexual harassment; understanding IRB/Human Subjects, FERPA, computer security; or even training required for use of campus vehicles or electric carts, we do not require faculty to be trained (or to elect to opt out of such training) in the policies and bylaws that govern their own employment. Likewise, the new heads’ lunches and seminars, while useful for networking and information sharing, are not sufficient for preparing those new to (or returning to) administrative duties on our campus.

Action Item 19: Training for Administrators: A mandatory core curriculum (online modules, workshops, assessments, etc.) should be developed for new department

heads or other administrators, in order to familiarize them with their responsibilities, campus (and ABOR) policies and bylaws, avenues for support or mentorship, etc.

Action Item 20: Faculty Awareness: The Task Force recommends that we consider iteratively asking our faculty to validate their understanding of a core set of UA policies, bylaws, and campus practices (concerning employment, governance, etc.), much as we do the areas listed above.

Action Item 21: Support for Faculty on Specific Policy Questions: The Task Force recommends a faculty group be charged with providing support for individual faculty who have questions about policy (or the implementation of policy) that would fall under the purview of faculty governance.

Suggested Model: Currently, the Academic Personnel Policy Committee's [APPC] primary role is to review policy changes or proposals that would affect faculty and forward appropriate action items to Senate:

[APPC] receives reports and considers and forwards action items to the Faculty Senate relating to promotion and tenure/continuing status (policy and procedures; statistical report on decisions from the previous year, sabbatical and leave of absence policy, performance evaluation policy and procedures and their relationship to salaries, definition of faculty membership, and governance)

Charging APPC to take on this additional function would not only offer faculty a point of contact for these questions, it would also provide the members of APPC with a better understanding of any nagging issues with or misconceptions about policy among the faculty at large.

Action Item 22: Policy Portal: the Task Force recommends the campus invest in the development of a campus policy portal or other mechanism through which campus (and ABOR) policies could be more easily (and exclusively) browsed or searched.

Faculty Governance

- Currently, the “General Faculty” of the University of Arizona includes tenure-eligible and tenure track faculty, continuing-eligible and continuing status professionals, and MYE [Multiple Year Employment – i.e. 3 year contract] Non-Tenure Track faculty.¹³ General Faculty members have voting rights, may hold office in faculty positions, and have full access faculty governance at the college and unit levels.
- Non-Tenure Track faculty who are NOT on multiple year contracts are represented in shared governance at the campus level by APAC, but at the college and department level, their representation/participation is mixed. Some of these faculty are represented within their colleges’ or departments’ faculty governance bodies (and may have some voting rights within the college or unit) while others are not.

- While Non-Tenure Track faculty are not defined as members of the “General Faculty” in the Faculty Constitution, because they are defined as “faculty” in UHAP, they are governed by many of the same policies that apply to Tenure-Track faculty. This often puts Non-Tenure Track faculty in the unusual position of being represented by different shared governance entities, depending on the situation (APAC for some things and Faculty Senate for others).

Action Item: Unify Faculty under Common Policies and Governance Structures

Action Item 23: Have the Constitution & Bylaws Committee investigate unifying all faculty under common policies and governance structures, as appropriate, by modifying the definition of “General Faculty” in the Faculty Constitution and bring potential model(s) to the Faculty Senate and APAC for discussion and/or vote.

Timeline: The Constitution & Bylaws Committee should investigate the options and bring their findings to the Senate and APAC for discussion and/or vote within 12 months.

Proposal: One approach would be to include Non-Tenure Track faculty who are not on multiple-year contracts as “Non-Voting Members” of the General Faculty. These non-voting members would have full, elected representation in Faculty Senate¹⁴ (number to be determined) and, if appropriate, could be appointed to serve on Faculty Senate committees. They would not, however, be allowed to hold other elected office or vote on other matters. This change would not directly affect faculty governance decisions or practice at the college or departmental levels.

The Task Force recommends that the Faculty Senate Constitution & Bylaws Committee investigate this, or other options and bring a recommendation back to Senate for a vote or for further discussion. This would include closely reviewing the Constitution, Bylaws, and other pertinent policies or documents to see where and how these documents would have to be modified. The University of Utah has recently unified their faculty, and some of the approaches and wording they’ve used could also be useful in our work here:

<http://regulations.utah.edu/academics/6-300.php>

See Appendix C: Suggested Changes to the Faculty Constitution and By Laws.

¹ Adjunct may modify any Non-Tenure Track title (e.g., adjunct senior lecturer, adjunct associate clinical professor, etc.). While “adjunct” should *not* be used for appointments that do not meet the above criteria, there may be times when units decide not to use the adjunct modifier for appointments that *do* meet those criteria. Examples might include “visiting” appointments, but could also include situations where a longer-term Y2Y NTT faculty member (with a non-adjunct appointment) reduces their FTE below the .75 threshold (in a move toward retirement or for other reasons, etc.). The Task Force expects that these types of uses will be rare, and will be dealt with on a case by case basis.

² Should it be decided, for whatever reason, that the UA will continue not to take advantage of the Principal Lecturer title, it should be removed from official UA documents (such as UHAP and the Faculty Constitution & Bylaws).

³ Principal Lecturer is a title that is described in ABOR (and is referenced in official UA documents, for example, in the Faculty Constitution), but its use has been discouraged (and it has not been used in at least the past 15 years). The Task Force recommends that the use of this title no longer be discouraged.

⁴ The Assistant/ Associate/Full Professor, Non-Tenure Track series of titles was developed by and is used in the College of Social and Behavioral Sciences. While this title does not exist in ABOR, ABOR allows the three universities to develop their own local Non-Tenure Track titles, as needed [ABOR Policy 6-201E.2].

⁵ Instructor was historically used (and seems to have been created as a category in ABOR) as a way of allowing universities to hire doctoral candidates without having a dissertation in hand (ABD), either as TT or Non-Tenure Track, and then to move that person into a TT professor appointment once the terminal degree was granted. This practice seems to have ended in 2007 and was only used a handful of times since 2000. IN 2009, UHAP was modified to remove tenure-eligible Instructors as a category of employment on our campus. The title has more recently been used synonymously with Lecturer.

⁶ This practice seems to have been in place in some form since at least 2002.

⁷ This means that their supervisor would not be obligated to inform them in writing (at 5 year intervals) that they are eligible to be reviewed for promotion, as is required by UHAP. It does not mean that they do not have the right to have their work reviewed by their supervisor. The Task Force believes that the performance of all Non-Tenure Track faculty should be reviewed.

⁸ For the academic year, this would be 100 days prior to August 1st. For the fiscal year, it would be 100 days prior to June 30th.

⁹ At present, while the renewal date is often considered the same as the start date, for academic year contracts, some may equate the renewal date with the end of the contract (which is different than the start date).

¹⁰ Suggested data points might include things such as:

1. All faculty reporting to the supervisor (or who report to their direct reports) receive an appropriate annual review;
2. Each annual review meets certain requirements (has a peer element, if required; is based on multiple data points, not just generalizations; includes both a summary of the work, the outcomes, impact and individual's role in the successes [or failures]; includes a section detailing areas that need improvement and what would constitute improvement; includes a section on career path/plans – promotion, advancement, etc., as appropriate; includes an annual goals and expectations section, detailing assigned duties and work for the coming year, etc.);
3. Any NTT faculty who are not renewed receive 90-day nonrenewal notices; and
4. Administrators (and their direct reports) adhere to local, college, and university policies and bylaws, and ensure an understanding of and compliance with these policies and bylaws within their units.

¹¹ Some units have conflated promotion and career advancement in developing potential career paths for their NTT faculty (e.g., “promoting” Senior Lecturers into Full Professors of Practice). While this in some ways is contrary to the approach recommended by this Task Force, it is in pursuit of the same broader goals. As such, units that have developed effective career path options locally should not feel compelled to change them.

¹² “Conditional” may be a poor word to use here, as the renewal is not exactly conditional – a renewal is guaranteed, but the type of contract is not.

¹³ We currently have approximately 80 MYE Non-Tenure Track Faculty, 900 Y2Y Non-Tenure Track Faculty, 1500 TT Faculty, and 230 CS faculty/professionals.

2012 Head Counts and FTE for UA Faculty/Continuing Status Professionals

Employment Category	Head Count	FTE
Tenured/Tenure-Eligible Faculty	1560	1510
Continuing/Continuing-Eligible Faculty & Professionals;	228	224
Multiple Year Employment [MYE] Non-Tenure Track Faculty	80	77
Non-Tenure Track Faculty [Year-to-Year & Less than a Year Contracts]	1377	962
• NTT Faculty at more than ½ time	910	831
• NTT Faculty at less than ½ time	467	131

¹⁴ These elected representatives would have all the rights and responsibilities of other Senate members (i.e. they would be allowed to vote on any topics put to a Senate vote). The Constitution & Bylaws Committee may want to consider whether adjunct or visiting faculty (using the new definitions) should be eligible to vote for Senate representatives (both for logistical and philosophical reasons).