

## **UNLV Policy on Conflict of Interest Pertaining to Sponsored Projects**

The teaching, research, and service mission of the University must be conducted in an objective manner, free from undue influence arising from private or other special interests. The purpose of this policy is to establish guidelines for recognizing, disclosing, and managing conflicts of interest.

This policy sets forth procedures and guidelines that are to be followed in resolving actual and potential conflicts of interest and commitment pertaining to sponsored projects. This policy applies to all sponsored projects.

The University and its employees often benefit from the employee's participation in both public and private outside activities. The University has no interest in setting forth detailed rules that may interfere with the employee's legitimate outside interests. Examples of activities which are clearly permissible include:

- a. acceptance of royalties for published works and patents, or of honoraria for papers and lectures;
- b. payments as a consultant to an outside entity, provided that the time commitment does not exceed University policy and that the arrangement does not alter the faculty member's commitments to the University, and;
- c. service on boards and committees of outside entities that does not distract from the faculty member's obligation to the University.

Employees, in turn, must also ensure that their outside obligations, financial interests, and activities do not conflict or interfere with their commitment to the University. This obligation pertains to both full-time and part-time employees. This policy has been developed in response to specific federal agency requirements and is applicable to every investigator participating in sponsored project funding.

### **Definitions:**

The definitions and examples listed below are intended to aid the University's employees and appropriate review bodies in identifying conflicts of interest. Identifying conflict situations and documenting steps taken to manage these conflicts serves to protect the employee and the institution, as well as assures that the University will remain eligible for Governmental-sponsored research.

### **Sponsored Project -**

A research, training, service, or other type of project with identifiable objectives and/or deliverables for which external funding either is being requested or has been received.

### **Investigator -**

Means the principal investigator, project director, and/or any other person at the University who is responsible for the design, conduct, or reporting of a sponsored project. For purposes of this disclosure requirement, the term "investigator" includes the investigator's spouse and/or dependent children.

#### Financial Interest -

Anything of monetary value, including but not limited to, salary, or other payments for services (e.g. consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights).

#### Significant Financial Interest -

the financial interest in business enterprises or entities where the value of such interest exceeds ten thousand dollars (\$10,000) per annum in salary, fees or other continuing payments, or includes an equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children both exceeds ten thousand dollars (\$10,000) in value as determined through reference to public prices or other reasonable measures or fair market value and represents more than a five percent (5%) ownership interest for any one enterprise or entity relevant to sponsored project activities.

#### Conflict of Interest -

A "conflict of interest" encompasses any situation in which an employee of the University uses, or is in a position to use, his or her influence and authority within the University to advance his or her own personal or financial interest, or the personal or financial interests of his or her immediate family.

Examples of types of conflict of interest situations may include, but are not limited to, the following:

- personal gain or unauthorized use of privileged information acquired in connection with the employee's sponsored activities
- negotiation or influence upon the negotiation of an employee's sponsored project agreement between the University and organizations with which the employee has consulting or other significant relationship
- acceptance of gratuities or special favors from agencies or organizations with which the University does or may conduct business
- extension of gratuities or special favors to employees of agencies or organizations under circumstances which might reasonably be interpreted as an attempt to influence these employees in the conduct of their duties

- having a significant financial interest in an organization which funds the University employee's research work

Procedures:

Each investigator covered by this policy will annually report all "significant financial interests" held by themselves, their spouse and/or dependent children that are relevant to proposed or funded sponsored projects.

Disclosures will be made on the Conflict of Interest Policy Disclosure form, Attachment I, to the Vice Provost for Research on an annual basis and/or when new significant financial interests are acquired. A disclosure form must be completed prior to the submission of an application for sponsored project funding.

Positive disclosures will be reviewed by a committee composed of the Vice Provost for Research, the applicable dean and department chair, and the Director of the Office of Sponsored Programs. Ad hoc reviewers may be consulted on a case-by-case basis.

In those cases where the committee determines that a real or apparent conflict exists, it will take one of the following actions:

1. Accept the sponsored project
2. Not accept the sponsored project
3. Accept the sponsored project subject to certain conditions, e.g.:
  - monitoring of research by independent reviewers;
  - public disclosure of significant financial interest;
  - modification of the research plan;
  - disqualification from participation in all or part of the sponsored project;
  - divestiture of significant financial interest;
  - severance of relationships that create actual or potential conflicts.

Appeal of the decision may be made to the President of the University, who will consult with the investigator and the review committee before making a final determination (within thirty days of the appeal) as to the action to be taken. In all cases, resolution of the actual or apparent conflict of interest will be achieved before the University accepts a sponsored project.

Compliance:

Alleged violations of the University's "Conflict of Interest" policy will be reviewed by means of an inquiry conducted by the review committee. Evidence of deliberate violations of the policy (e.g., failure to file a disclosure, knowingly filing incomplete, erroneous, or misleading disclosure forms, failure to comply with procedures) will be evaluated by the review committee. The review committee will recommend to the President the appropriate action, if any, to be

taken. Possible actions include, but are not limited to: letter to the faculty member's personnel file; suspension of privileges to apply for external funds, seek IRB approval, and/or supervise graduate students; non-renewal of appointment; and formal disciplinary sanctions up to and including dismissal. The procedures set forth in Chapter 6 of the NSHE Code will govern the imposing of any formal disciplinary sanctions.

Records:

Disclosure forms and records of all further actions related to such disclosures will be maintained in the Office of the Vice Provost for Research for three years following termination of the relevant award, or any subsequent action relating to that award. The University will consider all disclosures and related documentation confidential, and will in the normal course limit access to such records to those persons involved in the implementation of this policy. These records may be subject to public disclosure under Nevada public record law.

Point of Contact for Questions Pertaining to this Policy

Please direct your questions concerning this policy, the disclosure form, and/or conflict of interest issues to:

Rochelle Athey  
Executive Director of Sponsored Programs  
RAB 110  
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