

## **Rule 1-006D: Individual Financial Conflict of Interest in Scholarly or Educational Activity.**

**Revision 0. Effective date: July 1, 2020**

### **I. Purpose and Scope**

#### **A. Purpose:**

This Rule implements [Policy 1-006](#): individual Financial Conflict of interest Policy by Clarifying how the University identifies, evaluates, and manages conflicts of interest in Scholarly or Educational Activity.

The University is committed to ensuring that Employees engage in Scholarly or Educational Activity with the utmost integrity, free from bias or prejudice that may arise from financial conflicts of interest.

#### **B. Scope:**

This Rule applies to each Employee who engages in Scholarly or Educational Activity.

This Rule addresses *individual* conflicts of interest related to Scholarly or Educational Activity.

This Rule is not intended to directly govern other conflicts of interest that might arise during an Employee's University duties, which are governed by other Regulations. [See e.g., [Policy 5-204](#): Remunerative Consultation and Other Employment Activities, [Supplemental Rule 1-006](#): Health Sciences Industry Relations Policy]. Similarly, this Rule is not intended to directly govern financial conflicts of interest of the University as an institution, which are governed by other Regulations. [See [Policy 7-006](#): Institutional Financial Conflicts of Interest for Research Involving Human Subjects].

## II. Definitions

The definitions provided in Policy 1-006 apply for purposes of this Rule. Additionally the following definitions apply for the limited purposes of this Rule.

- A. **Scholarly or Educational Activity** means any activity involving the creation, discovery, dissemination, integration, or application of knowledge, ideas, or concepts as well as any teaching, mentoring, or other scholarly work that promotes, facilitates, or contributes to the intellectual advancement of students or other individuals. Examples of *Scholarly Activity* include, but are not limited to, academic presentations and publications; creative endeavors, performances, or literary or artistic works; significant study in pursuit of scholarly expertise; or the design or improvement of a method, application, device, computer program, therapy, treatment approach, or teaching/educational model or curriculum. Examples of *Educational Activity* include, but are not limited to, the supervision, training, or mentoring of students, graduate students, trainees, or fellows.
- B. **Significant Financial Interest** means a financial interest consisting of one or more of the following interests of the individual Employee (or those of the Employee's Family Member) that reasonably appear to be related to the Employee's responsibilities to the University, as defined by an individual's department or job description:
1. With regard to any publicly traded Business Entity, a Significant Financial Interest exists if the value of any Compensation received by the individual from the Business Entity in the twelve (12) months preceding the disclosure and the value of any Equity Interest in the Business Entity as of the date of disclosure, when aggregated, exceed \$5,000;
  2. With regard to any non-publicly traded Business Entity, a Significant Financial Interest exists if the value of any Compensation received by the individual from the Business Entity in the twelve (12) months preceding the

disclosure, when aggregated, exceeds \$5,000, or when the individual holds any Equity Interest; or

3. Any instance where an Employee (or a Family Member) has, or reasonably foresees having, the right to receive Compensation as a result of licensing or other commercialization of Intellectual Property created by that Employee (or Family Member), including the right to receive shares of revenue, royalties, or share of royalty income under University Property)

*However, Significant Financial Interest does NOT include:*

1. Salary, travel reimbursements, or other non-royalty Compensation from the University if the individual is currently employed or otherwise appointed by the University;
2. Income received by the Employee (or a Family Member) from seminars, lectures, or teaching engagements sponsored by, or income received by the Employee (or Family Member) from service on advisory committees or review panels for the following entities within the United States:
  - a. A federal, state, or local government agency;
  - b. An institution of higher education as defined at 20 U.S.C. 1001 (a);
  - c. An academic teaching hospital;
  - d. A medical center; or
  - e. A research institute that is affiliated with an institution of higher education within the United States; or

3. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles.

### III. Rule

#### A. Scholarly or Educational Activities Requiring Disclosure.

[Policy 1-006](#) requires Employees to disclose certain types of information using an approved BRR Disclosure Form in accord with the University's approved BRR Disclosure Form Instructions. This Rule implements the Policy with the following requirements.

1. Each Employee is required to submit a BRR Disclosure Form to the University prior to engaging in Scholarly or Educational Activity.
2. Each Employee is required to submit a BRR Disclosure Form to the University prior to evaluation, supervising, or overseeing Scholarly or Educational Activity involving University subordinates or students.
3. Each Employee is required to notify the Employee's supervisor and the Conflict of Interest Office of any perceived, potential, or actual conflict of interest that may arise as a result of the Employee's involvement in Scholarly or Educational Activity.

#### B. Evaluation of Conflicts of Interest in Scholarly or Educational Activity.

1. The Individual Conflict of Interest Committee will evaluate the information provided in an Employee's BRR Disclosure Form to determine whether or not a Significant Financial Interest(s) exists that could potentially create a financial conflict of interest [See [Procedure 1-006](#): Reviewing Individual Conflict of Interest BRR Disclosure Forms].

#### C. Management of Conflicts of Interest in Scholarly or Educational Activity.

The Individual Conflict of Interest Committee may manage conflicts of interest in Scholarly or Educational Activity by requiring any of the following:

1. Disclosure of financial conflicts of interest to Supervisor(s);
2. Disclosure of financial conflicts of interest to students or subordinates involved in the Scholarly or Educational Activity;
3. Recusal from certain roles or responsibilities related to the Scholarly or Educational Activity;
4. Elimination of the Significant Financial Interest; or
5. Any other management strategy the Committee determines is necessary to appropriately manage a conflict of interest.

D. Prohibited Activities.

The following types of activities present conflicts of interest in which an Employee who has a Significant Financial Interest is not allowed to participate because such an activity would be a violation of law or is judged by the University to be a violation of its institutional values.

1. An Employee is not allowed to participate in any secrecy or confidentiality obligation benefitting a Business Entity in which the Employee has a Significant Financial Interest if that obligation affects evaluation of any University student, faculty member, or other Employee, or if it delays fulfillment of a student's degree requirements by more than the time contractually allowed for publication or protection of Intellectual Property rights (up to six (6) months).
2. No Employee who has a Significant Financial Interest in any Business Entity shall, on behalf of the University, take any employment action or exercise any evaluation regarding any individual University faculty member, staff, postdoctoral fellow, medical housestaff member, educational trainee, or student that is based, in whole or in part, on that individual's refusal to

participate in, agreement to participate in, or level of performance while participating in, any non-University activities involving that Business Entity. No faculty member, staff, medical housestaff member, educational trainee, or student shall be required or expected to participate in any non-University activity involving any such Business Entity.

3. If an Employee acts on behalf of a Business Entity to supervise an individual who is conducting non-University work for that Business Entity, that Employee is not allowed to also act on the University's behalf as that individual's supervisor or otherwise evaluate that individual for purposes of University employment or Scholarly or Educational Activity. For example, if an Employee supervises a graduate student's non-University work for a Business Entity, that Employee is not allowed to participate on that student's dissertation committee at the University.
4. Solicitation or receipt of a Gift by a University Employee, whether directly or indirectly through the institution, is not allowed, when (a) the purpose or effect of the Gift is likely to improperly influence the Employee in the discharge of the Employee's University responsibilities; (b) the Gift is given to reward the Employee for official action taken; or (c) the Gift is given in close proximity to recent past, present, or future transactions between the University and the giver of the Gift.

This provision is intended to help ensure Employees comply with the Utah Public Officers' and Employees' Ethics Act, [Utah Code Ann. § 67-16-1](#) et seq., and this provision shall be interpreted to be in conformity with that Act.

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*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

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#### **IV. Rules, Procedures, Guidelines, Forms and other Related Resources**

[Reserved]

## V. References

[Reserved]

## VI. Contacts

The designated contact officials for this Regulation are:

- A. Policy Owner (primary contact person for questions and advice): Conflict of Interest Officer
- B. Policy Officers: Vice President for Research and Vice President and General Counsel

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provide in University Rule 1-001:

*“A ‘Policy Officer’ will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases...”*

*“The Policy Officer will identify an ‘Owner’ for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to who the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining –requirements of particular Policies....”*  
University Rule 1-001-III-B & E

## VII. History

Renumbering: [None]

- A. Current version Revision 0

Approved: Academic Senate: April 27, 2020

Approved: Board of Trustees: June 9, 2020, with designated effective date July 1, 2020

[Legislative History](#) of Revision 0.