

AGENDA
University of Nevada, Reno
2007-08 Faculty Senate
June 7, 2007, 1:30 p.m.
RSJ 304

All times are approximate

- | | | | |
|------|----|---|-----------------------|
| 1:30 | 1. | Roll Call and Introductions | |
| 1:35 | 2. | Request to Approve the May 9, 2007 Meeting Minutes | Action/Enclosure |
| 1:40 | 3. | Chair's Report | Information/Enclosure |
| | | <p>NOTE: Included in the Chair's report are three documents related to the Conflict of Interest Policy. The policy version in this packet does not show the editing marks. Please refer to the Senate's Meeting page to access the document reflecting the editing changes (http://www.unr.edu/facultysenate/Meetings/Index.htm)</p> | |
| 2:10 | 4. | <i>Election:</i> Search Committee Members for the Provost and Executive Vice President | Action |
| | | <p>NOTE: Because the deadline for submission of nominees closes at 5pm on Wednesday, June 6, the ballot and associated bios of nominees will be distributed by 9am on Thursday, June 7.</p> | |
| 2:30 | 5. | <i>Review:</i> Effort Reporting Policy: <i>Chair Stephen Rock</i> | Information/Enclosure |
| 3:00 | | Break | |
| 3:15 | 6. | Access to Policy Documents: <i>Jannet Vreeland, Interim Provost and Executive Vice President</i> | Information |
| 3:30 | 7. | New Business | Discussion |
| 4:00 | 8. | Adjourn | |

Future Senate Meetings
[UNR Faculty Senate Website](#)

August 30, 2007 at 1:30pm
RSJ 304

September 20, 2007 at 1:30pm
RSJ 304

Future Board of Regents Meetings
[NSHE Website](#)

June 21 & 22, 2007
TMCC (Reno)

August 16 & 17, 2007
UNR (Reno)

University of Nevada, Reno
2006-07 Faculty Senate

Meeting Minutes May 9, 2007

RSJ 304

Meeting 12

1. Roll Call and Introduction:

Present: Denise Baclawski (Provost's), Bruno Bauer for Ron Phaneuf (COS), Cynthia Birk (COBA), Gale Craviso (SOM), Maureen Cronin (SS), David Crowther (COE), Donnelyn Curtis (Library), William Follette (CLA), Greg Gardella (IT), Howard Goldbaum (JO), Terry Henner (SOM), Guy Hoelzer (COS), Cindy Kiel (Research), Karen Kopera-Frye (HHS), Tom Lean (A & F), Normand LeBlanc (SOM), Manoranjan Misra (EN), Elliott Parker (COBA), Mark Pinsky (COS), Hans-Peter Plag (COS), Wendy Rau for Esmail Zanjani (CABNR), Marlene Rebori for JoAnne Skelly (COOP), Steve Rock (COE), Nelson Rojas (CLA), Stefanie Scoppettone (DEV), Barbara Scott (SOM), Mary Stewart (CLA), Judith Sugar (SOM), Patricia Swager (SOM), Debra vigil (SOM), Virginia Vogel (CLA), Leonard Weinberg (CLA), Leah Wilds (CLA).

Guests: Eric Albers (HHS), Alice Boateng (HHS), Kelly Corrigan (AFPPP), Dean Dietrich (DEV), Pamela Haney (Ombudsman), Steve Hayes (Academic Standards Committee), Jodi Herzik (Provost's), Bourne Morris (JO), Bill Oberding (SEC), Jim Richardson (NFA), Mahasin Saleh (HHS), Aaron Santesso (CLA).

2. Request to approve the April 4, 2007 and April 19, 2007 Meeting Minutes:

Elliott Parker asked to have the minutes amended to correct "his" to "this" committee in item 3 (Faculty Representation to the Conflict of Interest Committee) in the April 19, 2007 meeting minutes.

MOTION: Follette/Baclawski. To approve the minutes as amended

ACTION: Passed Unanimously

3. Year End Committee Report: Kelly Corrigan: Administrative Faculty Personnel Policy and Procedure Committee:

Committee Chair Kelly Corrigan thanked the committee members: Denise Baclawski, John Burton, John Davis, Frank Flavin, Nancy Markee, Marilyn Ming, Stefanie Scoppettone, Mary Sedgwick, Julie Redding. The committee recommended to the senate to continue charges 1, 2 & Standing Charge 4 (Brown Bag Lunches) and to institute 2 new charges.

Charge #1

- Key Actions: This charge was placed on hold due to the fact that a Task Force was already convened to look at the Administrative Faculty Evaluation process.
- Findings: NA
- Recommendations: This charge continues to be pursued with Human Resources.

Charge #2

- Actions: The Chair of the AFPPP was an active member of the Human Resources Administrative Faculty Performance Evaluation Task Force which met frequently throughout the summer, fall and early spring semesters.

- Findings: Human Resources and the Task Force will continue through the year to work on the release of this new process and forms including training and communication.
- Recommendations: The AFPPP Chair continues to sit on the Task Force.

Charge # 4

- Brown Bag Lunches

Recommended New Charges:

1. Request a status of activities of the Human Resources Administrative Faculty Salary and Benefits Committee. Assign a committee member to sit on this, if necessary.
2. Assign one committee member to sit on the Administrative Manual Committee (UAM).

MOTION: Follette/Gardella. To accept the report as published

ACTION: Passed Unanimously

MOTION: Gardella/Kopera-Frye. To approve the recommendations of the committee to continue charges 1,2, & 4 and to create two new charges.

ACTION: Passed unanimously.

4. Year End Report: Academic Standards Committee: Steve Hayes

Chair Steve Hayes thanked his committee members: John Mahaffy, Pat Ragains, Jill Wallace, Duane Karna, Banamili Rawat, Anna Keniston, Gwen Hullman, Louis Marvick, Mark Pingle.

The Committee asked to have the charge that addressed the academic honor code handled by the Associated Students of the University of Nevada (ASUN). The ASUN drafted a resolution and requested that the faculty senate support the wording of their resolution. The committee felt that it was important to separate out the academic sanctions and the disciplinary sanctions and that faculty needed to list in the syllabus what the academic sanctions were, so they would be enforceable.

MOTION: Follette/Vogel. To accept the report as published.

ACTION: Passed unanimously

The following recommendations were made by the committee for senate approval:

1. Establishment of Expected Academic and Disciplinary Sanctions

We recommend that the University Code of Conduct and Policies (section IV, "Academic Standards"; Subsection B "Sanctions for Violations of Academic Standards") should a) state an expected minimum academic and disciplinary penalty for academic dishonesty and b) describe the issues that would lead to more severe academic and disciplinary sanctions.

Note that the language regarding a Q grade would be applicable only after the approved recommendations from last year were implemented. Note also that last year we recommended a modification of Subsection B "Sanctions for Violations of Academic Standards" to add additional possible sanctions to the current list -- those recommendations are not repeated in this year's report. Our new recommended language is as follows:

Expected Sanctions for Academic Dishonesty

There are two types of sanctions for academic dishonesty: academic sanctions that are determined primarily by the instructor, and disciplinary sanctions that result from a university administrative process. Both are relevant for most cases of academic dishonesty.

Academic sanctions

In an academic course, normally a minimum academic penalty for academic dishonesty is a grade of "F" on the graded work, without the possibility of retaking or re-doing the work. In cases in which the violation is egregious, involves extensive premeditation, involves a

conspiracy, or victimizes other students, more severe sanctions would be expected, up to a permanent grade of "F" in the course.

Disciplinary sanctions

In addition to these academic sanctions, disciplinary sanctions would typically also be imposed upon a student who has engaged in academic dishonesty, in accordance with the Regents Code, Title Two, Chapter 6.

Normally a minimum disciplinary sanction for academic dishonesty is a letter of reprimand that is shared with the student's home department and advisor and assignment of a "Q" grade (computed in the student's GPA as an F). The Q grade will be removed and replaced with the earned grade (including any academic penalty assigned) when the student completes a non-credit academic integrity course

Egregious first offenses, and ones victimizing other students, or ones involving conspiracy or extensive premeditation might result in a non-removable Q grade, suspension, expulsion, or revocation of degree.

Any repeated offense of academic dishonesty should normally result in at least disciplinary action of suspension for one semester.

A third offense involving academic dishonesty should normally result in expulsion, and be noted on the student's transcript.

Recommendation 2: Syllabus Guidance regarding Academic Dishonesty

We recommend that instructors be asked by the Provost or President, at the request of the Faculty Senate, to include information regarding academic dishonesty in their syllabus for each class. The section should state their approach to academic dishonesty, acknowledge the university-wide obligation to report violations, note that both academic and disciplinary sanctions could result from academic dishonesty, and orient the student to available information and resources regarding the nature of academic dishonesty, their rights, and possible sanctions. An example is offered below, not as a standard but as an example of the kinds of statements that would comport with the recommendation:

Academic Conduct. *All rights and regulations concerning academic dishonesty and plagiarism, as they appear in the current University catalog, will be upheld in this course. At a minimum any academic dishonesty will result in a grade of zero on the assignment, without the opportunity to resubmit it. In cases in which the violation is egregious, premeditated, involves a conspiracy, or victimizes other students, normally an "F" in the course would result. In addition, academic dishonestly will be reported to the Office of Student Judicial Affairs and may result in additional disciplinary sanctions.*

The senate discussed the timeline for reporting academic dishonesty, which had been increased to 15 days, detection measures and the use of Turn it In.com, the interaction between a faculty member and judicial affairs, the idea of a student integrity day and faculty involvement, the integrity course, the Q grade, and applauding and supporting the student's resolution.

MOTION: Parker/Gardella. To approve the recommendations of the Committee.

ACTION: Pass unanimously.

5. Chair's Report:

Chair Guy Hoelzer reported that the tension surrounding the legislative funding levels for UNR continues. A proposal was made last week to reduce the merit pool for faculty from 2.5% to 2% as one contribution to balancing the budget. Pam Haney, the ombudsman, was introduced and was available if people would like to meet with her. The Town Hall Meeting was a great success and the plan was to hold more meetings in the future to expand opportunities for faculty participation. It might be possible that President Milton Glick would set up some streaming video once the metric responses were completed. The summer reading program was moving forward under the senate leadership. The book that was chosen was *Sweet Promised Land*, by Robert Laxalt with the forward by Ann Ronald. Ronald had agreed to speak and would participate in the discussion. The book had obvious ties to the campus and Nevada and it was felt would be a good choice. The draft policy on confidential research was placed on the March Board of Regent's agenda prior to senate vetting. The executive board, with the help of Ron Phaneuf, Cindy Kiel, and Hans-Peter Plag, had worked on improving the policy. Once Hoelzer heard from Vice President for Research Mark Brenner, he would forward the policy to the senate. The policy was developed in response to regents being told that they could not get information in classified research projects. The policy would also protect students and faculty. Hoelzer reminded faculty of the earlier meeting time for commencement.

Platform Party meets at JTSU Alumni Room at 7:45 pm

Baccalaureate Degree Recipients line up at north and south ends of quad at 8 am, and faculty line up at Morrill Hall at 8 am. Processional begins by 8:30 am and the Ceremony concludes at noon.

Jim Richardson spoke about three areas of concern that were before the legislature: changes to the Millennium Scholarship which both the administration and the National Faculty Alliance were addressing, health benefits a new rate structure was finalized last week, and budget issues, both capital and operating. The capital budget had not yet been set. Richardson said that faculty should contact their senator or assemblyperson in a professional manner.

Hoelzer thanked the members of his executive board, Denise Baclawski, Robin Gonzalez, Ron Phaneuf, Steve Rock, and Debra Vigil. Hoelzer then thanked the outgoing senators and passed out certificates of appreciation: Denise Baclawski, Cynthia Birk, Greg Gardella, Howard Goldbaum, Terry Henner, Karen Kopera-Frye, Mark Pinsky, Ron Phaneuf, Stefanie Scoppettone, Mary Stewart, and Debra Vigil.

6. Election of the 2007-08 Executive Board Members:

The following senators were elected to the Executive Board

Bill Follette, Chair Elect

Cindy Kiel, Parliamentarian

Elliott Parker and Hans-Peter Plag, At Large

Steve Rock acknowledged Guy Hoelzer and thanked Hoelzer for all his hard work this past year and also extended a thank you to both Hoelzer and Wilds for transition with the President, the increased stature with the Board of Regents.

Meeting Adjourned 3:20 pm

University of Nevada, Reno
2007-08 Faculty Senate

Meeting Minutes May 9, 2007

RSJ 304

Meeting 1

1. **Roll Call and Introductions**

Present: Eric Albers (HHS), Gale Craviso (SOM), Maureen Cronin (SS), David Crowther (COE), Donnelly Curtis (Library), Dean Dietrich (DEV), Michelle Gardner (Pres), Jodi Herzik (Provost's), Guy Hoelzer (COS), Stephen Jenkins (COS), Cindy Kiel (Research), Alex Kumjian (COS), Tom Lean (A & F), Normand LeBlanc (SOM), Bourne Morris (JO), Elliott Parker (COBA), Hans-Perer Plag (COS), Wendy Rau for Esmail Zanjani (CABNR), Steve Rock (COE), Nelson Rojas (CLA), Aaron Santesso (CLA), Barbara Scott (SOM), JoAnne Skelly (COOP), Judith Sugar (HHS), Patrica Swager (SOM), Virginia Vogel (CLA), Jill Wallace (IT), Leonard Weinberg (CLA),

Absent: Manoranjan Misra (EN), Tom Wright (COBA).

Guests: Milton Glick (President's)

Chair Steve Rock asked the new senators to introduce themselves: Dean Dietrich, Jodi Herzik, Bourne Morris, Aaron Santesso, Stephen Jenkins, Alex Kumjian, Eric Albers, and Jill Wallace were the new senators in attendance.

Senate Overview: Rock explained the role of the senate and the senators' role as members of the senate. The senate's role was advisory to the President and the Board of Regents. The role of shared governance on this campus was the strongest that Rock had seen at any of the institutions where he had previously been associated. Senators individually have a responsibility to their constituents, to communicate with them and to represent them, but also a responsibility to represent the university as a whole. If a senator cannot attend a meeting, please arrange for a proxy, and let Linda Kuchenbecker in the senate office know who would be the proxy. Rock mentioned his surprise at the role of the council of chairs at the regent's meetings. There are tables set up for President's of the student bodies of each institution, Presidents of each institution and the faculty senate chairs of each institution. The members of the council of chairs communicate routinely and come forward as a united front on many issues brought before the Regents. The senate also interacts with the student body government, for example the summer reading program. Rock spoke about the senate office staff and how valuable it was to have such a resource and mentioned that Grievances were handled through that office. Rock spoke about the structure of the senate and the executive board. The board meets weekly and they were looking at inviting senators on a rotating basis to some of the board meetings. Many times the board meets with the President and Provost on issues. Senators were not expected to serve on standing committees; however, they might volunteer or be asked to serve on ad hoc committees.

Robin Gonzalez serves on the executive board as an ex officio, provides support to both the board and the council of chairs.

Rock asked senators to come forward with critical issues either to him or to the board, or to the senate.

- Leonard Weinberg asked if there was a way of rewarding the board beyond the reduction for the chair and chair elect.
- Judith Sugar mentioned that while it seems that the process for new programs and centers takes a long time, which was really a very short compared to some universities.

Senators brought up the following questions and issues:

- When will the senate office send out requests for elections to add representatives for the chair and chair elect?
- When will the committee preference forms go out?
- What is happening with Role Statements, and what is the position of the senate?
- Issues with clinical faculty being able to get promotion and tenure based on the current 40/40/20 formula.
- The frustrations of dealing with the IRB process.
- The administrative faculty evaluation process and what was happening with that as Gena's committee had not met for quite a while.
- Environmental issues and why the university was not taking the lead in the community to make things more environmentally sound, the use of green buildings, recycling, solar energy, power house, etc. Hoelzer said the Regent Jason Geddes was very environmentally concerned, so this would be a good time to present more environmentally responsible ideas forward.

2. Welcome from President Glick:

President Glick, thanked the senate for inviting him and said that he would be attending not only when invited, but if there was a particular issue that needed to be addressed. He understood that his presence could change the tone of the conversation. The President's Council had been much stronger with Hoelzer's presence. Glick was looking forward to working the board and the senate with open communication. The senate would be able to (and had) detected problems before he could and wanted them to bring forward issues. He expected the senate to study policies that would be going before the regents. It was budget crunch time at the legislature and Glick was hoping that the legislature would realize that the fight was not between K-12 and higher education, but between education and prisons. Social services solve the immediate problems, but education solves the long term problems. Glick wanted the legislature not to hold the students hostage, it was critical that they be able to get the classes they would need.

Glick spoke about the need to get and keep students, faculty and the community involved in the campus and to educate people to no longer look at the campus as a commuter campus. The union would be the anchor, but the university must be able to fill the forum, to get the students and the community involved. Glick asked the senate to email him with issues. Glick did not see a major reorganization unless faculty tell him that one needed to take place. There were currently 4 credible candidates for the Dean of the Business College. He would like to have a Dean in place for the College of Science within a year. A national search would be done for all deans. A failed search was not one where no candidates were hired, but one where the wrong candidate was hired. A search would also begin for the College of Journalism.

Meeting adjourned: 4:55pm

Conflict of Interest Policy Proposed June 2007 Modifications for Senate Review:

1. Changes to Citations due to the change in institutional name from UCCSN to NSHE and changes from individual Board of Regents and Chancellor policies to those contained in the new NSHE Handbook. Also minor changes to the names of campus entities: Office of Human Research Protection instead of “IRB” and the Administrative Manual Committee instead of “Policy and Procedure Board”.
2. Page 1 footnote change: adherence to “more restrictive policy” has been changed to “most restrictive policy”.
3. Changes annual reporting requirement from “ALL EMPLOYEES” to only Faculty and Key Personnel with other employees reporting only on a project basis. See pages: 1, 7 (definition), 11 (Section I paragraph 4a) & 12 (Section K 1a1)
 - a. Argument for accepting change: This reduces administrative burden, paperwork and need for annual disclosures for nearly 50% of UNR workforce. Faculty who are only part-time LOA instructors should be excluded from annual reporting as well. This change is based on state law definition of “public officers” who must report annually. We think we can limit annual disclosure only to employees who make decisions in the conduct, design, or purchasing decisions within the University. This will make it easier for central administration and the COI committee to keep up with the paperwork.
 - b. Argument against accepting change: If ALL employees report annually, there is no difficulty in determining who does or does not need to report – so it is easier to manage for administrators. If we are now excluding some from the requirement, will it be less easy to make sure we are in compliance with state law annual reporting requirements? Does full disclosure benefit outweigh administrative burden issues? Will we be missing individuals who should be reporting annually?
4. Changes definition of and reference to the term “Relative” and replaces it with “Household or Family Members”. Prior language used NRS definition of relative “within 3 degrees of consanguinity”. This has been replaced with less onerous and more easily identifiable immediate household members. New definition is a combination of the federal definitions of household members, the state law definition and the Board of Regents definition. It is a hybrid with BOR definition excluding “domestic partners”. See definitions 8 & 9 on page 3. Additionally, the term “relative” has been replaced throughout the document with “Family Member” or “Household Members”.
 - a. Pro-Argument for accepting change: 3 degrees of consanguinity is an unenforceable and unreasonable definition. Most people have no idea what their cousins twice removed are doing in their business lives. It is over-reaching and over-broad. A vote for this change will narrow the definition to immediate household members.
 - b. Con-Argument for accepting change: Currently, the federal, state law and Board of Regents definitions of relatives and household members are different, the proposed definition is a hybrid between the three discrepant definitions. There has been an

- ongoing debate surrounding “domestic partners”. Some argue that if domestic partners are not eligible for “relative” benefits under BOR definitions, they should not be considered as “household members” either, but federal and state laws define household members as those receiving significant “support” from the employee. This dispute is still unresolved, but, the changes to the definitions here might be sufficiently flexible to allow for future BOR changes on this matter.
5. Change to C.1 on page 3. adds the term “pecuniary” to the word incentive – thereby limiting scope of “incentive”.
 - a. Pro change argument: This limits the definition of incentive to only fiscal incentive instead of leaving it up to a nebulous incentive.
 - b. Con argument: Can’t think of one
 6. Change to Section E “Conflict of Interest Situations on page 4. This was a wholesale rewrite of the “Use of University Property or Facilities and replaces the entire section with verbatim repetition of the Board of Regents and current Admin Manual requirements pertaining to use of University facilities. These policies are highly restrictive with only nominal use allowed with such nominal use to be paid for. It does not allow for any significant use of University facilities even if the costs are reimbursed. To make this a little more flexible, additional language was negotiated with legal counsel in Section E paragraph 2 to allow for more significant paid use so long as such use is approved by the President. This is an exception to the BOR policy.
 - a. Pro-argument: There is probably not much we can do at this point about what the BOR policy requires regarding NSHE property usage so, the additional flexibility in paragraph 2 is a good exception to allow for industry/university partnering on our campus with an approval mechanism.
 - b. Con argument: We could vote to not agree to NSHE policy and try to get the BOR to change their policy to be more flexible than “nominal use”. Are the Provost and President approves the right level for approval of these uses as an exception? (NOTE: NRS code 281 requires presidential approval of potential conflicts related to contractual relations so long as signed off by the President)
 7. Change to Section H2e on page 10: This is a re-write of the references to the BOR consulting policy. The prior language merely copied the prior consulting policy and the language here again, copies the revised consulting policy. As has been discussed by the prior Senate, a change to the consulting policy for 12 month faculty went into effect in 2004 after the Conflict of Interest policy was originally approved. This change brings this policy in line with the new Consulting policy passed by the Chancellor that requires 12 month faculty to take annual leave in order to do consulting work.. This has been accomplished by reference instead of by copying the exact wording of the new Regents policy in order to allow this policy to automatically change in the event the Regent’s consulting policy changes. Additionally, Paragraph 3 has added references back to the NSHE facility usage rules.
 - a. Pro-argument: Again, this change is occurring due to a change in the Board of Regents policy since the COI policy was first approved. Failing to agree with the change would put this policy at odds with Regents policy. An additional positive for this change is that it now merely references Regents policy instead of copying the actual text here. This will make it so the COI policy won’t have to be revised in the future simply because the Board of Regents decides to change the consulting policy in the future.
 - b. Con-argument: The Board of Regents new consulting policy was not fully vetted by the senate in 2004 and many faculty are still not aware of the modifications. We should keep

the prior language in place that allows for more open consulting for A contract faculty and then try to get the BOR to change their consulting policy back to what it was prior to 2004.

8. Change to Section 3a on page 11 to include the UNR foundation and Research Ventures, Inc. which is the entity that holds corporate equities on behalf of UNR. When the COI policy was initially drafted, the Research Ventures Inc. entity was not yet fully up and running. Thus, this change incorporates reality about how UNR holds equity in resolving institutional conflicts of interest:
 - a. Pro-argument: This change really does not have any impact in individual faculty members, it is merely a statement of fact.
 - b. Con-argument: If someone knows of a better mechanism of holding equity interests in companies while managing the conflicts inherent in such holdings please bring it up now.
9. Addition of paragraph 4 on page 11. This paragraph is addressed primarily to Administrative Officials with signature authority for the University who bind the University in contracts where the Institution might have an institutional conflict of interest. This change was made to bring institutional conflict of interest federal compliance lessons from other institutions into the UNR policy.
 - a. Pro-argument: This paragraph is designed to make sure officials who might be influenced by institutional conflicts do not sign off on agreements that do not appear to be at hands-length. It does not impact regular faculty or individual conflicts of interest.
 - b. Con-argument: This might prevent the University from entering into agreements with private companies run by faculty members when the University has an equity interest – so, there might be impact to individual faculty members in their capacity as external corporate employees or owners. Is this too much of a barrier for industry-university partnering? If it is not adopted, do we run the risk of violating federal regulations?
10. Change to section K 1a1 page 13: clarifies that the annual disclosures will be submitted as part of the annual evaluation process. This was not clear in the earlier COI policy because the policy had not yet been implemented. This change reflects how the policy has since been procedurally implemented. Paragraph 2 also specifies a timeline of 10 days for submission of a new COI in the event something changes regarding external interests. The earlier policy specified only “promptly” without a timeline.
 - a. Pro-argument: This clarifies key procedural aspects of the policy regarding timing of annual disclosures and defines promptly so there are no questions related to the required timing of disclosures.
 - b. Con-argument: 10 days is not enough time to update a disclosure – a different timeline would be better. Inclusion of the paperwork along with annual evaluations isn’t a good idea . . . etc.
11. Changes to Section C page 13. Changes language from “may” to “must” since this is what the federal government requires. Language reflects federal regulatory language more directly.
 - a. Don’t believe pro or con is necessary here since this is a federal requirement.
12. Addition of paragraph d top of page 14: This change is directed at the Designated Official regarding record keeping requirements. Currently, the DO only keeps record of any positive disclosures and all negative disclosures are simply filed within a particular department. This paragraph would change this to a central repository for all positive and negative disclosures so

central administration can more fully answer auditor questions regarding who has or has not disclosed on an annual basis.

- a. Pro-argument: This allows for timely information to appropriate audit entities as questions arise instead of having the auditors go back to the individual departments and may serve to enhance compliance in this area. One of the primary reasons for this change was due to UNR's new IRB accreditation by AAHARP that requires this data to be shared with the Office of Human Research Protection.
 - b. Con-argument: Currently, there are insufficient electronic and personnel resources at the central level to keep track of all COI forms submitted. This would not be implemented until such a system exists. This seems to take away from local control of the COI processes.
13. Changes to paragraph e page 14 related to appeals for institutional conflicts of interest. The current COI policy states that appeals will go to the Board of Regents. The new revisions specify that appeals would go to the Executive Vice Chancellor instead.
- a. Pro argument: Most would agree that having the BOR looking at some of this might not be an effective or efficient or confidential way to handle conflict reviews, thus, using the Vice Chancellor is a far better alternative
 - b. Con argument: The BOR should be fully engaged in these matters and should be the appellate entity.

Reviewed: August 2006

A. POLICY STATEMENT¹

1. This document sets forth University, NSHE Board of Regents, State and Federal requirements to identify, manage, reduce and/or eliminate conflicts of interest. The key to conflict of interest management is timely and appropriate disclosure by University Employees who shall disclose any outside activity or interest that may adversely affect, compromise, or be incompatible with the obligations of the Employee to the University or to widely recognized professional norms as defined herein. Employees shall disclose all potential conflicts held by the Employee or the Employee's Household or Family Members that the Employee knew or should have known. Such disclosure shall be made on an annual basis by Faculty and Key Personnel and on a project basis as necessary for other employees. Potential conflicts of interest, when properly disclosed and managed, can serve to benefit the University, the State of Nevada, and the Nation. This document prescribes procedures for disclosure, review, and for the exercise of ongoing oversight of potential and/or actual conflicts where necessary. It also provides for review of decisions at higher levels of University administration. Lastly, it indicates the sanctions that may be applied when the policy is violated.

B. PURPOSE AND SCOPE

1. In carrying out its primary missions of teaching, research and service, the University must implement a diverse set of principles: maintaining academic freedom and an atmosphere that promotes free and open scholarly inquiry without bias; facilitating the transfer of technology and other developments for the benefit of the public; and serving as the steward of public and private resources entrusted to it. There are several general categories of Conflict of Interest that this policy will address: Research and Other Sponsored Projects, Use of University Resources, Technology Transfer and Commercial Endeavors, and Institutional Conflict of Interest. The University recognizes the value of transferring technology and other activities to enhance public access to University research and to further the economic development of the State and the Nation. Additionally, participation by academic and administrative faculty, staff and students in external activities that enhance their professional skills or constitute public service may be beneficial to the University as well as the individual. As the institution grows and develops relationships with federal, state, and private institutions, the potential for conflicts of interest increases. These

¹ This policy overlaps with but does not supplant University Employees' responsibilities under the Nevada Ethics in Government Law, NRS 281.411., which in some instances may include additional reporting responsibilities. In many instances, this policy is broader than the Ethics Act in the situations covered. Also, incorporated by reference are the NSHE Board of Regents Handbook; UNR administrative manual; the National Science Foundation Policy; Grant Policy Manual 510, Investigator Disclosure Policy, 60 F.R. 132, pp. 35810-823 (July 11, 1995) and U.S. Department of Health and Human Services, Objectivity in Research Subpart F-Responsibility of Applicants for Prompting Objectivity in Research for Which Funding is Sought, 42 CFR Part 50, Subpart F. As additional external federal policies are imposed, or if project specific requirements are imposed by a federal or state sponsor, this policy will incorporate such new policies by reference. In all events, adherence to the most restrictive policy is required.

conflicts, when properly disclosed and managed can serve to benefit the institution, and spur economic development and diversity for the state of Nevada and its citizens. The primary goal of this policy is to provide a means to manage potential conflicts to enhance the benefit to the public and reduce or eliminate the costs and perceived negative outcomes that such potential conflicts may carry.

2. To this end, it is critical that business transactions and the design, conduct or reporting of research will not be biased or compromised by any conflicting financial interest or other potential or actual personal gain of an Investigator or the University or one of its units. Failure to comply may jeopardize existing or future funding, and erode public trust. The University recognizes that many potential conflicts of interest do not constitute actual conflicts or may be acceptable with proper oversight and safeguards. The complexity and diversity of professional relationships has grown increasingly intertwined with outside entities in research and other University activities. Increased research support from private entities, changes in federal law and regulations encouraging technology transfer and the need for the University and its Employees to demonstrate public accountability mandate new approaches in the discovery and management of potential conflict of interest situations. This may require reevaluation of previously acceptable activities. The most effective way to address conflict of interest is to establish a process by which Employees disclose and obtain evaluation of potential conflict on a case by case basis.

C. APPLICABILITY

1. This policy applies to all University Employees. As appropriate, subcontractors and other external collaborators must also comply with this policy unless their institution/company provides adequate assurances that they are in compliance with the federal regulations referenced below. This policy applies to any research, education or service activity regardless of whether or not support is provided to the University or Employee. Support may be in the form of sponsorship, pecuniary incentive, equipment or gift.
2. Conflicts also arise in procurement situations when an Employee has the option of purchasing goods or services from entities in which the Employee has a substantial financial or other interest. Procurement conflicts are treated separately in the NSHE Business Center North Purchasing Policies and Procedures and are not within the scope of this policy. However, because conflict of interest situations covered by this policy may also involve procurement issues, the Conflicts of Interest Committee will, from time to time, need to coordinate their efforts with the Director of Purchasing.

D. DEFINITIONS

1. “**Business Entity**” means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a trade or business, including parent organizations of such entities or any other arrangement in which an entity operates through a subsidiary.
2. “**Clinical Investigations**” include any research project dealing with humans, including medical industry corporation or other private business entity sponsored trials, departmental sponsored research, studies utilizing human tissues, social science research, and medical chart reviews.

3. **“Conflict of Commitment”** may occur when external activities demand excessive time, conflicting with an Employee’s responsibilities to the University, or when external activities result in direct competition with University activities.
4. **“Conflict of Interest”** means any outside activity or interest that may adversely affect, compromise, or be incompatible with the obligations of an Employee to the University or to widely recognized professional norms. A significant conflict of interest includes, but is not limited to, situations where consideration of a significant financial or other interests will likely affect the approval, design, conduct, or reporting of research or other projects or the objectivity of decision making as an Employee of the University.
5. **“Designated Official”** is the person responsible for reviewing all financial disclosures and will review situation information and advise the Conflict of Interest Committee as to whether a conflict of interest exists. The designated official shall be appointed by the President of the University. This individual may change from time to time upon designation by the President.
6. **“Employee”** means any person who is employed by the University of Nevada, Reno, whether full or part time, and includes but is not limited to staff, faculty, postdoctoral appointees, residents and student Employees. It also includes Investigators as defined by the federal policies referenced below and individuals who are not paid on a project (i.e., “volunteers”).
7. **“Faculty and Key Personnel”** include individuals who are engaged at least 0.5 FTE as a faculty member and/or who serve as a Principal or Co-Principal Investigator on research or other projects and who are involved in the design, conduct, execution, reporting or fiscal oversight of University or externally funded projects and/or individuals who are determined to be Inventors of Intellectual Property and use University resources for the creation of the Intellectual Property.
8. **“Family Member”** means spouse, and any other persons such a child, parent, sibling or other family member claimed on the Employee’s tax return.
9. **“Household Members”** means an association of persons who live in the same home or dwelling, sharing its expenses, and who are related by blood, adoption or marriage.
10. **“Institutional Conflict of Interest”** refers to situations where the University’s beneficial relationship with corporate entities may place it in conflict with its responsibilities as a public institution of higher education. The conflict may involve equity interest in companies, certain licensing situations, and Board and other leadership positions held by University faculty or administrators.
11. **“Intellectual Property”** means any ideas, inventions, technology, creative expression and embodiments thereof, in which a proprietary interest may be claimed, including but not limited to, patents, copyrights, trademarks, know-how, and biological materials. This policy is intended to affect only that Intellectual Property owned by the University. It does not alter other University policies that determine ownership of Intellectual Property.
12. **“Investigator”** includes any faculty, staff, postdoctoral fellow, resident or student who is responsible for the design, conduct or reporting of research or scholarly activities conducted in whole or in part at the University of Nevada.
13. **“Personal Gain”** includes gifts and other incentives to Investigators, their University departments, or other University entity, or immediate family members.

14. “**Research Agreements**” may include testing agreements, service agreements, collaborative agreements, clinical investigation agreements, purchase orders, material transfer agreements, confidentiality agreements and any other written agreement between the University and an external entity that has been duly signed and agreed upon by authorized officials of the cooperating entities.
15. “**Significant Financial or Other Interest**” means ownership by the Employee or Household or Family Member of 5% or more of the capital stock, assets, or control of any business entity or income amounting to more than \$10,000.00 aggregate in a 12 month period from a single external entity to the Employee and his/her Household or Family Member or 5% or more of the gross income of the Employee or Household or Family Member from any business entity. It includes anything of significant 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); intellectual property rights (e.g., patents, copyrights and royalties from such rights); or other item of monetary value. Significant financial or other interest also includes the holding of a position as an officer, director, agent, consultant or Employee of a business entity. Significant Financial or other Interest includes such interests held by the Employee and by the Employee’s Household or Family or Family Members. The term does NOT include:
 - a. Salary, royalty income from copy-written materials except for income derived from technology transfer licensing, or other remuneration from the University;
 - b. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
 - c. Income from service on advisory committees or review panels for public or nonprofit entities;
 - d. Equity interest that when aggregated for the Employee and the Employee’s Household or Family or Family Member meets both of the following tests.
 1. Does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measure of fair market value, and
 2. Does not represent more than a five percent (5%) ownership interest in any single entity;
 - e. Income from mutual funds and /or pension funds; and/or
 - f. A percentage of income received from the Veteran’s Administration Medical Center as part of physician reimbursement for University faculty or income generated under and in compliance with the physician practice plans approved by the Dean of the Medical School .
16. “**Technology Transfer**” includes any option, license, assignment, or conveyance of any other legal or equitable interest in Intellectual Property owned by the University, including but not limited to the right to make, market, copy, sell, or use such property in any way.

E. CONFLICT OF INTEREST SITUATIONS

1. The issues addressed in this section include situations that constitute a Conflict of Interest and require full disclosure. Approved conflicts of interest require oversight by the University and may require modification to reduce or eliminate the conflict. Certain activities present an unacceptable Conflict of Interest that the University will not allow under any circumstances (See Section **Error! Reference source not found.** below).

a. ***Use of University Property or Facilities.***

1. Employees shall not use NSHE time, property, equipment, or other facility to benefit their personal or financial interest.² However, as provided in NRS 281.481(7), limited use for personal purposes is allowable if the use does not interfere with the performance of an employee's duties, the cost and value related to the use is nominal, and the use does not create the appearance of impropriety or of NSHE endorsement. Personal use shall not interfere with official institutional use. Personal use of NSHE time, property, equipment, or other facility must be approved in advance by the Provost. If the institution or unit incurs a cost as a result of a use that is authorized pursuant to this policy or would ordinarily charge a member of the public for the use, the employee shall promptly reimburse the cost or pay the charge. An employee who intentionally or negligently damages NSHE property, equipment, or other facility shall be held responsible for the resultant expense.
2. Except as otherwise approved pursuant to this or other University policy or agreement, use of University facilities and equipment resulting in clearly identifiable costs to the University REQUIRES APPROVAL by the **Provost**. Approval of such situations may be granted in exceptional circumstances conditioned upon reimbursement of costs. Only the President may grant exceptions to the requirement for reimbursement.

b. ***Conflict of Interest Involving Students.***³ Research agreements with external sponsors, especially entities in which an Investigator has a financial, managerial or executive relationship, must maintain basic academic values and promote open dissemination of knowledge. Student participation in such activities is of particular concern. It is important that the educational experience of students and postdoctoral fellows not be influenced detrimentally by faculty special interests or relationships with external funding entities. Consistent with these policies and concerns, the following projects require APPROVAL before they are commenced and MONITORING throughout:

1. Projects of a confidential nature that include restrictions of student publication or communication rights with respect to research or other work that will be the basis of evaluation of the student or fulfillment of degree requirements. Such projects will only be permitted if the publication restrictions are reasonably necessary to protect intellectual property rights and do not prevent the publication of student research in a timely manner. Publication in a timely manner shall usually be the earlier of 60 days from the completion of the project or the completion of the student's degree requirements.
2. Sponsored research projects involving students that have the potential to benefit substantially a business entity in which a faculty member has a significant financial or other interest. Approval shall be granted only where there is a demonstration that students will receive some academic benefit from their efforts without risk to academic freedom, integrity and objectivity. Approval shall not be granted where such research is motivated primarily by commercial concerns and will be the basis of evaluation of the student or fulfillment of degree requirements.

² NSHE Code; Title 4, Chapter 1, Section 25.

³ This section is not intended to preclude the involvement of research assistants or research associates who are primarily University Employees in support of commercial activities or work that will not be used for evaluation of a student or fulfillment of degree requirements, under arrangements otherwise consistent with this and other University policies.

3. Sponsored research projects where a student is both working on a project for a faculty member at the University and working at a company in which the faculty member has a financial or other interest.
 4. Sponsored research where the research is driven primarily by commercial considerations and the sponsor is involved in the direction of the research.
- c. ***Interactions with Private Enterprise.***⁴ All of the examples described in this section have the potential for appearance of, and actual, misallocation of resources. Each situation requires **APPROVAL AND MONITORING**. Approval should normally be based on the proponent demonstrating that the activity significantly benefits the University and its public mission and does not involve an unacceptable risk of misallocation of funds and other resources or breach of the University's integrity. Approvals will be conditioned on technical and financial oversight of the project and any related activities, as well as reimbursement of all costs for uses of University resources that primarily benefit private entities.
1. Research projects where an Employee also has direct or indirect authority over expenditure of funds and where the research is sponsored by a business entity in which the Employee or his/her Household or Family Members have a significant financial or other interest.
 2. Reimbursed use of faculty, students, research associates, technicians or other staff supported by public funds for work motivated primarily by commercial concerns or intended to benefit a business entity in which an involved Employee or his/her Household or Family Members have a significant financial or other interest.
 3. Participation by an Employee in a University decision that has the potential to benefit significantly or injure, directly or indirectly, a business entity in which the Employee or his/her Household or Family Members have a significant financial or other interest. The preferred procedure will normally be for the Employee to withdraw from participation in the decision. In no event should the Employee be the final decision maker.
 4. Use of University or other public or private funds for expenditures that have the potential to benefit a business entity significantly in which an Employee or his/her Household or Family Members have a significant financial or other interest. One example of this situation is the purchase of equipment that may be useful to a business for which the Employee consults, or in which an Employee has an ownership interest. Another example of this situation is a project involving testing of a product in which an Employee has a significant financial or other interest, or a product that is a competitor of a product in which the Employee has a significant financial or other interest.
 5. Transfer of University technology or other Intellectual Property to a business entity in which the University Employee inventor or his/her Household or Family Member has a significant financial or other interest.
 6. Clinician referrals to a business entity in which the clinician/ Employee or his/her Household or Family Member has a significant financial or other interest unless such referral is otherwise authorized under the UNR physician practice plan.

⁴ The procurement of general goods and services from private enterprises can create significant potential conflicts of interest. Procurement conflicts are specifically addressed in the Board of Regents Handbook, Title 4, Chapter 10, Section 1 (7) and are not within the purpose and scope of this policy. However, because conflict situations covered by this policy may also involve procurement issues, this policy and the Board of Regents Handbook policy may both apply.

7. Submission of proposals and acceptance of awards for grants or contracts by, to or from a business entity in which an involved Employee or his/her Household or Family Member has a significant financial or other interest, where the subject matter of grant proposal is substantially related to the Employee's University research and where the University is qualified and eligible to apply.

F. CLINICAL RESEARCH

1. It is critically important for the University to manage conflicts in the area of Clinical Investigations due to the ethical requirement for protection of research participants and the general public. Financial or other personal gain interests of the Investigators, their Household or Family Members, the University, or units of the University must not influence, or appear to influence, the approval, design, conduct or reporting of research or any clinical trials involving the evaluation of products such as drugs or medical devices or procedures. It is of the utmost importance that personal gain by any member of the clinical research team not influence the consent process such that participation is encouraged by even subtle minimization of the risks and exaggeration of the benefits to the potential subject. Additionally, arrangements with corporate sponsors which include recruitment bonuses, time designated accrual incentives, or finder-fees may influence the consent process, the reporting of adverse events, or the analysis of the data, thereby creating conflicts which must be disclosed and reviewed. For these reasons, the following policies apply to all Clinical Research projects at the University:
 - a. Prior to each study involving human subjects, all aspects of financial relationships between members of the investigative team, their Household or Family Members, the University and its entities, and the corporate sponsor must be **DISCLOSED**. These include commitments of financial support unrelated to the current study, financial incentives, payments as a consultant, and non-monetary rewards and incentives to Investigators and their Household or Family Members, including travel, entertainment and gifts.
 - b. Clinical research projects sponsored by business entities where Investigators, other Employees, or their Household or Family Members, or University units, have significant financial or other interests require **APPROVAL** and **MONITORING**. Employees with significant conflicts may participate as an Investigator or key personnel only under exceptional circumstances. Under no circumstances shall a conflicted Employee obtain consent from subjects for their participation in a research project. At the time of a new study submission and at the time of continuing review, the IRB will evaluate how the management plan suggested by the Conflict of Interest committee affects the conduct of the research or research subjects. In that review, the IRB will determine if the proposed management plan needs to be modified to protect the research subjects.
 - c. All studies of human subjects **REQUIRE APPROVAL** from the Institutional Review Board (IRB) with additional assurance from the Investigators that there are no personal conflicts that may threaten the safety and privacy interests of the patient/research subject and public trust of the University's integrity and credibility.
 - d. Any financial or other interest that an Investigator, his/her Household or Family Member, or a unit of the University, have in a business entity sponsoring a clinical investigation must be **DISCLOSED** to the subjects recruited into the study.
 - e. Sponsors of human research may provide payments or incentives related to a specific study by depositing into a departmental account. Employees with a financial or other interest in the sponsoring entity should not have signatory privileges on this account for disbursement of

funds. Individual Employees involved in a study may not themselves or on behalf of their Household or Family Members, accept payments, incentives or gifts from sponsors of clinical research.

G. ACTIVITIES THAT ARE NOT ALLOWED⁵

1. The following activities present conflicts of interest that cannot properly or effectively be approved and monitored and, therefore, are NOT ALLOWED.
 - a. ***Solicitation or Receipt of Gifts.***
 1. Solicitation or receipt by a University Employee or his/her department of a gift (including money, non-pecuniary gifts, excessive compensation or non-commercial loans) where
 - i. The purpose or effect of the gift is likely to influence the Employee in the discharge of his/her University responsibilities (i.e., vendor selection);
 - ii. The gift is given to reward the Employee for official action taken; or
 - iii. The gift is given in close proximity to recent past, present or future transactions between the University and the giver of the gift.
 2. This section is not intended to apply to the regular or ordinary compensation an Employee receives from a business entity in situations covered above by Section **Error! Reference source not found.**, where approvals have been granted. This section also does not apply to occasional non-pecuniary gifts that have an insignificant monetary value and would not tend to influence an Employee in the discharge of his/her duties.
 - b. ***Academic Freedom.***
 1. Secrecy or confidentiality requirements beyond the scope of Section **Error! Reference source not found.** on projects that will be the basis of evaluation of a student or fulfillment of degree requirements, or evaluation of faculty or other Employees.
 2. Arrangements that permit sponsor interference with the scientific analysis or publication of research results or conclusions.
 3. Evaluation of faculty, postdoctoral fellows, staff, or students based on participation in (or refusal to participate in) outside activities involving business entities in which the evaluating Employee or his/her Household or Family Member have a significant financial or other interest. The involved Employee shall not participate in such evaluations.
 - c. ***Conflicts Associated with University Employees and Private Enterprise.***
 1. Nonreimbursed involvement of faculty, students, research associates, technicians, or other staff supported by public funds, on University time, for work motivated primarily by commercial concerns or intended to benefit a business entity. Such involvement must be disclosed and the University resources utilized must be fully compensated by the commercial entity through a negotiated contract in accordance with the Board of Regents Policy.

⁵ NOTE: A University Employee advising a government agency on matters in which the Employee has a significant financial or other interest, evaluating commercial competitors for a government agency, or consulting for a federal agency while conducting research sponsored by the agency, may be subject to agency conflicts of interest policies and disclosure requirements. Employees should remember that such requirements exist separate from and in addition to University requirements.

2. Physician consultation for the purpose of marketing a product for a medical product company when the physician/researcher is in receipt of a grant or contract from the same company.
3. Obtaining consent of subjects by Employees who themselves, or whose Household or Family Member members, have financial or other interests in an entity sponsoring the clinical research.
4. Conflicts between an Employee's obligations to the University and his/her commitments to an outside entity, including a sponsor of University-based research. For example, an Employee may not have an agreement with a sponsor regarding transfer of technology or Intellectual Property in conflict with the University policy governing ownership of Intellectual Property.
5. Transfer of University technology or other Intellectual Property without following the University's patent and copyright policies.
6. Use of the University's name in connection with private activities in a manner that inappropriately suggests that the University endorses, sponsors or approves of such activities or views of the Employee.
7. Use of the University's facilities, equipment, property, or personnel by an outside entity in which an Employee has a significant financial interest. Unless the entity has an agreement for lease or use of such space, equipment property or personnel signed by an institutional official with signature authority for the institution.
8. Receipt of publisher incentive fees by an Employee who has authority to require educational materials for students involved in specific coursework at the University. This provision does not preclude royalty payments to authors of educational materials used by students in their coursework.
9. Sponsored Agreements or sub-agreements between the University and an organization where an Employee or his/her Household or Family Members has a significant financial interest which do not fully reimburse the University for use of facilities, personnel, equipment, space or other resources including full payment of University overhead and other rates for such use.

H. CONFLICT OF COMMITMENT⁶

1. Conflict of Commitment may occur when external activities, including consulting and other professional or personal activities, compete with an Employee's responsibilities to the University and detract from the mission of the University. All University personnel holding full-time⁷ positions shall give full service to University work during scheduled work periods. Any non-University employment must not interfere with the discharge of the person's full-time service

⁶ This section incorporates the consultant policy and use of University resources policies located in the University Administrative Manual.

⁷ Full-time - An employment relationship, applicable to both faculty and classified Employees, which requires a commitment of 100% of the individual's normal and expected working time and effort. Full-time employment is generally inconsistent with the acceptance of any other employment on a continuous or permanent basis. However, such activities may be acceptable with Department Chair or appropriate supervisor permission. In the event the employment poses a potential significant financial conflict or conflict of commitment, such potential conflicts should be disclosed to the University under the processes defined in this policy. Also refer to the Board of Regents Handbook, Title 4, Chapter 3, section 8.

obligations to the University. Full-time University Employees shall treat the University as their prime employment activity.

2. Part-time or full-time employment in an off-campus position or business enterprise in addition to full-time University employment is discouraged unless such off campus employment is considered to improve upon or facilitate the Employee's teaching or other University duties. Each faculty member or classified staff member is responsible to inform his/her immediate superior of all such outside employment activities.
 - a. **Public Service.** The University approves of public service activities that are not incompatible with full performance of University duties and not inconsistent with University policies and procedures.
 - b. **Outside Teaching.** Academic Faculty members may not accept employment for, and may not perform, any teaching, instructional, or research services for other academic institutions during teaching semesters without the knowledge and written approval of the cognizant chair and dean. Compensated or uncompensated participation in an occasional short-term conference, seminar, or symposium or the delivery of a scholarly paper or public address at a professional meeting or academic gathering under the auspices of an academic institution, does not violate this policy.
 - c. **Public Addresses.** Requests for faculty or staff members to give addresses to clubs, community organizations, and other groups may be responded to at the discretion of each individual faculty or staff member. Such activities shall not interfere with the faculty or staff member's University responsibilities.
 - d. **Medical Faculty Consultations.** Full-time medical faculty may not engage in private practice or consultation work except in conformity with the School of Medicine Practice Plan or other policies approved by the president, upon recommendation by the Dean of the Medical School, subject to such conditions and limitations as the president may require. Such medical practice or consultation work must not interfere with the faculty member's primary responsibility to the University.
 - e. **Consultation.** Consultation and other services to persons, firms, institutions, and agencies outside the University may be carried on by University Employees so long as the performance of such services does not interfere with the individual's obligations to the University, subject to the following restrictions:
 1. Faculty members are allowed to be compensated for outsided professional or scholarly activities providing they comply with the Board of Regents' policy, Title 4, Chapter 3, Section 8 of the Board of Regents Handbook. Compensated outside professional service by faculty members is a legitimate activity unless specifically prohibited by the employee's contract with the University
 2. Use of consultation time should have a demonstrable relation to the professional interests of the faculty member or administrative officer, and to the University's general mission within the community.
 3. Consultation involving service to individual patients or clients may take place in a faculty or staff member's office. Other than limited use⁸ of University facilities and/or equipment

⁸ Limited use is defined by NRS 281 481, subsection 7 - - A limited use of governmental property, equipment or other facility for personal purposes if the public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency

for non-University supported purposes must comply with the University Policy on the Use of University Space and Equipment. When authorized by the Provost or the Provost's designee, use of University space or equipment shall be reimbursed on a full overhead basis. Intellectual property rights developed using significant University resources shall be negotiated with the University in accordance with the University's Intellectual Property Policy.

4. The individual engaged in consultation activities must arrange in advance, with the approval of the responsible department chairperson, director, or other line officer, for scheduling of classes or other work assignments missed as the result of consultation activities.
 5. Individual exceptions to this policy may be approved by the cognizant vice president upon recommendation of the dean or director, subject to any specific conditions imposed by the President.
- f. **Responsibilities of Consultants.** University Employees engaged in consultation services have the following responsibilities:
1. The University Employee must advise, in writing, the person, firm, or agency for whom such consultation services are to be performed using language as specified in Sections **Error! Reference source not found.** and **Error! Reference source not found.** below that
 - i. The Employee, in his/her role as a consultant, is acting solely as an independent contractor, and not as an agent or Employee, or under the sponsorship, auspices, or control of the University of Nevada, Reno; and
 - ii. The University assumes no responsibility whatever, express or implied, for the actions or omissions of the Employee in his/her role as a consultant.
 2. The University Employee must personally assure that the conditions and limitations upon external consulting activities, as required by University policy, are fully satisfied, and must be prepared to document that fact if called upon to do so by a responsible University officer.
 3. Before entering into a consultation contract, the University Employee must personally determine that the contemplated consultation activities and arrangements will not involve a Conflict of Interest with the individual's duties to the University that may be in violation of this policy. Such conflicts may be implicated if
 - i. The consultant is or will be serving concurrently as a principal investigator under a contract or grant from the same external firm or agency; or
 - ii. The consultant's services are directly related to and derived from activities performed under a contract or grant from the same external firm or agency, or from

circumstances; the use does not interfere with the performance of his public duties; the cost or value related to the use is nominal; and the use does not create the appearance of impropriety. Nominal use includes the use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or the use of telephones or other means of communication if there is not a special charge for that use. If the University incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the employee shall promptly reimburse the cost or pay the charge to the University.

confidential information acquired as a result of participation in such a contract or grant; or

- iii. The consultant agreement anticipates the use or development of intellectual property in the same field or scope of work that the consultant provides to the University as an Employee and/or the agreement contemplates assignment of rights to such intellectual property.

I. INSTITUTIONAL CONFLICT

1. The University must also avoid and/or manage Conflict of Interest positions where its beneficial relationship with corporate entities may place it in conflict with its responsibilities as a public institution.
2. **General Principles.**
 - a. The University will deal legally and ethically with external sponsors of research and sponsored programs in ways that avoid institutional conflicts of interest.
 - b. The University will not enter into agreements contrary to its mission.
 - c. The University will not accept an award for a project that is unacceptable to the principal investigator. Once an award is accepted by the University, all parties are expected to fulfill their obligations under that agreement.
 - d. The University will not enter into activities or agreements which could jeopardize its eligibility to receive federal or state funds.
3. **Equity Interest in Corporations: Investment in Research.**
 - a. Of particular concern are research activities (the design, conduct, or reporting of research results) where the University of Nevada, Reno Foundation or Research Ventures, Inc has equity in a business or receive donations from a business sponsoring research. These situations may create conflicts, or the appearance of conflict, that compete with those of research Investigators or in the case of clinical research, of the research subject. Any financial relationship with a corporate sponsor should be documented, and include the following: equity interest or ownership, payments to the University or a unit of the University beyond payments directly associated with costs to carry out a particular protocol or scope of work, any funds or other items of value given to the University or a unit thereof, any percent ownership of patents, royalties, or licenses granted to the commercial sponsor by the University, and whether or not the University stands to gain financially if the study shows a positive outcome.
 - b. Before entering into business agreements that may place the institution in a Conflict of Interest situation, the University shall ask the Conflict of Interest Committee to review and recommend strategies for management of the conflict. Similar reviews shall be made of all active previous business arrangements, and where conflicts are found, referred to the Conflict of Interest Committee for review. The process to reduce, manage or eliminate such research conflicts that the institution may have, will be handled by the Conflict of Interest Committee and managed similarly to an individual Conflict of Interest situation. The Conflict of Interest Committee that oversees institutional conflicts will include a minimum of two non-University affiliated individuals. Possible solutions may include special management to protect the scientific integrity of the study and in the case of clinical research management to assure the safety of research participants, or alternatively, having a clinical study performed at other sites.

4. **Administrative Decision Making by Individuals Who have Personal Conflicts of Interest**

a. All University Employees participating in decision making related to the design, conduct or the reporting of research should be aware and comply with Conflict of Interest principles, including those stated above. This includes when they are involved in personnel decisions, overseeing compliance activities, assigning space, selecting purchasing contracts, and other issues in which their personal Financial Interests may be perceived to bias their decision making regarding the research activity.

J. **CONFLICT OF INTEREST COMMITTEE AND DECISION MAKING**

1. **Conflicts of Interest Committee.**

- a. The Conflicts of Interest Committee shall be a standing committee appointed by the President (the "Committee"). The Committee shall be chaired by a faculty member nominated by the Faculty Senate and approved by the President. The Chair shall serve a three year term. The Committee shall be comprised of 6 members including the Director of Sponsored Projects, the Director of Technology Transfer, the Director of the Human Research Protection Office, the Dean of the Graduate School and the Designated Official. If appropriate, based on the nature of the Conflict of Interest disclosure, the Committee may request the presence of the Director of Purchasing, the NSHE Office of General Counsel or other faculty members, deans, chairs and/or directors to assist in the committee process. In the event of an institutional Conflict of Interest, a minimum of two individuals who are not affiliated with the University shall serve on the committee. The Designated Official will present a list of community volunteers to the Committee and the Committee will select two members to serve for the evaluation of any institutional Conflict of Interest disclosures. All members on the committee, including invited members, have voting rights. A quorum consists of over half of all voting members. The Committee shall serve as an advisory body to the University administration on conflicts of interest issues, as provided in this policy.
- b. The Committee will review information provided by the Designated Official and will make determinations as to the proper level of management of conflicts.

2. **Conflicts of Interest in Decision Making.**

- a. A Committee member shall be recused from discussion of a particular case if:
1. The Committee member has a personal interest because of inter-departmental relationships, such as collaboration with the faculty member whose case is under consideration; or
 2. The Committee member has a personal financial interest in the case under discussion..

K. **PROCEDURES**

1. Any instance of Conflict of Interest must be disclosed, and reduced, managed or eliminated depending on the type and degree of conflict. It is the responsibility of each Employee to disclose possible individual conflicts for review. It is the responsibility of the University to evaluate and require the Employee to manage, reduce or eliminate the conflicts. A monitoring plan will be established for every instance of Conflict of Interest using Federal funds and private/corporate funds from a business entity as determined by the Conflict of Interest Committee.
- a. **Disclosure.** This policy uses disclosure as the key mechanism to bring potential conflicts of interest to light for further evaluation, and for oversight, where necessary.

1. Annual Disclosure. All Faculty and Key Personnel⁹ shall fill out an Annual Summary of Outside Activities and Interests Form regarding the Employee's, the Employee's Household or Family, and other Household or Family Members where the Employee knows or should know of Significant Financial Interests that may pose a Potential Conflict of Interest. This disclosure shall be submitted as part of the Employee's Annual employment evaluation. The Annual Summary of Outside Activities and Interests Form shall be submitted to department chairs or directors who will then forward a copy of all positive disclosures in their unit to the Designated Official.
 2. Project Based Disclosure. Conflict Evaluation Form: Conflict Evaluation Forms from the Principal Investigator must be submitted directly to the Designated Official or to the Office of Sponsored Projects, Graduate School, Controller's office or Technology Transfer office as appropriate on a project by project basis. All Project Disclosures shall be routed to the Designated Official for review. The Principal Investigator shall indicate on a Sponsored Projects transmittal form if there is any Faculty or other Employees included in a proposal submission with a potential Conflict of Interest. The Principal Investigator shall insure that any Employee with a potential conflict fills out and submits a Conflict Evaluation Form. If a new Conflict of Interest arises during the life of a project, a new Conflict Evaluation Form must be submitted within 10 working days to the Principal Investigator for forwarding to the appropriate administrative office.
 3. Confidentiality. All records and information provided by an Employee for the purpose of disclosure and management and all official records of disclosure and management shall be considered confidential. Any information disclosed by an Employee as required by this policy shall be used solely for the purpose of administering this policy and may not be used for any other purpose unless required by law. Unauthorized disclosure of any such information by an Employee shall be deemed to be unethical behavior and shall be subject to disciplined pursuant to appropriate procedures.
- b. **Review.** Annual disclosures submitted to Department chairs and directors and project based disclosures which identify a potential Conflict of Interest will be forwarded to the Designated Official who will review the disclosures, gather more details if necessary and forward the information for consideration to the Conflict of Interest Committee. To the extent that disclosures include procurement issues, the Designated Official shall also forward the disclosures to the Director of Purchasing. The Committee will review the file and make a determination that the potential conflict does not require oversight, recommend a strategy for management and oversight of the potential conflict, or recommend that the activity should not proceed. The final determination of the Committee shall be provided, in writing, to the disclosing Employee and, if appropriate, to the Employee's supervisor, chair, dean, or director. The Management, Monitoring and Implementation plan and a statement of the University's best interest regarding the disclosed conflict will be forwarded to the President for final signature and approval.
 - c. **Management and Oversight.** The Conflict of Interest Committee will consider potential conflicts of interest and determine whether to Manage, Reduce or Eliminate the conflict. The Committee, in consultation with the University Employee ultimately responsible for the

⁹ The chair/director of each University department may identify Employees whose positions do not require the completion of an Annual Disclosure Form.

proposed research or activity, will develop a Management, Monitoring and Implementation Plan (the “Plan”). The Plan is subject to approval by the Designated Official. The Department Chair or Director of the Employee with a potential Conflict of Interest will be responsible for providing process and oversight for implementation of the Plan. All identified Conflicts of Interest must be handled by one of the following three approaches:

1. A conflict can be MANAGED if the conflict does not seem to be of such a degree that the research or activity as proposed would be compromised in regards to academic freedom, integrity or objectivity; or
 2. The conflict must be REDUCED if there is a serious possibility that the research or other activity as proposed would be compromised or a serious concern that there could be a conflict with University policies; or
 3. The conflict must be ELIMINATED if the research or activity as proposed would be compromised by the conflict. If the conflict cannot be eliminated, the Employee shall eliminate the conflict by either divesting him/herself from all external financial interests or by not proceeding with the research or activity.
- d. ***Coordination with other Offices.*** The Designated Official shall maintain a database of all University personnel that provides information regarding when each individual submitted a Financial Disclosure and the status of any Conflicts of Interests that have been identified. This data base will be accessible to the Office of Sponsored Programs Administration, the Human Research Protection Office, and the Office of Technology Transfer
- e. ***Appeals.*** Appeals to any determination made by the Designated Official and/or the Conflict of Interest Committee shall be made to the Vice President for Research (for research matters) or to the Provost for all other matters. The decision of the Vice President for Research or Provost on the appeal may be appealed to the President of the University. The decision made on this appeal is final. In conflict matters involving a Vice President, appeals shall be made to the President and his/her decision on the appeal shall be final. Institutional Conflict of Interest appeals should be addressed to the Executive Vice Chancellor for review and final decision.
- f. ***Reporting.*** Procedures for internal and external reporting will be implemented by the Designated Official.
1. Internal Reporting.
 - i. Annual Monitoring Plan reports, and any violations, will be submitted by the Department Chair and Directors to the Designated Official, who will present them to the Conflict of Interest Committee, and to the cognizant Vice Presidents as appropriate.
 - ii. For proposals that may restrict disclosure or publication of students’ work that constitutes a degree requirement or that will be the basis of evaluation of a student (see Section **Error! Reference source not found.**), initial disclosure shall also be routed to the Graduate School, who will make an initial recommendation to the Conflict of Interest Committee, and the Vice President for Students Services or other appropriate officials.
 2. External Reporting.
 - i. The Public Health Service (“PHS”) requires that the University certify to the PHS awarding component that action has been taken, prior to the institution’s

expenditure of any funds, to manage, reduce or eliminate any Conflict of Interest.¹⁰ The University must specify the process that it will undertake to manage, reduce, or eliminate the Conflict of Interest.

- ii. The National Science Foundation requires that the University report any conflicts of interest that cannot be, or have not been, satisfactorily managed, reduced or eliminated. It is anticipated that other Federal agencies shall require similar practices in the future. These requirements will be incorporated into this policy as requirements are imposed upon the University.

L. VIOLATIONS AND SANCTIONS

1. Reporting and Investigating.

- a. The Designated Official will forward any reports of violations to the Conflict of Interest Committee and to the Sponsoring Agency when specified by the agency policy, or contract or grant requirements. The Committee will then forward a recommendation to the Vice President for Research or other appropriate Vice President or the Provost as applicable. The cognizant Vice President or Provost shall coordinate the investigation of any violation with any sponsor who requires such investigation.
- b. The cognizant Vice President or the Provost shall have the authority as appropriate to determine resolution and discipline in accordance with NSHE Code or Nevada Administrative Code for the reported violations. The Vice President for Research shall coordinate the investigation of any violation with any sponsor who requires such investigation.

2. Discipline.

- a. Violation of this University policy may result in discipline, including suspension and dismissal as provided under any of the following University policies:
 1. NSHE Code Chapter 6; and
 2. Nevada Administrative Code.
- b. Compliance with this policy may also be enforced through the exercise of administrative responsibility for oversight of funded research and management of University facilities and other University property. Such enforcement measures shall include, but shall not be limited to:
 1. Freezing research funds or accounts;
 2. Rescinding contracts entered in violation of this policy or state law; and/or
 3. Bringing legal action to recover the amount of financial benefit received by an Employee as a result of the Employee's violation of this policy.
- c. Violations of this Policy may also result in civil and criminal penalties pursuant to the Nevada Ethics in Government Law NRS Chapter 281 et seq. and may include prosecution for a felony.
- d. The remedies provided or referenced above are cumulative and shall be deemed to include any other remedies required or provided by applicable state or federal law.

¹⁰ PHS requires the University to certify that it will manage, reduce, or eliminate any new conflict of interest, at least on an interim measure, within 60 days from the time that the conflict is identified.

M. FORCE OF LAW

1. This policy shall be deemed to include all requirements relating to conflicts of interest to which the University and University Employees are subject under state or federal law.

N. REVISIONS

1. Revisions may be made to this policy when otherwise appropriate or necessary and shall be submitted to the Administrative Manual Committee for review and approval and then submitted to the President for approval.

O. REFERENCES

1. Administrative Manual Policies and Procedures Section 1,505 — Conflict of Interest Prohibited.
2. Administrative Manual Policies and Procedures Section 1,525 — Personal Use of University Property or Resources.
3. Administrative Manual Policies and Procedures Section 2,370 to 2,373 — Disciplinary Actions and Dismissal of Staff Employees.
4. Administrative Manual Policies and Procedures Section 2,690 — Consulting Services and Conflict of Interest.
5. Administrative Manual Policies and Procedures Section 4,320 — Appropriate Use of Computer Facilities.
6. Administrative Manual Policies and Procedures Section 5,302 to 5,304 — Policy for Use of University Space.
7. Administrative Manual Policies and Procedures Section 5,400 — Use and Security of Property.
8. Administrative Manual Policies and Procedures Section 6,503 and 6,507 — Patent and Copyright Policy: Ownership Purpose and Scope.
9. Administrative Manual Policies and Procedures Section 6,510 — Use of Human Subjects.
10. Administrative Manual Policies and Procedures Section 6,515 — Ethical Standards in Conduct of Research.
11. Anti-Kickback Act of 1986 (41 U.S.C. 51-58) and OMB A-110.
12. National Science Foundation Policy, Grant Policy Manual 510, Investigator Disclosure Policy, 60 F.R.132, pp. 35810-823 (July 11, 1995).
13. Nevada Administrative Code Chapter 284.
14. Nevada Criminal Code.
15. Nevada Public Officers' and Employees' Ethics Act, NRS. 281.
16. NRS 281.481.
17. NSHE Business Office North Purchasing Policy.
18. NSHE Code Chapter 6 — Rules and Disciplinary Procedures for Members of the University Community.

19. NSHE Purchasing Code — Restricted Purchases and Special Procurement.
20. NSHE Purchasing Code — Procurement from Vendor, University Employee with Interest.
21. NSHE Regents Handbook Title 4.1.11 — Personal Use of University Property or Resources.
22. UNR Additional Compensation and Overload Policy (“LOA” contracts).
23. U.S. Department of Health and Human Services, Objectivity in Research Subpart F — Responsibility of Applicants for Promoting Objectivity in Research for Which Funding is Sought, 42 CFR Part 50, Subpart F.

Effort Reporting Policy

I) Policy Sections

- a) Policy Statement
- b) Background
- c) Who Must Know This Policy
- d) Related Information
- e) Key Principals of Effort Reporting
- f) Policy Elements and Definitions
 - i) Effort Reporting System Roles and Responsibilities
 - ii) Miscellaneous Policies
 - iii) Use of Memo Accounts
 - iv) Deadline to file Overload PAFs
 - v) Post Notification
 - vi) Payroll Cost Transfers (PR-45 form)

II) Policy Statement

Effort Reporting is the process of confirming that an employee's payroll distribution reflects a reasonable estimate of the employee's effort on all Institutional Activities.

Faculty, staff, and students working on sponsored projects are required by federal law to report their effort on those sponsored projects on a systematic and reasonable allocation basis. This includes all permanent and some temporary employees, depending on their employment contract type.

Each individual working on a sponsored project is the primary person responsible for the timely and accurate completion of their own effort report. Principal Investigators (PI) are equally responsible to be certain that every individual working on their sponsored project has completed an effort report. Administrative units are expected to facilitate sponsored project management in order to enable the timely and accurate submission of effort reports. Additionally, administrative units should ensure that employees receive the appropriate training for their specific job duty.

III) Background

The United States Office of Management and Budget's (OMB) Circular A-21 outlines the requirements for the reporting and certification of faculty and staff efforts associated with sponsored projects and other activities. According to this regulation, the University can initially charge salaries to sponsored project accounts based on reasonable estimates of how an employee plans on spending his or her time in the future. The mechanism UNR uses for distributing salaries based on the estimates of activity to be performed on sponsored project and other institutional accounts is the Payroll Activity Form, ("PAF"). Because the PAF is reliant on the estimates of an individual's planned activities in the future, the regulations require the institution to verify whether the estimated plan did or did not occur after-the-fact. This after-the-fact verification is accomplished at UNR through the web-based Effort Reporting System ("ERS"). In the ERS, each individual certifies how he or she actually spent his or her time during each reporting term.

Fortunately, the federal government recognizes that teaching, research, service and administration are intermingled in the daily activities of personnel. Thus, personnel working on sponsored projects are not expected to precisely report via timecards how they spend their time; instead a reasonable estimate over a specified period of time based on a percentage of effort is acceptable. Nonetheless, the federal government requires that salary charges are consistent with an individual's effort in order to ensure that a sponsor is only charged for the amount of effort that directly benefited the scope of work identified for that particular sponsor. A cost transfer is required if the difference between what was paid and actual effort is more than 5% of an employee's salary over the effort reporting term.

IV) Who Must Know This Policy

- a) Senior Administration
- b) Deans, Directors, & Department Chairs
- c) Principal Investigators & Co-Principal Investigators
- d) Finance Personnel
- e) Payroll Personnel
- f) Sponsored Projects Personnel
- g) All Employees including faculty and other research personnel paid from or working with Sponsored Accounts

V) Related Information

- a) Federal Office of Management and Budget Circulars
A-21 – Cost Principles for Educational Institutions
<http://www.whitehouse.gov/omb/circulars/a021/a021.html>

A-110 – Uniform Administrative Requirements for Sponsored projects and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

<http://www.whitehouse.gov/omb/circulars/a110/a110.html>

A-133 – Audits of States, Local Governments, and Non-Profit Organizations

<http://www.whitehouse.gov/omb/circulars/a133/a133.html>

b) University of Nevada, Reno Administrative Manual
http://www.unr.edu/business_finance/forms/uam.pdf

Payroll Policy - Sections 1,301-1,332

Cost Transfer Policy – Section 1,116

UNR Consulting Policy - Section 2,609

PAF Guidelines - Section 2,611

c) Cost Accounting Standards

<http://www.unr.edu/vpaf/controller/documents/CASB.pdf>

d) Cost Sharing Policy (*In formulation stage*)

e) Sponsored Projects Guide

<http://www.unr.edu/ospa/website4/content/guide.htm>

VI) Key Principles of Effort Reporting

The following Key Principles involved in Effort Reporting should be understood and reviewed as individual decisions are made on how to report and expend salary funds on sponsored projects or when allocating salary and time as cost share on a project.

a) Allocability: Only salary paid for time that benefits a project can be charged to a project.

b) Consistency: The University and employees must treat all costs for various institutional activities or for various sponsors in a similar manner regardless of source of funds.

- c) Timeliness:
 - i) PAFs for activity during non-contract days (overload) must be processed in a timely manner to reflect work performed
 - ii) Cost Transfers must be processed and/or PAF revisions must occur as soon as there is a change in effort
 - iii) Effort reports must be certified in a timely manner.
- d) Reasonableness: The regulations require a reasonable allocation of time and salary charges over an academic term or monthly reporting period based on how an individual actually spent his or her time.
- e) 100%: Generally, for each contract period for salaried employees, an individual can not work more than 100% or 1 FTE for the University.
- f) Workweek: Federal laws related to salaried employees specify that a workweek includes all hours worked on institutional activities during that workweek.
- g) Effort Confirmation drives payroll, not the other way around.
- h) Salary Supplementation: Generally speaking, you can supplant (replace) existing base salary amounts but you may not supplement base salary amounts solely due to receipt of or because of an increase in grant or contract funding. You can pay additional amounts of funding for a separate and distinct employment contract. However, pay during this additional contract period must be reasonable and use a calculation based on what the employee makes during his/her normal contract period. Incentive pay programs can be utilized only if the basis for the additional pay is not
- i) Significant Changes Require Sponsor Approval.

VII) Policy Elements and Definitions

- a) **Certifiable Effort** – In the Effort Reporting process faculty, staff and graduate students certify their effort on sponsored projects as a percentage of their total effort on their Institutional Activities.

Faculty, department administrators, department chairs and Dean's office administration must be careful to assure that a faculty member who devotes 100% effort to sponsored programs does not have responsibility for non-sponsored activities such as non-sponsored research, instruction, administration, service or clinical activity. Normally salary for non-sponsored teaching, administration, service,

clinical activity, institutional governance and proposal preparation effort must come from non-sponsored funds.

At the University of Nevada, Reno proposal preparation for new and competing renewals is an unallowable charge to an existing sponsored project. Proposal preparation is calculated in UNR's in the Base Amount used to determine our Facilities and Administrative costs. Per the Fair Labor Standards Act, personnel may not volunteer their time for activities that benefit the Institution and for which they would normally be compensated.

Although all university activities must be included in a faculty member's effort for reporting purposes, not all of a faculty member's professional activities must necessarily be considered university activities. For example, outside professional work and volunteer community or public service conducted in accordance with the University's consulting policy are types of activities that would normally be deemed non-university activities.

Interdepartmental consulting for which supplemental compensation is paid for activity which is outside the scope of an employee's regular job duties and service on review panels or other advisory activities for federal sponsors that include an honorarium and/or travel reimbursement are also considered outside of total University effort.

- b) **Committed Effort** – Committed Effort is the amount of effort proposed in a sponsored project or other project application that is accepted by a sponsor. Committed effort not paid by the sponsor is mandatory cost share and must be reported and met in the same manner as paid effort. Volunteered commitment in proposals become mandatory requirements at the time of award, regardless of whether it was required by the sponsor in the Request for Proposal. Key personnel must be careful to follow sponsor requirements regarding when the key personnel must notify the sponsor of significant changes as defined by the sponsor in committed effort.
- c) **Cost Sharing** – Cost sharing represents the portion of the total project costs related to a sponsored agreement that is contributed by someone other than the sponsor. In most cases the cost sharing of direct expenditures is borne by the University and consists of

departmental or institutional resources that are redirected to the support of the sponsored project. There are three types of cost share:

- Mandatory cost share is required by Sponsor in the proposal stage.
- Voluntarily Committed cost share is offered by PI in the proposal stage and is accepted by the sponsor at the time of the award. Once it is accepted by the sponsor it is included in the sponsored project budget
- Voluntary Uncommitted cost share is activity which benefits the project but is paid by Institution.

Mandatory and Voluntary Committed cost share effort must be reported on the effort reports during the term in which the work was performed. OMB A-110 does not require reporting of Voluntary Uncommitted cost share. See the Cost Sharing Policy for more information. *(In formulation stage)*

- d) **Data Capture** – For every effort reporting term, HR and Financial (Payroll) Data is captured in Data Warehouse and then imported to the Effort Reporting System (ERS). The data for each term can only be imported once into ERS. Payroll transactions processed after the Capture Date for an effort reporting term will not be reflected in the effort reports.
- i) For the monthly classified effort terms, the data is captured on the first business day after the 10th day of the next month.
Example: The Data Capture date for April payroll is May 11th.
 - ii) For Overload activity that occurs during the non contract days in May, June, July and August, the data capture date will be the first business day after the last day of September.
 - iii) For Overload activity that occurs during the non contract days in December, January and Spring Break, the data capture date will be the first business day after the last day of May.
 - iv) For the Fall semester activity the data capture date will be the first business day after the last day of December.
 - v) For the Spring semester activity the data capture date will be the first business day after the last day of May.
 - vi) For the Summer (non-overload) activity the data capture date will be the first business day after the last day of August.

- e) **Effort** - Effort is the total activity or work for which an employee is compensated for all Institutional Activities regardless of number of hours worked.
- f) **Effort Reporting System** – The Effort Reporting System (ERS) replaced the Personal Activity Report system in January 2007. The Effort Reporting System is a web-based application with electronic routing and e-mail notification for updating and certifying effort. ERS is accessible via the NETID provided by University System Computing.
- g) **Effort Reporting Term:** The period of time for which an employee is certifying effort. For hourly employees the term is one month. Salaried employees will report based on Academic semesters Fall, Spring, and Summer. B Faculty will have a fourth term for work performed during the non-contract period in December, January, and Spring Break.
- h) **Full Time Equivalent (“fte”)** – A measurement equal to one employee working a full-time work schedule for their term of appointment.
- i) **Institutional Activities** – Institutional Activities include all job duties or assignments that benefit the Institution. Generally, expected roles are defined in a role statement. These activities could include, but are not limited to, these general areas:
- Conducting Research
 - Writing Proposals
 - Instruction
 - Advising Students
 - Supervising Employees
 - Serving on Internal Committees
 - Attending Required Training
 - Clinical Activity
 - Institutional/Unit Governance
 - Work on other scholarly activities that directly benefit the Institution
- j) **Separate Employment Contract Terms** – Employees hired to perform work outside his/her department that is in addition to his/her primary job and in accordance with University personnel and consulting policies via a separate employment agreement with the University will report effort on the secondary job separately from the effort expended on the primary job.

- k) **Leave** - Charging of vacation, sick and other leave time and certification of effort related to leave is accomplished in the following manner: Paid leave benefit costs are charged to sponsored agreements or similar cost objectives when the leave is actually taken. Payment of unused earned vacation/annual leave and sick leave (for classified employees only) upon termination is charged when actually paid and is distributed based on the accounts charged for salary when the leave was accrued. Therefore, paid leave will appear as actual payroll charges and will be included on the employee's effort report. B Contract faculty under non-contract day summer time appointments are not eligible for annual leave.
- l) **Payroll Action Form (PAF)** - Completed by hiring unit for new hires and any changes to pay status. The PAF directs an employee's payroll distribution. Certifiers and pre-reviewers should be certain that any payroll changes made by PAFs processed close to the data capture date are included in the effort report.
- i) Retroactive PAFs - Payroll Activity Forms (PAFs) should be processed as soon it is identified that future effort will not match the planned payroll distribution. From time to time, it is necessary to process Retroactive PAFs to increase fte, add accounts, or increase pay. Careful attention must be given to the effect a Retroactive PAF will have on an effort report. PAFs to pay for work performed in a period which has already been certified will not be approved if the PAF is presented for processing more than 30 days after effort is certified.
 - ii) All Overload charged to a sponsored project must be confirmed via the effort reporting process. It is the responsibility of the PI to submit a PAF in a timely manner to ensure that Human Resources has sufficient time to process the PAF in order to create a payroll transaction that will be included in the data capture.
- m) **Payroll Distribution** – Salaries are charged to sponsored projects by using an estimate of the Total Institutional Salary and based on the employee's fte as directed by the PAF.
- n) **Sponsor** – A sponsor is any entity providing external funding for research, scholarly and/or other activities conducted at UNR.
- o) **Suitable Means of Verification** – Suitable Means of Verification is the required standard of documentation required by the federal government in the event that someone other than the employee is certifying the employee's effort. An individual certifying his/her own effort does NOT need to have Suitable Means of Verification.

p) **Total Institutional Salary (“TIS”)** – Total Institutional Salary is the compensation paid by the University of Nevada, Reno to an employee for all Institutional Activities. Total Institutional Salary does not include any income that an individual is permitted to earn outside of duties for the University of Nevada, Reno and that do not use significant University resources such as individual consulting or community service efforts.

- TIS includes compensation from these sources:
- Sponsored Projects
- Time on Funded Projects
- Cost Share on Funded Projects
- Institutional Accounts
- Instruction
- Administrative Stipends
- Proposal Preparation
- Gifts and Endowments
- Other UNR Funds
- Clinical Practice Plans
- Hatch Funds
- Hospitals except Veterans Administration

q) **Work Week** –

- i) **For Salaried Personnel** - a work week is the total amount of time spent conducting University business irrespective of normal work schedules. Please see the definition of Institutional Activities for additional information.
- ii) **For Hourly Personnel** - a work week is limited to the number of hours per week as indicated in their employment contract. Overtime on research sponsored projects should be included in proposal budgets or be pre-approved by the sponsor and must be in accordance with the federal Fair Labor Standards Act and State of Nevada regulations. Failure to have approval could result in disallowed costs.

r) **Effort Reporting Roles and Responsibilities**

The principles of assigning roles in the Effort Reporting System are:

- Foster a high level of integrity in the process via a system of checks and balances
- Spread the workload among personnel who have the skills, knowledge, and authority to ensure compliant sponsored project management

- i) **Office of Sponsored Projects (OSP):** OSP is responsible for providing oversight of the University's effort reporting system, and designing and implementing the effort reporting policies and procedures. OSP will conduct training on the effort reporting system and the related policies and procedures.

The Effort Reporting Specialist serves as the campus' main contact for effort reporting. This position will initiate the reporting period for each term and notify all participants of the capture date of an effort reporting term. The Specialist will conduct training, provide assistance to personnel during the reporting period, monitor the process for compliance, and oversee the post notification procedures and/or suspensions if necessary.

- ii) **Departmental Coordinator:** The Departmental Coordinator (DC) bears the responsibility for facilitating the effort reporting process within their department/unit. DC's can serve as the pre-reviewer for all reports or delegate that duty to other employees. The DC's are responsible for all post reviewing duties and the subsequent submission of salary cost transfers where appropriate. The DC can produce reports for Departmental review, e.g., completion status, high risk, cost transfers or other reports requested by a Department Head or Unit Director.

The Departmental Coordinator should have knowledge of unit budgeting and funding and sponsored project management including applicable cost sharing requirements. The DC should be familiar with UNR accounting systems and University policies and be able to complete cost transfers within the financial system.

- iii) **College Administrator:** The College Administrator has oversight of the process including the designation and support of the Departmental Coordinators and Pre-reviewers. They can also create reports for their college unit as requested or needed for purposes of following up on late or missing effort certifications or for other purposes defined by a College Head.

- iv) **Pre-reviewer:** The Pre-reviewer is responsible for pre-reviewing assigned effort reports before they are certified. The purpose of the pre-review is to verify the accuracy of the payroll data and/or cost sharing based on the actual effort of an employee. Changes to the payroll data (via a cost transfer) maybe necessary if there has been a change in an employees' effort from what was originally planned and directed by the PAF. The pre-review responsibility should be delegated to an individual with direct

knowledge of the management of a sponsored project. The pre-review is also an opportunity to manage salary cap issues, K-award efforts, cost shared effort, or other unique reporting requirements for various sponsors. The effort form is not available for certification until the necessary Pre-review has been completed.

- v) **Principal Investigator:** The Principal Investigator (PI) works with the DC and the Pre-reviewer to ensure the appropriateness and accuracy of all effort expended on the sponsored project and compliance with the principals of Effort Reporting. A PI is primarily responsible for ensuring that all individuals who have worked on a project under the PI's direction complete their effort reports in a timely and accurate manner.

- vi) **Employees:** All graduate students, post-docs, temporary LOAs, PIs, and classified employees who work on a sponsored projects are expected to certify his/her own effort report. Students and temporary hourly employees who submit timesheets to payroll prior to being paid are exempt from certifying effort in the Effort Reporting System. Generally, employees should be able to verify that their effort has been charged to the correct account name and/or number and communicate issues or errors to the PI and the DC or Pre-reviewer. However, there may be instances where the supervisor may have a better understanding of how an individual spent his or her time, in this circumstance it is allowable that the supervisor with Suitable Means of Verification may certify on behalf of the employee. In the event that an employee has more than one supervisor, the supervisor with the greatest portion of the fte will be responsible to confer with the other supervisor and mutually agree on the certifiable effort expended.

NOTE: When certifying his/her effort for a reporting period, an employee will represent the following:

I confirm that the distribution of activity represents a reasonable estimate of all work performed by me during the stated period or in the event that I am certifying effort for someone other than myself, that I have Suitable Means of Verification to certify on behalf of this employee.

I understand that falsification of effort statements may result in potential disallowed costs, penalties and/or actions under the federal False Claims Act.

s) **Miscellaneous Policies**

i) Use of Memo Accounts

Work on a project prior to an official award receipt is discouraged because such activity incurs costs that the sponsor has no obligation to reimburse. If an administrative unit is willing to accept the risk of the activity beginning prior to the receipt of award, a memo account must be established.

The memo account is a temporary account that can be limited in both duration and budget. A memo account is necessary to ensure that effort on the project is captured in the effort report.

ii) Deadlines to file Overload PAFs

- For the May Reporting Cycle - B Faculty working during their non-contract days in December, January, and Spring Break must have a PAF for this period through the financial system by HR's May cut off date to ensure that a payroll transaction is processed for the May payroll.
- For the September Reporting Cycle - B Faculty working during their non contract days in May, June, July and/or August must have their PAF though the financial system by HR's September cut off date to ensure that a payroll transaction is processed for the September payroll.

t) **Non-Compliance Policy**

All effort reports must be certified thirty-days from date of initial notification that cycle has been initialized. Failure to certify within 30 days will result in the following:

- Late Notice: The employee, their supervisor, the Principal Investigator (PI), and the College Administrator responsible for the account will receive a Late Notice after the end of the reporting cycle.
- Delinquent Notice: Thirty days after the late notice the PI, the College Administrator and the PI's Dean or Director will receive a Delinquent Notice. The PI will be placed on the Office of Sponsored Projects' (OSP) suspension list and the sponsored project account will be frozen. Faculty on the OSP suspension list will be ineligible for all OSP services including, budget revisions, proposal preparation, and account set up.

- Final Notice: 14 days after the Delinquent Notice, the PI, the College Administrator and the PI's Dean or Director will receive a final notice and will be requested to provide an account to which the payroll charges on the sponsored accounts can be moved. Once the charges have been transferred off of the sponsored account, the PI can be removed from the suspension list and the sponsored account reopened upon approval from the Unit Dean or Director. Any project with uncertified salaries can not be closed out until all salaries are either certified or moved off of the project account.

u) **Payroll Cost Transfer (PR-45) Policy**

The Effort Reporting System is reliant on our Institutional payroll transactions, including salary cost transfers to create an effort report. For each effort reporting cycle the payroll data must be captured and uploaded into the ERS. In order to ensure the reliability of the data, no paper salary cost transfers can be processed affecting sponsored project accounts for the effort reporting period after the capture date. Instead, all salary cost transfers must be completed in ERS after the capture date.

It is expected that all salary cost transfers are completed as soon as it is recognized that there is a discrepancy between the budgeted amount as indicated on the PAF and the actual effort expended. Cost transfers completed within an effort reporting period will be incorporated with actual payroll charges in the Effort Reporting System. However, in the event that a discrepancy is discovered after the capture date and prior to certification, a salary cost transfer is permitted in the ERS.

In rare circumstances, a salary cost transfer is needed for a previously certified period. The Cost Transfer Explanation Form must accompany such a request and it must be completed within 30 days following certification.