

2 | Reviewed: August 2006

3 | **A. POLICY STATEMENT<sup>1</sup>**

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

- Deleted: federal, state, Board of Regents, and University
- Deleted: regarding potential conflicts of interest. University Employees
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18 | **B. PURPOSE AND SCOPE<sup>1</sup>**

19 | 1. In carrying out its primary missions of teaching, research and service, the University must  
20 | implement a diverse set of principles: maintaining academic freedom and an atmosphere that  
21 | promotes free and open scholarly inquiry without bias; facilitating the transfer of technology and  
22 | other developments for the benefit of the public; and serving as the steward of public and private  
23 | resources entrusted to it. There are several general categories of Conflict of Interest that this policy  
24 | will address: Research and Other Sponsored Projects, Use of University Resources, Technology  
25 | Transfer and Commercial Endeavors, and Institutional Conflict of Interest. The University  
26 | recognizes the value of transferring technology and other activities to enhance public access to  
27 | University research and to further the economic development of the State and the Nation.  
28 | Additionally, participation by academic and administrative faculty, staff and students in external  
29 | activities that enhance their professional skills or constitute public service may be beneficial to the  
30 | University as well as the individual. As the institution grows and develops relationships with  
31 | federal, state, and private institutions, the potential for conflicts of interest increases. These  
32 | conflicts, when properly disclosed and managed can serve to benefit the institution, and spur  
33 | economic development and diversity for the state of Nevada and its citizens. The primary goal of  
34 | this policy is to provide a means to manage potential conflicts to enhance the benefit to the public

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<sup>1</sup> 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.

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- Deleted: Code
- Deleted: University of Nevada bylaws;
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- Deleted: applicable policy shall be adhered to.

35 and reduce or eliminate the costs and perceived negative outcomes that such potential conflicts may  
36 carry.

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

#### 50 C. APPLICABILITY

51 1. This policy applies to all University Employees. As appropriate, subcontractors and other external  
52 collaborators must also comply with this policy unless their institution/company provides adequate  
53 assurances that they are in compliance with the federal regulations referenced below. This policy  
54 applies to any research, education or service activity regardless of whether or not support is  
55 provided to the University or Employee. Support may be in the form of sponsorship, pecuniary  
56 incentive, equipment or gift.

57 2. Conflicts also arise in procurement situations when an Employee has the option of purchasing goods  
58 or services from entities in which the Employee has a substantial financial or other interest.  
59 Procurement conflicts are treated separately in the NSHE Business Center North Purchasing  
60 Policies and Procedures and are not within the scope of this policy. However, because conflict of  
61 interest situations covered by this policy may also involve procurement issues, the Conflicts of  
62 Interest Committee will, from time to time, need to coordinate their efforts with the Director of  
63 Purchasing.

#### 64 D. DEFINITIONS

65 1. “**Business Entity**” means a sole proprietorship, partnership, association, joint venture, corporation,  
66 firm, trust, foundation, or other organization or entity used in carrying on a trade or business,  
67 including parent organizations of such entities or any other arrangement in which an entity operates  
68 through a subsidiary.

69 2. “**Clinical Investigations**” include any research project dealing with humans, including medical  
70 industry corporation or other private business entity sponsored trials, departmental sponsored  
71 research, studies utilizing human tissues, social science research, and medical chart reviews.

72 3. “**Conflict of Commitment**” may occur when external activities demand excessive time, conflicting  
73 with an Employee’s responsibilities to the University, or when external activities result in direct  
74 competition with University activities.

75 4. “**Conflict of Interest**” means any outside activity or interest that may adversely affect,  
76 compromise, or be incompatible with the obligations of an Employee to the University or to widely  
77 recognized professional norms. A significant conflict of interest includes, but is not limited to,  
78 situations where consideration of a significant financial or other interests will likely affect the

79 approval, design, conduct, or reporting of research or other projects or the objectivity of decision  
80 making as an Employee of the University.

81 5. “**Designated Official**” is the person responsible for reviewing all financial disclosures and will  
82 review situation information and advise the Conflict of Interest Committee as to whether a conflict  
83 of interest exists. The designated official shall be appointed by the President of the University.  
84 This individual may change from time to time upon designation by the President.

85 6. “**Employee**” means any person who is employed by the University of Nevada, Reno, whether full  
86 or part time, and includes but is not limited to staff, faculty, postdoctoral appointees, residents and  
87 student Employees. It also includes Investigators as defined by the federal policies referenced  
88 below and individuals who are not paid on a project (i.e., “volunteers”).

89 7. “**Faculty and Key Personnel**” include individuals who are engaged at least 0.5 FTE as a faculty  
90 member and/or who serve as a Principal, or Co-Principal, Investigator on research or other projects  
91 and who are involved in the design, conduct, execution, reporting or fiscal oversight of University  
92 or externally funded projects and/or individuals who are determined to be Inventors of Intellectual  
93 Property by use of University resources.

94 8. “**Family Member**” means spouse, and any other persons such a child, parent, sibling or other  
95 family member claimed on the Employee’s tax return.

96 9. “**Household Members**” means an association of persons who live in the same home or dwelling,  
97 sharing its expenses, and who are related by blood, adoption or marriage.

98 10. “**Institutional Conflict of Interest**” refers to situations where the University’s beneficial  
99 relationship with corporate entities may place it in conflict with its responsibilities as a public  
100 institution of higher education. The conflict may involve equity interest in companies, certain  
101 licensing situations, and Board and other leadership positions held by University faculty or  
102 administrators.

103 11. “**Intellectual Property**” means any ideas, inventions, technology, creative expression and  
104 embodiments thereof, in which a proprietary interest may be claimed, including but not limited to,  
105 patents, copyrights, trademarks, know-how, and biological materials. This policy is intended to  
106 affect only that Intellectual Property owned by the University. It does not alter other University  
107 policies that determine ownership of Intellectual Property.

108 12. “**Investigator**” includes any faculty, staff, postdoctoral fellow, resident or student who is  
109 responsible for the design, conduct or reporting of research or scholarly activities conducted in  
110 whole or in part at the University of Nevada.

111 13. “**Personal Gain**” includes gifts and other incentives to Investigators, their University departments,  
112 or other University entity, or immediate family members.

113 14. “**Research Agreements**” may include testing agreements, service agreements, collaborative  
114 agreements, clinical investigation agreements, purchase orders, material transfer agreements,  
115 confidentiality agreements and any other written agreement between the University and an external  
116 entity that has been duly signed and agreed upon by authorized officials of the cooperating entities.

117 15. “**Significant Financial or Other Interest**” means ownership by the Employee or Household or  
118 Family or Family Member of 5% or more of the capital stock, assets, or control of any business  
119 entity or income amounting to more than \$10,000.00 aggregate in a 12 month period from a single  
120 external entity to the Employee and his/her Household or Family or Family Member or 5% or more  
121 of the gross income of the Employee or Household or Family or Family Member from any business  
122 entity. It includes anything of significant monetary value, including but not limited to salary or  
123 other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock  
124 options or other ownership interests); intellectual property rights (e.g., patents, copyrights and

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Comment [MSOffice1]: This definition was derived initially on in part from Nevada Code NRS 41.281 et seq. (Financial Disclosure requirements for public officials).

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Deleted: and any other persons such as a child, parent, sibling or other family member who received substantial support from the Employee during the last year or who is claimed on the Employee’s tax return. ¶

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125 royalties from such rights); or other item of monetary value. Significant financial or other interest  
126 also includes the holding of a position as an officer, director, agent, consultant or Employee of a  
127 business entity. Significant Financial or other Interest includes such interests held by the Employee  
128 and by the Employee's Household or Family or Family Members. The term does NOT include:

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- 129 a. Salary, royalty income from copy-written materials except for income derived from technology  
130 transfer licensing, or other remuneration from the University;
- 131 b. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit  
132 entities;
- 133 c. Income from service on advisory committees or review panels for public or nonprofit entities;
- 134 d. Equity interest that when aggregated for the Employee and the Employee's Household or  
135 Family or Family Member meets both of the following tests.
  - 136 1. Does not exceed \$10,000 in value as determined through reference to public prices or other  
137 reasonable measure of fair market value, and
  - 138 2. Does not represent more than a five percent (5%) ownership interest in any single entity;
- 139 e. Income from mutual funds and /or pension funds; and/or
- 140 f. A percentage of income received from the Veteran's Administration Medical Center as part of  
141 physician reimbursement for University faculty or income generated under and in compliance  
142 with the physician practice plans approved by the Dean of the Medical School .

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143 16. "Technology Transfer" includes any option, license, assignment, or conveyance of any other legal  
144 or equitable interest in Intellectual Property owned by the University, including but not limited to  
145 the right to make, market, copy, sell, or use such property in any way.

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## 146 E. CONFLICT OF INTEREST SITUATIONS

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

Comment [MLB2]: Change Title 4, chapter 1, section 2.5 --- this existing section is replace with the NSHE Code

### 152 a. Use of University Property or Facilities.

Deleted: Employees may only use the University's name, its property, or its facilities for pecuniary gain or for personal advantage if the use of such property or facilities has a legitimate relationship to the faculty member's academic service AND such use causes no more than trivial cost to the University and a minor commitment of time. No disclosure is required where the conditions of such limited use are met. For purposes of this section, professional activities that serve to maintain or improve an Employee's skills, and that do not violate University restrictions on outside activities, have a legitimate relationship to the Employee's service. Consultation involving service to individual patients or clients may take place in an Employee's office or laboratory on a limited basis without approval.¶

153 1. Employees shall not use NSHE time, property, equipment, or other facility to benefit their  
154 personal or financial interest.<sup>2</sup> However, as provided in NRS 281.481(7), limited use for  
155 personal purposes is allowable if the use does not interfere with the performance of an  
156 employee's duties, the cost and value related to the use is nominal, and the use does not  
157 create the appearance of impropriety or of NSHE endorsement. Personal use shall not  
158 interfere with official institutional use. Personal use of NSHE time, property, equipment, or  
159 other facility must be approved in advance by the employee's supervisor. If the institution  
160 or unit incurs a cost as a result of a use that is authorized pursuant to this policy or would  
161 ordinarily charge a member of the public for the use, the employee shall promptly  
162 reimburse the cost or pay the charge. An employee who intentionally or negligently  
163 damages NSHE property, equipment, or other facility shall be held responsible for the  
164 resultant expense.

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165 2. Except as otherwise approved pursuant to this or other University policy or agreement, use  
166 of University facilities and equipment resulting in identifiable costs to the University  
167 REQUIRES APPROVAL by the Provost. Approval of such situations may be granted in

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<sup>2</sup> NSHE Code: Title 4, Chapter 1, Section 25.

168 | exceptional circumstances conditioned upon reimbursement of costs. Only the President  
169 | may grant exceptions to the requirement for reimbursement.  
170 | b. **Conflict of Interest Involving Students.**<sup>3</sup> Research agreements with external sponsors,  
171 | especially entities in which an Investigator has a financial, managerial or executive relationship,  
172 | must maintain basic academic values and promote open dissemination of knowledge. Student  
173 | participation in such activities is of particular concern. It is important that the educational  
174 | experience of students and postdoctoral fellows not be influenced detrimentally by faculty  
175 | special interests or relationships with external funding entities. Consistent with these policies  
176 | and concerns, the following projects require APPROVAL before they are commenced and  
177 | MONITORING throughout:  
178 | 1. Projects of a confidential nature that include restrictions of student publication or  
179 | communication rights with respect to research or other work that will be the basis of  
180 | evaluation of the student or fulfillment of degree requirements. Such projects will only be  
181 | permitted if the publication restrictions are reasonably necessary to protect intellectual  
182 | property rights and do not prevent the publication of student research in a timely manner.  
183 | Publication in a timely manner shall usually be the earlier of 60 days from the completion  
184 | of the project or the completion of the student's degree requirements.  
185 | 2. Sponsored research projects involving students that have the potential to benefit  
186 | substantially a business entity in which a faculty member has a significant financial or other  
187 | interest. Approval shall be granted only where there is a demonstration that students will  
188 | receive some academic benefit from their efforts without risk to academic freedom,  
189 | integrity and objectivity. Approval shall not be granted where such research is motivated  
190 | primarily by commercial concerns and will be the basis of evaluation of the student or  
191 | fulfillment of degree requirements.  
192 | 3. Sponsored research projects where a student is both working on a project for a faculty  
193 | member at the University and working at a company in which the faculty member has a  
194 | financial or other interest.  
195 | 4. Sponsored research where the research is driven primarily by commercial considerations  
196 | and the sponsor is involved in the direction of the research.  
197 | c. **Interactions with Private Enterprise.**<sup>4</sup> All of the examples described in this section have the  
198 | potential for appearance of, and actual, misallocation of resources. Each situation requires  
199 | APPROVAL AND MONITORING. Approval should normally be based on the proponent  
200 | demonstrating that the activity significantly benefits the University and its public mission and  
201 | does not involve an unacceptable risk of misallocation of funds and other resources or breach of  
202 | the University's integrity. Approvals will be conditioned on technical and financial oversight of  
203 | the project and any related activities, as well as reimbursement of all costs for uses of  
204 | University resources that primarily benefit private entities.

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Deleted: reimbursement may be approved by an individual with signature authority for the University subject  
Deleted: to any conditions imposed by the President or Conflict of Interest Committee  
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<sup>3</sup> 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.

<sup>4</sup> 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.

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- 205 1. Research projects where an Employee also has direct or indirect authority over expenditure  
206 of funds and where the research is sponsored by a business entity in which the Employee or  
207 his/her Household or Family Members have a significant financial or other interest. Deleted: Relative
- 208 2. Reimbursed use of faculty, students, research associates, technicians or other staff  
209 supported by public funds for work motivated primarily by commercial concerns or  
210 intended to benefit a business entity in which an involved Employee or his/her Household  
211 or Family Members have a significant financial or other interest. Deleted: Relative
- 212 3. Participation by an Employee in a University decision that has the potential to benefit  
213 significantly or injure, directly or indirectly, a business entity in which the Employee or  
214 his/her Household or Family Members have a significant financial or other interest. The  
215 preferred procedure will normally be for the Employee to withdraw from participation in  
216 the decision. In no event should the Employee be the final decision maker. Deleted: Relative
- 217 4. Use of University or other public or private funds for expenditures that have the potential  
218 to benefit a business entity significantly in which an Employee or his/her Household or Family  
219 Members have a significant financial or other interest. One example of this situation is the  
220 purchase of equipment that may be useful to a business for which the Employee consults, or  
221 in which an Employee has an ownership interest. Another example of this situation is a  
222 project involving testing of a product in which an Employee has a significant financial or  
223 other interest, or a product that is a competitor of a product in which the Employee has a  
224 significant financial or other interest.
- 225 5. Transfer of University technology or other Intellectual Property to a business entity in  
226 which the University Employee inventor or his/her Household or Family Member has a  
227 significant financial or other interest. Deleted: Relative  
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- 228 6. Clinician referrals to a business entity in which the clinician/ Employee or his/her  
229 Household or Family Member has a significant financial or other interest unless such  
230 referral is otherwise authorized under the UNR physician practice plan. Deleted: Relative  
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- 231 7. Submission of proposals and acceptance of awards for grants or contracts by, to or from a  
232 business entity in which an involved Employee or his/her Household or Family Member has  
233 a significant financial or other interest, where the subject matter of grant proposal is  
234 substantially related to the Employee's University research and where the University is  
235 qualified and eligible to apply. Deleted:  
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236 **F. CLINICAL RESEARCH**

- 237 1. It is critically important for the University to manage conflicts in the area of Clinical Investigations  
238 due to the ethical requirement for protection of research participants and the general public.  
239 Financial or other personal gain interests of the Investigators, their Household or Family Members, Deleted: Relative  
240 the University, or units of the University must not influence, or appear to influence, the approval,  
241 design, conduct or reporting of research or any clinical trials involving the evaluation of products  
242 such as drugs or medical devices or procedures. It is of the utmost importance that personal gain  
243 by any member of the clinical research team not influence the consent process such that  
244 participation is encouraged by even subtle minimization of the risks and exaggeration of the benefits  
245 to the potential subject. Additionally, arrangements with corporate sponsors which include  
246 recruitment bonuses, time designated accrual incentives, or finder-fees may influence the consent  
247 process, the reporting of adverse events, or the analysis of the data, thereby creating conflicts  
248 which must be disclosed and reviewed. For these reasons, the following policies apply to all  
249 Clinical Research projects at the University:
- 250 a. Prior to each study involving human subjects, all aspects of financial relationships between  
251 members of the investigative team, their Household or Family Members, the University and its Deleted: Relative  
252 entities, and the corporate sponsor must be DISCLOSED. These include commitments of

- 253 financial support unrelated to the current study, financial incentives, payments as a consultant,  
 254 and non-monetary rewards and incentives to Investigators and their Household or Family  
 255 Members, including travel, entertainment and gifts. Deleted: Relative
- 256 b. Clinical research projects sponsored by business entities where Investigators, other Employees, or  
 257 their Household or Family Members, or University units, have significant financial or other  
 258 interests require APPROVAL and MONITORING. Employees with significant conflicts may  
 259 participate as an Investigator or key personnel only under exceptional circumstances. Under no  
 260 circumstances shall a conflicted Employee obtain consent from subjects for their participation in  
 261 a research project. At the time of a new study submission and at the time of continuing  
 262 review, the IRB will evaluate how the management plan suggested by the Conflict of  
 263 Interest committee affects the conduct of the research or research subjects. In that  
 264 review, the IRB will determine if the proposed management plan needs to be modified to  
 265 protect the research subjects. Deleted: Relative
- 266 c. All studies of human subjects REQUIRE APPROVAL from the Institutional Review Board  
 267 (IRB) with additional assurance from the Investigators that there are no personal conflicts that  
 268 may threaten the safety and privacy interests of the patient/research subject and public trust of  
 269 the University's integrity and credibility.
- 270 d. Any financial or other interest that an Investigator, his/her Household or Family Member, or a  
 271 unit of the University, have in a business entity sponsoring a clinical investigation must be  
 272 DISCLOSED to the subjects recruited into the study. Deleted: Relative
- 273 e. Sponsors of human research may provide payments or incentives related to a specific study by  
 274 depositing into a departmental account. Employees with a financial or other interest in the  
 275 sponsoring entity should not have signatory privileges on this account for disbursement of  
 276 funds. Individual Employees involved in a study may not themselves or on behalf of their  
 277 Household or Family Members, accept payments, incentives or gifts from sponsors of clinical  
 278 research. Deleted: Relative

279 **G. ACTIVITIES THAT ARE NOT ALLOWED<sup>5</sup>**

- 280 1. The following activities present conflicts of interest that cannot properly or effectively be approved  
 281 and monitored and, therefore, are NOT ALLOWED.
- 282 a. *Solicitation or Receipt of Gifts.*
- 283 1. Solicitation or receipt by a University Employee or his/her department of a gift (including  
 284 money, non-pecuniary gifts, excessive compensation or non-commercial loans) where
- 285 i. The purpose or effect of the gift is likely to influence the Employee in the discharge  
 286 of his/her University responsibilities (i.e., vendor selection);
- 287 ii. The gift is given to reward the Employee for official action taken; or
- 288 iii. The gift is given in close proximity to recent past, present or future transactions  
 289 between the University and the giver of the gift.
- 290 2. This section is not intended to apply to the regular or ordinary compensation an Employee  
 291 receives from a business entity in situations covered above by Section E.1.c, where  
 292 approvals have been granted. This section also does not apply to occasional non-pecuniary

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<sup>5</sup> 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.

293 gifts that have an insignificant monetary value and would not tend to influence an Employee  
294 in the discharge of his/her duties.

295 b. *Academic Freedom.*

- 296 1. Secrecy or confidentiality requirements beyond the scope of Section E.1.b on projects that  
297 will be the basis of evaluation of a student or fulfillment of degree requirements, or  
298 evaluation of faculty or other Employees.
- 299 2. Arrangements that permit sponsor interference with the scientific analysis or publication of  
300 research results or conclusions.
- 301 3. Evaluation of faculty, postdoctoral fellows, staff, or students based on participation in (or  
302 refusal to participate in) outside activities involving business entities in which the evaluating  
303 Employee or his/her Household or Family Member have a significant financial or other  
304 interest. The involved Employee shall not participate in such evaluations.

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305 c. *Conflicts Associated with University Employees and Private Enterprise.*

- 306 1. Nonreimbursed involvement of faculty, students, research associates, technicians, or other  
307 staff supported by public funds, on University time, for work motivated primarily by  
308 commercial concerns or intended to benefit a business entity. Such involvement must be  
309 disclosed and the University resources utilized must be fully compensated by the  
310 commercial entity through a negotiated contract in accordance with the Board of Regents  
311 Policy.
- 312 2. Physician consultation for the purpose of marketing a product for a medical product  
313 company when the physician/researcher is in receipt of a grant or contract from the same  
314 company.
- 315 3. Obtaining consent of subjects by Employees who themselves, or whose Household or  
316 Family Member members, have financial or other interests in an entity sponsoring the  
317 clinical research.
- 318 4. Conflicts between an Employee's obligations to the University and his/her commitments to  
319 an outside entity, including a sponsor of University-based research. For example, an  
320 Employee may not have an agreement with a sponsor regarding transfer of technology or  
321 Intellectual Property in conflict with the University policy governing ownership of  
322 Intellectual Property.
- 323 5. Transfer of University technology or other Intellectual Property without following the  
324 University's patent and copyright policies.
- 325 6. Use of the University's name in connection with private activities in a manner that  
326 inappropriately suggests that the University endorses, sponsors or approves of such  
327 activities or views of the Employee.
- 328 7. Use of the University's facilities, equipment, property, or personnel by an outside entity in  
329 which an Employee has a significant financial interest. Unless the entity has an agreement  
330 for lease or use of such space, equipment property or personnel signed by an institutional  
331 official with signature authority for the institution.
- 332 8. Receipt of publisher incentive fees by an Employee who has authority to require educational  
333 materials for students involved in specific coursework at the University. This provision  
334 does not preclude royalty payments to authors of educational materials used by students in  
335 their coursework.
- 336 9. Sponsored Agreements or sub-agreements between the University and an organization  
337 where an Employee or his/her Household or Family Members has a significant financial  
338 interest which do not fully reimburse the University for use of facilities, personnel,  
339 equipment, space or other resources including full payment of University overhead and  
340 other rates for such use.

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341 **H. CONFLICT OF COMMITMENT<sup>6</sup>**

342 1. Conflict of Commitment may occur when external activities, including consulting and other  
343 professional or personal activities, compete with an Employee’s responsibilities to the University  
344 and detract from the mission of the University. All University personnel holding full-time<sup>7</sup>  
345 positions shall give full service to University work during scheduled work periods. Any non-  
346 University employment must not interfere with the discharge of the person’s full-time service  
347 obligations to the University. ~~Full-time University Employees will treat the University as their~~  
348 prime employment activity.

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349 2. Part-time or full-time employment in an off-campus position or business enterprise in addition to  
350 full-time University employment is discouraged unless such off campus employment is considered  
351 to improve upon or facilitate the Employee’s teaching or other University duties. Each faculty  
352 ~~member or~~ classified staff member is responsible to inform his/her immediate superior of all such  
353 outside employment activities.

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354 a. **Public Service.** The University approves of public service activities that are not incompatible  
355 with full performance of University duties and not inconsistent with University policies and  
356 procedures.

357 b. **Outside Teaching.** Academic Faculty members may not accept employment for, and may not  
358 perform, any teaching, instructional, or research services for other academic institutions during  
359 teaching semesters without the knowledge and written approval of the cognizant chair and dean.  
360 Compensated or uncompensated participation in an occasional short-term conference, seminar,  
361 or symposium or the delivery of a scholarly paper or public address at a professional meeting or  
362 academic gathering under the auspices of an academic institution, does not violate this policy.

363 c. **Public Addresses.** Requests for faculty or staff members to give addresses to clubs, community  
364 organizations, and other groups may be responded to at the discretion of each individual faculty  
365 or staff member. Such activities ~~shall not interfere with the faculty or staff member’s~~  
366 University responsibilities.

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367 d. **Medical Faculty Consultations.** Full-time medical faculty may not engage in private practice  
368 or consultation work except in conformity with the School of Medicine Practice Plan or other  
369 policies approved by the president, upon recommendation by the Dean of the Medical School,  
370 subject to such conditions and limitations as the president may require. Such medical practice  
371 or consultation work must not interfere with the faculty member’s primary responsibility to the  
372 University.

373 e. **Consultation.** Consultation and other services to persons, firms, institutions, and agencies  
374 outside the University may be carried on by University Employees so long as the performance  
375 of such services does not interfere with the individual’s obligations to the University, subject to  
376 the following restrictions:

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

<sup>7</sup> 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~~.

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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 use<sup>8</sup> of University facilities and/or equipment 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 i and ii 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

<sup>8</sup> Limited use is defined by NRS 281 481, subsection 7 - - 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.

**Comment [MLB3]:** Review section 1-6 for logic.

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**Deleted:** consulting or outside employment, not counting weekends or holidays.

**Deleted:** The University has no obligation to compensate personnel for authorized consultation time that, for any reason, is not actually used.

**Deleted:** . Such service must be conducted in compliance with the Board of Regents' policy on Compensated Outside Professional Service, Title 4, Chapter 3, Section 8 of the Board of Regents Handbook.

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**Comment [MLB4]:** Consider deleting this section - 3

**Comment [MLB5]:** I have serious problems authorizing use of space for this purpose.

**Deleted:** <#> Any absence from the University for the purpose of consultation services may be recorded as an excused absence for approved consultation only if the restrictions of this section have been satisfied. ¶ <#> Consultation involving service to individual patients or clients may take place in a faculty or staff member's office or laboratory. Significant use of University facilities and equipment during such consulting time shall be reimbursed on a full overhead basis and shall be subject to authorization by the supervisor with direct line authority over the Employee as well as an individual with signature authority for the University. Invention and patent rights developed using significant University resources shall be negotiated with the University in accordance with the University's Intellectual Property Policy. ¶

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**Comment [MSOffice6]:** I prefer paragraph #1 above. To illuminate the discussion, the NRS code says this about "nominal use":

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) 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 u... [1]

- 417 i. The consultant is or will be serving concurrently as a principal investigator under a  
418 contract or grant from the same external firm or agency; or
- 419 ii. The consultant's services are directly related to and derived from activities  
420 performed under a contract or grant from the same external firm or agency, or from  
421 confidential information acquired as a result of participation in such a contract or  
422 grant; or
- 423 iii. The consultant agreement anticipates the use or development of intellectual property  
424 in the same field or scope of work that the consultant provides to the University as  
425 an Employee and/or the agreement contemplates assignment of rights to such  
426 intellectual property.

427 **I. INSTITUTIONAL CONFLICT**

428 1. The University must also avoid and/or manage Conflict of Interest positions where its beneficial  
429 relationship with corporate entities may place it in conflict with its responsibilities as a public  
430 institution.

431 **2. General Principles.**

- 432 a. The University will deal legally and ethically with external sponsors of research and sponsored  
433 programs in ways that avoid institutional conflicts of interest.
- 434 b. The University will not enter into agreements contrary to its mission.
- 435 c. The University will not accept an award for a project that is unacceptable to the principal  
436 investigator. Once an award is accepted by the University, all parties are expected to fulfill  
437 their obligations under that agreement.
- 438 d. The University will not enter into activities or agreements which could jeopardize its eligibility  
439 to receive federal or state funds.

440 **3. Equity Interest in Corporations: Investment in Research.**

441 a. Of particular concern are research activities (the design, conduct, or reporting of research  
442 results) where the University of Nevada, Reno Foundation or Research Ventures, Inc has equity  
443 in a business or receive donations from a business sponsoring research. These situations may  
444 create conflicts, or the appearance of conflict, that compete with those of research Investigators  
445 or in the case of clinical research, of the research subject. Any financial relationship with a  
446 corporate sponsor should be documented, and include the following: equity interest or  
447 ownership, payments to the University or a unit of the University beyond payments directly  
448 associated with costs to carry out a particular protocol or scope of work, any funds or other  
449 items of value given to the University or a unit thereof, any percent ownership of patents,  
450 royalties, or licenses granted to the commercial sponsor by the University, and whether or not  
451 the University stands to gain financially if the study shows a positive outcome.

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452 b. Before entering into business agreements that may place the institution in a Conflict of Interest  
453 situation, the University shall ask the Conflict of Interest Committee to review and recommend  
454 strategies for management of the conflict. Similar reviews shall be made of all active previous  
455 business arrangements, and where conflicts are found, referred to the Conflict of Interest  
456 Committee for review. The process to reduce, manage or eliminate such research conflicts that  
457 the institution may have, will be handled by the Conflict of Interest Committee and managed  
458 similarly to an individual Conflict of Interest situation. The Conflict of Interest Committee that  
459 oversees institutional conflicts will include a minimum of two non-University affiliated  
460 individuals. Possible solutions may include special management to protect the scientific  
461 integrity of the study and in the case of clinical research management to assure the safety of  
462 research participants, or alternatively, having a clinical study performed at other sites.

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463 **4. Administrative Decision Making by Individuals Who have Personal Conflicts of Interest**  
464 **a.** All University Employees participating in decision making related to the design,  
465 conduct or the reporting of research should be aware and comply with Conflict of Interest  
466 principles, including those stated above. This includes when they are involved in personnel  
467 decisions, overseeing compliance activities, assigning space, selecting purchasing contracts, and  
468 other issues in which their personal Financial Interests may be perceived to bias their decision  
469 making regarding the research activity.

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

471 **1. Conflicts of Interest Committee.**

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

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

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

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495 **K. PROCEDURES**

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

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- 504 | 1. Annual Disclosure. All Faculty and Key Personnel<sup>9</sup> shall fill out an Annual Summary of  
505 | Outside Activities and Interests Form regarding the Employee's, the Employee's Household  
506 | or Family, and other Household or Family Members where the Employee knows or should  
507 | know of Significant Financial Interests that may pose a Potential Conflict of Interest. This  
508 | disclosure shall be submitted as part of the Employee's Annual employment evaluation.  
509 | The Annual Summary of Outside Activities and Interests Form shall be submitted to  
510 | department chairs or directors who will then forward a copy of all positive disclosures in  
511 | their unit to the Designated Official.
- 512 | 2. Project Based Disclosure. Conflict Evaluation Form: Conflict Evaluation Forms from the  
513 | Principal Investigator must be submitted directly to the Designated Official or to the Office  
514 | of Sponsored Projects, Graduate School, Controller's office or Technology Transfer office  
515 | as appropriate on a project by project basis. All Project Disclosures shall be routed to the  
516 | Designated Official for review. The Principal Investigator shall indicate on a Sponsored  
517 | Projects transmittal form if there is any Faculty or other Employees included in a proposal  
518 | submission with a potential Conflict of Interest. The Principal Investigator shall insure that  
519 | any Employee with a potential conflict fills out and submits a Conflict Evaluation Form. If  
520 | a new Conflict of Interest arises during the life of a project, a new Conflict Evaluation  
521 | Form must be submitted within 10 working days to the Principal Investigator for  
522 | forwarding to the appropriate administrative office.
- 523 | 3. Confidentiality. All records and information provided by an Employee for the purpose of  
524 | disclosure and management and all official records of disclosure and management shall be  
525 | considered confidential. Any information disclosed by an Employee as required by this  
526 | policy shall be used solely for the purpose of administering this policy and may not be used  
527 | for any other purpose unless required by law. Unauthorized disclosure of any such  
528 | information by an Employee shall be deemed to be unethical behavior and shall be subject  
529 | to disciplined pursuant to appropriate procedures.
- 530 | b. **Review.** Annual disclosures submitted to Department chairs and directors and project based  
531 | disclosures which identify a potential Conflict of Interest will be forwarded to the Designated  
532 | Official who, will review the disclosures, gather more details if necessary and forward the  
533 | information for consideration to the Conflict of Interest Committee. To the extent that  
534 | disclosures include procurement issues, the Designated Official shall also forward the  
535 | disclosures to the Director of Purchasing. The Committee will review the file and make a  
536 | determination that the potential conflict does not require oversight, recommend a strategy for  
537 | management and oversight of the potential conflict, or recommend that the activity should not  
538 | proceed. The final determination of the Committee shall be provided, in writing, to the  
539 | disclosing Employee and, if appropriate, to the Employee's supervisor, chair, dean, or director.  
540 | The Management, Monitoring and Implementation plan and a statement of the University's best  
541 | interest regarding the disclosed conflict will be forwarded to the President for final signature  
542 | and approval.
- 543 | c. **Management and Oversight.** The Conflict of Interest Committee will consider potential  
544 | conflicts of interest and determine whether to Manage, Reduce or Eliminate the conflict. The  
545 | Committee, in consultation with the University Employee ultimately responsible for the  
546 | proposed research or activity, will develop a Management, Monitoring and Implementation  
547 | Plan (the "Plan"). The Plan is subject to approval by the Designated Official. The Department  
548 | Chair or Director of the Employee with a potential Conflict of Interest will be responsible for

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

549 | providing process and oversight for implementation of the Plan. All identified Conflicts of  
550 | Interest must be handled by one of the following three approaches:

- 551 | 1. A conflict can be MANAGED if the conflict does not seem to be of such a degree that the  
552 | research or activity as proposed would be compromised in regards to academic freedom,  
553 | integrity or objectivity; or
- 554 | 2. The conflict must be REDUCED if there is a serious possibility that the research or other  
555 | activity as proposed would be compromised or a serious concern that there could be a  
556 | conflict with University policies; or
- 557 | 3. The conflict must be ELIMINATED if the research or activity as proposed would be  
558 | compromised by the conflict. If the conflict cannot be eliminated, the Employee shall  
559 | eliminate the conflict by either divesting him/herself from all external financial interests or  
560 | by not proceeding with the research or activity.

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561 | d. Coordination with other Offices. The Designated Official shall maintain a database of all  
562 | University personnel that provides information regarding when each individual submitted a  
563 | Financial Disclosure and the status of any Conflicts of Interests that have been identified. This  
564 | data base will be accessible to the Office of Sponsored Programs Administration, the Human  
565 | Research Protection Office, and the Office of Technology Transfer.

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566 | e. Appeals. Appeals to any determination made by the Designated Official and/or the Conflict of  
567 | Interest Committee shall be made to the Vice President for Research (for research matters) or to  
568 | the Provost for all other matters. The decision of the Vice President for Research or Provost  
569 | on the appeal may be appealed to the President of the University. The decision made on this  
570 | appeal is final. In conflict matters involving a Vice President, appeals shall be made to the  
571 | President and his/her decision on the appeal shall be final. Institutional Conflict of Interest  
572 | appeals should be addressed to the Executive Vice Chancellor for review and final decision.

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Comment [MSOffice7]: Currently, the DO can keep track of all POSITIVE disclosures, but has absolutely no way of identifying who has submitted a negative disclosure. These are kept in the employee's file and are never submitted up to the DO level. The procedure for disclosure must be changed if this mechanism for tracking is utilized.

573 | f. Reporting. Procedures for internal and external reporting will be implemented by the  
574 | Designated Official.

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575 | 1. Internal Reporting.

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576 | i. Annual Monitoring Plan reports, and any violations, will be submitted by the  
577 | Department Chair and Directors to the Designated Official, who will present them  
578 | to the Conflict of Interest Committee, and to the cognizant Vice Presidents as  
579 | appropriate.

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580 | ii. For proposals that may restrict disclosure or publication of students' work that  
581 | constitutes a degree requirement or that will be the basis of evaluation of a student  
582 | (see Section E.1.b.1), initial disclosure shall also be routed to the Graduate School,  
583 | who will make an initial recommendation to the Conflict of Interest Committee, and  
584 | the Vice President for Students Services or other appropriate officials.

585 | 2. External Reporting.

586 | i. The Public Health Service ("PHS") requires that the University certify to the PHS  
587 | awarding component that action has been taken, prior to the institution's  
588 | expenditure of any funds, to manage, reduce or eliminate any Conflict of Interest.<sup>10</sup>  
589 | The University must specify the process that it will undertake to manage, reduce, or  
590 | eliminate the Conflict of Interest.

591 | ii. The National Science Foundation requires that the University report any conflicts of  
592 | interest that cannot be, or have not been, satisfactorily managed, reduced or

<sup>10</sup> 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.

593 eliminated. It is anticipated that other Federal agencies shall require similar  
594 practices in the future. These requirements will be incorporated into this policy as  
595 requirements are imposed upon the University.

596 **L. VIOLATIONS AND SANCTIONS**

597 **1. Reporting and Investigating.**

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

608 **2. Discipline.**

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

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625 **M. FORCE OF LAW**

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

628 **N. REVISIONS**

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

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632 **O. REFERENCES**

- 633 1. Administrative Manual Policies and Procedures Section 1,505 — Conflict of Interest Prohibited.

- 634 2. Administrative Manual Policies and Procedures Section 1,525 — Personal Use of University  
635 Property or Resources.
- 636 3. Administrative Manual Policies and Procedures Section 2,370 to 2,373 — Disciplinary Actions and  
637 Dismissal of Staff Employees.
- 638 4. Administrative Manual Policies and Procedures Section 2,690 — Consulting Services and Conflict  
639 of Interest.
- 640 5. Administrative Manual Policies and Procedures Section 4,320 — Appropriate Use of Computer  
641 Facilities.
- 642 6. Administrative Manual Policies and Procedures Section 5,302 to 5,304 — Policy for Use of  
643 University Space.
- 644 7. Administrative Manual Policies and Procedures Section 5,400 — Use and Security of Property.
- 645 8. Administrative Manual Policies and Procedures Section 6,503 and 6,507 — Patent and Copyright  
646 Policy: Ownership Purpose and Scope.
- 647 9. Administrative Manual Policies and Procedures Section 6,510 — Use of Human Subjects.
- 648 10. Administrative Manual Policies and Procedures Section 6,515 — Ethical Standards in Conduct of  
649 Research.
- 650 11. Anti-Kickback Act of 1986 (41 U.S.C. 51-58) and OMB A-110.
- 651 12. National Science Foundation Policy, Grant Policy Manual 510, Investigator Disclosure Policy, 60  
652 F.R.132, pp. 35810-823 (July 11, 1995).
- 653 13. Nevada Administrative Code Chapter 284.
- 654 14. Nevada Criminal Code.
- 655 15. Nevada Public Officers' and Employees' Ethics Act, NRS. 281.
- 656 16. NRS 281.481.
- 657 17. NSHE Business Office North Purchasing Policy.
- 658 18. NSHE Code Chapter 6 — Rules and Disciplinary Procedures for Members of the University  
659 Community.
- 660 19. NSHE Purchasing Code — Restricted Purchases and Special Procurement.
- 661 20. NSHE Purchasing Code — Procurement from Vendor, University Employee with Interest.
- 662 21. NSHE Regents Handbook Title 4.1.11 — Personal Use of University Property or Resources.
- 663 22. UNR Additional Compensation and Overload Policy (“LOA” contracts).
- 664 23. U.S. Department of Health and Human Services, Objectivity in Research Subpart F —  
665 Responsibility of Applicants for Promoting Objectivity in Research for Which Funding is Sought,  
666 42 CFR Part 50, Subpart F.

I prefer paragraph #1 above. To illuminate the discussion, the NRS code says this about “nominal use”:

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) 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 circumstances;

(2) The use does not interfere with the performance of his public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) 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

(c) The use of telephones or other means of communication if there is not a special charge for that use.

↪ **If a governmental agency 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 public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.**

**(NOTE: It says the employee must reimburse the agency, not their supervisor for their use).**