

POLICY

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Title: Conflict of Interest and Conflict of Commitment

Policy Statement

University faculty, staff, and administrators ("employees") are employed by the institution in service to its mission. To this end, employees must avoid ethical, legal, and financial conflicts of interest and conflicts of commitment that may compromise their performance effectiveness in carrying out their University responsibilities.

Reason for the Policy

This Policy establishes standards of conduct designed to maintain academic, research, and business integrity. It is intended to heighten employee awareness of situations that present a conflict of interest or of commitment so that potential conflicts may be avoided or disclosed and properly managed. This Policy makes every effort to balance the integrity and interests of the University with those of individual employees. This Policy seeks not only to help employees identify instances where conflicts might arise, but also to assist employees in eliminating or managing actual conflicts and when possible, to prevent the appearance of conflicts.

This Policy is also intended to supplement federal and state law requirements as to matters including sponsored research as well as professional ethics and other conduct standards that may apply to particular professions or disciplines. This Policy is not intended to supersede the University's Financial Conflict of Interest in Sponsored Research Policy (FCOI) which governs all matters related to sponsored research stated in the scope of that Policy. In the event that there is a conflict between this Policy and the FCOI Policy, the latter is controlling.

Applicability of the Policy

This Policy applies to all faculty, staff, and administrators employed by the University, whether full-time or part-time (together referenced in this policy as "employee(s)"). Persons whose employment is governed by collective bargaining agreements may be subject to related provisions of those agreements, which will supersede inconsistent provisions of this policy.

Definitions

Conflict of Commitment (COC): occurs when external activities undertaken by a UVM employee will or reasonably can be expected to significantly interfere with their ability to perform obligations to University duties fully or effectively.

Conflict of Interest (COI): is when activities compromise, or appear to compromise, an employee's judgment in performing his or her University duties.

Covered Persons: refers to all faculty regardless of FTE and all exempt staff classified as a .5 FTE or greater.

Family: is, for the purposes of this policy, a spouse or civil union partner, member of same household, parent (including step- and in-law), grandparent (including step- and in-law), child (including step-) or grandchild (including step-), sibling (including step- and in-law), cousin, aunt or uncle.

Full-Time Employee: is, for the purposes of this policy, an employee with a 1.0 FTE.

In-Kind: means goods, services, and transactions not involving money or not measured in monetary terms.

Industry: includes pharmaceutical, medical device, and biotechnology companies

Reviewer: means the following:

For faculty: Dean or designee.

For covered staff: Director, Chief Officer or designee.

For non-covered staff: Their supervisor.

Staff: refers to employees who are not faculty. For this policy, staff is broken into two categories, covered and non-covered.

Covered Staff: means all exempt staff classified as .5 FTE or greater.

Non-Covered Staff: means all non-exempt staff and those exempt staff working less than .5FTE.

Procedures

The mission of the University includes the principle that the University of Vermont operate for the common good to ensure the preservation and advancement of knowledge through its creation, evaluation and dissemination. The University of Vermont does not operate simply to further the interest of either individual employees or the institution as a whole. Advancement of this mission requires that all University employees avoid conflicts of interest that may impair the public trust and conflicts of commitment that may compromise the performance effectiveness of employees in carrying out their University responsibilities. Employees' participation in professional, community service and other external activities may contribute both to their professional competence, and the prestige of the University, and the welfare of people in the state, country and world, and is therefore to be encouraged.

The University and members of its staff may from time to time enter into relationships with industry, government agencies, individuals, and others outside the University. These relationships give rise to potential conflicts of values and interests between these entities and academia, may cause the appearance of impropriety on the part of the University, or may incur the use of University resources in unapproved activities. In addition, federal and state laws to matters including sponsored research as well as professional ethics and other conduct standards that may apply to particular professions or disciplines may also apply. Federal funding agencies such as the Public Health Service (PHS), the National Institutes of Health (NIH) and the National Science Foundation (NSF) all require that the University establish safeguards to prevent employees or consultants from using their positions for, or give the appearance of using their positions for, personal financial gain either for themselves or for members of their Family.

As such, the Board of Trustees approves, supports and affirms this Policy. Changes to this Policy require approval by the President as well as by the Chair of the Board of Trustees.

CONFLICTS OF INTEREST

Conflicts of Interest can arise when an employee, or a member of their Family has an existing or potential personal, financial or other interest that: (a) impairs or may reasonably appear to impair their independence of judgment or their ability to perform their job duties/responsibilities to the University; or (b) may result in personal gain or advancement at the expense of the University. University employees serve the public trust and are required to fulfill their responsibilities with due care and loyalty to the best interests of the institution. The integrity of the University must be protected at all times, both in actuality and appearance. Conflicts of interest therefore must be: (1) disclosed, (2) eliminated or (3) properly managed.

Many outside activities in which an employee may wish to engage, such as certain outside employment, private activities, involvement in public organizations, public service, and political involvement, present no conflicts of interest and can enhance the reputation of the University. In undertaking such activities, employees retain their constitutional rights, including those of freedom of association and expression. When engaging in an otherwise permissible endeavor or activity, the employee must nonetheless make clear when they are acting as a private individual rather than as a representative of the University. In this regard, employees must abide by the terms of applicable University policies including the [University Trademark Policy](#), the [University Name, Symbols, Letterhead and other Proprietary Indicia of Affiliation Policy](#), any Collective Bargaining Agreement requirements on outside employment, and any other Policies related to the use of University resources.

While it is not possible to provide an all-inclusive list of situations giving rise to a COI, Addendum A provides a list of common examples of situations prohibited and potential conflicts and means to manage them.

Disclosure of conflicts does not mean that the activity is prohibited. Disclosure protects both the University and the individual. In the event an activity creates a conflict, and the activity was not disclosed, the failure by any employee to disclose may lead to serious disciplinary action, up to and including dismissal, and, depending on the type of conflict, could also result in civil or criminal prosecution.

CONFLICTS OF INTEREST MANAGEMENT PROCEDURE

Activities not prohibited but that may give rise to a conflict must be promptly, and in advance of the proposed activity, disclosed in writing by an employee to his or her immediate supervisor, under the procedures described below. Addressing conflicts and developing strategies to manage them may require steps such as:

- 1) no action required beyond the disclosure;
- 2) development of a conflicts management plan memorialized in writing;
- 3) modification of University responsibilities, as mutually agreed, under applicable policies; or
- 4) prohibition of the activity in cases of irreconcilable/unmanageable conflicts.

Applicable Procedures

All Covered Persons and such other officials as the President may designate must annually file a conflicts disclosure form on a schedule established by the President. Forms must be updated during the reporting period as relevant circumstances change. Relevant circumstances include, but are not limited to, entering into a new relationship with industry, government agencies, individuals, and others outside the University after a form has been submitted.

Non-Covered Staff must disclose in writing, conflicts to their supervisors as conflicts arise.

Following an employee's disclosure of a proposed endeavor or activity that may create a conflict of interest, the reviewer will determine whether the proposal:

- does not present a conflict of interest;
- presents a possible or actual conflict of interest; or
- additional review is warranted.

This determination shall be communicated to the employee in writing within fourteen (14) calendar days after the employee makes disclosure. If additional review is warranted, the communication will include an estimated time-frame for which the employee will receive a determination. If the employee is not so informed within this time period, they are responsible to follow-up with the reviewer in writing, prior to engaging in the proposed endeavor or activity.

If, after discussion of the proposal with the employee, the reviewer identifies an actual or possible conflict, the reviewer will:

- 1) Develop with the employee a conflicts management plan which shall be reduced to writing; or
- 2) In the case of an irreconcilable/unmanageable conflict, disallow the proposed activity. Employees whose disclosures result in disallowance of the proposed activity may grieve the decision under otherwise applicable grievance procedures.

Reporting of Possible Policy Violations

Supervisors are required to investigate promptly possible violations of these policies. If a policy violation is proven, the supervisor must take appropriate responsive action, which may include disciplinary measures. Third parties may report possible violations of the conflict of interest policy to the employee's supervisor or to [UVM's Ethics and Compliance Reporting & HelpLine](#) ("the HelpLine"). Persons making a good-faith report are protected from retaliation under UVM's Whistleblower Policy.

CONFLICT OF COMMITMENT

The primary work commitment of a full-time University employee is to their position at UVM. It is the responsibility of the employee to manage their external activities so that they do not interfere with their UVM obligations.

Any employees who wishes to engage in professional activities outside of their university employment, regardless of whether those activities are compensated, including any form of external employment or independent consulting, must inform and then obtain permission from their supervisor in writing of the proposed activity before making the commitment.

All Covered Persons and such other officials as the President may designate must include conflicts of commitment on their annual conflicts disclosure form or as relevant circumstances change, whichever comes first.

Non-Covered Staff must disclose potential conflicts to their supervisors as those potential conflicts arise.

Within five (5) business days of receipt of the written disclosure, the reviewer will schedule a meeting with the employee to discuss how to manage the potential conflict. The reviewer may delegate this to a chair, supervisor, or manager. The reviewer or delegate and the employee must attempt to develop a written conflict management plan. The plan may include monitoring the activity to ensure that employees are able to complete their University obligations, modification of assignments, including any reduction in FTE and any commensurate compensation reduction, or a leave of absence arranged under otherwise applicable leave policies. If agreement cannot be reached on a plan, the reviewer or the delegate will inform the employee that they must fulfill University responsibilities and inform them of the possible consequences (up to and including termination) of failing to properly fulfill these responsibilities.

Political Activity

In their capacity as citizens, employees are free to engage in political activity. In doing so, they must ensure they can perform their University assignments and otherwise meet their University obligations.

Many kinds of political activity (e.g., holding part-time office in a political party, seeking election to any office under circumstances that do not require extensive campaigning, or serving by appointment or election in a

part-time political office) are consistent with effective service as a University employee. Other kinds of political activity (e.g., intensive campaigning for elective office, or serving a term that requires full-time commitment either continuously or periodically) may require that the employee seek a leave of absence from the University. In recognition of the legitimacy and social importance of political activity by its employees, the University will seek to provide institutional arrangements to accommodate such activity, subject to otherwise applicable policies and procedures regarding workload adjustments and leaves of absence. Arrangements may include the reduction of workload or a leave of absence for the duration of an election campaign or a term of office, accompanied by commensurate adjustment of compensation. Employees seeking a leave of absence should recognize that they have a primary obligation to the University, and should be mindful of the impact that leaves of absence may create for colleagues and, as applicable, students. Such leaves will not be automatic and must be governed by the priority needs and considerations of the department, school, college, or unit concerned. If adjustments in favor of an employee are made, they must be limited to a reasonable period of time.

Adapted from: American Association of University Professors' Statement on Professors and Political Activity.

See also applicable policies or contract provisions regarding leaves of absence; the University policy regarding [Political Engagement, Advocacy, and Campaign Related Activities](#); University policy regarding [University Name, Symbols, Letterhead and other Proprietary Indicia of Affiliation](#); and the federal Hatch Act, which covers employees whose principal employment is connection with an activity financed in whole or in part by loans or grants made by the United States or a federal agency.

ADDITIONAL GENERAL RULES GOVERNING CONFLICTS OF INTEREST OR COMMITMENT

Use of University Resources

Even when an endeavor or activity is otherwise permissible or approved, the employee must abide by University policies governing use of institutional resources and assets. An employee may not make more than incidental use of University work time, University resources (such as telephones, FAX or copy machines, vehicles, supplies, facilities, laboratories), or the services of University employees or students for unauthorized and/or non-University purposes. Use of personal computers for external activities is permissible, subject to institutional policies governing computer use and the use of the UVM letterhead.

Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):	
Title(s)/Department(s):	Contact Information:
The Office of the President	president@uvm.edu
Office of General Counsel	general.counsel@uvm.edu
Labor and Employee Relations	ler@uvm.edu
Office of Compliance Services	compliance@uvm.edu

Forms/Flowcharts/Diagrams

- [UVMClick Login \(On-line Conflicts Disclosure Form\)](#)

Related Documents/Policies

NOTE: All preexisting policies covering the same subject matter as these policies, whether contained in University handbooks or policy statements, are superseded as of the effective date of adoption of these policies. Questions regarding the status of other policies may be referred to the office of the General Counsel, (802) 656-8585

- [Board of Trustees' conflict of interest policy](#)

- [Code of Conduct and Ethical Standards](#)
- [Computer, Communication, and Network Technology Acceptable Use policy](#)
- [Facilities and Grounds Use policy](#)
- [Financial Conflict of Interest in Sponsored Research policy](#)
- [Intellectual Property policy](#)
- [Loans to or Guarantees for Trustees and Officers policy](#)
- [Political Engagement, Advocacy, and Campaign Related Activities policy](#)
- [Trademarks policy](#)
- [University Name, Symbols, Letterhead and other Proprietary Indicia of Affiliation policy](#)
- [Use of Campus Mail & Letterboxes policy](#)

Regulatory References/Citations

- None

Training/Education

Training/education related to this policy is as follows:

Training Topic:	Conflicts of Interest/Conflicts of Commitment Training		
Training Audience:	All UVM Faculty, All Exempt Staff .5 FTE or Greater and all Reviewers	Delivered By:	Office of Compliance & Privacy Services, General Counsel
Method of Delivery:	On-Line	Frequency:	Within 30 days of hire and at least once every four years thereafter; and when required by the Designated Institutional Official (for example, when this policy has changed in a manner that affects the requirements of the disclosing or reviewing parties or when a disclosing or approving party has demonstrated a lack of understanding of the policy's requirements).

About this Policy

Responsible Official:	President	Approval Authority:	President
Policy Number:	V. 1.2.3a	Effective Date:	September 18, 2014
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University of Vermont Policies and Operating Procedures are subject to amendment. For the official, approved, and most recent version, please visit UVM's [Institutional Policies Website](#).

ADDENDUM A

PROHIBITED CONFLICTS OF INTEREST

- Making a decision to employ, promote, or terminate a member of the employee's family; or supervising, setting salary or wages, approving time cards or employment records, for, or evaluating the performance of, a member of the employee's family.

Where, by virtue of reporting lines, an employee would otherwise make these decisions regarding a family member, an appropriate alternative administrator must be designated by the responsible Vice President.

- Negotiating or authorizing on behalf of the University a contract or other business transaction for services, goods, or products, from a company or enterprise in which the employee or a member of the employee's family has a substantial financial interest or management position known to the employee.

Where, by virtue of position, an employee would otherwise make these decisions, an appropriate alternative administrator must be designated by the responsible Vice President.

- Approving forgiveness of a debt of the University to an external entity in which the employee or his/her family member has a known interest, or forgiveness of a debt of such entity to the University.

Where, by virtue of position, an employee would otherwise make these decisions, an appropriate alternative administrator must be designated by the responsible Vice President.

- Accepting, soliciting, or offering bribes, kickbacks, payoffs, or other improper incentives or payments from a third party or another employee in the course of University employment. (This prohibition does not, however, include honoraria, meals, or reimbursement of reasonably incurred travel expenses in consideration of a speaking or comparable appearance made or given by an employee in his/her professional or official capacity, whether in relation to external or UVM activities).
- Accepting cash, or non-cash, gifts of any type having more than nominal value, including goods, services, travel, or entertainment, at no cost or discounted prices, from persons or entities doing business with the University, in consideration of the employee's UVM business or professional relationship with the person or entity.
- Disclosing, or otherwise using on an unauthorized basis, University confidential or proprietary information to which the employee has access in the course of University duties.

POSSIBLE CONFLICTS OF INTEREST

Certain situations give rise to a possible conflict of interest and must therefore be disclosed so that they may be either ruled out as conflicts or handled under the conflicts management process:

- Accepting external employment or consulting contracts.
- Employing University employees or students at UVM, over whom the employee has supervisory responsibility or authority, for non-University endeavors or activities.
- Accepting any form of remuneration, financial or otherwise, for endorsement of the products or services of a business or individual where a UVM title or employment is an express or implied aspect of the endorsement.
- Acquiring or holding any financial interest in an entity that competes with the University, excluding interests held in publicly traded companies.

- Serving as an executive officer or on the board of directors of a for-profit or non-profit entity, such as a corporation, association, or partnership, regardless of remuneration, that interacts with the University in ways that might result in undue benefit to the *other* organization.