



Part 4: Faculty Responsibilities and Conditions of Employment

3-3-401 Outside Activities.

3-3-401(1) Consulting.

3-3-401(1)(a) Consulting and Other Professional Activities. The University encourages its employees to be involved in a variety of professional development activities which serve to assist them in maintaining currency in their fields and permit them to apply their expertise to current problems. The appropriateness, relevance, and value of consulting, contractual commitments, other pay-for-service activities, or non-remunerated professional efforts outlined in this document must be approved by University officials through the process outlined in this document.

The intent of this policy is to:

- (I) provide faculty, exempt staff, and administrators with appropriate review procedures to facilitate their professional development and not to prevent them from undertaking such activities;
- (II) emphasize the importance of obtaining approval for these efforts to ensure compliance with relevant State of Colorado (State) statutes;
- (III) include procedural details to avoid confusion and insure equitable consideration of employee requests;
- (IV) construct appropriate communication and record keeping procedures to effectively address public inquiries regarding consulting and related activities among University employees; and
- (V) clarify the directives included in the *Policy Manual of the Board of Trustees for the University of Northern Colorado* (Board Policy Manual) Title 1, Article 1, Part 3, 1-1-303 Faculty Responsibilities and Conditions of Employment, Title 2, Article 3, Part 4, 2-3-401

Faculty Workload, and Title 2, Article 3, Part 4, 2-3-4010 Outside Activities.

Academic and administrative departments/divisions at the University are encouraged to develop specific review and approval processes, consistent with this policy, related to off- campus assignments, consulting activities, additional remuneration for extra work or from grant funds, and disclosure statements listing affiliations that have the potential for conflict of interest. The policies included here apply to all faculty, administrators, and exempt staff at the University. Violations of the policies are to be addressed through already- established disciplinary procedures governing faculty, administrators, and exempt staff as described in this Board Policy Manual and State personnel procedures documents.

3-3-401(1)(b) Consulting and Other Professional Development Activities.

The opportunity for employees to accept occasional professional consulting engagements is a traditional privilege extended to members of the University community. Such activities are recognized as desirable and constitute legitimate means by which employees may develop and maintain professional relationships and contribute to growth and development of the University and the State. Consulting activities must not be allowed to interfere with the education processes of the University or the contractual obligation of the employee to the University. Faculty, administrators, and exempt staff are obliged to render the University the most effective service possible and no outside activities should be undertaken, with or without pay that might interfere with this paramount obligation. As employees of the State, special attention must be devoted to avoiding unfair competitive practices, such as establishing lower than standard fee structures or bidding practices that might threaten the livelihood of other citizens of the State and thereby be subjected to valid criticism by the public as being detrimental to the best interest of the public.

A University employee who accepts a consulting assignment shall not use institutional resources without prior written approval of the chair/director. When institutional resources are required, the University will assess an appropriate monetary charge consistent with institutional overhead

assessed to external grants.

Full-time exempt staff employees may not contract to teach for other State educational institutions during their University contract period without the prior written approval of the chair/director, dean, and CAO/vice president. In accordance with State Fiscal Rules (Chapter 2, Section 2.3), dual employment between State agencies also requires a written agreement signed by both employers.

- (I) Faculty. It is the responsibility of the employee and chair/director to see that instructional, advisory, administrative, or other support services are not adversely affected due to an employee's absence for consulting or related professional activity. The employee's department chair/division director should approve arrangements for a substitute instructor or class activity for any missed scheduled classes.

Furthermore, the employee's department chair/division director must approve, in advance, an absence for consulting or related professional activity which:

- (A) entails absence for more than one contracted day a week while the University is in session; OR
- (B) requires being absent, during a semester, for more than three days when the employee has scheduled responsibilities to the University (including classes, committee meetings, or office hours).

In either of these cases, application for approval must be made using the standard Request for Approval of Off-Campus Consulting or Professional Activity. A copy of the application, along with the decision of the chair/director, will be forwarded to the dean. The dean should, within one week of receipt of the application, notify the applicant and chair/director of any change in approval status which the dean believes should be made in accordance with the intent of this policy. In the event that the chair/director does not approve the application, the employee may appeal to the dean.

(II) Additional Remuneration for Extra Work

- (A) The University can contract for extra services performed by faculty if approved by the chair/director, dean, and CAO/vice president. The following factors will be examined when considering such approval;
- (i) provision of the service is not included in the employee's contract;
 - (ii) the service is not an integral component of the University's commitment to the curriculum or administrative operation;
 - (iii) the employee possess expertise in the area of the proposed service activity;
 - (iv) the activity is not being provided by other employees for no remuneration;
 - (v) the service is determined to be valuable to students, staff, faculty, or administrators, and would not otherwise be available; and
 - (vi) provision of the service/activity does not interfere with the faculty member's contractual obligations.
- (B) Faculty can be paid for additional work through the use of the Personal Services Agreement (PSA) only when:
- (i) the chair/director and dean have approved the request in advance;
 - (ii) such paid activities, as determined by the dean, are not part of the faculty member's University employment responsibilities;
 - (iii) requests have been reviewed and approved by the chair or director and dean; and
 - (iv) Prior-approval letters must accompany any PSA submitted.

Additional salary may be paid for such activities as teaching courses through continuing education cash-funded programs and for incidental services such as translating a document from a

foreign language, providing statistical analysis when performed for another organizational unit of the University, etc. Supplemental payments are not made for committee work, for preparation of program review/accreditation reports, for faculty class loads when heavier than normal, or for participation in curriculum development.

(III) Off-Campus Assignment. The University may allow faculty members to accept temporary full-time off-campus assignments which are not a part of normal duties but which are consistent with the employee's usual professional responsibilities as well as the University's mission, or are of national or state interest, as long as these do not conflict with the needs of the employee's department/division. All requests for such assignments must be reviewed and approved by the chair/director, dean, and CAO/vice president prior to acceptance of such assignments.

(IV) Leaves of Absence. Salary earned during approved unpaid leaves of absence shall be of concern only to the individual and the employing agent. However, all requests for such leaves must be reviewed and approved by the chair/director, dean, and CAO/vice president in accordance with this Board Policy Manual and State personnel regulations.

(V) Other Employment. The primary responsibility of full-time employees is to the University. Employees are discouraged from owning/operating a business/practice whenever such activities interfere with the paramount obligation. As employees of the State, special attention must be devoted to avoiding unfair competitive practices, such as establishing lower than standard fee structures or bidding practices that might threaten the livelihood of other citizens to the State, and must not be open to valid criticism by the public as being detrimental to the best interests of the public.

Employees who own/operate such a business, are required to complete a disclosure statement listing affiliations that have the potential for conflict of interest. Examples of situations that have a potential for conflict of interest include, but are not limited to:

- (A) outside employment or offers of outside employment involving assignments that might interfere with the employee's contractual agreement with the University or may place the employee or the University in a position of conflict of interest;
- (B) performing work for clients for pay when the work in question falls within the regular responsibilities or job assignment of the employee;
- (C) any outside activities that conflict with the teaching, research, service, and/or administrative responsibilities of the employee;
- (D) financial interest in, or contractual agreements with, companies and other organizations that benefit, directly or indirectly, from the employee's position or role in the University; and
- (E) financial gain to employees that result from involvement in the University decisions or activities performed as part of regularly assigned duties.

3-3-402 Conflict of Interest.

3-3-402(1) Financial Conflict of Interest Pertaining to Sponsored Projects.

This policy sets forth procedures and guidelines that are to be followed in disclosing and resolving actual and potential faculty and staff conflicts of interest pertaining to externally funded projects conducted, sponsored, or administered by the University, including where the University has subcontracted or intends to subcontract to an external organization under one of the University's sponsored projects.

The University and its faculty and staff often benefit from participation in both public and private outside activities. The University has no interest in setting forth detailed rules that may interfere with faculty and staff members' legitimate outside interests that do not conflict with requirements of applicable Federal and/or State statutes or regulations.

Faculty and staff members, in turn, must ensure that their outside obligations, financial interests, and activities do not conflict or interfere with their commitment to the University. This obligation pertains to both full-time and

part-time faculty and staff as well as to students who are employed on externally funded projects.

This regulation does not alter or amend Board Policy 1-1-502 (Conflicts of Interest) applicable to all University employees.

(a) Definitions.

- (I) Financial Conflict of Interest (FCOI): a significant financial interest that could directly and significantly affect the design, conduct, or reporting of research, educational, or other activities funded by an external sponsor
- (II) Financial Interest: anything of monetary value, whether or not the value is readily ascertainable.
- (III) Designated Institutional Official (DIO): the individual designated by the University to solicit and review disclosures of Significant Financial Interest from Investigators, and who oversees the process of managing and reporting Financial Conflicts of Interest. The University has designated the Assistant Vice President for Research (AVPR) to serve as DIO. If, for whatever reason, the AVPR is unable to assume this role, the Chief Academic Officer will appoint another UNC employee with research expertise to serve in this capacity.
- (IV) Institutional Responsibilities: those professional responsibilities an Investigator has by virtue of being a University employee, including, but not limited to, research, teaching, service, consultation, professional practice, performance, management and administrative duties.
- (V) Investigator: the project director (PD) or principal investigator (PI) and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research or other educational activities funded by an external sponsor, or proposed for such funding (This may include collaborators or consultants.)
- (VI) Manage: taking action to address an FCOI
- (VII) NSF: National Science Foundation

(VIII) PHS: Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS, including the National Institutes of Health (NIH)

(IX) Research: a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge, including basic and applied research and product development

(X) Significant Financial Interest: an Investigator's Financial Interest (see II, above), aggregated with those of the Investigator's spouse and dependent children, that reasonably appears to be related to the Investigator's Institutional Responsibilities (see IV, above), and where:

(A) With respect to PHS funded projects, a Significant Financial Interest exists if:

(i) the value of any remuneration received from a publicly traded entity in the twelve months preceding the disclosure, and the value of any equity interest in the entity as of the date of disclosure that, when aggregated, exceeds \$5,000. Remuneration includes salary and any payment for services not otherwise identified as salary such as consulting fees, honoraria, or paid authorships. Equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value; or

(ii) the value of any remuneration received from any non-publicly traded entity in the twelve months preceding the disclosure that, when aggregated, exceeds \$5,000, or when the Investigator (or their spouse or dependent children) holds any equity interest such as stock, stock options, or other ownership interests; or

(iii) intellectual property rights and interests such as patents and copyrights, upon receipt of income related to such rights and interests;

or

(B) With respect to NSF funded projects, a Significant Financial Interest exists if:

- (i) the value of any equity interest that, when aggregated for the Investigator and their spouse and dependent children, exceeds \$10,000 as determined through reference to public prices or other reasonable measures of fair market value, and represents more than a 5% ownership interest in any single entity; or
- (ii) the value of any salary, royalties, or other payments received in the twelve months preceding the disclosure that, when aggregated for the Investigator and their spouse and dependent children, are not expected to exceed \$10,000.

or

(C) With respect to projects funded by other external entities, a

Significant Financial Interest exists if the Investigator (or their spouse or dependent children) is an officer, director, partner, trustee, employee, advisory board member, or agent of an external organization or corporation that is funding a sponsored project or is providing goods and services under a sponsored project on which the Investigator is participating;

however,

(D) A Significant Financial interest does not include:

- (i) salary, royalties, or other remuneration paid by the University to the Investigator if the Investigator is currently employed or otherwise appointed by the university, including intellectual property rights assigned to the University and agreements to share in royalties related to such rights;
- (ii) income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;
- (iii) income from seminars, lectures, or teaching engagements

sponsored by a federal, state, or local government agency, an institution of higher education (as defined at [20 U.S.C. 1001\(a\)](#)), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education; or

- (iv) income from service on advisory committees or review panels for a federal, state, or local government agency, an institution of higher education (as defined at [20 U.S.C. 1001\(a\)](#)), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

(b) Guidelines for Determining Relatedness of Significant Financial Interests and Existence of FCOI

When reviewing a disclosure to determine if a Significant Financial Interest is related to the sponsor funded research, educational, or other activities, the DIO will consider whether the Significant Financial Interest could be affected by the funded work or is in an entity whose financial interest could be affected by the work.

To determine if an FCOI exists, the DIO will consider whether the Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the sponsor funded work. The DIO may involve the Investigator in making these determinations, and they may convene the Conflict Review Committee to assist in the review and determination process.

(c) Disclosure of Significant Financial Interests

An Investigator, in their own best interest, is responsible for disclosing any financial or related interest that could present an FCOI as noted in subsection (a), above. Disclosure is an important legal requirement and a key factor in protecting an Investigator's reputation and career from potentially embarrassing or harmful allegations of misconduct.

- (l) All Investigators must disclose their Significant Financial Interests to the University, through the DIO or designee, prior to submission of an external proposal. The University will not submit a proposal unless all Investigators have submitted such disclosures.

- (II) Pertaining to PHS funded projects: regardless of when the initial disclosure was made, all Investigators must submit annual disclosure updates between November 1 and November 30, throughout the duration of an award.
- (III) Pertaining to all sponsored projects: Investigators must submit updates within 30 days of discovering or acquiring any new or previously undisclosed Significant Financial Interests.

(d) Travel Disclosure

Investigators must disclose travel that is related to their institutional Responsibilities and is paid on behalf of or reimbursed to the Investigator, excluding travel that was paid by a federal, state, or local government agency, an institution of higher education as defined at [20 U.S.C 1001\(a\)](#), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education as defined at [20 U.S.C 1001\(a\)](#). Travel disclosures must include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, the duration, and, if known, the monetary value. The DIO will determine if additional information is needed to determine whether the travel constitutes an FCOI with the Investigator's sponsored project.

(e) Review and Determination

- (I) If a disclosure reveals a Significant Financial Interest, it will be reviewed promptly by the DIO or designee for a determination of whether it constitutes an FCOI. If it is determined that an FCOI exists, the DIO will take action to eliminate, reduce, or manage the conflict, as appropriate. The DIO may consult the Conflict Review Committee for guidance or in the application of this policy to particular situations.
- (II) The Conflict Review Committee (Committee) is comprised of a faculty member designated by the chair of the Faculty Senate; an administrator designated by the Chief Academic Officer, and the Dean of the Graduate School, and is advised by the University's legal counsel.
- (III) In reviewing disclosures, the DIO and the Committee will be guided by the following practices and apply them as appropriate:

- (A) Assure adherence to the requirements of applicable Federal and/or State statutes and/or regulations and relevant policies contained in the Board of Trustees Policy Manual and the University Regulations.
 - (B) Consider the nature and extent of the financial interest and the relationship of the Investigator and the external organization.
 - (C) Give special consideration to the project proposal and/or the terms and conditions of sponsored awards that may inform the reasonable determination of whether an FCOI exists, including any mitigating or complicating factors.
 - (D) Consult with, and obtain additional information from, the Investigator as may be helpful in determining whether an FCOI exists.
 - (E) Act in a timely manner so as not to unduly delay the conduct of the project.
- (IV) An FCOI will exist when the DIO or designee determines that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the research, educational, or other activities funded by the external sponsor. If the DIO determines that there is an FCOI that can be managed, they must require and approve a written management plan before any related research or educational activities go forward. The affected Investigator or the Committee is responsible for developing and submitting a proposed management plan in consultation with the DIO Official.

Conditions or restrictions that might be imposed include, but are not limited to:

- (A) public disclosure of Significant Financial Interests (e.g., in presentations or publications);
- (B) monitoring of the sponsored work by independent reviewers;
- (C) modification of the scope of work or research plan;
- (D) disqualification from participation in the portion of the project that would be affected by Significant Financial Interests;
- (E) divestiture of Significant Financial Interests;

(F) severance of relationships that create conflicts.

(f) Sanctions

Violations of this policy, such as willful concealment of financial interests, may result in sanctions such as suspension of all relevant activities or other disciplinary action being imposed upon the violating Investigator until the matter is resolved or other action deemed appropriate by the DIO is implemented

The DIO's decision to impose sanctions on an Investigator because of failure to comply with this Policy, or failure to comply with the decision of the DIO, will be described in a written explanation of the decision to the Investigator, the Committee, and if applicable, the IRB. The Investigator will also be informed of their right to appeal the decision.

(g) Appeal Procedure

If the Investigator is dissatisfied with a determination of an FCOI, they may appeal to the Chief Academic Officer (CAO) who will consult with the Investigator, the DIO and the Committee as they deem necessary and appropriate to the particular circumstance. The decision of the CAO will be final.

(h) Retrospective Review Pertaining to PHS Projects

If the DIO determines that an FCOI was not identified or managed in a timely manner, including but not limited to an Investigator's failure to disclose a Significant Financial Interest that is determined to be an FCOI, or failure by an Investigator to materially comply with a management plan for an FCOI, the Conflict Review Committee will complete a retrospective review of the Investigator's activities and the sponsored project to determine whether the work conducted during the period of non-compliance was biased in its design, conduct or reporting.

Documentation of the retrospective review will include the PHS project number, the OSP award number, project title, PI/PD, name of the Investigator with the FCOI, name of the entity with which the Investigator has the FCOI, reason(s) for the retrospective review, detailed methodology used for the retrospective review, and findings

and conclusions of the review.

The DIO will update any previously submitted report to the PHS or the prime PHS- awardee relating to the project, specifying the actions that will be taken to manage the FCOI going forward. If bias is found, the report will include a mitigation report in accordance with the PHS regulations, including a description of the impact of the bias on the research project and the plan of action to eliminate or mitigate the effect of the bias.

(i) Training

All Investigators must complete training on financial conflict of interest prior to engaging in work funded by the PHS, and at least every four years throughout the duration of any PHS funded award. They must also complete training within a reasonable period of time as determined by the DIO in the event that this policy is substantively amended in a manner that affects the requirements of Investigators, or if it is determined that the Investigator has not complied with this policy or with a management plan related to their activities.

(j) Record Retention

The DIO or designee will retain all disclosure forms, conflict management plans, and related documents for a period of three years from the date the final expenditure report is submitted to the sponsor or the prime sponsor awardee or until the resolution of any sponsors' actions involving the records, whichever is longer.

To the extent permitted by law, all such records will be maintained in strict confidence. However, the University may make such information available to an agency funding the work, to a requestor of information concerning an FCOI related to PHS funding, or to the primary entity who made the funding available to the University, if requested or required. If the University is requested to provide disclosure forms or related documents to an outside entity, the Investigator will be informed.

(k) Public Accessibility Pertaining to PHS Funded Projects

Prior to the expenditure of awarded funds, the University will publish on a website that is accessible to the public, information concerning any

Significant Financial Interest that meets the following criteria:

- (I) the Significant Financial Interest was disclosed and is still held by the Investigator;
- (II) a determination has been made that the Significant Financial Interest is related to the PHS-funded work; and
- (III) a determination has been made that the Significant Financial Interest is an FCOI.

The information to be made available will be consistent with the requirements of the PHS regulations.

(I) Reporting

- (I) Pertaining to PHS Projects: Should any reported conflict or non-compliance require reporting to PHS, the DIO will report in accordance with PHS regulations. If the funding for the project was made available from a prime PHS-awardee, such reporting will be made available to the prime awardee such that they may fulfill their reporting obligations to the PHS.
- (II) Pertaining to NSF Projects: If the DIO finds that the University is unable to satisfactorily manage an FCOI, they will inform the NSF Office of the General Counsel as required by NSF.

(m) Sub-recipient Compliance Pertaining to PHS and NSF Funded Projects

Should any PHS or NSF funded work be carried out through a sub-recipient, the University will take reasonable steps to ensure that all sub-recipient Investigators comply with regulations governing the disclosure and management of FCOIs.

(n) Conflicting Requirements

Should an external sponsor have requirements regarding disclosure and management of FCOIs that differ from this policy, the sponsor's requirement will generally prevail.

3-3-403 World Wide Web Policy. The purpose of the document is to provide a

philosophical statement and to outline general principles relative to the use of the World Wide Web at the University of Northern Colorado (University). The purpose of the University's World Wide Web presence is to support the mission of the University, to develop well educated citizens and to improve the quality of life in the state and region through teaching, learning, the advancement of knowledge and community service. The University's World Wide Web presence is a reflection of the University, its students, and faculty. The University recognizes the value of World Wide Web pages and connections with the Internet and encourages students, staff, and faculty to use the electronic resource. Anyone using the University resources on the World Wide Web must adhere to the policies approved by the University. All users will meet the expectations outlined in the policy and will adhere to all applicable local, state, and federal laws.

Because all users of the World Wide Web at the University are accountable to the taxpayers of the State of Colorado, the resources provided through the World Wide Web need to be used in an efficient and ethical manner. The University has the right to disable any website if the user violates the guidelines outlined in this document.

The University World Wide Web Committee will serve to review and update the policy, to ensure the goals of the World Wide Web applications, and to provide guidance to maintain the quality of the University's World Wide Web presence. The Web Committee is not a supervisory or enforcement body. Self-monitoring of web guidelines is expected.

All home pages on the UNC server must be related to University responsibilities and activities. University home pages may link directly to personal homepage(s), but those personal home pages must be housed on a non-University owned server.

3-3-403(1) Style and Content Guidelines.

- (a) The content and use of official University World Wide Web pages must be consistent with University policies including harassment and plagiarism, as well as applicable local, state and federal laws. All copyright and other ownership laws are applicable.
- (b) All University World Wide Web pages will be current, accurate and consistent with the mission of the University. Pages should be reviewed for accuracy, grammar, spelling, and functional links.

- (c) Web pages may not be used for personal profit, unauthorized commercial gain, or for organizational purposes external to the University. University units must include an official UNC logo or “University of Northern Colorado” presented in the approved format. Assistance to web users is available on the University homepage.
- (d) The confidentiality of student information must be maintained.
- (e) Essential information will be “single source” and made available from World Wide Web pages by linking to the official source. “Single source” suggests that information dealing with topics like, but not limited to, tuition, degree requirements, admission requirements, financial aid, etc., will be provided to all users from a designated source who will assure the accuracy of the information from that source. For example, the University *Bulletin* is the single source for degree requirements and course descriptions. College and department home pages will link directly to the electronic *Bulletin* for that information. Other units will link directly to the *Bulletin* for other approved information.
- (f) The E-mail address, telephone number, and the office and/or person responsible for the World Wide Web page must be provided in the footer. The footer also should contain a link for “Return to UNC Homepage.” The date of the last revision of the web page must appear (f) on the bottom of the individual web page or on the homepage of a website. Page contents, including graphics and tables, should be small enough to load quickly. Links to pages “Not Found” or “Under Development” or “Under Construction” should be avoided.
- (g) Students using server space for class related activities are responsible to the supervising faculty member.
- (h) Students developing personal home pages related to course work must adhere to all policies outlined in the document, with the exception of inclusion of the UNC logo.

3-3-403(2) Procedures.

- (a) Deletion of e-mail and websites will be a part of UNC employee checkout.
- (b) Students will have access, if available, on servers within each college. Guidelines for access and maintenance will be developed at the college level.
- (c) Links to student home pages will be available only to pages residing on UNC servers; links will not be available to student home pages residing on external servers.
- (d) Any complaint related to the lack of adherence to the above policies that involve faculty members will be reported to the faculty member involved and, if necessary, the Chief Academic Officer (CAO). If a resolution is not mutually agreed to, the CAO will forward the complaint to the Senate Faculty Welfare Committee which will review the complaint and make recommendations to the CAO.

Policy History

3-3-402 CONFLICT OF INTEREST

3-3-402 Section added (Aug 2012)