

The University Senate of Michigan Technological University

PROPOSAL 11-96

CONFLICT OF INTEREST PROCEDURES

1. STATEMENT OF GENERAL PRINCIPLES

1.1 University conflict of interest is an extremely difficult subject, for it touches on many different, but related, topics. Conflicts can be divided into two basic categories. The first covers what many people traditionally associate with the term conflict of interest--opportunities for inappropriate personal gain during the pursuit of official duties. These gains may be financial, but other forms of benefit (power, political advantage, etc.) might also be involved. Another form of conflict has been labeled conflict of commitment, and refers to the choices individuals make about their professional priorities, especially the allocation of their time to the different institutions and organizations they serve as professionals. Conflicts of commitment may emerge when outside professional activities take priority over other professional responsibilities of members of the MTU community to the University. Attention to conflict of commitment is relatively recent, but growing in importance.

1.2 Most situations that pose real or apparent conflicts of interest are created by contacts or relationships between individual members of the Michigan Tech community and external entities that compromise, or appear to compromise, the judgment or activities of the individuals. Perception is an especially slippery realm, for it is not guided strictly by "the facts." And perception can be as damaging to the individual and to Michigan Tech as clear-cut, open conflicts. The standard that should be applied in thinking about apparent conflicts of interest is how matters will appear to an outside third party.

1.3 These procedures primarily address conflicts emerging from professional activities. The University does not seek to regulate private decisions that are protected by statute.

1.4 Michigan Technological University's conflict of interest and commitment policies rest upon the following statement.

1.4.1 Upon becoming a member of the MTU community, every individual makes a commitment to the University. Those who accept full-time University appointments or employment are expected to accord the University their primary professional loyalty. Every member of the community is expected to arrange their personal interests and activities so as not to conflict with their commitment to the University.

1.4.2 This does not mean that members of the MTU community should avoid involvement in outside activities both public and private. To the contrary, such involvement often serves the University as a whole and the greater public interest. Further, a state-funded, public university such as Michigan Tech is expected to be broadly engaged in meeting the needs of society for its improvement and enrichment, including the application of new knowledge and improved technologies.

1.4.3 Nonetheless, the efforts of members of the MTU community to balance their commitments of time to the University and to outside professional interests must result in their primary professional commitment of time being made to the University. Similarly, avoidance of conflict of interest requires that individuals not realize gain, financial or otherwise, from the inappropriate use of University property, funds, equipment, or prestige. Also, individuals should not realize gain from outside professional interests that would improperly influence the conduct of their University duties.

1.5 The procedures that follow are intended to assist members of the Michigan Tech community as they carry out this complicated professional balancing act. Detailed discussion is provided of many specific

cases of conflict of interest and of commitment. The content of these specific recommendations is informed and connected by a set of general principles.

1.5.1 It must be recognized that universities are not the same as other institutions or organizations in society. Both the purposes and goals of universities are different, as are the motives of individuals working in universities, from other organizations. For example, as a public university, one of the missions of Michigan Tech is to serve the "public good" rather than narrow private interests. For this reason, the public can expect--and universities can establish--standards of professional conduct reflecting these differences.

1.5.2 Conflicts of interest will always exist, for they are inherent in the requirements and expectations placed on members of academic communities such as Michigan Technological University. Because conflicts are unavoidable in many instances, these conflict of interest procedures are designed to assist members of the MTU community to recognize and deal with those real and perceived conflicts that arise. Efforts in this direction should not be judgmental or punitive.

1.5.3 The most basic and important procedure for achieving both a balance of commitment and preventing conflicts of interest with financial implications is full and open disclosure of potential conflicts between an individual's public and official obligations and responsibilities on the one hand, and outside professional goals and interests on the other. Many conflicts are largely perceived. The way to mitigate many of these is to disclose all outside connections and relationships. Disclosure allows the University to identify and address conflicts of interest.

1.5.4 Recognizing and disclosing the existence of conflicts of interest and commitment must be, primarily, the responsibility of individual members of the Michigan Tech community. Individuals have to be guided by a sense of professional responsibility, which must include the recognition that they have a public trust as employees of a public university and must be sensitive to potential conflicts. In this respect, actions by individuals should protect the integrity of Michigan Tech.

1.5.5 Michigan Technological University has a responsibility to help individuals resolve, or at least minimize, conflicts of interest. Administrators have a special responsibility of creating both an environment and the conditions that encourage full disclosure and the mitigation of conflicts. The structure and process described in this document will provide assistance and guidance to the entire community.

2. CATEGORY I: EXEMPT ACTIVITIES

Almost all outside professional activities can pose conflicts of interest, if an honoraria or royalties are received, or conflicts of commitment. But participation in certain traditional professional activities that are expected of all members of the MTU academic community and which meet one's responsibilities to one's field of learning and professional organizations are not considered conflicts of interest or commitment. These activities do not have to be reported or disclosed. These include, but are not limited to attending professional meetings; writing books, articles, and research reports; or creating works of art; giving lectures, symposia, speeches, colloquia at other universities; conducting site visits and program evaluations at other universities; refereeing manuscripts for journals and publishers.

3. CATEGORY II: CONFLICTS ASSOCIATED WITH OUTSIDE PROFESSIONAL SERVICE

Faculty, staff, researchers, and administrators at Michigan Technological University are expected to serve both their academic professions and the wider community of the region, state, and nation. Nothing in these guidelines should be interpreted as discouraging such efforts. Indeed, Michigan Tech strongly encourages this professional activity by faculty, staff, and administrators, for such efforts usually complement the other responsibilities of members of the Michigan Tech community. Many University employees, including most faculty, must perform outside professional service as evidence of professional development and merit. Service to professional organizations includes holding elected office, serving on boards of directors, and conducting editorial activities for journals, among other activities. However, these outside professional activities can generate complicated demands on the time of members of the

MTU community, creating potential conflicts of commitment. These usually can be mitigated and resolved by disclosure of the activities in question to one's immediate supervisor, department head/chair, director, or dean.

3.1 DEFINITIONS

3.1.1 Category II includes occasional outside consulting related to one's area of professional expertise. Such consulting normally will involve one-time activities for businesses, non-profit entities, educational institutions, or government agencies, as distinguished from the continuing or on-going consulting efforts described in Category III.

3.1.2 Other activities under Category II include outside professional service. This is defined as special work performed or rendered with or without compensation for any non-university entity or organization, whether or not the work is performed on campus. Work supported by grant or contract awarded to the University and duly authorized under University policies does not constitute outside service. To be considered outside professional service, the activity or work must require distinctive training, expertise and/or certification that qualifies the employee for paid employment at the University, or where such activity in itself is a basis for paid work in the larger community. Such positions and activities include editorships, secretariats, and other administrative functions in national or regional organizations and academic societies. (EXAMPLE: A faculty member who teaches accounting performs professional service when acting as treasurer for a National Society of Certified Public Accountants).

3.1.3 Outside community service activities do not generally fall under this policy and its requirements for reporting, as they are not considered professional service. (EXAMPLE: A faculty member who teaches accounting and serves as treasurer for a local volunteer service agency is performing community service, not professional service.) For some members of the MTU community, the distinction between community service and professional service is difficult to determine. (EXAMPLE: A technical communicator writes a brochure for the Audubon Society.) When in doubt, it is best to disclose such activity.

3.2 GUIDELINES

3.2.1 Members of the MTU community involved in outside professional service or community service should not allow their activities to interfere with their other responsibilities to the University. The amount of time devoted to outside service should be within limits regarded as reasonable by co-workers and colleagues. All employees should be sensitive to the perceived and actual imposition their activities may pose for co-workers and others within the University, and whenever possible adjust their activities accordingly.

3.2.2 To avoid or reduce conflicts of commitment related to outside professional service, members of the MTU community should disclose in writing their involvement in such activities to their immediate supervisor. The time and attention devoted to rendering an outside professional service should not have priority over routine University obligations, unless the individual is appropriately released from those obligations.

3.2.3 Members of the MTU community must obtain approval in advance for outside professional service that requires an unusual expenditure of time, effort, and commitment.

3.2.4 Supervisors may request an alteration of patterns of outside professional activity that, in retrospect, are deemed detrimental to the college's, school's, department's, or individual's primary duties, especially if they place excessive or disproportionate demands on the time, energy, or intellectual effort of the individual involved. Members of the MTU community may request a review of such decisions by the University Conflict of Interest Committee. (See Review and Enforcement below).

3.2.5 Individual members of the MTU community and supervisors share responsibility for insuring that outside professional activities, including limited consulting, do not exceed an average of one day per five-day work week, and ten days per academic quarter. Faculty and researchers, may, upon approval of their

supervisors, be extended the privilege of flexible scheduling of working hours so that some consulting may be performed during otherwise normal working hours.

3.3 DISCLOSURE MECHANISMS

Members of the MTU community should report outside professional activities that create real or potential conflicts of interest or commitment because they might influence proposed research or involve substantial time or financial resources. Such disclosure can be made after the fact to one's immediate supervisor--department head/chair, dean, or director; but in all cases disclosure should be in writing. All activities requiring substantial amounts of time should be disclosed in advance and in writing. Members of the MTU academic community are encouraged to utilize Quarterly Service Reports to disclose outside professional activities to their immediate supervisors. Disclosure should be made under the heading Professional Service.

4. CATEGORY III: EXTERNAL RELATIONSHIPS WITH MINIMAL FINANCIAL INTERESTS

Certain aspects of the efforts of members of the Michigan Tech community to serve their professions or the wider community may create opportunities for individuals to benefit monetarily from those efforts, over and above their normal salary or regular compensation. These opportunities include professional consulting, adoption of self-authored textbooks, and royalties from patents. Michigan Tech encourages these activities in the belief that such contacts and the activities benefit both the University and the wider community. But conflicts of interest and, more importantly, conflicts of commitment, are inherent in these activities. When compensation is small, the primary conflict is likely to be a conflict of commitment, as one diverts his/her time from regular responsibilities at Michigan Tech to an outside professional activity. The general solution is prior public disclosure of the activity to one's immediate supervisor, department head/chair, director, or dean. Two special cases in this category concern supervision of relatives and research proposals.

4.1 CONSULTING

Michigan Tech encourages its employees to provide outside corporate, government, educational, and non-profit agencies with the benefit of their knowledge and expertise as a means of keeping faculty current in their fields of expertise, of exposing students to the best practices outside academia, and of expanding the visibility of Michigan Tech, its faculty, and its researchers. Such professional work, when undertaken for pay or external compensation not paid via the University, is considered to be consulting. By definition, consulting is always in addition to the full-time activities of members of the Michigan Tech community. For this reason, consulting activities create potential conflicts of commitment.

4.1.1 DEFINITIONS

4.1.1.1 This procedure applies to consulting activities conducted during the academic school year as part of an on-going relationship with a client, as opposed to the one-time consulting visits described in Category II. Professional activities or outside employment of any type undertaken by faculty on nine-month appointments during their off-quarter (usually summer) are not considered consulting, and are not subject to this policy.

4.1.1.2 Consulting work should be undertaken by faculty on nine-month appointments only when the individual's primary duties in the classroom, research, and other academic areas continue to be performed at a high standard.

4.1.1.3 Due to the greater demands placed on their time by the University, faculty on twelve-month appointments should pursue consulting in a more limited fashion.

4.1.2 GUIDELINES

4.1.2.1 Before beginning consulting relationships, members of the MTU community must disclose their intentions in writing to their immediate supervisors. Supervisors may request termination or curtailment of consulting efforts that are deemed detrimental to the college's, school's, department's, or individual's primary duties, especially if consulting places excessive or disproportionate demands on the time, energy,

or intellectual effort of the individual involved. Individuals may request a review of supervisors' decisions by the University Conflict of Interest Committee (See Review and Enforcement below).

4.1.2.2 Faculty members, upon the approval of their supervisor, may be extended the privilege of flexible scheduling of work efforts so that some consulting may be performed during what would otherwise be normal working hours.

4.1.2.3 Individual members of the MTU community and supervisors share responsibility for insuring that consulting activities do not exceed an average of one day per five-day work week and ten days per academic quarter.

4.1.2.4 USE OF UNIVERSITY FACILITIES

4.1.2.4.A To protect the University from the appearance of inappropriate endorsement of firms, products, or processes, consulting work should be clearly separated from Michigan Technological University. Correspondence and reports related to consulting activities should not be written on University stationary, nor should the individual be identified in such correspondence as representing Michigan Technological University.

4.1.2.4.B The University shall be reimbursed for the use of facilities, including small-scale office or laboratory equipment, used in the course of providing consulting services. If actual costs cannot be determined, a rate of 15 percent of any consulting fee should be used. Persons conducting projects involving more than minimal use of equipment or University resources as determined by the supervisor, department head/chair or dean, must make special arrangements to schedule the use of those facilities or resources.

4.1.2.4.C Members of the MTU community may not divert work from the University into an external consulting situation for personal gain for the purpose of avoiding payment of University overhead or to reduce the cost to the sponsor or client. Faculty members and researchers utilizing University facilities should be especially careful to avoid the appearance of such diversion.

4.1.2.5 Other conflicts of interest can also emerge from consulting. To avoid real or apparent conflicts, members of the Michigan Tech community should: not compete with professional services offered through the University; not accept consulting contracts that would be perceived by the private sector as taking unfair advantage, such as offering subcompetitive rates for consulting services based on lower costs of doing business (lower overhead, no charges for medical insurance, or access to University facilities) because of employment at the University; or lower hourly rates for professional services; not accept consulting contracts that expose the individual to actual or apparent conflicts arising from multiple concurrent financial, recommendational, or occupational programs.

4.1.2.6 These points are not absolute restrictions, but guideposts designed to protect both the individual and the University from real and apparent conflicts of interest. Special attention should be paid to the second point; members of the University community must recognize that they can gain unfair competitive advantages over the private sector because of their affiliation with MTU. A good rule is to voluntarily forego consulting contracts for services that would be perceived by the private sector as taking unfair advantage.

4.1.3 DISCLOSURE MECHANISMS

In all cases, consulting work may be undertaken only after prior disclosure in writing of such activity to an immediate supervisor, department head/chair, director, or dean. Disclosure must also include information about the reimbursement of costs to the University. Quarterly service reports should be used for this purpose by academic members of the University community. In most instances, disclosure will remove apparent conflicts. But the disclosure and review process at the department level and through the Conflict of Interest Coordinator also provides an arena for resolving questions about the appropriateness of complex or difficult consulting relationships.

4.2 ADOPTION OF SELF-AUTHORED TEXTBOOKS

The procedure governing the adoption by faculty of self-authored or edited books and course materials recognizes the fundamental importance of academic freedom and its attendant responsibilities. In a university community, faculty have the freedom, and the responsibility, to select whatever textbook or course materials they consider the most appropriate for their classes. All textbooks and course materials adopted for a class should represent, in the teacher's professional opinion, the most appropriate choice for that class and the students within it. The university community has the related responsibility of providing an environment that supports faculty as they make the best scholarship and research publicly available for the review, and use, of other scholars and students. Students have the right to expect that instructors will select books and course materials according to the merit and appropriateness of these items, not for personal financial gain.

4.2.1 DEFINITIONS

4.2.1.1 Textbooks are books published by commercial presses and sold to students, including books from university presses; books assembled and/or published within MTU or through local duplication services for a cost to students.

4.2.1.2 Course Materials are instructional materials (e.g., workbooks; laboratory assignments; coursepacks; audio or video tapes; course notes; computer disks, CDs, or laser disks containing collections of instructional materials; among other forms) published by commercial or university presses; and sold to students; material assembled and/or published within MTU or through local duplication services for a cost to students.

4.2.2 GUIDELINES

4.2.2.1 Faculty are encouraged to author, or edit, textbooks and develop course materials in support of instructional efforts. However, faculty should not sell books or course materials directly to students.

4.2.2.2 Faculty who use personally authored or edited textbooks and course materials and who receive royalties from the sale of those books or materials are encouraged to donate royalties accruing from such adoptions in MTU courses to the Michigan Tech Fund. Such action will eliminate even the appearance of conflict of interest. Royalties placed in Tech Fund accounts may be used for academic or development programs.

4.2.3 DISCLOSURE MECHANISMS

To avoid potential conflicts of interest in this area, faculty who receive royalties from the sale of textbooks and course materials should disclose their selections for review at the department level. Departments must determine the specific procedures for this purpose. Departments may choose to establish faculty committees to conduct such reviews; alternatively, faculty should discuss their intentions and rationales for their choices with the department head/chair, before making a final decision.

4.3 ROYALTIES FROM PATENTS

University policy provides that researchers, faculty, and other members of the Michigan Tech community who develop inventions or software that the University successfully licenses receive a share of the royalty payments from the licensee. Although such activities have a relatively low potential for conflicts of interest, conflicts may arise from the continued involvement of those individuals with their original idea, especially commercialization activities.

4.3.1 GUIDELINES

4.3.1.1 Under normal circumstances, members of the MTU community may continue research on a technology, process, product, or software developed in whole or in part by that individual to which they (or a member of their family) are entitled to receive royalties, but in which they have no other financial interests in that project.

4.3.1.2 Similarly, individuals may assign students, post-doctoral fellows, or other trainees to research projects in which that individual (or a member of their family) is entitled to receive royalties, but has no

other financial interests in that project.

4.3.2 DISCLOSURE MECHANISMS

Members of the MTU community who receive royalties and continue to conduct research related to the subject for which they are receiving royalties must first disclose the existence of these royalty payments to their immediate supervisor in writing before continuing their research or assigning others to the project. Supervisors may suggest special oversight or management procedures in some cases of special complexity; these should be reported to the Conflict of Interest Coordinator. Faculty and staff may appeal decisions about such conditions (See Review and Enforcement below).

4.4 SUPERVISION OF RELATIVES

This procedure is intended to prevent supervisors from being accused of unfairly or inappropriately advancing the interests of a family member or relative. This policy also applies to investigators conducting sponsored research or other programs.

4.4.1 GUIDELINES

4.4.1.1 Primary responsibility for avoiding situations that create the appearance of conflict of interest falls on the supervisor or investigator.

4.4.1.2 Under no circumstances may supervisors initiate or participate in University decisions involving a direct benefit (initial appointment, retention, promotion, salary determination, leave of absence, etc.) to a member of their immediate family (spouses, partners, children, brothers, sisters, parents, etc.).

4.4.1.3 Supervisors should exercise caution in their involvement with University decisions that lead to benefits for members of their extended family or to domestic partners with whom they have a relationship comparable to marriage.

4.4.1.4 Investigators of research proposals or programs funded by outside agencies and operated through Michigan Tech must abide by MTU rules regarding hiring and supervision of family members, relatives, etc., and rules regarding procurement during the life of the grant or contract.

4.4.2 DISCLOSURE MECHANISMS

4.4.2.1 Supervisors have the primary responsibility for avoiding this type of conflict of interest, and should excuse themselves from any situation that might create even the appearance of nepotism. When in doubt, supervisors should step aside from potential conflicts of interest and seek advice from higher administrators, who may appoint alternate supervisors for such cases.

4.4.2.2 Principal investigators and cooperating investigators of research proposals must disclose in writing their intent to hire members of their immediate family, etc., at the time they submit grant and contract proposals to the University for approval, and justify such a decision. If an investigator wishes to hire members of the immediate family after funds are received, the investigator must notify the Conflict of Interest Coordinator immediately, justify the decision, and secure approval before the decision is finalized.

4.5 SPONSORED RESEARCH AND PROJECT PROPOSALS

All proposals from members of the MTU community seeking support from public and private entities for sponsored research or projects must include a disclosure form that identifies any potential conflicts of interest in any way related to the proposed research by the principal investigator or project participants. Potential conflicts include, but are not limited to, intent to hire a family member as a subcontractor for the proposed research, the existence of financial connections between the project staff, including the investigators and the research sponsor or client; and financial involvement by investigators and/or other members of the research team with an outside business enterprise.

4.5.1 GUIDELINES

4.5.1.1 All proposals for externally funded research through Michigan Tech shall be reviewed for

potential conflicts of interest issues.

4.5.1.1.A Every principal investigator (P.I.) and cooperating investigator involved with the proposal must complete a Conflict of Interest Cover Sheet and Disclosure Form and attach them to each research proposal. If there are multiple investigators, disclosure must be provided for each person. This is to comply with both MTU policies and with the requirements of granting and funding agencies.

4.5.1.1.B The Cover Sheet and Disclosure Form should be left in the Research Services Office with the research proposal for review for potential conflicts by the Conflict of Interest Coordinator. New forms must be completed for each proposal, as disclosures are made on a case-by-case basis. The Conflict of Interest Coordinator will keep this information as confidential as possible.

4.5.1.1.C The University Conflict of Interest Coordinator will conduct this review, based on information provided by the investigator(s). This review is analogous to University's review of budgets and financial materials for sponsored projects. The intent of the review is to determine for internal purposes whether a conflict of interest appears to exist. It should be stressed that the simple existence of a conflict poses no stigma on the investigator; there are no penalties for this and conflicts are not viewed as problems. Both MTU and federal granting agencies recognize that conflicts of interest are inherent in the multiple responsibilities faced by university faculty and researchers. The goal of MTU'S review process is to find ways to conduct research work in a manner that protects the interests of all parties -- MTU, investigators, and the funding entity. If a conflict is identified, the investigator(s) will be notified. A determination of the steps that should be taken to ameliorate, mitigate, or eliminate the conflicts that are identified need to be made only AFTER the award has been made, but BEFORE funds may be expended.

4.5.1.1.D After the review, the Conflict of Interest Coordinator will attach a signed internal review form to each contract or grant proposal, indicating the existence or absence of conflicts of interest. MTU's internal research proposal transmittal sheet can then be marked in the appropriate location, certifying that a conflict of interest review has taken place and indicating the results of the initial review. Nothing about this review, including these forms, is transmitted to funding agencies. Proposals can then be routed to Department Chairs, Deans, etc., for signatures in the usual fashion. Proposals may not be submitted to granting agencies or sponsors unless approved in this fashion. In the event that the Conflict of Interest Coordinator is off campus and unable to review external research and project proposals for potential conflicts of interest, other designated organizational representatives will be authorized to conduct the conflict of interest review and to sign the internal review form. Cover Sheets and Disclosure Forms so reviewed by designated organizational representatives, and the internal review form, must then be transmitted to the Coordinator for verification.

4.5.1.1.E If the Conflict of Interest Coordinator identifies the existence of a conflict of interest in a proposal, the Coordinator will work with the investigator(s) to propose remedies or mechanisms for ameliorating, mitigating, or eliminating the conflict. These need not be agreed to before the submission of the proposal, but may wait until after the granting agency has reached a decision on the grant or contract application and made an award. Conflicts of interest must be resolved, however, before funds may be expended by any investigator. The coordinator and investigator(s) may reach mutual agreement upon any necessary steps, but in cases of more serious conflicts, or if agreement cannot be reached concerning ways to eliminate, mitigate, or ameliorate conflicts of interest, the proposal shall be referred to the University Conflict of Interest Committee to recommend steps to resolve the impasse (see Review and Enforcement below).

4.5.1.1.F In instances where a satisfactory resolution of actual or potential conflicts of interest still cannot be achieved through this procedure, the University Conflict of Interest Coordinator shall contact relevant funding agencies to inform them of the circumstances surrounding such cases.

4.5.1.1.G After receipt of the award, investigators must update their MTU disclosure forms as new significant financial interests are developed. Updates must continue at least annually during the life of the project. Disclosure of significant potential or real conflicts of interest after an existing grant or contract has been awarded may require another review in accord with sections D., E., and F. above.

4.5.1.1.H Willful failure to provide complete disclosure at the time of the submission of the proposal, or to update disclosure forms during the life of the grant may lead to disciplinary procedures. Given the responsibility placed upon individuals for the operation of Michigan Tech's policy, failure to make disclosure is especially serious. Sanctions may be imposed by the University; steps might also be taken by funding sources outside the University, including disbarment from future grants. (see Review and Enforcement below).

4.5.2 DISCLOSURE MECHANISMS

4.5.2.1 How to Make Disclosure: Investigators must make disclosure of potential conflicts of interest as part of every research and program grant and contract proposal. A Conflict of Interest Cover Sheet and a Conflict of Interest Disclosure Form must be included with every proposal. These may be obtained in the Research Office. Even if no conflict of interest exists, the investigator must complete the Disclosure Form, indicating the absence of a conflict at the appropriate location on the disclosure form. The Cover Sheet and Disclosure Form should be left with the proposal in Research Services Office. A new Cover Sheet and Disclosure Form should be completed with each proposal.

4.5.2.2 What Need NOT be Disclosed:

Blanket disclosure of all financial interests is not required by MTU policy. Disclosure should be made on a case-by-case basis, relative to specific projects and proposals.

Disclosure is not required for:

1. Salary and remuneration from MTU;
2. Ownership interests in outside entities if it is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program;
3. Income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
4. Income from service on advisory committees or review panels for public or non-profit entities;

4.5.2.3 What MUST be disclosed:

Investigators must disclose "significant financial interests" for themselves and for members of their immediate family (spouse and dependent children) that would reasonably appear to be affected by the activities for which funding is sought. Significant financial interests include salaries, honoraria, consulting fees, and other payments for services from outside entities (business firms, corporations, etc.); equity interests in outside entities (stock, stock options, etc.); and intellectual property rights (patents, copyrights, and royalties from such rights).

However, if these significant interests are below a certain size, they need not be disclosed. Required disclosure is triggered for salary, royalties, or other payments from outside entities if, when aggregated for the investigator and the investigator's spouse and dependent children, these significant financial interests are expected to exceed \$10,000 during the next 12 month period. Similarly, required disclosure is triggered for equity interests if, when aggregated for the investigator and the investigator's spouse and dependent children, ONE OR BOTH of the following conditions are true: (a) they exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, or (b) they represent more than a 5 percent ownership interest in a single entity.

4.5.2.4 How Often To Disclose:

Investigators must complete a new cover sheet and disclosure form for every proposal, because disclosure is made in the context of each research and project proposal. Each disclosure will remain valid for the remainder of the academic year in which it was filed. However, updated disclosure forms must be filed immediately after any change in financial interests that may affect a project. Finally, updated disclosure forms must be filed at least annually for ongoing multi-year research and project proposals.

4.5.3 ROUTINE TESTING

A special case of disclosure concerns Routine Testing, which at Michigan Tech, is conducted almost exclusively at the research institutes. In cases where such work is of an on-going nature, a blanket conflict

of interest disclosure may be made for each procedure, on an annual basis. The following procedures may be used to make disclosures regarding such work.

4.5.3.1 The work must be strictly in the nature of testing; it may not involve new research. Normally, routine testing can be distinguished by the nature of the billing, which will involve a standard charge for the service. Another indication will be the repetitive nature of the effort.

4.5.3.2 In cases of testing, a blanket conflict of interest disclosure may be made. The disclosure form should provide a summary of the work, a list of the normal charges per procedure, and a list of all the likely sponsors. Should additional sponsors be added at a later date, an updated disclosure form should be submitted. All forms must be updated annually.

4.5.3.3 All investigators should recognize that if they indicate that no conflict of interest exists, their disclosure applies to ALL of the potential sponsors.

4.5.3.4 Should the investigator indicate the existence of a conflict of interest with one or more sponsors, a blanket disclosure may not be used. Rather separate disclosure forms must be filed for each project with an entity or entities with which a potential conflict exists.

5. CATEGORY IV: COMPLEX EXTERNAL RELATIONSHIPS, INCLUDING OUTSIDE BUSINESS ACTIVITIES AND ENTREPRENEURIAL PROJECTS

5.1 Certain external relationships entered into by members of the Michigan Tech community by their very nature pose complicated conflict of interest problems. For example, Michigan Tech, like most state universities, is expected to contribute to the state's economic development by encouraging the movement of new ideas, processes, and technologies developed by members of the MTU community into the marketplace. On occasion, members of the MTU community have sought to turn ideas into marketable products, jobs, and profits. Yet a state university is also prohibited from providing improper preferential treatment to individual business enterprises. These sometimes contradictory goals illustrate the basic difficulty that emerges when University employees also have private business interests related to their professional university responsibilities--delineating clearly where activities that are part of one's University position end and where outside activities begin. The possibility of financially benefiting outside entities, as well as one's self, further clouds the issue. Finally, it is also possible for research efforts by members of the MTU community who are connected to outside business interests to take unfair advantage of the University's facilities, since these facilities are not available to potential competitors.

5.2 Individuals who have financial interests (beyond royalty payments from the University) in outside business activities growing out of their research and professional expertise, or who serve on the boards of such businesses, must take special precautions to insure that their outside connections do not compromise, or appear to compromise, their primary affiliation and obligation to Michigan Tech. As always, individuals should disclose the existence of any real or perceived conflicts of interest or commitment in writing to their immediate supervisor. But the complexity of these relationships makes it difficult to anticipate every conceivable circumstance. Therefore, disclosure of activities under Category IV must be made in writing and in advance, and University approval must be given BEFORE such connections can be developed between members of the MTU community and outside agencies. The University Conflict of Interest Coordinator (see below) may be used as a resource in making such disclosure and developing steps to minimize any potential conflicts of interest. The University Conflict of Interest Committee shall review and approve all activities under Category IV. The committee is charged with examining the circumstances of all such cases and with recommending mechanisms that best protect the University and the individual involved.

5.3 This disclosure, review, and approval process governing all outside business and financial relationships is not intended to discourage such activities. Michigan Tech strongly encourages attempts to move ideas, inventions, processes, and other technology into the marketplace. But conflict of interest questions arise when the relationships and connections between University responsibilities and outside activities are ambiguous or, more importantly, overlap. The University Conflict of Interest Committee

shall recommend, on a case-by-case basis, ways to draw clear boundaries between each individual's university responsibilities, including research and teaching, and outside professional and business activities.

5.4 DEFINITIONS

5.4.1 Activities that fall under Category IV include, but are not limited to

5.4.1.1 participation in trials, evaluation, or development of a technology, process, product, or software owned or controlled by a business in which the employee, a member of his/her family, or an associated entity (trust or any other enterprise over the individual exercise a controlling interest) has a consulting relationship, holds stock or similar ownership interest, or has any other financial interest;

5.4.1.2 assignment of students, post-doctoral fellows, or other trainees to projects supported by a business (either as sponsored research or as a gift) in which the individual, a member of his/her family, or an associated entity (trust or any other enterprise over the individual exercise a controlling interest) has a financial interest other than royalties under University policies;

5.4.1.3 participation in, or taking administrative action on, University-supervised sponsored-research or research through gifts from a business in which the individual, a member of his/her family, or an associated entity (trust or any other enterprise over the individual exercise a controlling interest) has a consulting relationship, holds stock or similar ownership interest, or has any other financial interest, other than royalties under University policies;

5.4.1.4 receipt of research support (sponsored research or gift) from a business in which the individual or a member of his/her family serves on the board of directors or advisory board;

5.4.1.5 assumption of an executive position in a business engaged in commercial or research activities related to his/her University responsibilities;

5.4.1.6 holding of a financial interest in a business related to the individual's university responsibilities that competes or has the potential to compete with services provided by the University;

5.4.1.7 taking administrative action on behalf of the University that is beneficial to a business in which the individual, a member of his/her family, or an associated entity has a financial interest;

5.5 GUIDELINES

Early efforts to establish a business to commercialize the results of an individual's university research may require some latitude in these areas. But once an enterprise has been established (and no later than a year after the firm's establishment), members of the Michigan Tech community must clarify their relationship between the University and the business with which they have financial interests.

5.6 DISCLOSURE MECHANISMS

5.6.1 Members of the MTU community who have a financial interest in any outside professional activity that is related to their university responsibilities, including research and consulting, are required to disclose in writing, and in advance of pursuing that activity, the nature and extent of their involvement with the outside entity. Disclosure must be made using the Conflict of Interest Cover Sheet and Conflict of Interest Disclosure Form, which can be obtained in the Research Services Office. Filing these forms with the Conflict of Interest Coordinator will begin the process of seeking permission to engage in Category IV activities. It is the responsibility of members of the MTU community to ascertain whether their outside activities create conflicts of interest. If in doubt, they should discuss their case with the Conflict of Interest Coordinator.

5.6.2 This financial disclosure should include a description of the nature of the relationship; information on the short- and long-term commitment of time and effort to the relationship; the financial aspects, including extent of compensation, equity, indirect, or potential economic value; expected benefits to the commercial entity; expected benefits to MTU; and expected benefits to the individual.

6. CATEGORY V: PROHIBITED ACTIVITIES

Certain external activities constitute such a blatant conflict of interest that they must be prohibited. These include recommendation of purchases from companies with which the individual has a significant financial interest, and making referrals to a business with which the individual has a significant financial interest.

6.1 PURCHASING

Purchasing is an area where concerns about conflict of interest traditionally have focused, given the opportunities that exist for an employee to benefit inappropriately from official activities. MTU's purchasing procedures are designed to protect MTU employees from the appearance of taking unfair advantages or making inappropriate gains through their control of University purchases. The procedures also protect the University and insure that individuals responsible for purchases are not in a conflict of interest and abusing their position. Obviously, an unacceptable conflict of interest is created when employees responsible for purchasing make purchases from a firm with which they or members of their family have a financial interest. Yet an outright prohibition of purchasing from firms owned partially or wholly by members of the MTU community might also be wrong, since this would prevent all companies from playing a regular role in a natural competitive market. MTU's purchasing policy seeks to use disclosure mechanisms to insure that the marketplace, not personal financial gain, guides purchasing decisions.

6.1.1 GUIDELINES

6.1.1.1 MTU employees are expected to avoid conflicts, or the appearance of conflicts, of interest regarding purchase orders with companies in which they have any significant financial interest.

6.1.1.2 The MTU Purchasing Department subscribes to the National Association of Educational Buyers (NAEB) Code of Ethics, which outlines a philosophy and conduct for buyers who are committed to functioning for the greatest benefit to the University and in accord with ethical practices of the purchasing profession. This statement provides all necessary guidance for avoiding conflict of interest in this area. Under the NAEB Code of Ethics, buyers promise:

6.1.1.2.A To give first consideration to the objectives and policies of my institution.

6.1.1.2.B To strive to obtain the maximum ultimate value of each dollar of expenditure.

6.1.1.2.C To cooperate with trade and industrial associations, promotion and development of sound business methods.

6.1.1.2.D To demand honesty in sales representation whether offered through the medium of an oral or written statement, an advertisement, or a sample of product.

6.1.1.2.E To decline personal gifts or gratuities which might in any way influence the purchase of materials.

6.1.1.2.F To grant all competitive bidders equal consideration, to regard each transaction on its own merits, to foster and promote fair ethical and legal trade practices.

6.1.1.2.G To be willing to submit arbitration over any major controversies.

6.1.1.2.H To accord a prompt and courteous reception insofar as conditions permit to all who call on legitimate business missions.

6.1.1.1.I To counsel and cooperate with NAEB members and to promote a spirit of unity among them.

6.1.1.3 Members of the MTU community who advise the University or any unit of the University (for example, members of departmental committees concerned with laboratory equipment or computers) concerning the purchase of equipment or services valued at more than \$25,000 and who have any interest in the entity providing that service or commodity, must disclose that relationship in writing at the time they offer that advice.

6.1.1.4 Purchases may be made from firms in which the buyer (or members of his/her immediate family) has a financial interest upon prior, written disclosure and written approval by the buyer's immediate superior.

6.1.2 DISCLOSURE MECHANISMS

6.1.2.1 Individuals at Michigan Tech responsible for purchasing equipment and services for the University must disclose any financial relationships with potential vendors in writing on each purchase requisition. Disclosure should be made about any level of ownership in, or control of, a company with which you intend to do business using university funds, equipment, expertise, or influence.

6.1.2.2 Individuals purchasing supplies or services under research grants or sponsored projects also must comply with the agency guidelines and standards specified in the individual contracts, as well as with MTU policy. Such disclosure should be made as part of the research proposal.

6.1.2.3 Individuals who exercise a significant measure of control over purchases because of their positions (buyers, department heads, University officers) or because they must approve certain purchases (deans, upper-level administrators, members of the Board of Control, etc.) must file public financial disclosure statements regarding any conflict of interest arising from a purchase they recommend or approve. This disclosure is to be made in writing on a case-by case basis, and should be filed with the University Conflict of Interest Coordinator.

6.2 BUSINESS REFERRALS

Except within the context of consulting activities that conform to the University's policies on consulting, a member of the Michigan Tech community, while acting in the context of his/her University duties, may not make professional referrals to a business or outside entity in which he/she, a member of his/her family, or an associated entity has a financial interest.

6.2.1 CONSULTANTS AND ADVISERS TO THE UNIVERSITY

A special case of the policy on business referrals concerns the relationship of consultants retained by Michigan Tech. Because of the apparent conflicts of interest that are automatically created when consultants (persons or firms) offer the University advice and then are hired to implement those recommendations, the University should seek whenever possible to separate the role of adviser and provider of a service. This division, which shall be the normal operating procedure for Michigan Tech, is designed to insure that consultants do not benefit improperly from the results of their advice. This rule shall also apply when the consultant has a significant interest in a company providing a service or selling a product to the University. Exceptions shall be permitted where such separations prove a significant burden, rather than an advantage, to the University, according the procedures outlined below. Because of the special circumstances surrounding the design and construction of buildings for the campus, where it is often expected that consultants will work with a project from inception to completion, this policy shall not consider consultants who conduct preliminary design work to be offering advice to the University.

6.2.1.1 GUIDELINES

6.2.1.1.1 To eliminate or minimize potential or perceived conflicts of interest related to the use of consultants, the principle of separation of functions normally shall be applied in employing consultants. In this context, the term "function" pertains to advising versus performance of tasks.

6.2.1.1.2 A consultant who serves as an adviser to the University normally shall be disqualified from providing paid service (other than advising) that has been the subject of his/her/their advice. Nor may the consultant refer the University to an enterprise in which he/she/they have a financial interest.

6.2.1.1.3 The individuals at Michigan Tech who contract for consulting services are responsible to see that these rules are adhered to by outside consultants.

6.2.1.1.4 Exceptions to these rules shall be made in cases where the University clearly benefits from not separating advice and service into separate functions. These should not, however, be granted automatically. In many instances, the University should accept greater expense or complexity as the necessary cost of avoiding conflicts of interest. Such exceptions shall include, but are not limited to:

a. Cases where the contract for the purchase of goods or services has been awarded through an open public bidding process. However, such public bids must include disclosure, in writing, of the earlier

advising service;

b. Cases where highly specialized advice is available only from one or two sources;

c. Cases where significant economic costs would be incurred by separating functions.

6.2.1.2 DISCLOSURE MECHANISMS

Decisions to seek and grant exceptions to the rule separating the functions of consultants to the University must be publicly disclosed. Responsibility for making this disclosure may rest with either or both the consultant seeking to combine the advice-giving and service-providing functions or the University officials proposing the exception to normal procedures. For example, a consultant who proffers a bid for service should disclose in writing any earlier advising activity that was connected to that service. Disclosure by University officials should justify the exception to normal procedures. Since in most cases consulting contracts will require the approval of the Board of Control, this justification should be part of the record submitted to the Board. Moreover, the justification should be publicly explained and acknowledged at the Board of Control meeting where the consulting contract is approved. In cases not presented to the Board of Control, University officials shall be responsible for insuring that public disclosure is made of the justification for not following normal procedures.

7. REVIEW AND ENFORCEMENT

Responsibility for dealing with and minimizing conflicts of interest and commitment rests primarily on the individual members of the University community. Nonetheless, the University will increasingly find itself held responsible by outside parties for insuring that conflicts of interest are mitigated, minimized and otherwise addressed even while the rights of individual members of the MTU community must be protected. Therefore, procedures must be established for the review of individual disclosures, the periodic review of the policies themselves, and the means of enforcing conflict of interest policies. Sanctions must be established for the violation of those policies. These procedures shall be approved by the MTU Senate.

7.1 UNIVERSITY CONFLICT OF INTEREST COORDINATOR

The University president shall designate a Conflict of Interest Coordinator who should have an academic background and be familiar with the academic and research process. The primary responsibility of this person shall be reviewing disclosure forms from all grant requests and outside support applications to identify cases that contain conflicts. The Coordinator will be designated by the University as the individual responsible for certifying that Michigan Tech is in compliance with the conflict of interest regulations of external funding agencies. This person will work with investigators to identify means of minimizing or eliminating potential conflicts of interest. When mutual agreement cannot be reached on these steps, the Coordinator will refer proposals that contain actual or potential conflicts to the University Conflict of Interest Committee (see below) for resolution and further examination. The Coordinator also shall be designated to contact funding agencies in the event that conflicts of interest cannot be resolved within Michigan Tech's procedures.

The Coordinator also shall be the person to whom requests for permission to engage in Category IV and Category V activities shall be addressed. These requests shall be initiated using the Conflict of Interest Cover Sheet and Disclosure Form. The Coordinator may work with members of the MTU community to resolve any conflicts involved in these areas and will pass these requests on to the University Conflict of Interest Committee. Similarly, the coordinator shall be the person to whom appeals can be made regarding decisions reached by administrators and supervisors at the department, school, or college level regarding potential conflict of interest/conflict of commitment. Appeals are initiated by completion of the Conflict of Interest Disclosure Cover Sheet.

The Coordinator will retain all records connected to university-level conflict of interest reviews for three years after all projects are completed. The coordinator shall receive copies of other disclosure forms from within the University and shall prepare annual reports for the administration and the Board of Control that includes a summary of reportable conflicts of interests activities during the previous year.

Most importantly, the Conflict of Interest Coordinator will serve as a resource for those members of the MTU community seeking to gain more information about conflicts of interest and commitment, how to

avoid them, and how to mitigate and resolve conflicts that appear. This person will assist in the preparation of disclosure forms by investigators in a fashion analogous to MTU research staff who help prepare budgets and financial statements for sponsored research proposals to outside agencies. The Coordinator shall play the role of facilitator and educator on the subject of conflict of interest at Michigan Tech, and shall work with individuals, including department heads and administrators, in seeking resolutions to potential conflicts of interest. Finally, members of the MTU community who have concerns about potential conflicts of interest involving other members of the MTU community may contact the coordinator about their concerns. The coordinator shall contact immediate supervisors so that possible conflicts of interest or commitment may be examined in the normal fashion.

7.2 UNIVERSITY CONFLICT OF INTEREST COMMITTEE

7.2.1 All activities that fall under Category IV, as well as research proposals seeking external funding that contain conflicts of interest that cannot be resolved by the University Conflict of Interest Coordinator, will be reviewed by a University Conflict of Interest Committee. This shall be a permanent committee administered by the Senate, consisting of three members. It is anticipated that relatively few cases will require such a review. But for these reviews, the committee shall add, on a case-by-case basis, additional members as necessary. These additional members shall be appointed by the President of the MTU Senate and the University administration for their knowledge of the field of expertise as well as knowledge of conflict of interest and intellectual property issues.

7.2.2 The charge to this committee shall include the following: □ serve as an advisory committee for the Executive Vice President and Provost and to assess the current situation in the University with respect to implementation of the conflict of interest policy; □ inform the University Senate on the University community's state-of-compliance with the conflict of interest policy; □ prepare recommendations concerning the modification of policy and procedures pertaining to conflict of interest at MTU; □ hear requests from members of the MTU community for reviews of decisions by immediate supervisors concerning conflicts of interest at lower administrative levels (see Category II and Category III); □ review, in a timely fashion, all cases of Category IV activities, even those in which the Conflict of Interest Coordinator and a member of the MTU Community have reached a satisfactory agreement. In those cases connected to Category IV activities where members of the MTU community and the University Conflict of Interest Coordinator cannot agree upon the steps that will best ameliorate potential conflicts of interest or commitment related to, the committee shall suggest steps to resolve an impasse. Either party may request the involvement of this committee; □ help resolve, in a timely fashion, cases connected to externally-funded project proposals where members of the MTU community and the University Conflict of Interest Coordinator cannot agree upon the steps that will best ameliorate potential conflicts of interest or commitment, the committee shall suggest steps to resolve an impasse. Either party may request the involvement of this committee.

7.2.3 If the Conflict of Interest Committee, in considering cases of the last two types, finds that a significant conflict of interest exists, it may recommend to the Executive Vice President and Provost that a member of the MTU community take actions to ameliorate or alleviate the conflict of interest. These actions may include □ requiring public disclosure of significant financial interests; □ modification of the research proposal or entrepreneurial activity; □ monitoring of the research by outside or independent reviewers; □ disqualifying an investigator or investigators from participation in that portion of the NSF-funded research which is affected by the outside financial interest; □ requiring the investigator(s) to step aside from direct management of the outside enterprise while retaining financial interests; □ divestiture of significant financial interests; □ severance of relationships that create conflicts.

Other possible avenues that individuals might choose to adopt to eliminate real or perceived conflicts of interest include □ leave of absence from the University; □ resignation from the University in order to pursue the interests of the outside company.

7.3 VIOLATIONS OF UNIVERSITY CONFLICT OF INTEREST POLICY

7.3.1 All members of the MTU community, at the time they begin their connection with the University, shall be given copies of the University policies and procedures regarding conflict of interest and

commitment. Moreover, the import of these policies and the procedures surrounding them should be explained. No member of the MTU community should be able to say that they did not know about conflict of interest issues or the policies and procedures governing this issue at MTU.

7.3.2 MTU's conflict of interest policy places significant trust and responsibility upon individual members of the community, who are expected to make full and open disclosure of potential conflicts of interest and commitment. Willful violation of this trust is an especially severe failure of professional conduct. Michigan Tech has the authority to take action against individuals who violate conflict of interest policy.

7.3.3 When a violation of University policy is alleged, a thorough and timely process shall take place within the University to provide adequate opportunity for reaching valid conclusions. It is imperative that due process be followed and protection be afforded to the rights and reputation of both accuser and accused, those investigating the allegations, any sponsoring agency, and the University. ALL parties shall be responsible for maintaining the confidentiality of the proceedings and all evidence developed the proceedings. All proceedings shall be in accordance with applicable rules and contractual obligations of the University. Only substantiated findings of violation of conflict of interest, as determined by either the Executive Vice President and Provost or the University President, are to be considered as input to personnel-related decisions involving affected individuals.

7.3.4 Allegations of violations of University policy regarding conflict of interest shall be directed to the Conflict of Interest Coordinator. If the activities fall under Categories I or II, the Coordinator shall refer the matter to the individual's immediate supervisor so that possible conflicts of interest or commitment may be examined in the normal fashion. The same shall apply to activities under Category III, with the exception of sponsored research activities. If the allegations are about violations of policy involving sponsored research or projects, or about Category IV and V activities, the Coordinator shall notify the individual so accused, and gather basic information. The Coordinator will then present this material to the University Conflict of Interest Committee within 14 working days. The accused shall have opportunity to respond and present information to the Conflict of Interest Committee. All evidence that is produced shall be reviewed and secured. The Conflict of Interest Committee shall determine whether grounds for an investigation of a violation exist, or whether the accusations are without merit. The Committee shall notify the accused, the Conflict of Interest Coordinator, and the Executive Vice President and Provost of its finding.

7.3.5 If the Committee determines grounds for an investigation exist, the Executive Vice President and Provost may accept or reject that finding. If accepted, a three-person investigating committee shall be designated to investigate the allegations. These individuals shall be impartial members of the MTU community with sufficient expertise and dedication to conduct a thorough and equitable investigation. These members shall generally not be from the same academic unit as the accused. Appointments will be made to this committee by agreement of the University Senate President and the University President. Strict attention shall be paid by those asked to serve to any factors which might compromise his or her ability to impartially examine the allegations. The committee shall select its own chair.

7.3.6 Private and separate sessions will be conducted by the investigating committee to hear the accuser(s), the accused, and others as determined necessary by the committee. Sessions to obtain testimony may be conducted either in person or by electronic means such as telephone conference calls. The accused shall be informed of the accusations and be given the opportunity to respond and present evidence on his/her behalf during the inquiry. All evidence that is produced shall be reviewed and secured. Necessary support (e.g., clerical, gathering information, witnesses, and record keeping) will be arranged by the Vice Provost for Research and Dean of the Graduate School.

7.3.7 The investigating committee shall submit a written report of its findings, conclusions, and recommendations, together with pertinent documentation and evidence, to the Executive Vice President and Provost, the accused, the Conflict of Interest Coordinator, and the University Conflict of Interest Committee within thirty working days after its formation, unless the time limit is extended by the Executive Vice President and Provost following a written explanation and request from the committee. If

the investigating committee finds that University conflict of policies have been violated, it shall recommend sanctions. These should reflect the seriousness of the violation. Distinctions must be made between neglect, honest oversights, or ignorance of procedures on the one hand and willful violations on the other, especially deliberate failures to disclose relationships that create conflicts of interest. Sanctions may include but are not limited to sending a letter of reprimand, setting special conditions on outside professional activities, research or consulting efforts, or external entrepreneurial activities, requiring special certification or assurances of compliance, disbarment from the opportunity to conduct externally funded research with selected funding agencies for fixed periods of time, or termination of employment. Any termination shall occur in a manner consistent with existing applicable university policies on employment practices and academic tenure. The University may impose limitations or special reviews on the outside professional and entrepreneurial activities of affected individuals.

7.3.8 The Executive Vice President and Provost shall receive the investigating committee's report and respond within 14 working days, accepting, modifying, or rejecting its findings. The Executive Vice President and Provost shall submit his/her decision in writing to the accused, the investigating committee and the University Conflict Interest Committee, the Conflict of Interest Coordinator, the appropriate dean or unit director, and the University President. Individuals have a right to appeal decisions to the University President, making such an appeal within 14 working days. The President shall appoint an appeals committee of at least three impartial members, at least two of whom were not members of previous committees. The committee shall report its findings within 21 working days of being convened. The President's decision shall be submitted to the accused, all three committees, the Conflict of Interest Coordinator, the appropriate dean or unit director, and the Executive Vice President and Provost.

7.3.9 All evidence, reports, and recordings involving the allegations, inquiry, and investigation shall be maintained for five years after the final report by the Conflict of Interest Coordinator. Where required by the rules and procedures of sponsoring and granting agencies, the Conflict of Interest Coordinator shall inform them of the final decisions and provide reports of investigations as required.

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