University of Colorado at Colorado Springs
Conflict of Interest and Commitment
Procedures

University of Colorado at Colorado Springs implementation of the revised Conflicts of Interests and Commitment (COIC) Administrative Policy (these procedures initially effective 9/2/06, revised 8/9/08):

- **Nature of the Committee** – The Conflict of Interest and Commitment Committee (COIC Committee) will act in an advisory capacity by making recommendations to the appropriate administrator (Dean or Vice Chancellor), who will make the final decision regarding the conflict. The administrator would draft a management plan and work with the COIC Committee if necessary.

- **Committee Composition:**
  1. Associate Vice Chancellor for Research (in an advisory capacity)
  2. University Counsel (in an advisory capacity)
  3. Sponsored Programs Director (in an advisory capacity)
  4. Two faculty to be appointed by the Chancellor (rotating 2-3 year appointment)
  5. Director of Human Resources
  6. Student Employment Coordinator
  7. Director, HR Compliance, who will also serve as the Chair

- **Annual Disclosures** –
  - On-line disclosure form for use by all employees.
  - The Disclosure process will be implemented in stages, by employee group, over the first year. Faculty, professional exempt employees and classified staff will complete the disclosure by April 30, 2007. Student Employees will begin the disclosure process in August, 2007 and each year thereafter by August 31.
  - Annual Disclosures will be completed by all employees. After the initial implementation, faculty will annually renew their disclosure in October. Staff, both classified and exempt professionals, will annually renew their disclosure in March.
  - New employees, including new student employees, will complete the disclosure process within 60 days of hire, and then annually according to the published schedule.
  - The Director, HR Compliance is responsible for producing quarterly reports, notifying the AVCAF of any Disclosures that have not been submitted, and notifying the appropriate administrator who is responsible for taking corrective action to ensure the Disclosure is submitted.
  - Director, HR Compliance is responsible for tracking, inventory and coordinating annual disclosures.
Disclosure Process –

- The initial screening will be web-enabled. A paper copy option is available in the event that the disclosure may be considered sensitive or preferred by the discloser.
- The discloser may either complete a paper copy of the COIC disclosure or submit electronically; a paper copy option is available in the event that the disclosure may be considered sensitive or preferred by the discloser.
- Information disclosed by an officer of the University shall also be sent to his/her supervisor in accordance with Regent Law. Officers must disclose annually, the following types of information:
  1. Outside offices, directorships, employment
  2. Outside financial interests
  3. Immediate family members' professional services
  4. Other interests related to the University
  5. Conflicts of interest.
- If a potential conflict of interest or commitment is identified, the Director, HR Compliance forwards the disclosure to the COIC Committee, either electronically or by paper at a convened meeting. If paper copies are distributed at the meeting, they will be destroyed after adjournment.
- The COIC Committee will make a recommendation as to whether or not a conflict exists and, if there is, if it may be managed.
- If a conflict is identified, the COIC Committee will also identify any others who should be involved in the oversight, such as the UCCS Institutional Review Board for the Protection of Human Subjects (IRB), sponsored programs, and/or technology transfer. If others are identified, the Director, HR Compliance will be responsible for notifying the appropriate administrators and other individuals.
- The COIC Committee recommendation, with a copy of the disclosure, is forwarded by the Compliance Officer to the appropriate administrator (such as the Dean, with a copy to the department chair). If the appropriate administrator does not agree with the COIC recommendation, they are responsible for communicating this, including their rationale, to the COIC committee. If the COIC Committee does not agree with the administrator’s rationale, the administrator must meet with the COIC Committee in order that agreement may be reached. The final authority rests with the appropriate Vice Chancellor who has responsibility for the unit in which the employee with a conflict is employed. In cases where a Vice Chancellor or an employee in the Chancellor’s office discloses a conflict that cannot be managed by this process, the Chancellor will make the final decision.
- If a conflict of interest is self-reported with insufficient information, the Director, HR Compliance is responsible for gathering the additional information needed.
- This process imposes an obligation upon faculty, staff, and student employees to cooperate to the fullest in complying with the policy and related requests from the Director, HR Compliance.

- **Management Plan** –
  - If it is agreed there is a manageable conflict of interest or commitment, the appropriate administrator is responsible for preparing or ensuring that all management plans are prepared, with the assistance of the COIC Committee, if needed, and involvement of others identified.
  - Copies of the approved management plan will be distributed to the employee, their immediate supervisor (department chair), their Dean (or appropriate Vice Chancellor), University Counsel, and Sponsored Programs, if applicable. A copy of the plan will be maintained by the Director, HR Compliance.
  
  *Management Plan for textbooks. In situations where a faculty member requires students to purchase a textbook or related instructional materials written by the faculty member or members of his/her immediate family, which produces compensation for the faculty member or family member, the faculty member shall file a Textbook COI Management Plan, signed by the Dean of the College with the HR Compliance Office.*

- **Publishing the Process and Training** –
  - A description of the implementation process posted on the Conflict of Interest and Commitment section of the OSP web page, The Compliance Office web page, the Research web page.
  - Each web page will also include a link to the on-line training and the disclosure form.
  - There will be a link to the disclosure form from the training site.
  - Initial description of process and training should be issued by the Chancellor.
  - Additional direction/information from the Compliance Officer.
  - On-going educational programs conducted by the Director, HR Compliance and the COIC Committee.

- **Appeals** –
  - If a plan cannot be agreed upon, the discloser may meet with the COIC Committee and the appropriate administrator. If no resolution is reached, the Chancellor will make the final determination.

- **Review of Process**
  - The process will be reviewed no less than every five years or sooner, if needed.

- **Sanctions**
  - The submission of the disclosure form annually will be a distinct goal or objective in the performance plans for any classified staff employee.
• The submission of the disclosure form will constitute a performance expectation for any faculty member, officer, or exempt staff member.
  o Applying Sanctions to Non-Compliant Classified Staff
    • Absent any extraordinary circumstances, classified staff who have not completed disclosures by 15 days after contact by the appointing authority:
      • Shall receive an immediate corrective action with terms and conditions governed by the State Personnel Rules; and
      • Will be ineligible for a performance award. (That is, even if the classified staff employee receives an overall performance rating that is higher than Level 1, s/he will not receive a performance pay award if the disclosure duties cited above have not been fulfilled within the timeframe specified; and
      • If, within 15 days following the corrective action, employees still have not completed a disclosure, the appointing authority will consider disciplinary action.
  
  o Applying Sanctions to Other Non-Compliant Employees
    • Absent any extraordinary circumstances, faculty, officers, or exempt staff who have not completed disclosures by 15 days after contact by the appointing authority:
      • Shall receive a sanction from the dean (for faculty) or from the appointing authority (for officers and exempt staff):
        o For faculty: Sanction by the dean shall be for “neglect of duty.” The specific nature of the sanction shall be the prerogative of the dean.
        o For officers and exempt staff: Sanction by the appointing authority shall be for “neglect of duty.” The specific nature of the sanction shall be the prerogative of the appointing authority.
      • Such sanction will be effective upon issuance.

• System Reporting
  In accordance with Regent Policy, the Compliance Office shall report officers’ disclosures annually to the system office on a calendar year basis.