

GOVERNING DOCUMENTS

UNLV's Conflict of Interest procedures are governed not only by UNLV policy but also by federal regulations, state law and Regents handbook. Here are relevant provisions of those documents

1. Nevada Revised Statutes (281.221 (3 -6) 281.230 (3-5a) mandates annual disclosure of personal financial interest on part of any public employee, including NSHE professional employees, that poses a potential conflict of interest with state duties. These articles also specify that it is a misdemeanor for any public employee, and a basis for loss of position, to attain personal profit from outside professional activity that is not in compliance with state conflict of interest law (including Board policy for NSHE professional employees). (Attainment of personal profit greater than \$650 in violation of policy is a class D felony).
2. NSHE handbook (Title 4, chapter 3, section 8) governs outside compensated activity and conflict of interest for all academic and administrative faculty. This section (paragraph 2) imposes a limitation only on the time (not the amount of income) that B contract faculty may devote to outside professional / scholarly activity -- namely, 20% of contract time. A contract faculty must take annual leave time to undertake outside professional activity. These limitations are intended to prevent conflicts of interest or conflicts of commitment with assigned duties to NSHE (paragraph 3). These limitations have been longstanding and are unchanged.

(2) Outside professional or scholarly service as contemplated by this section shall not interfere with the performance of the duties of any faculty member. If taken during the faculty member's standard workweek, such service shall occupy no more than one day's equivalent time per work week (20%) for full-time faculty members. Faculty members on 12-month contracts must take annual leave if providing outside professional or scholarly service during the standard work week.

(3) No faculty member may undertake outside professional or scholarly service that would result in a conflict of interest with his or her assigned duties. Conflict of interest means any outside activity or interest that may adversely affect, compromise, or be incompatible with the obligations of an employee to the institution

3. NSHE handbook (4.3.8, paragraphs 7 - 8) specify that faculty must seek and receive approval from supervisor at least ten days prior prior to undertaking outside compensated scholarly or professional services and that supervisor may approve, deny or propose a management plan to ensure a faculty member's outside professional activity does not pose a conflict of interest or conflict of commitment with assigned NSHE duties.

The handbook further specifies (4.3.8, paragraph 14) that it is the responsibility of each faculty member to disclose accurately all outside activity or financial interest that poses a potential conflict of interest and that violations are subject to discipline under title 2, chapter 6. Documentation of disclosures and approvals are to be retained by the relevant dean or vice-president and treated as confidential personnel documents.

(7) Full-time faculty members engaged in providing compensated outside professional or

scholarly service shall provide advance notification in writing to their immediate supervisor about the nature of the work to be performed, the company/organization for which the work will be performed, and the estimated time involved. The request must be approved in advance by the supervisor within 10 working days. Individual requests to perform outside professional or scholarly service shall be considered confidential personnel documents...

(8) When a supervisor believes that a conflict exists with obligations currently incurred or assumed by the institution regarding a faculty member's consulting activities, the supervisor shall inform the faculty member of these concerns and negotiate a mutually acceptable course of action. If a mutually acceptable course of action cannot be negotiated, the appropriate vice president or vice chancellor, as the case may be, will hear and evaluate the evidence and render a decision, or appoint a review committee if necessary. The vice president or vice chancellor may require the faculty member to cease performance of existing obligations while the faculty member remains a NSHE employee.

(14) It is the responsibility of each full-time faculty member to timely report outside compensated services and to certify the accuracy of the disclosures. Failure to accurately and timely disclose outside compensated services constitutes a basis for disciplinary action under Title 2, Chapter 6. Records are to be kept annually by the dean or appropriate vice president, or vice chancellor as the case may be, of all approved consulting activities in each department or division

UNLV is required to make an annual report to the Regents of our compliance -- including reporting number of requests for approval, number of approvals granted, number of conflicts of interest identified.

4. Federal guidelines (42 CFR Part 50 and 45 CFR Part 94) require UNLV to certify that our federally funded investigators (including those who receive federal pass-through funds) do not have interests which pose a conflict with federally funded activity. Compliance is essential to ensure continued UNLV eligibility for federal funding. Until 2012, the federal threshold for "significant financial interest" (i.e., outside income that could constitute a conflict of interest with federally funded activity) was \$10,000 in income, and the report from UNLV had to be made within 30 days of the start of the federal fiscal year, October 1. That reporting date is the basis for the long standing UNLV procedure that COI disclosure forms were to be submitted to Provost by October 1 and outside income above \$10,000 to be declared.

Last year (2012) several federal agencies including the U. S. Public Health Service lowered the threshold to \$5000 including compensated travel and accommodations. In response, the UNLV Policy Committee updated UNLV's Conflict of Interest and Scholarly and Professional Outside Compensated Services policies (effective 23 July 2012), and the annual disclosure form was updated to reflect this change

5. In June 2012, the Workforce, Research and Economic Development committee of the Board of Regents asked each campus to review its research policies, including Conflict of Interest. UNLV in response undertook a thorough review jointly between Research Integrity and Provost office. The new procedures being implemented this year are therefore necessary changes, to bring UNLV more fully into compliance with state and federal requirements, to clarify policies and

procedures for faculty and supervisors to better support appropriate and encouraged outside activity, and to increase efficiency and responsiveness of Provost and Research offices.