



## BOISE STATE UNIVERSITY

University Policy 1110

# Conflict of Interest

---

### **Effective Date**

August 2012

### **Last Revision Date**

September 22, 2022

### **Responsible Party**

Associate Vice President for Finance and Operations, (208) 426-1252

### **Scope and Audience**

This policy applies to all University employees.

### **Additional Authority**

- Idaho State Board of Education Policy, Section I.G. - Conflict of Interest
- Idaho State Board of Education Policy, Section II.P.5.(c) – Outside Employment
- Idaho State Board of Education Policy, Section II.Q. – Conflict of Interest and Ethical Conflict
- University Policy 1090 (Intellectual Property)
- University Policy 6130 (Purchasing)
- University Policy 7010 (Consensual Relationships)
- University Policy 7050 (Nepotism)
- Bribery and Corrupt Influences Act, Idaho Code § 18-1351 *et seq.*
- Ethics in Government Act of 2015, Idaho Code § 74-401 *et seq.*
- National Science Foundation Policy, Investigator Disclosure Policy, Grant Policy Manual Section 510

- U. S. Department of Health and Human Services, Public Health Service (PHS): Promoting Objectivity in Research, 42 CFR Part 50 Subpart F; Responsible Prospective Contractors, 45 CFR Part 94
- 

## 1. Policy Purpose

To outline the University's approach in identifying, evaluating and managing potential or actual conflicts of interest and commitment for all employees, and to assist all parties in addressing Conflict of Interest and commitment issues.

## 2. Policy Statement

Boise State University encourages and supports outside interactions of its faculty, staff, and student employees with federal, state, and local governments, non-profit groups, and with business and industry as important parts of their Research, teaching, and public service activities. However, maintenance of the public's trust is critical to the mission and reputation of Boise State; therefore university teaching, Research, public service, and other activities shall not be compromised, or perceived as compromised, by financial, professional, or personal considerations. It is vital that university Employees demonstrate that they hold themselves to the highest ethical standards.

Conflicts of Interest and Conflicts of Commitment can be complex and nuanced. As such, this policy outlines the university's approach to identifying, evaluating, and managing potential Conflicts of Interest. It does not attempt to illustrate all possible situations that require disclosure. Employees are expected to be vigilant and ethical in all dealings to ensure that any potential conflicts are addressed quickly and appropriately.

For questions regarding this policy, contact the Conflict Officer at [coi@boisestate.edu](mailto:coi@boisestate.edu).

## 3. Definitions

### 3.1 Conflict of Interest

When an Employee's financial, professional or other personal interests may directly or indirectly affect, or appear to affect, that Employee's judgment in exercising their Institutional Responsibilities (see below). In some cases, consensual relationships between employees or an employee and a student, or a nepotism or perceived nepotism relationship may constitute a conflict of interest that must be disclosed pursuant to this policy, as well as University Policy 7010 (Consensual Relationship), University Policy 7015 (Faculty/Staff and Student Consensual Relationships), and University Policy 7050 (Nepotism).

### **3.2 Conflict of Commitment**

When an Employee's outside activities interfere, or would reasonably appear to interfere, with that Employee's Institutional Responsibilities. This includes any outside services, dual employment, consulting or other activity, regardless of the location of those activities (on or off campus), the type of entity (for-profit, not-for-profit or government), or the level of compensation (compensated or unpaid).

### **3.3 Course Materials**

Any materials prepared by an instructor for use in teaching a course, including lectures, lecture notes, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, examinations, web-ready content and educational software. These exclude University Sponsored Materials and University Directed Materials (see University Policy 1090 – Intellectual Property).

### **3.4 Employee**

Any individual employed by the university, or any Investigator on a sponsored Research project.

### **3.5 Family Member**

Any person with whom an Employee has a familial or guardianship relationship, including a parent, guardian, step-parent, child, step-child, son-in-law or daughter-in-law, brother, sister, spouse, aunt, uncle, niece, nephew, first-cousin, grandparent, grandchild, brother-in-law or sister-in-law, or any persons living in the same household.

### **3.6 Financial Interest**

Anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and the value of intellectual property rights (e.g., patents, copyrights and royalties from such rights).

### **3.7 Investigator**

The principal Investigator, co-Investigator, and any other person responsible for the design, conduct, or reporting of a sponsored activity which has been funded or proposed for funding.

### **3.8 Institutional Responsibilities**

The design, conduct or reporting of Research, decision-making in connection with a university business transaction, and commitments to students, trainees, and staff.

### 3.9 Outside Employment

Any activity taking place for intended compensation outside the university payroll system, such as independent consulting.

### 3.10 Research

Any systematic investigation, including development, testing, and reporting. The term encompasses basic research, applied research, and research training activities in areas such as biomedical, life sciences, natural sciences, engineering, humanities and arts, and social and behavioral sciences.

### 3.11 Significant Financial Interest

One or more of the following interests of an Employee or an Employee's Family Member that reasonably appears to be related to their Institutional Responsibilities:

- a. Where the Financial Interest (including remuneration received in the preceding 12-month period and equity) exceeds \$5,000 or equals or exceeds 5% ownership (i.e., as the actual or beneficial owner of more than 5% of the voting stock or controlling interest), for any one enterprise or entity when aggregated for the Employee and their Family Members.
- b. For an Investigator working a PHS-funded project, the following additional items are considered to constitute a Significant Financial Interest:
  - Any equity interest in a non-publicly traded entity.
  - Any intellectual property and interests (e.g., patents, copyrights), for which income has been received in the preceding 12-month period.
  - The occurrence of any reimbursed or sponsored travel. This travel shall be disclosed for the subsequent twelve months, and where non-previously-disclosed reimbursed or sponsored travel takes place the Investigator shall disclose it within 30 days. Travel disclosures shall include: the purpose of the trip, the identity of the sponsor, the destination and the duration. Travel that is sponsored or reimbursed by a federal, state, or local government, a U.S. institution of higher education, or an academic medical center, academic teaching hospital, or a research institute that is affiliated with an institution of higher education, is excluded from the travel reporting requirements.
- c. The following are not included in the term Significant Financial Interest:

- Income from investment vehicles, such as mutual funds and retirement accounts, provided these accounts are managed by a third party.
- Salary, royalties, or other payments made by Boise State University.

## 4. Conflict of Interest Principles

Conflicts of interest are situational and can arise under many different circumstances. This policy does not attempt to provide an exhaustive list of every possible situation but provides requirements for university Employees to avoid, minimize, and manage a real or potential Conflict of Interest. If an Employee ever feels they are, or may appear to be, conflicted in a given situation it is appropriate to report that real or potential conflict so that the situation may be reviewed and a management plan may be developed if necessary.

### 4.1 University Business Relationships/Administration

Employees with administrative responsibilities should be aware of the potential for conflicts of interest when making University business decisions. Employees who have duties involving procurement, sale of goods, negotiation or development of contracts, or who make decisions affecting University assets, including intellectual property and licenses, should be particularly conscious of conflicts of interest. In general, when Employees or their Family Members have Financial Interests in a business, they must acknowledge that a Conflict of Interest exists if that business has a relationship with the University. University Employees may not review, approve, or make any decision relating to a University transaction that may financially benefit the Employee or their Family Members.

### 4.2 Research Activities

- a. Conflicts of interest in Research arise when financial, professional, or other personal considerations compromise, or have the appearance of compromising an Employee's judgment in the design, conduct, or reporting of Research. The potential bias which may result from such conflicts of interest may impact the collection, analysis, and interpretation of data, hiring of staff, procurement of materials, subcontracting, clinical referrals, sharing of results, choice of protocol, the use of statistical methods, the use of human participants, or otherwise influence the course of a Research project.
- b. An Employee may not review, approve, or administratively control contracts, grants, clinical trials, or other Research collaborations when such contract, grant, clinical trial, or other collaboration pertains to a Research project involving the University and a business or non-University intellectual property in which the Employee or a Family Member has a significant

Financial Interest or when the Employee or a Family Member is an Employee of the business and directly involved with activities pertaining to the Research project. Absent compelling circumstances, Employees may not directly participate in Research involving human subjects if they have a significant Financial Interest in the sponsor of the Research or any technology that could be affected by the outcome of the Research. This presumption against human subjects' Research by financially interested individuals may be rebutted by compelling circumstances that are reviewed in advance by the Conflict of Interest Committee. No Research with human subjects that involves a Conflict of Interest may receive final approval from the Institutional Review Board until the conflict of interest is addressed under this policy. Every Employee involved in University Research is responsible for learning about and complying with all other applicable policies and procedures.

### **4.3 Specific Requirements for Sponsored Projects**

- a. Employees are expected to comply with any applicable requirements pertaining to Conflict of Interest in their Research activities.
- b. Before any project is proposed to a sponsor, Investigators are required to certify they have appropriately disclosed any Significant Financial Interests related to that proposal, including Significant Financial Interests that would reasonably appear to be affected by the proposal activities. This certification is required by all Investigators as a part of the proposal routing process to the Office of Sponsored Programs (OSP).
- c. If required by a sponsor, the OSP will report the existence of any Conflict of Interest to the appropriate sponsor contact prior to the expenditure of any sponsor funds, and provide assurance that the interest has been managed, reduced or eliminated. If a conflict is identified after this initial report, another disclosure must be made to the Conflict Officer within thirty (30) days of that identification, and such conflict must also be managed, reduced or eliminated within thirty (30) days of that identification. If required by the sponsor, they shall be provided with a supplemental report detailing this conflict and its management.
- d. If it is determined that a Conflict of Interest cannot be satisfactorily managed, OSP will notify the appropriate sponsor contact if required.
- e. In situations where the university conducts PHS-funded Research through other entities such as subgrantees, subcontractors or collaborators (collectively, "subrecipients"), OSP will take reasonable steps to ensure that Investigators working for subrecipients comply with the relevant Conflict of Interest regulations, either by requiring those Investigators to comply with this university policy or by requiring the subrecipients to provide assurances to the university that will enable the university to comply with relevant Conflict of Interest regulations. Subrecipients of university grants must be required to report identified financial

conflicts of interest to the university. In turn, the university will report to the university's sponsor the existence of any conflicts of interests reported to the university by any subrecipients and obtain assurance from the subrecipients that the Conflict of Interest has been managed, reduced or eliminated. In the event that the failure of an Investigator to comply with this university policy has biased the design, conduct, or reporting of the funded Research, the university will promptly notify the appropriate sponsor contact of the corrective action taken or to be taken.

#### **4.4 Specific Requirements for Intellectual Property**

- a. All decisions of university Employees concerning transfer of intellectual property must be made solely on the basis of promoting the best interest of Idaho's postsecondary education and the public good.
- b. Boise State's independent contractors must facilitate the transfer of intellectual property consistent with this Conflict of Interest rule.

#### **4.5 University Resources**

University resources shall not be used for personal gain. No university personnel, laboratories, space, services, equipment, or intellectual property may be used in connection with Outside Employment of university Employees (beyond incidental use) without prior written authorization from the Vice President and Chief Financial Officer (See also section 5 - Conflict of Commitment).

#### **4.6 Use of the University Name or Trademarks**

No Employee may use the university name for advertising purposes. An Employee may identify a factual association with the university, but shall take care that the name of the university is not used in any way that implies endorsement or approval by the university. No Employee may use any university logos or trademarks for non-university activity without prior written approval from the university's Office of Trademark, Licensing, & Enforcement.

#### **4.7 Textbooks/Academic/Course Materials**

When selecting textbooks or any other materials (collectively referred to as "academic materials") for courses, it is imperative that departments and faculty members avoid any appearance of a Conflict of Interest in assigning faculty- created academic materials in the faculty member's or department's classes. While not expressly prohibited, the assignment of faculty- created academic materials should ensure that the faculty member does not profit from this arrangement. If the spending of such royalties is controlled by the faculty member, or even the

department, it could be argued that the motivation for assigning the academic materials is monetary gain, raising an academic integrity issue. As a result, either the price of the academic materials should be reduced, or the royalties should be used for a philanthropic purpose within the university, such as scholarships.

#### **4.8 Student Activities**

The university is committed to protecting the educational interests of students and maintaining an open environment free from undue influence of private outside interests. The advice and guidance given to students by faculty or staff members (including the nature and direction of Research or other studies as well as employment opportunities outside the university) should always be governed by what is in the best academic interest of the student. Faculty members must exercise prudence in directing students and supervised Employees toward activities from which the faculty might financially benefit.

### **5. Conflict of Commitment Guidelines**

- a. No Employee may undertake Outside Employment that interferes with the Employee's assigned duties to the university. If Outside Employment results in a conflict between university employment and an outside interest an Employee must act in the best interest of the university. In all Outside Employment the outside employer must be informed that the Employee is acting in a private capacity and that the university is in no way a party to the Outside Employment, and is not liable or responsible for the performance thereof.
- b. Full-time university Employees owe a primary professional allegiance to the university, and their primary commitment of time and effort should be to the educational, scholarly, creative, and service missions of the university. Full-time Employees should notify outside employers that they owe their primary professional allegiance to Boise State and are subject to all SBOE and university policies.
- c. Boise State University does not set any cap on the total monetary value of the compensation received by Employees from Outside Employment. Outside Employment may not make use of university resources, beyond incidental use, without prior written approval by Vice President and Chief Financial Officer. This prior approval may entail reimbursement to the university. When university-owned facilities, equipment or other resources are required for any reason, a contract between the university and the private third party must be executed, separately from the Employee's employment or consulting agreement with that third party, and must be approved by the Vice President and Chief Financial Officer. Compensation to the university must be paid at the fair market rate or at the same rate that such services, facilities or equipment would be available to any qualified non-university user.

## 5.1 Faculty-Specific Guidelines

- a. Consulting agreements must include provisions to disclose, maintain and protect the ownership and intellectual property rights of the university.
- b. Full-time faculty members may engage in Outside Employment activities for one day per week during their contract period and without restriction during recognized university holidays, spring break, winter break, and during any non-appointment time. It is expected that these days will be spread more-or-less uniformly across the year so as to minimize the impact on the university duties of the faculty member. The fact that these limitations are met will not be considered a defense for the actual impairment of a faculty member's performance of their contracted university duties during their university contract period.
- c. Compensation for Outside Employment activities shall not constitute unfair competition with the private sector.
- d. Faculty should be cautious when entering into any consulting relationships that limit publication.
- e. Faculty may not use students to support consulting activities.
- f. By completing and signing the Annual Disclosure form (see below) faculty are certifying that their Outside Employment, reported and not reported, has not interfered with their Institutional Responsibilities. The faculty member is also certifying that their Outside Employment has not utilized university resources, beyond incidental use, unless prior written approval has been obtained (as provided above), and that the faculty member has not knowingly unfairly competed with the private sector.

## 5.2 Exemptions

The following types of activities are generally exempt from the disclosure requirement, even if compensated:

- a. Attendance at professional meetings, courses, and workshops.
- b. The preparation of books, articles, or works of art, as part of the normal scholarly duties of the faculty member.
- c. The giving of occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings.

- d. The ad hoc refereeing and reviewing of manuscripts and editorial assignments for peer-reviewed journals or proceedings volumes.
- e. Activities engaged in mainly for recreational or hobby purposes that may result in occasional compensation.
- f. Review panels for government agencies and funding sources.

### **5.3 Exceptions**

Exceptions to this policy must be precisely defined and can only be granted by the written approval of the appropriate college Dean or Vice President.

## **6. Disclosure Requirements**

### **6.1 Annual Reporting**

- a. In general, Employees must complete and submit a Conflict of Interest/Conflict of Commitment Disclosure Form (hereafter called “Annual Disclosure”) emailed to them by the Conflict Officer within thirty (30) days of hire and annually by October 1<sup>st</sup> whether or not the Employee has any situation that presents an actual or potential conflict to disclose. The exception to this general rule is that student employees, adjunct faculty members, and classified employees who are both temporary and part-time are excluded from the Annual Disclosure requirement. Those Employees who are not required to complete the Annual Disclosure must still submit a timely disclosure under section 6.2 if they have an actual or potential conflict to report.
- b. Faculty must report the total number of hours spent in Outside Employment and the major sources of Outside Employment. The purpose of the Annual Disclosure is to solicit information that allows the university to determine whether an Employee has a potential Conflict of Interest or Commitment as defined in this policy. When the university determines that the information submitted indicates that a Conflict of Interest or Commitment does exist, the university may require the Employee to submit additional information and explanation regarding that conflict. The university may also require a management plan as set forth below.

### **6.2 Reporting Conflicts as They Occur**

Employees must also disclose on an ad hoc basis current or prospective situations that may raise questions of Conflict of Interest or Commitment, within thirty (30) days of becoming known to the Employee completing a Conflict of Interest Disclosure form. Annual Disclosures and timely

disclosures for employees exempt from the Annual Disclosure requirement are hereafter collectively referred to as “Disclosure(s)”.

## 7. Review Process

The Conflict Officer will review the Disclosures, evaluating the nature and extent of potential conflicts and, if necessary, pass those Disclosures on to the Conflict of Interest Committee for further review and discussion as outlined in section 7.1.

### 7.1 Conflict of Interest Committee

- a. A Conflict of Interest Committee (“Committee”) may include up to one faculty member, as needed, from each college in order to represent the diversity of academic and Research disciplines of the university. The Committee may include: one or more representatives from the Division of Research and Economic Development, the Division of Finance and Administration, the Office of Sponsored Projects, and the Office of the General Counsel.
- b. A Committee member shall not be present for the discussion if the Committee member has a personal interest or a Significant Financial Interest in the case under discussion.
- c. The Committee shall determine the appropriate resolution of a Conflict of Interest or Commitment. Resolution of a conflict may include, but is not limited to: a) determination that no conflict exists, in which case the Employee shall be informed and the matter closed, b) determination that a conflict may exist, in which case the Conflict Officer shall work with the Committee, the Employee and their immediate supervisor (and any other necessary administrators) on a plan to eliminate or manage the conflict (“Management Plan”). The Committee shall have final approval authority of all management plans.
- d. A Management Plan may include a range of actions. These actions include, but are not limited to:
  - Modifications to the Research plan;
  - Appointment of an oversight panel or person to review the Research or scholarly activity;
  - Appointment of an oversight panel or person to modify the use of students and staff;
  - Disclosure of conflicts in any presentation of the Research results;

- Limitations on the Employee's involvement in select business or personnel decisions on behalf of the university;
- Transfer of purchasing authority; and/or
- Divestiture of Financial Interests, or severing or modifying relationships, that constitute actual or potential conflicts.
- A Management Plan will be in writing and must be signed by the Conflict Officer, Employee, Responsible Plan Administrator, and appropriate vice president.
- All Management Plans will be reviewed and approved by the Committee. The Employee has the right to appear before the Committee, and/or to provide additional information, but will not be permitted to be present for the Committee's deliberations or voting concerning the Disclosure. The Committee may request additional information from the Employee and others to aid it in making its findings and recommendations.

## 8. Administration and Record-Keeping

The Conflict of Interest Officer will administer this policy and maintain records of all filed disclosure forms and associated documents, including, but not limited to, documentation of actions taken by university administrators and committees to eliminate, reduce and/or manage Conflicts of Interest or Conflicts of Commitment. All such records will be retained for a period of three years following completion or termination of the activity that prompted the filing of the disclosure form. In the event of any sanction, copies of such records will be provided to human resources and maintained indefinitely. All Employees who file Disclosures shall update the information promptly if the material facts that the Disclosure is based upon change, and shall notify the Conflict Officer within thirty (30) business days following an end of the circumstances constituting a conflict.

## 9. Reporting Requirements to Third Parties

The University may be required, by law or by conditions imposed by a sponsor, to report an Investigator's Conflict of Interest, activities that appear to be a Conflict of Interest, or other external activities to the affected project sponsors.

## 10. Sanctions

- a. Failure to comply with this policy may subject an Employee to sanctions up to and including dismissal. The severity of the sanction will depend on the nature of the violation of this policy. Inadvertent, unintentional and minor breaches require lesser sanctions, whereas knowing,

deliberate and major violations demand the severest sanctions.

- b. When sanctions involve a Conflict of Interest or Commitment that includes an externally funded Research or scholarship project, the university will also take any action required by the funding sponsor.
- c. Additional sanctions apply under the State Board of Education policies and applicable State and Federal law.
- d. Violations of this policy must be reported to the Conflict Officer.

## 11. Appeals

- a. An Employee may appeal a decision of the Committee to the Provost and Vice President for Academic Affairs. All appeals shall be in writing and shall set forth pertinent facts. If the conflict involves Research, the Provost and Vice President for Academic Affairs shall consult with the Vice President for Research and Economic Development. If the conflict involves an Employee other than a faculty member the Provost and Vice President for Academic Affairs shall consult with the Vice President and Chief Financial Officer.
- b. The decision of the Provost and Vice President for Academic Affairs may be appealed to the President of the university. The decision of the President shall be the final decision of the university.

## 12. Forms

Conflict of Interest Disclosure Form  
<https://web.boisestate.edu/coi/#/>

---

## Revision History

November 2013; September 2016; September 22, 2022