

Policy: Conflict of Interest and Financial Disclosure
Date Adopted: 12-18-1998
Revisions: 12-26-2007
Effective Date: 1-1-2008
Approved By: W. Franklin (Frank) Gilmore

I. Statement of General Policy

Montana Tech of The University of Montana actively encourages interactions with both the public and private sectors as an important component of its research, education, and public service activities. Research, educational, and public service activities supported by grants, contracts, or gifts from public and private entities and individuals provide a valuable source of funds, equipment, and topics for Montana Tech of The University of Montana activities. Professional interactions, including consulting arrangements, between faculty and governmental entities and private businesses, advance Montana Tech of The University of Montana's ability to provide a high-quality research and educational experience for students, and thus enhance their employment opportunities. Montana Tech of The University of Montana's licensing of technology, assisting in new business start-ups, and other forms of technology transfer to both public and private entities, are critical to meeting society's needs.

Montana Tech of The University of Montana and its employees are committed to conducting themselves and their activities in accordance with the highest standards of integrity while remaining in compliance with state and federal ethics, and conflict of interest legal requirements applicable to the University. Interactions with the private sector carry an increased risk of conflict of interest. Montana Tech of The University of Montana's responsibilities in this area include the identification of the potential for conflicts of interest and the assurance that they do not improperly affect Montana Tech of The University of Montana in its relationship to sponsored projects involving research, education, and public service activities. It is the purpose of this policy to set forth the principles for identifying such potential conflicts and the procedures for reviewing and addressing potential conflicts that might occur. It seeks to protect the University faculty and staff so that public trust and confidence is ensured.

It is not the intent of this policy to regulate or eliminate all perceived conflicts of interest, but rather to enable University employees to recognize situations that may raise legal and ethical issues and ensure that such situations are properly reviewed and, if necessary, supervised or monitored in accordance with applicable state law and federal regulations. Thus, an integral part of this policy is a disclosure mechanism whereby employees regularly analyze their activities. This policy and accompanying procedures are intended to maintain the professional autonomy of faculty inherent in research, scholarship, and teaching. Additionally, this policy is intended to meet and conform to written federal conflict of interest regulations as required for institutions of higher education that receive grant and contract funds. Compliance with this policy is required by all Montana Tech of The University of Montana employees.

II. Definitions

As used throughout this policy,

EMPLOYEE (hereafter "an employee") means any person possessing either a full-time or part-time appointment at the University receiving wages and/or benefits from Montana Tech of The University of Montana who is responsible for designing, conducting, or reporting the results of actual or proposed research, educational, or public service activities. This includes any individual who has independent responsibility for the accomplishment of project objectives. The policy also includes those individuals, whether salaried or not salaried, who, on behalf of Montana Tech of The University of Montana, are responsible for writing, submitting, and managing externally sponsored activities awarded to Montana Tech of The University of Montana by contract, purchase order, grant, cooperative agreement, or other such authorizing instrument. Additionally, this policy includes any student or other person responsible for designing, conducting, or reporting the actual or proposed research, educational, or public service activities. For purposes of this policy, the definition of "employee" also includes members of the individual's immediate family.

An **ASSOCIATED ENTITY** of an employee is any business, trust, organization, or enterprise over which the employee, alone or together with an immediate family member, has a significant financial interest.

BUSINESS means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other nongovernmental legal entity organized for profit, not-for-profit, or charitable purposes.

EXECUTIVE POSITION refers to any position that includes responsibilities for a significant segment of the operation or management of a business.

SIGNIFICANT FINANCIAL INTEREST. A Significant Financial Interest is anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); ownership interests (e.g., stocks, stock options or other ownership interest); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). Significant Financial Interest includes the interests of the employee's Immediate Family. The term **does not** include:

- An equity interest that when aggregated for the employee and the employee's Immediate Family, meets **both** of the following tests: has a value of \$10,000 **or less** as determined through reference to public prices or other reasonable measures of fair market value, **and** represents a five percent **or less** ownership interest in any single entity.
- Annual salary, royalties, or other payments that when aggregated for the employee and the employee's immediate family amount to \$10,000 **or less** over 12 months.
- Salary, royalties, or other remuneration received from or through the University.

- Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities.
- Income from service on advisory committees or review panels for public or nonprofit entities.
- A financial interest arising solely by reason of investment in a business by a mutual, pension or other institutional investment fund over which the employee does not exercise control.

GIFT means an unrestricted donation of assets to Montana Tech of The University of Montana. The donor may specify the general purpose for which the gift may be used, but there may be no other terms and conditions specified concerning the use of such assets. Assets may be in the form of cash, securities, tangible personal property, partnership interests, or pledges for assets that are assigned to Montana Tech of The University of Montana. For the purposes of this policy, disclosure is required when (a) a gift is from a business in which an employee has a significant financial interest and (b) the value of the gift exceeds \$10,000 in a given year.

IMMEDIATE FAMILY or FAMILY includes the employee's spouse or domestic partner and dependent children as determined by the definitions of the Internal Revenue Service and State of Montana law.

PARTICIPATE means to be part of the described activity in any capacity including, but not limited to, serving as the principal investigator, co-investigator, research collaborator, or provider of direct services or patient care. The term is not intended to apply to individuals who provide primarily technical support or who are purely advisory with no direct access to the research (e.g., control over its data collection or analysis). Similarly, in the case of research with human subjects, the term does not cover study participants, unless they are in an independent position to influence the study's results or have privileged information as to the outcome.

SPONSORED RESEARCH, scholarship, or creative activities mean research, training, and instructional projects involving funds, materials, or other compensation from outside sources under agreements where any of the following apply:

- 1) The Agreement binds Montana Tech of The University of Montana to a line of scholarly or scientific inquiry specified to a substantial level of detail;
- 2) A line-item budget is involved;
- 3) Financial reports are required;
- 4) The award is subject to external audit;
- 5) Unexpended funds must be returned to the sponsor at the conclusion of the project; or,

- 6) The agreement provides for the disposition of either tangible or intangible properties that may result from the activity.

For purposes of this policy, research also includes a systematic investigation designed to develop or contribute to general knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research, and product development.

A CONFLICT OF INTEREST, or potential conflict of interest, occurs when there is a divergence between the employee's private interests and professional obligations to the University, such that an independent observer might reasonably question whether the employee's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A potential conflict of interest exists when an employee has a significant financial interest in a business that has any dealings with the University. An actual conflict of interest occurs when an employee has a significant financial interest in a business that could directly and materially affect, or be directly and materially affected by, the design, conduct, or use of facilities in, or reporting of, research, educational, or public service activities performed as part of the employee's duties at Montana Tech of The University of Montana. Actual conflicts of interest are prohibited by state law and require careful management, plus full disclosure pursuant to federal law. [NSF Notice No. 117, Investigator Financial Disclosure Policy, as amended July 1995, FR 60(132): 35820-35820; PHS Objectivity in Research; Final Rule FR 60(132):35810-35819, as amended FR 60(146):39076-39077, 45 CFR 50, 50.601-50.607 and 45 CFR 941-94.6; Montana Code Annotated, Title 2, Chapter 2, parts I and 2.]

The potential for conflicts arises because of the nature and scope of activities in which Montana Tech of The University of Montana and its employees engage. Montana Tech of The University of Montana assumes that potential for conflicts of interests will occur regularly in the normal conduct of activities. However, it is essential that any significant potential for conflicts of interest be disclosed and reviewed by Montana Tech of The University of Montana prior to entering into the situation or relationship. After disclosure, Montana Tech of The University of Montana can then make an informed judgment about a particular case and require appropriate oversight, limitations, or prohibitions on the activity in accordance with federal and state law. Employees may not engage in activities in which a conflict of interest, as defined by this policy, occurs.

III. Identification - Potential and Actual Conflicts of Interest

Significant Combinations of Activities and External Relationships

The potential for a conflict of interest arises when certain activities are proposed by the employee and are coupled to the existence of other external relationships. Some combinations (Category I below) are assumed not to represent a conflict of interest. Other combinations represent sufficient potential for conflict of interest (Category II below) to require review and prior Montana Tech of The University of Montana approval before the employee can engage in the

activity. Category III below addresses a specific combination that is presumed to be a conflict of interest and is therefore not allowed.

The following is a representative, though not inclusive, list of activities and external relationships covered by this policy. The categories are general guidelines, and the application of appropriate review and oversight will always be in accordance with the goal of maintaining the full integrity and reputation of Montana Tech of The University of Montana and its employees.

Any combination of activity and external relationship not specifically represented in Categories I-III that an employee reasonably believes constitutes a potential conflict of interest must be reported in writing according to the procedures described within this policy before the employee proceeds with such activity.

Category I - Allowable combinations of activities and external relationships.

The following are not considered conflicts of interest and do not require disclosure. They are allowable if they are consistent with other applicable federal and state laws and policies of Montana Tech of The University of Montana and the Montana University System, including applicable System and University consulting and intellectual property ownership and disposition policies:

- An equity interest that when aggregated for the employee and the employee's Immediate Family, meets **both** of the following tests: has a value of \$10,000 **or less** as determined through reference to public prices or other reasonable measures of fair market value, **and** represents a five percent **or less** ownership interest in any single entity.
- Annual salary, royalties, or other payments that when aggregated for the employee and the employee's immediate family amount to \$10,000 **or less** over 12 months.
- Salary, royalties, or other remuneration received from or through the University.
- Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities.
- Income from service on advisory committees or review panels for public or nonprofit entities.
- A financial interest arising solely by reason of investment in a business by a mutual, pension or other institutional investment fund over which the employee does not exercise control.

Category II - Combinations of activities and external relationships for which there are a minimal to moderate potential for conflict of interest.

The following combinations range from those that are considered to have minimal to moderate potential for conflict of interest (Section A) to those that have a moderate to high potential for conflict of interest (Section B). The activities in Section A are ordinarily allowable following

disclosure and, where necessary, the implementation of oversight or other management procedures. The activities and external relationships listed in Section B require case-by-case review. Special oversight or management procedures are likely to be required (see Part V for disclosure and approval procedures).

Section A - Combinations of activities and external relationships for which there is a minimal to moderate potential for conflict of interest.

1) Research Activities

- a) An employee participates in research on a technology, process, or product developed in whole or in part by that employee for which the employee, an immediate family member, or an associated entity is entitled to receive royalties not in excess of \$10,000 per year from an existing agreement with a business pursuant to the provisions applicable to intellectual property ownership and disposition of the Montana University System.
- b) An employee assigns students, postdoctoral fellows, or other trainees to research projects for which the employee, an immediate family member, or an associated entity is entitled to receive royalties not in excess of \$10,000 per year from an existing agreement with a business pursuant to provisions applicable to intellectual property ownership and disposition of the Montana University System.

Section B - Combinations of activities and external relationships for which there is a moderate to high potential for conflict of interest.

1) Research Activities

- a) An employee participates in clinical trials, evaluation, or development of a technology, process, or product owned or controlled by a business in which the employee, an immediate family member, or an associated entity has a significant financial interest, other than royalty income or the entitlement to future royalty income (where such actual and future royalty income does not exceed \$10,000 per year), pursuant to provisions applicable to, intellectual property ownership and disposition of the Montana University System.
- b) An employee assigns students, postdoctoral fellows, or other trainees to projects supported by a business (through sponsored research or a gift) in which the employee, an immediate family member, or an associated entity has a significant financial interest, other than royalty income or the entitlement to future royalty income (where such actual and future royalty income does not exceed \$10,000 per year), pursuant to provisions

applicable to intellectual property ownership and disposition of the Montana University System.

- c) An employee receives Montana Tech of The University of Montana supervised sponsored research support or gifts (whether in dollars or in kind) for research from a business in which the employee, an immediate family member, or, an associated entity has a significant financial interest, other than royalty income or the entitlement to future royalty income (where such actual and future royalty income does not exceed \$10,000 per year), pursuant to provisions applicable to intellectual property ownership and disposition of the Montana University System.

2) Board Memberships

An employee receives research support (sponsored research or a gift) from a business in which the employee or an immediate family member serves on the board of directors or advisory board, whether or not compensation is received for such services.

3) External Activities

- a) An employee holds an executive position in a business engaged in commercial or research activities directly related to the employee's Montana Tech of The University of Montana responsibilities.

4) Administrative Responsibilities

- a) An employee has administrative responsibilities (e.g., dean, department chair, or director) on behalf of Montana Tech of The University of Montana with respect to the operation of Montana Tech of The University of Montana or any Montana Tech of The University of Montana-affiliated organization that is beneficial to a business in which the employee, an immediate family member, or an associated entity has a significant financial interest.
- b) An employee has administrative responsibilities on behalf of Montana Tech of The University of Montana with respect to any supported research activity (sponsored research or a gift) in which the employee, an immediate family member, or an associated entity has a significant financial interest in the sponsor or donor.

5) Professional Referrals

- a) Except for consulting activities that conform to applicable Montana Tech of The University of Montana and Montana University System consulting

policies, an employee, while performing Montana Tech of The University of Montana duties, makes professional referrals to a business in which the employee, an immediate family member, or an associated entity, has a significant financial interest of which the employee is aware or reasonably should be aware.

Category III - A combination of an activity and an external relationship that is prohibited.

The following activities create a conflict of interest and are not allowed:

- 1) Purchasing goods or services: An employee participates in decisions to purchase goods or services for Montana Tech of The University of Montana in a manner which violates applicable federal or state purchasing laws, plus applicable Montana Tech of The University of Montana or MUS purchasing policies.
- 2) Improper employment relationship: An employee receives a significant undisclosed financial interest or other benefit in return for employing another person on a Montana Tech of The University of Montana project.

IV. Implementation - Assurance of Compliance and Financial Disclosure

Successful implementation of this policy assumes a shared responsibility by all employees and the administration of Montana Tech of The University of Montana. Employees are expected to comply with all disclosure requirements described below, but may initiate review at any time through written disclosure to the Associate Vice Chancellor for Academic Affairs and Research. Once an employee's proposed research, educational, or public service activities have been administratively reviewed, Montana Tech of The University of Montana administration has the responsibility to support the activity so long as the employee complies with the disclosure requirements, other Montana Tech of The University of Montana policies, and state and federal law.

A. Requirements for disclosure of significant financial interests

Any time an employee plans to initiate an activity that may be classified under *Category II* of this policy, the employee must disclose it and obtain prior approval from the Associate Vice Chancellor for Academic Affairs and Research. For the purpose of this policy, disclosure is required when the employee, an immediate family member, or an associated entity has a significant financial interest which could directly and materially affect, or be directly or materially affected by, the employee's actual or proposed Montana Tech of The University of Montana activity (including any actual or proposed federally funded research) before such activity is proposed or begun. Additionally, disclosure and prior approval are required when the interest in a business by an employee, an immediate family member, or associated entity exceeds \$10,000 in the past twelve months or

represents more than a five (5) percent ownership interest for any one enterprise or entity when aggregated, or when salaries, royalties, or other payments, when aggregated for the past twelve months, exceed \$10,000.

1) Annual Disclosure Requirements.

All full-time Montana Tech faculty and other employees must annually complete and submit a *Conflict of Interest Disclosure Statement and Certification* ("Disclosure Form") either to the Montana Tech Chancellor or the Montana Tech Associate Vice Chancellor for Academic Affairs and Research, as noted below. Faculty members or other employees working less than half-time are exempt from submitting the annual Disclosure Form, but nonetheless are required to comply with Montana Tech conflict of interest policies.

(a) Executive Officers and Research & Development Personnel

All Montana Tech Executive Officers, as well as other employees of the Office of Associate Vice Chancellor for Academic Affairs and Research, the Office of Sponsored Programs and Grants Accounting, and the Office of Environmental Health and Safety, must submit the Disclosure Form directly to the University Chancellor for review and development of a conflict management plan when necessary. All personnel subject to chancellor review and approval shall be subject to the procedures set forth herein.

(b) Montana Tech Faculty and Other Employees

Disclosure Forms must be filed at the beginning of the Fall Semester of each academic year AND any time a new potential conflict of interest arises. The employee's signature on the Disclosure Form certifies that the employee has read and understands this policy; and that either 1) the employee does not have a conflict of interest and is in compliance, or 2) that the employee has appropriately disclosed on this form, any significant financial interest which could create a conflict of interest, or a potential conflict of interest. The Disclosure Form will be submitted to the faculty member's or other employee's academic dean or director. The academic deans or directors shall review the forms and forward them to the Associate Vice Chancellor for Academic Affairs and Research for review and development of a conflict management plan when necessary. When making a conflict of interest disclosure, an employee may, at the employee's option, include a proposed conflict management plan. A proposed conflict management plan shall include the name and position of the person responsible for plan oversight. The Associate Vice Chancellor for Academic Affairs and Research shall be available to consult with any employee to help develop an acceptable management plan.

- 2) Disclosure when submitting a proposal for sponsored activities with an external agency:

All employees making an application to any external agencies must complete the *Proposal Certification Form*. The initials of the employee on *Proposal Certification Form* certify that the employee has read and understood this policy and that 1) the employee does not have a conflict of interest and is in compliance, or 2) that the employee has appropriately disclosed any significant financial interest which could create a conflict of interest, or a potential conflict of interest, in accordance with the procedures outlined in Section IV.A.1.

- 3) Update of disclosure:

If an employee obtains new reportable significant financial interests during the period of an award, the employee must disclose in writing such changes to the Associate Vice Chancellor for Academic Affairs and Research. The Associate Vice Chancellor for Academic Affairs and Research, from the written disclosure, will determine a strategy to manage, reduce, or eliminate the potential conflict.

- 4) Disclosure when involved with review or advisory activities:

All employees must temporarily disqualify themselves from any Montana Tech of The University of Montana committee or review process that is considering an activity in which they have a significant financial interest.

In addition, employees must also disclose to committee chairs and the appropriate administrator or executive officer any interest (business, financial, or family) that might cause the employee to compromise judgment while serving as a committee member or making advisory decisions. An example is serving in an executive position for any organization that does business with Montana Tech of The University of Montana or sets policies or rules that affect activities of Montana Tech of The University of Montana.

B. Review of Disclosures and Disposition

- 1) Purpose of review:

The general purpose of review is to assist employees and Montana Tech of The University of Montana in avoiding or controlling risks to integrity and reputation engendered by such relationships, while at the same time protecting and furthering the interests of employees, Montana Tech of The University of Montana, and society in the activities Supported by sponsored research and gifts.

Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate actual or potential conflicts of interest include, but are not limited to:

- public disclosure of significant financial interests;
- monitoring of research by independent reviewers;
- modification of the research, educational, or public service activities plan;
- disqualification from participation in all or a portion of the research;
- divestiture of significant financial interests; or,
- severance of relationships that create potential conflicts of interest.

If the Associate Vice Chancellor for Academic Affairs and Research determines that imposing conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts likely to arise from a significant financial interest are outweighed by interests of scientific or educational progress, technology transfer, or the public health and welfare, then the Associate Vice Chancellor for Academic Affairs and Research may allow the activities to go forward without imposing any conditions or restrictions, as long as the activity does not violate State or Federal law.

- 2) Initial Review. The Associate Vice Chancellor for Academic Affairs and Research, in consultation with University Counsel, shall review each form containing a disclosure and determine whether a conflict of interest exists.
- 3) Waiver of Conflict. The Associate Vice Chancellor for Academic Affairs and Research, in consultation with University Counsel and in consultation with the Chancellor, may waive the conflict and the need for a conflict management plan if they make the following written determinations:
 - That the conflict of interest is so remote that there is no significant probability for bias or undue influence on the employee's University duties and responsibilities;
 - Any resolution of the conflict other than by disclosure and waiver would be ineffective or inequitable and the conflict is not prohibited by statute or regulation; or
 - Any bias reasonably expected is outweighed by the interests of scientific progress, technology transfer or the public health and welfare, and the conflict is not prohibited by statute or regulation.
- 4) Conflict Management. If a Conflict of Interest exists and is not waivable, the Associate Vice Chancellor for Academic Affairs and Research, in consultation with University Counsel, the Responsible Vice Chancellor, or the Chancellor and the employee, and any others deemed helpful in assessing the situation, will

develop a written conflict management plan to manage, reduce, or eliminate the potential for conflict of interest.

- (a) The conflict management plan may employ strategies including, but not limited to, the following:
- Public disclosure of the Significant Financial Interest;
 - Monitoring of the relevant employment duties (e.g., research) by independent reviewers;
 - Modification of duties of the employee, including modification of a research plan;
 - Disqualification from participation in the conflicting employment activity, such as research, procurement, student advising, or employee supervision;
 - Divestiture of the conflicting interest; or
 - Severance of relationship that creates the Conflict of Interest.
- (b) Whenever a decision is made to manage rather than eliminate the conflict of interest, the Associate Vice Chancellor for Academic Affairs and Research, in consultation with University Counsel, shall prepare a written statement explaining why management is in the best interest of the University. Such statement will be included in the conflict management plan.
- (c) Relevant questions to consider in designing an appropriate conflict management plan include, but are not limited to:
- What is the magnitude of the financial interest?
 - What is the level of incentive created by the interest?
 - How direct is the link between the interest and the duties of the employee, including research duties?
 - Could the conflict compromise the objectivity of research results or their evaluation and presentation?
 - Could the conflict adversely affect students?
 - Could the conflict unreasonably interfere with the employee's commitment to University responsibilities?
 - Can a reasonably knowledgeable person be identified to satisfactorily monitor the conflict?

5) Appeal/reconsideration process:

If an employee believes the conditions or restrictions are inappropriate, the employee may appeal or ask for the decision to be reconsidered. The Associate

Vice Chancellor for Academic Affairs and Research will then refer the appeal to a Conflicts of Interest Review Committee (CIRC) (see Part VII for membership and guidelines) to have the activity reconsidered. Upon completion of the review, the Associate Vice Chancellor for Academic Affairs and Research will consider the CIRC recommendation(s), if any. If an employee believes that there exists cause for further review, the employee may appeal to the Chancellor of Montana Tech of The University of Montana who shall make a determination of the appeal. If an employee believes that there exists cause for further review, the employee may appeal to the President of The University of Montana who shall make a final determination of the appeal. An employee who disagrees with the President's decision may appeal to the Montana Commissioner of Higher Education and exercise any applicable rights permitted by the Montana University System. No award will be accepted by the University while any appeal is pending.

C. *Reporting and Record Retention*

- 1) The Associate Vice Chancellor for Academic Affairs and Research will report to external sponsoring agencies, as required by the agencies, the existence of any conflict of interest found by Montana Tech of The University of Montana, and actions taken to manage, reduce or eliminate the conflict. The Associate Vice Chancellor for Academic Affairs and Research will maintain records of all *Proposal Certification Forms, Conflict of Interest Disclosure Statement and Certification* written disclosures, and all actions taken by Montana Tech of The University of Montana, on an award-by-award basis, for at least three (3) years beyond the termination of the award or until resolution of any action by Montana Tech of The University of Montana or governmental agencies involving the records. All records will be maintained in a manner to protect sensitive and confidential information consistent with state and federal law. To the extent required by law or requested by the sponsor, the Associate Vice Chancellor for Academic Affairs and Research will also inform the office of general counsel of any external sponsor of Montana Tech of The University of Montana research activity whenever Montana Tech of The University of Montana finds itself unable to manage and satisfactorily resolve any conflict of interest related to the sponsor's Montana Tech of The University of Montana activities.
- 2) The Associate Vice Chancellor for Academic Affairs and Research will prepare an annual report for the Chancellor. Said report will summarize information from the *Conflict of Interest Disclosure Statement and Certification* forms required from all Montana Tech full-time employees stating either that the employee has no conflict of interest or list any potential or actual conflicts.
- 3) The Associate Vice Chancellor for Academic Affairs and Research will prepare an annual report for submission to the Board of Regents. Said report shall include: the number of conflicts disclosed; summary of the nature of the conflicts; number of conflicts being managed through written plans; number of conflicts

eliminated; and any other material information relating to conflicts of interest at the campus.

D. Applicability of the Policy

To the extent required by law, Montana Tech of The University of Montana will subject all subgrantees, contractors, and collaborators on externally-funded Montana Tech of The University of Montana projects to all aspects of the policy, including, but not limited to, all reports, plus compliance and disclosure certifications required in the policy.

V. Compliance

Montana Tech of The University of Montana expects employees to comply fully and promptly with all requirements of this policy as applicable to federal and state regulations. Breaches of this policy include, but are not limited to, intentionally filing an incomplete, erroneous, or misleading *Proposal Certification Form*, failing to provide additional information as required, or failure to provide a written disclosure to Associate Vice Chancellor for Academic Affairs and Research, as required. A violation of this policy may be the basis for discipline of an employee. If sanctions are necessary, they will be imposed in accordance with applicable Montana University System policies. The potential sanctions may include, but are not limited to, the following:

- Letter of admonition;
- Ineligibility of the employee to submit grant applications;
- Withholding Institutional Review Board (IRB) or Institutional Animal Care and Use Committee (IACUC) approval, or supervision of graduate students;
- Suspension;
- Non-renewal of probationary appointment;
- Termination.

VI. Conflict of Interest Review Committees (CIRCs)

A. Formation and Membership

The Associate Vice Chancellor for Academic Affairs and Research will determine whether Conflict of Interest Review Committees (CIRCs) should be organized to assist in review, or upon appeal by an employee, the potential for conflicts of

interest regarding sponsored research and gifts. In consultation with Faculty Senate and appropriate Deans, the Associate Vice Chancellor for Academic Affairs and Research will be responsible for appointing committee members to one or more CIRC. A CIRC may be organized by Colleges or Schools. Three-quarters of the voting membership of each CIRC will be employees from the area or department(s) to be served. The remaining one-quarter of the voting members will include faculty from outside the department(s). Some of the members should be individuals who have participated in approved external relationships. Employees whose activities are under review will have the opportunity to meet with the CIRC to discuss their situation and possible solutions.

B. Guidelines

The principal objective for the CIRC is to help guard employees and Montana Tech of The University of Montana from engaging in activities where the risk to integrity and reputation as a result of an external relationship outweighs the value of the activity to academic and societal goals. Relevant factors to consider are: the nature of the financial interest; when and where the relationship commenced; whether the conditions of the relationship have changed during the past year; the likelihood of a conflict of interest (will the results of the activity likely affect or be affected by the significant financial interests); mechanisms to ensure integrity (peer review, other independent research sites, and independent monitors or controls); the importance of the proposed activity; and the availability of alternatives to avoid the conflict of interest.

VII. Acknowledgements

Montana Tech of The University of Montana gratefully acknowledges the University of Montana-Missoula and Montana State University for allowing us to incorporate portions of their "Conflict of Interest Policies" into this document.