

**SECTION: HUMAN RESOURCES****AREA: EMPLOYEE RELATIONS****SUBJECT: CONFLICT OF INTEREST FOR NON-ACADEMIC STAFF MEMBERS****PURPOSE**

To promote the University of Arkansas for Medical Sciences (“UAMS”) mission of education, patient care, research, and outreach by implementing procedures to assure disclosure and appropriate management of potential Conflicts of Interest among Non-Academic Staff Members.

**SCOPE**

This policy applies to UAMS Non-Academic Staff Members.

**DEFINITIONS**

**BioVentures** shall mean BioVentures, LLC, a limited liability company formed by UAMS for the primary purpose of providing support to UAMS in the operation, management and commercialization of medical, pharmaceutical and healthcare related innovation, education, discoveries, inventions, processes and information resulting therefrom in addition to providing and performing other duties, services and functions in furtherance of the advancement of transfer and development of inventions, intellectual property and other innovative works and services produced by UAMS faculty, staff and students in pursuit of research and education.

**Conflict of Interest (“COI”)** shall mean an outside interest that could inappropriately influence or reasonably appear to inappropriately influence an individual's performance of the employee's UAMS duties or responsibilities.

**Conflict of Commitment** shall mean an external activity that interferes, or appears to interfere, with a Non-Academic Staff Member's clinical, scholarly, or administrative responsibilities to UAMS, even if the external activity is valuable to UAMS or contributes to the Non-Academic Staff Member's professional development and competence.

**Financial Interest** shall include any of the following interests of a Non-Academic Staff Member or their Immediate Family Members that could reasonably appear to be related to the employee's UAMS duties or responsibilities.

- (a) Equity interests (such as stock, stock options, or other ownership interests) with other healthcare organizations or entities doing business with or seeking to do business with UAMS.
- (b) Licensed intellectual property (patents, copyrights, etc.) or income from intellectual property rights (licensing fees, royalties, etc.), including intellectual property rights

assigned to or licensed through the Board of Trustees of the University of Arkansas or BioVentures.

- (c) Outside employment or independent contractor relationships with other healthcare organizations or entities doing business with or seeking to do business with UAMS.
- (d) Payments or other remuneration (such as consulting fees, honoraria, sponsored or reimbursed travel, gifts, contributions, etc.) from other healthcare organizations or entities doing business with or seeking to do business with UAMS.
- (e) Service as an executive officer, board member, or other fiduciary position with other healthcare organizations or entities doing business with or seeking to do business with UAMS.

**Financial Interest** does **not** include:

- (a) Compensation or other remuneration paid by UAMS (except for licensing fees or royalty income from intellectual property rights assigned to the Board of Trustees of the University of Arkansas or BioVentures).
- (b) Income from seminars, lectures, or teaching engagements sponsored by government agencies, academic teaching hospitals, medical centers, or accredited public or non-profit institutions of higher education or their affiliated research institutes.
- (c) Income from service on advisory committees or review panels for government agencies, academic medical centers, or accredited public or non-profit institutions of higher education or their affiliated research institutes.

**Immediate Family Members** shall mean spouses, domestic partners, children, parents, grandparents, and siblings.

**Institutional Responsibilities** shall mean an individual's professional responsibilities to UAMS, including, but not limited to, research, research consultation, teaching, clinical and professional practice, administrative responsibilities, committee memberships, and service on professional review panels or advisory boards.

**Non-Academic Staff Member** shall mean Non-Classified employees who: (1) are not categorized as PRN or Temporary; (2) do not meet the definition of an Academic Staff Member under the Conflict of Interest Policy for Academic Staff Members (UAMS Administrative Guide 4.4.10); or (3) do not meet the definition of a UAMS Official under the UAMS Institutional Conflict of Interest Policy (UAMS Administrative Guide 4.4.13).

**Relative** shall mean an individual's husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, niece, or romantic partner.

**Supervision** shall include:

- (a) Authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline; or
- (b) The responsibility to direct, to adjust grievances, or to effectively recommend an action if the exercise of authority is no of a merely routine or clerical nature but requires the use of independent judgment.

## **POLICY**

***Disclosure of Actual and Potential Conflicts of Interest:*** Non-Academic Staff Members hold positions of trust and must conduct their UAMS activities in such a manner as to fulfill the mission of UAMS without consideration of personal financial gain.

Potential COIs arise when outside Financial Interests have the potential to inappropriately influence or appear to inappropriately influence an individual's performance of their UAMS duties or responsibilities. These situations do not necessarily imply wrongdoing. However, the perception that outside Financial Interests might inappropriately influence an individual's conduct at UAMS is sufficient to require that both potential and actual COIs be disclosed and appropriately managed to help assure the public trust.

Non-Academic Staff Members are responsible for submitting an electronic Financial Interest Disclosure Statement to the Conflict of Interest Office within the first two (2) weeks of employment and on an annual basis thereafter. Statements must also be updated within thirty (30) days of acquiring a new Financial Interest.

***Conflicts of Commitment:*** Non-Academic Staff Members may engage in external activities which contribute to professional development by enhancing knowledge, skills, and expertise. Such activities may include consulting, acting as an expert witness, authorship, lecturing, public service, editorial services, involvement with professional societies, or participation on educational, advisory or scientific committees and review panels, or pro bono work. Such activities, however, should not interfere with a Non-Academic Staff Member's Institutional Responsibilities. Therefore, external activities must be reviewed and approved by the appropriate UAMS supervisor prior to engaging in such activities to ensure they do not result in a Conflict of Commitment. Once prior-approval of an external activity has been obtained, all activities that meet the definition of a Financial Interest must be disclosed to the COI Office by the Non-Academic Staff Member. Any subsequent review by the COI Office or Non-Academic COI Committee shall focus on identifying and managing Conflicts of Interest.

## **PROCEDURE**

***Non-Academic Conflict of Interest Committee:***

The Non-Academic Conflict of Interest Committee ("NACOIC") shall be a standing committee of UAMS appointed by the Vice Chancellor for Institutional Compliance ("VCIC") that represents a variety of UAMS constituencies. The Chairperson shall be

appointed by the Vice Chancellor for Institutional Compliance. In accordance with its Standard Operating Procedures, the NACOIC shall review Financial Interests disclosed by Non-Academic Staff Members, determine if such interests constitute a COI, and impose and monitor compliance with management plans.

NACOIC shall meet on a regular basis in order to act in a timely fashion. NACOIC members shall disclose any personal Financial Interests related to agenda items at the beginning of each NACOIC meeting and recuse themselves from decisions with respect to such items.

All COI disclosure forms reporting a Financial Interest must be reviewed by a direct supervisor prior to being routed to the NACOIC. Direct supervisors are also responsible for periodically reviewing COI disclosures where no Financial Interest is reported and reporting any concerns or known inaccuracies to the Conflict of Interest Office. When the NACOIC determines that a reported Financial Interest is also a COI, the NACOIC will develop a plan to manage the COI and monitor compliance.

### ***Employee Responsibilities:***

***Administrative and Business Decisions:*** Non-Academic Staff Members shall recuse themselves from participation in any administrative or business decisions at UAMS that are related or may appear to be related to a Financial Interest of the Staff Member or their Immediate Family Members.

***Service on UAMS Committees:*** Non-Academic Staff Members who have Financial Interests that are related or may appear to be related to their service on any UAMS committees, such as purchasing, formulary, or clinical practice guideline committees, shall disclose their Financial Interest to committee members and recuse themselves from participation in discussions and voting related to their Financial Interest.

***Activities Related to Relatives:*** Pursuant to University of Arkansas Board Policy 410.1 (*Nepotism and Related Conflicts of Interest*), no employees who are related shall be placed within the same direct line of supervision whereby one relative is a supervisory employee and responsible for supervising the job performance or work activities of another relative. Non-Academic Staff Members shall not participate in the supervision, hiring process, or any employment-related decisions pertaining to their Relatives. Likewise, Non-Academic Staff Members shall not supervise any Relative who is an employee of UAMS or participate in reviewing a Relative's job performance.

***Outside Employment<sup>1</sup>:*** Non-Academic Staff Members shall not engage in outside employment that interferes in any substantial way with their UAMS duties. In accordance with the University of Arkansas System Board Policy 450.1, full-time Non-Academic Staff Members who are also categorized as administrative staff, must receive written approval

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<sup>1</sup> For outside activities involving other healthcare entities, the UAMS Industry Interaction policy (Administrative Guide 4.4.12), which applies to all UAMS employees, should also be consulted for additional requirements.

from the appropriate supervisor prior to engaging in external employment or other activities for compensation. Examples of administrative staff under this policy include, but are not limited to, directors, department heads, business managers, office managers, and other individuals in a supervisory role. Outside employment may only be performed while on leave or during UAMS nonworking hours.

### **NONCOMPLIANCE**

Failure to submit an accurate and complete Financial Interest Disclosure Statement as required by this policy and/or failure to comply with a management plan imposed by the NACOIC may result in disciplinary action in accordance with UAMS Administrative Guide 4.4.02, Employee Discipline.

### **REQUESTS FOR RECONSIDERATION**

If a Non-Academic Staff Member is dissatisfied with the NACOIC decision regarding whether a Conflict of Interest exists or terms of a management plan, a written request for reconsideration may be submitted to the Director of Conflict of Interest within thirty (30) days of receipt of the NACOIC's decision. The request for reconsideration should include any additional information the Non-Academic Staff Member would like the NACOIC to consider. The reconsideration decision shall be final.

### **MISCELLANEOUS**

**Record Retention.** Conflict of Interest disclosures and management plans for Non-Academic Staff Members will be maintained for a minimum of five (5) years.

**Questions.** Any questions about this policy may be directed to the Conflict of Interest Office at 501-686-6447.

### **REFERENCES**

*Arkansas Code Annotated § 19-11-701 et seq.*

[University of Arkansas System Board of Trustees Policy 450.1.](#)

Signature: 

Date: **December 14, 2022**