

**ACADEMIC SENATE AGENDA**  
**May 7, 2012**

1. CALL TO ORDER: 3:00 p.m. in room 115 CRCC C Roland Christensen Ctr.
2. MINUTES: April 2, 2012 1
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  - b. Election of Senate Executive Committee
  - c. Election of Senate-elected Committees (instructions for online voting)
4. REQUEST FOR NEW BUSINESS:
5. CONSENT CALENDAR
  - a. Appendix I: Resignations, Administrative and Faculty Appointments
  - b. Appendix II: Auxiliary and Limited Term Appointments
6. EXECUTIVE COMMITTEE REPORT
7. REPORT FROM ADMINISTRATION:
8. REPORT FROM ASUU:
9. NOTICE OF INTENT:
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  - b. New Policy 2-001 (& delete 2-100 to 2-105) Authority of the University 54
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  - b. Ad hoc Closure Committee Report 127
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## **ACADEMIC SENATE MINUTES**

### **April 2, 2012**

#### Call to Order

*The regular meeting of the Academic Senate held on April 2, 2012, was called to order at 3:04 p.m. by Patricia Hanna, Senate President. The meeting was held in room CRCC 115.*

#### Roll:

Senators: Stephen Alder, Bob Allen, Lisa Aspinwall, Alexander M. Balk, Tully Cathey, Reaz Chaudhuri, Kuan Chen, Margaret (Mardie) Clayton, Kevin DeLuca, Lee Dibble, Marianna Di Paolo, Richard Dorsky, Richard Ernst, Sabine Fuhrmann, Bruce Gale, Michael Gardner, Franz Goller, Joan Gregory, Charles "Chuck" Grissom, Thad Hall, Rachel Hayes-Harb, Howard Horwitz, Eric Hutton, Thunder Jalili, William (Bill) Johnson, Bradley J. Katz, Todd Kramer, Sharee Lane, Stephen Lessnick, Anthea Letsou, Karl Lins, Kim Martinez, Theresa Martinez, Teri J. Mauch, Duncan Metcalf, Heather Melton, Joseph Metz, Patricia Murphy, Rachel Nardo, Arthur C. (Chris) Nelson, Chris Pantelides, Chris Peterson, Lester Partlow, Andrea Rorrer, Gary Rose, Sonia Salari, Janet Shaw, Gregory Smoak, Jeff Stratman, Orest Symko, Margaret Wan, Li Wang

Student Senators: Elle Barker (University), Andrew Black (Mines & Earth Science), Ryan Brinn (Health), Jackson Chambers (Fine Arts), Jillian Jensen (Humanities), Grace Ku (Business), Heather McElroy (Engineering), Sara Nassof (Social Work), Cory J. Nelson (Academic Affairs), Neela Pack (ASUU President), Eleni Schenk (Pharmacy), Taylor Thompson (Science), Jeffery Van Hulten (Law)  
Molly Wheeler (Social & Behavioral Sci)

Ex-officio: Robert Flores, Robert Fujinami, Patricia Hanna, Michael Hardman, Vivian Lee, James Metherall, Paul Mogren, Dave Pershing, Shawnee Worsley

Others: Ann Floor, Donna White, Chuck Wight

Excused: Amy Wildermuth

Absent sent Proxy: Leslie Francis, Allyson Mower, Chris Myer, Joanna Schaefer, Clough Shelton, David Viskochil, Angela Yetman

Absent without Proxy: Amanda Barusch, George Cassiday, Kathy Chapman, Ronald Coleman, Tina Diekmann, Richard Forster, Timothy Garrett, William M. Gershan, Michael Goodman, Gary Grikscheit, Martin Horvath, Maureen Keefe, Evert Lawton, Anne Mooney, Dragan Milicic, , Martin Rechsteiner, Sean Redmond, Alison Regan, David Rudd, Brenda Vanderwiel, Norm Waitzman

### Approval of Minutes

*The minutes of the Academic Senate meeting on March 5, 2012, were approved following a motion from Kim Martinez, and were seconded by Joanne Yaffe (proxy for Joanna Schaefer).*

### Request for New Business

*No New Business*

### Consent Calendar

*No resignation or appointments*

### Executive Committee Report

Robert Fujinami provided a summary of the Executive Committee meeting held on February 27, 2012.

### Report from Administration

President David Pershing reported on the Board of Regents meeting, during which the Board passed the BA/BS degree request for Peace and Conflict Studies, as well as the Ph.D. in Occupational and Environmental Health. The Board of Regents also passed a Tier 1 tuition increase of 4.5 percent and a Tier 2 increase of 1.5 percent, for a total increase of 6 percent for the University. Pershing noted that, with the increase, tuition next year for 30 credits (15 credits per semester) would equal about \$6,200 a year, which still ranks the U as the most cost-effective school in the Pac-12, despite the increase. President Pershing addressed the recent passage of legislation that would permit bonding in order to construct two new parking terraces on campus. He noted that the location of these terraces is still to be determined, and Campus Design and Construction is looking into the issue. When options for locations are drawn up, these plans will be brought to the faculty for examination and discussion. Interim Senior Vice President Michael Hardman was introduced to the Senate and President Pershing stated that a national search for a permanent Senior VP is underway. President Pershing encouraged all to attend the ribbon cutting for the new USTAR building on April 19, and also noted that construction would soon begin on the new Beverley Taylor Sorenson Arts and Education building.

### Report from ASUU

ASUU President Neela Pack reported that ASUU recently held its student body elections, and also noted that author Maya Angelou had to cancel her scheduled appearance at the U due to health issues. Pack also mentioned "Geek Week" coming up in late April, which includes extended library hours for the week prior to finals. For the senior class gift, Jamba Juice will be creating a special University of Utah flavor to be sold at all Salt Lake valley locations, with a portion of proceeds going to a scholarship fund. There is currently an ongoing contest to determine a name for the flavor.

### Notice of Intent

The School of Dentistry Proposals were presented by Dr. Vivian Lee. These dual proposals will create a new academic college--the School of Dentistry at the U, and authorize the School to grant the new Doctor of Dental Surgery (DDS) degree. Launched in 1980 and housed in the School of Medicine's Department of Pathology, the current Regional Dental Education Program (RDEP) provides 20 Utah students per year (10 at Creighton and 10 at-large) who previously had only out-of-state access to dental education a means to attend a partner school. From its inception 32 years ago, the intent has been to move from the regional education program to a full, self-supporting School of Dentistry, allowing our most highly qualified Utah students to receive their dental education in Utah. It is hoped the first class pursuing the new DDS degree will be admitted September 2013. A generous philanthropic gift will allow the construction of a building to house the school. Representatives from the American Dental Association recently visited the U, and were encouraged by the facilities, faculty, and plans for a new dental school. This represents an unparalleled opportunity to create a top-notch dental school from the ground up, and would be the first new college at the U in 60 years. The proposal for the new college includes certain specific conditions requiring ongoing work with the Senate Executive Committee for approval of various shared-governance components of the college (including establishing a college council, and committees for faculty appointments and faculty RPT processes). *A motion was made by Stephen Alder to move the dual proposals from the Intent Calendar to the Debate Calendar. This was seconded by Joan Gregory and passed unanimously. Motion to approve creation of the new college as specified in the proposal was made by Neela Pack and seconded by Joanne Yaffe, and passed unanimously. Motion to approve establishment of the new DDS degree was made by Stephen Alder, seconded by Thad Hall, and passed unanimously.*

The proposed Revision 3 of Policy: 6-402 Fraternal Social Organizations was presented by Lori McDonald (Associate Dean of Students). Policy 6-402 establishes the standards expected of fraternities and sororities in order for them to gain and maintain recognition to operate. Revisions to the policy include: clarifications in zoning, the addition of non-discrimination policies, clarification of language allowing administration to suspend an organization, and other minor changes which will not affect the day-to-day functioning of these organizations. Discussion was had on amending the proposal so that the non-discrimination section (III-B-2-c) would include "sexual orientation" as well as gender-identity/expression. *The motion to make that amendment was made by Neela Pack, seconded by Joanne Yaffe, and passed unanimously. A motion to move the proposal from the Intent Calendar to the Debate Calendar was made by Neela Pack and seconded by Joanne Yaffe, and passed unanimously. A motion to approve the proposed Policy revision, as amended to include sexual orientation, was made by Neela Pack and seconded by Rachel Nardo. The motion passed.*

### Debate Calendar

The proposal for an Interdisciplinary Undergraduate Sustainability Certificate was presented by Steve Burian and Dan McCool. The purpose of the integrated interdisciplinary undergraduate Sustainability Certificate Program is to enable students



to gain and use knowledge and skills in the scientific, technological and human dimensions of sustainability needed to aim their future actions as individuals and professionals toward developing a responsible global worldview and creating a more sustainable world. *Motion to approve was made by Thad Hall and seconded by Chris Nelson. The motion passed unanimously.*

Heath Canary & Mark Bergstrom presented the proposal for an Undergraduate Interdisciplinary Certificate in Health Communications and the related proposal for Graduate Certificate in Health Communications. The Department of Communication seeks to create a new interdisciplinary certificate program in the growing area of Health Communication. The University of Utah is the primary institution for educating health providers and ancillary professionals in the state of Utah. Health communication is a crucial concern and currently a top priority for medical and health institutions and agencies, as the nature, forms, and functions of health care and health information shift dramatically in contemporary society. These two proposed certificates respond to that increasing interest and demand for greater awareness and understanding of health communication. Specifically, the proposed program involves the study of how communication about health is co-created, transmitted, received, constructed, and circulated in various contexts. *The motion to approve both proposals and forward the proposals to the Board of Trustees was made by Thad Hall and seconded by Theresa Martinez. The motion passed unanimously.*

George Hepner presented the proposal for a Master of Science Degree in Geographic Information Science. The program is designed to provide students with the expertise to be successful in the GIS job market at the advance technical and managerial levels. The MGIS is to develop skills in acquiring, analyzing and managing large volumes of geospatial information to address problems across a broad range of interdisciplinary application areas. *Chris Nelson made the motion to approve and forward the proposal to the Board of Trustees, which was seconded by Rachel Nardo. The motion passed unanimously.*

The proposal for a Center for Mining Safety and Health Excellence was presented by Tom Hethmon. The University's reputation as a tier one engineering and mining school provides an unparalleled opportunity to establish a Center for Safety and Health Excellence in the mining industry. The establishment of a high-profile, well-funded Center will allow the University of Utah to take the lead in developing, communicating and implementing modern safety and health management systems in the U.S. mining industry, and abroad. *The motion to approve and forward the proposal to the Board of Trustees was made by Marianna DiPaolo and seconded by Joanne Yaffe. The motion passed unanimously.*

The proposal to create Interdisciplinary BA in Religious Studies was presented by Muriel Schmid. The motion to approve the new degree was made by Thad Hall and seconded by Theresa Martinez, and passed unanimously.

The proposal for the National Science Foundation Materials Research Science and Engineering Center at the University of Utah was presented by Dr. Ajay Nahata. The motion to approve the Center was made by Rachel Nardo and seconded by Joanne Yaffe, and passed unanimously.

#### Information Calendar

The information calendar items, including (i) 2012 Early Career Teaching awards, (ii) Proposal for New Emphases for Languages and Literature, and (iii) Proposal for the Ph.D. emphasis in Astronomy & Astrophysics, were accepted without opposition. The Graduate Council revised report of the review of the Department of Ballet was accepted and will be forwarded to the Board of Trustees information calendar. The Senate by unanimous consent adopted a resolution of appreciation for Linda F. Smith (Professor of Law) in recognition of her extraordinary service acting as receiver/interim chair of the Ballet department during its period of receivership,

Respectfully submitted,  
Shawnee Worsley

## **SENATE PRESIDENT-ELECT BIOGRAPHIES**

### **Allyson Mower, MA, MLIS**

Allyson Mower, MA, MLIS is the Scholarly Communications & Copyright Librarian at the J. Willard Marriott Library at the University of Utah. She provides information, tools, and services related to both publishing and copyright. Previous to this position, Allyson worked at Eccles Health Sciences Library where she served as reference associate, virtual reference coordinator (2003-2006), and institutional repository coordinator (2006-2008).

Allyson spearheaded the digitization of the health sciences theses and dissertations at Eccles Library and co-created a copyright permission tool called University Scholarly Knowledge Inventory System (U-SKIS) which is used by several libraries across the U.S. Allyson and colleagues from Purdue University and Georgia Tech libraries received a grant in 2010 from the Institute of Museum and Library Services to explore the state of library publishing services which, in turn, fostered a recent digital publishing collaboration with Professor Peggy Battin and Oxford University Press.

She received her MLIS from the University of Washington in 2009 and holds an MA in Liberal Arts from St. John's College and a BA in American Studies from Utah State University. Allyson was a Library Journal Mover & Shaker in 2008 and has been nominated as a 2012 Society for Scholarly Publishing Emerging Leader.

## **Rachel Lee Nardo, DMA (University of Southern California)**

Rachel Nardo is the Beverley Taylor Sorenson Presidential Endowed Chair in Elementary Music. She teaches and supervises graduate teaching assistants in general music classes for music majors and elementary education majors, and offers a number of graduate courses in music education (Psychology of Music, Assessment in the Arts, Music Technology, and Early Childhood Music Methods

As the Sorenson Chair, a major portion of her time involves teaching in community partnerships. The focus of this work is enhancing language arts literacy through music instruction. In 2011-12, this work affected approximately 400 elementary-aged children, 18 classroom teachers, 54 pre-service teachers, and 23 graduate students.

Research and creative activity revolve around pedagogical materials for early childhood education (See the *California Preschool Curriculum Framework, Volume 2* 2011) and technology solutions for delivering music instruction via the Internet (see <http://www.kusc.org> for Hansel and Gretel site). Dr. Nardo has also presented at numerous conferences on topics of literacy and music, assessment of singing in early childhood, side-by-side teaching, and music and the brain.

Before her arrival at the University of Utah, Dr. Nardo was a professor at Indiana University (IUPUI) and Director/Associate Dean of the Tavel Research Center in Digital Arts and Technology. She holds a DMA from the University of Southern California in Music Education-Electro-acoustic with a cognate in Educational Psychology/Technology.

## **Proposal for Policy 1-006 Individual Conflicts of Interest, Revision 11**

### **{Note to Senate members:**

*As discussed with the Senate Executive Committee, the proponents of this revision proposal have advised that it would be very helpful if the proposal could be approved at the May Senate meeting, in a single meeting. **It is anticipated that a motion might be made to move the item from the Intent Calendar to the Debate calendar**, allowing for debate and possible approval. This may be the best means of dealing with a federal funding agency mandate that the University's policy be brought into compliance with changed federal requirements before the Senate returns from its summer recess.*

*In light of the likelihood that the debate and possible approval might occur at the May meeting, if you (or your constituents) have any questions or concerns about specific parts of the proposal, rather than waiting to bring those questions up during the Senate meeting, the proponents would appreciate hearing from you in advance so that they can give your questions & concerns more careful attention, and perhaps respond before the meeting.*

### **Any questions and concerns may be directed to:**

**Jeffrey Botkin, Associate VP for Research Integrity, [Jeffrey.Botkin@hsc.utah.edu](mailto:Jeffrey.Botkin@hsc.utah.edu), (801) 581-7170**

**Prof. Bruce Gale. Mechanical Engineering, [bruce.gale@utah.edu](mailto:bruce.gale@utah.edu) 801 585-5944. }**

**Proposal for addition/revision of University Regulation.**

(Rev.2011-9) <http://www.regulations.utah.edu/info/IPCresources.html>

1. Regulation(s) involved (type, number, subject): **Policy 1-006, Individual Financial Conflicts of Interest**
  2. Responsible Policy Officer (name & title): **John Morris, Vice President and General Counsel**
  3. Contact person(s) for questions & comments (name, email, phone#): **Jeffrey Botkin, Associate VP for Research Integrity, [Jeffrey.Botkin@hsc.utah.edu](mailto:Jeffrey.Botkin@hsc.utah.edu), (801) 581-7170**
  4. Presenter to Senate Exec (if different from contact person. name, phone#): **Jeffrey Botkin, Bruce Gale 801 585-5944.**
  5. Approvals & consultation status.
    - a. Administrative Officers who have approved (VP/President, name & date): **Submitted for signatures**
    - b. Committees/Councils/other Officers consulted: **Institutional Policy Committee, Conflict of Interest Committee**
  6. Check YES or NA (not applicable) of documents submitted--- (In digital form. Preferred file format MS Word doc. Special exception allowed for PDF format if previously arranged.)  
  

**Yes** Explanatory memorandum (key points of proposal, rationale).

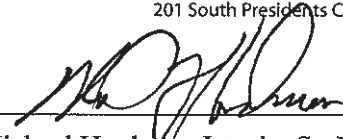
**Yes** VP/Presidential approval signatures (separate sheet, or affixed to memo cover).


**Yes** Text of proposed Regulation addition/revision.

**Yes** (If revision of existing Regulation) text changes are *clearly marked*, using *permanent* font markings (not MS Word 'Track' Changes non-permanent markings).
- Date submitted to Senate Office: **April 16, 2012**

After presentation to the Executive Committee, the Committee will consider whether the proposal is ready for the full Senate, and if so will schedule it for presentation at a subsequent Senate meeting either as i) a matter of academic significance-- set on the "Intent" & "Debate" Calendars over two monthly meetings with final "approval" voting at the second, or ii) not academically significant--set on the "Information" Calendar for a single monthly meeting, with opportunity for questions and recommendations to the presenter. See Policy 1-001 <http://www.regulations.utah.edu/general/1-001.html>; Rule 1-001 <http://www.regulations.utah.edu/general/rules/R1-001.html>; Senate procedures <http://www.admin.utah.edu/asenate/index.html>. Further information-- Senate Office: Shawnee Worsley 581-5203 [shawnee.worsley@utah.edu](mailto:shawnee.worsley@utah.edu)

Approvals:

 4/17/12  
Michael Hardman, Interim Sr. Vice President for Academic Affairs Date

 4/17/12  
Vivian Lee, Sr. Vice President for Health Sciences Date

### Memorandum

To: Interim Sr. Vice President for Academic Affairs Michael Hardman, Sr. Vice President for Health Sciences Vivian Lee.

From: Jeffrey R. Botkin, Associate Vice President for Research Integrity  
Bruce K. Gale, Conflict of Interest Committee Chair

**Subject: Proposed revisions of University Policy 1-006, Individual Financial Conflicts of Interest**

Date: April 16, 2012

This is a proposal for revising University Policy 1-006 regarding individual conflicts of interest.

#### I. Background

Revision of the University Individual Financial Conflict of Interest Policy (1-006) was initially undertaken in response to an Internal Audit Report issued on January 7, 2009. A policy revision team was formed under the direction of Dr. Jeffrey R. Botkin, Associate Vice President for Research. The policy revision team met regularly during 2009 and presented a draft of the revised policy to the Conflict of Interest Committee in February 2010. In response to the COI Committee's review and recommendations, additional modifications were made during March and April 2010.

On May 21, 2010, the Department of Health and Human Services (DHHS) issued a Notice of Proposed Rule Making for Financial Conflicts of Interests in the Federal Register. Dr. Botkin submitted comments about the proposed rule on behalf of the University to DHHS in July 2010. A decision was made to delay University policy changes pending final rules from DHHS. On August 25, 2011, DHHS issued a Final Rule<sup>1</sup> in the Federal Register. The policy revision team was reconvened in the Fall of 2011 to incorporate the requirements of the final rule into the University policy. The University must comply with the new DHHS regulations by August 24, 2012.

The University policy has traditionally required COI disclosures when faculty or staff are involved in relevant activities such as research, intellectual property development, or procurement activities. That is, the COI policy does not require an annual disclosure of financial relationships for all faculty and staff (although annual disclosure of external financial relationships is required by the SOM for faculty). This "event-based" approach has been maintained in this revision to reduce the administrative burden and privacy concerns for faculty and staff who are not involved in activities for which financial COI's are considered relevant.

## **II. Summary of Major Changes incorporated in the proposed revision, as Recommended by the COI Policy Revision Team**

One feature of the proposal is to remove certain topics from within Policy 1-006 itself, and move them into other accompanying Regulations, including a new University Rule, and “Procedures.” More importantly, it is proposed that significant substantive changes be made within the Policy (or in the former contents of the Policy being moved into other forms of Regulations).

The proposed substantive changes in University policy are in compliance with NIH, NSF, and FDA requirements. In general, the revised policy, rules and procedures apply the same requirements for the whole University community regardless of the source of funding. In certain circumstances highlighted in italics below, we propose applying DHHS standards only to DHHS funded research. In certain circumstances, as highlighted in italics below, the proposed policy establishes disclosure and management requirements that exceed the minimum requirements of DHHS policy.

### **Disclosure Requirements**

#### **Significant Financial Interest**

The revised definition of a “significant financial interest” to be reported to the University lowers the de minimis thresholds to include:

1. For publicly traded business entities, any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the business entity as of the date of disclosure, when aggregated, exceeds \$5,000.
2. For non-publicly traded business entities, any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or any equity interest.
3. Intellectual property rights and interests (e.g., patents, copyrights), when the patent application is filed or when the copyright is asserted or upon receipt of income related to such rights and interests, including royalty income from intellectual property owned by the University of Utah Research Foundation. *Disclosure is only required upon the receipt of income related to intellectual property rights in the DHHS policy, not anticipated future income.*

The revised University policy requires disclosure of royalties received from the University for University owned IP. *Disclosure of royalties from the University is not required by federal policy.*

The exemption for SBIR/STTR Phase I projects is eliminated.  
*This exemption is not eliminated in the DHHS policy.*

#### **Disclosure of a wider array of financial interests to the University**

Disclosers are required to provide information about all significant financial interests that reasonably appear to be related to their institutional responsibilities, as defined by an individual’s department or job description. The University, rather than the investigator or employee, assumes responsibility for determining if a significant financial interest is relevant to a particular project or activity.

#### **Disclosure of travel**

*(applies only to investigators participating in PHS sponsored research)*

The occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available) related to the discloser’s institutional responsibilities must be disclosed unless the travel is reimbursed or sponsored by the following: federal, state, or local government agency, an



institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education. All travel expenses reimbursed through the University are exempt from disclosure.

#### **Disclosures updated on a more frequent basis**

The policy retains the current trigger mechanisms for soliciting disclosures from investigators and employees engaged in the following: research and scholarly activities, intellectual property commercialization and procurement. Additionally, investigators and employees are required to update their disclosures at least annually and within thirty (30) days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) a new significant financial interest that is related to their professional responsibilities to the University.

#### **Stricter Standard for Human Subjects Research**

The revised policy incorporates the “rebuttable presumption” for human subjects research, as recommended by the AAMC-AAU.<sup>2</sup> This stricter standard requires the Conflict of Interest Committee to apply a presumption against the conduct of research with human subjects in any circumstance where the individual has a conflict of interest relating to the research. The Committee may approve conduct of the research by the individual only upon a finding of compelling circumstances and only when the Committee can craft an effective management plan to mitigate the conflict. Otherwise, the conflict must be eliminated or the conflicted individual may not be involved in the research project. *The “rebuttable presumption” standard is not required by DHHS policy.*

#### **Confidentiality and Public Accessibility**

The revised policy clarifies that the University will comply with federal and state laws that may require public disclosure of information relating to identified conflicts of interest. This includes making certain required information<sup>3</sup> available to the public about the conflicts of interest of senior/key personnel participating in PHS funded research. This information will be made available on a publicly available web site. Additionally, the University may require public disclosure on the web site as part of a conflict management plan when appropriate under other circumstances, such as conflicts of interest involving human subjects research.

#### **Conflict of Interest Training**

All disclosers are required to complete COI training prior to submitting a disclosure. Investigators participating in PHS funded research will be required to complete COI training at least every four years and under certain other circumstances outlined in the rule.<sup>4</sup>

#### **Strengthened Compliance Monitoring**

*(required for most conflicts including all conflicted investigators participating in PHS sponsored research)*

When the COI Committee determines that a conflict of interest exists that requires a management plan, the management plan will in most cases require investigators and employees to submit reports on a regular interval (usually annually) to certify their compliance with the approved management plan.

#### **Non-compliance: retrospective reviews and a mitigation reports**

*(required only for investigators participating in PHS sponsored research)*

Whenever a conflict of interest is not identified or managed in a timely manner,<sup>5</sup> the University must complete a “retrospective review”<sup>6</sup> of the investigator’s activities and the PHS funded research project to determine whether any PHS funded research, or portion thereof, conducted during the time period of the noncompliance was biased in the design, conduct, or reporting of such research. If bias is found, the University must notify NIH promptly and submit a mitigation report<sup>7</sup> to the NIH.

### **Strengthened Committee Authority**

For non-compliance with the COI policy, the Committee has the authority to:

- a. Freeze research funds, or otherwise suspend, a project or projects related to the policy violation;
- b. Remove the individual found to be in violation from a role as Principal Investigator or Investigator on a project or projects related to the policy violation;
- c. Prohibit submission of new applications to the Institutional Review Board and/or the Office of Sponsored Projects until resolution of the relevant COI issues or for a specified period of time;
- d. Other restrictions as may be deemed appropriate by the Committee.

### **Modified Appeals Process**

In the current policy, the decisions made by the COI Committee may be appealed to the cognizant vice president. As revised, decisions made by the COI Committee may be appealed to a panel that includes the Senior Vice President for Academic Affairs, the Senior Vice President for Health Sciences, and the Vice President for Research.

### **Ongoing work on a companion policy on institutional conflicts of interest.**

An Institutional Conflict of Interest Policy was drafted in 2010 pursuant to a request from President Young. This draft policy addresses potential conflicts of interest at the institutional level and addresses conflicts that may arise in University ownership interests, licensing arrangements, gifts to the University, and external financial interests of senior administration officials. The draft policy calls for a separate Institutional Conflict of Interest Committee and Institutional Conflict of Interest Officer than in Policy 1-006. The Officers and Committees will communicate and collaborate when issues or conflicts are individual and institutional in nature.

### **III. Proposal development process—consultation.**

This proposal was developed by revision team consisting of

Jeffrey R. Botkin, Associate Vice President for Research

Past and present COI Committee Chairs:

James Herron (Pharmaceutical Chemistry)

Richard Kanner (Internal Medicine)

Bruce Gale (Mechanical Engineering)

Past and present COI Committee Members:

Daniel Levin (Political Science)

Howard Mann (Radiology)

Leslie Francis (Law)

Ex-Officio COI Committee Members:

Robert Payne (Office of General Counsel)

Jahn Barlow (Conflict of Interest Office)

Also consulted:

Brent Brown (Office of Sponsored Projects)

Rajiv Kulkarni (Technology Commercialization Office)

The revised policy was presented to the Conflict of Interest Committee on January 5, 2012. The proposal was also discussed with Dr. Lorris Betz, Dr. David Pershing, Dr. Lee, Dr. Thomas Parks and John Morris on February 21, 2012. It was reviewed by the Institutional Policy Committee on March 30, 2012.

**Contact information:** Questions or concerns about this proposal may be directed to Jeff Botkin, Associate Vice President for Research Integrity, [Jeffrey.Botkin@hsc.utah.edu](mailto:Jeffrey.Botkin@hsc.utah.edu), (801) 581-7170.

#### **IV. Proposal contents.**

The proposal materials consist of (i) this memorandum, (ii) “clean” versions of the revised contents of Policy 1-006 and drafts of Rules 1-006A, 1-006B and Procedures 1-006 and (iii) redline marked versions showing specific changes being proposed from current to new Policy 1-006.

If you approve of the proposal, **please sign and forward for consideration by the Academic Senate and Board of Trustees.**

#### ***Footnotes:***

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<sup>1</sup> Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought (42 C.F.R. Part 50, Subpart F) and Responsible Prospective Contractors (45 C.F.R. Part 94)

<sup>2</sup> AAMC-AAU (Association of American Medical Colleges-Association of American Universities). Protecting Patients, Preserving Integrity, Advancing Health: Accelerating the Implementation of COI Policies in Human Subjects Research. Washington, DC: AAMC; 2008. Report of the AAMC-AAU Advisory Committee on Financial Conflicts of Interest in Human Subjects Research

<sup>3</sup> The information that the institution makes available via a publicly accessible web site or written response shall include, at a minimum, the following: Investigator’s name; Investigator’s title and role with respect to the research project; Name of the entity in which the Significant Financial Interest is held; Nature of the Significant Financial Interest; and Approximate dollar value of the Significant Financial Interest (dollar ranges are permissible: \$0-\$4,999; \$5,000-\$9,999; \$10,000-\$19,999; amounts between \$20,000-\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000) or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value.

<sup>4</sup> Investigators participating in PHS sponsored research are required to complete COI training immediately under these designated circumstances: COI policies change in a manner that affects Investigator requirements, an investigator is new to an institution or the institution finds that an investigator is not in compliance with the COI policy or management plan.

<sup>5</sup> Failure to identify and manage a conflict of interest in a timely manner includes Failure by the Investigator to disclose a Significant Financial Interest that is determined by the University to constitute a Financial Conflict of Interest; Failure by the University to review or manage such a Financial Conflict of Interest; or Failure by the Investigator to comply with a Financial Conflict of Interest management plan.

<sup>6</sup> The Institution must document the “retrospective review” and include at least the following key elements: Project number; Project title; PD/PI or contact PD/PI if a multiple PD/PI model is used; Name of the Investigator with the FCOI; Name of the entity with which the Investigator has a financial conflict of interest; Reason(s) for the retrospective review; Detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed, etc.); Findings of the review; and Conclusions of the review.

<sup>7</sup> The mitigation report must include, at a minimum, the key elements documented in the retrospective review, a description of the impact of the bias on the research project and the University’s plan of action or actions taken to eliminate or mitigate the effect of the bias (i.e., impact on the research project, extent of harm done, including any qualitative and quantitative data to support any actual or future harm; analysis of whether the research project is salvageable).

## DRAFT

Policy 1-006: Individual Financial Conflict of Interest Policy: Revision 11. Effective date August 20, 2012.

### I. Purpose and Scope

A central mission of the University is to educate the individual through the dissemination, discovery, and refinement of knowledge. In its pursuit of excellence in teaching, research and service, the University is an institution based on the shared values of learning, diversity and inclusiveness, entrepreneurship, independent inquiry, respect for resources, collegiality, and community. Even when individual members of the University community work to accomplish this mission with these shared values, financial conflicts of interests may naturally arise that have the potential to impair the judgment of the individuals in that work.

This Policy describes the process by which the University identifies, evaluates and manages financial conflicts of interest of individuals without violating its central missions. It uses disclosure as the key mechanism to bring potential financial conflicts of interest to light for evaluation and possible oversight. This Policy also identifies types of financial conflicts of interest in which individuals are not allowed to engage because they would be in violation of law or are judged by the University to be in violation of its central missions. This Policy establishes the Individual Conflict of Interest Committee and Officer to administer implementation of the Policy. This Policy is not intended to directly govern financial conflicts of interest of the University as an *institution*, a subject governed by other regulations. [See Policy ###.] *{Drafting note: Work is underway on a University Institutional Conflict of Interest Policy. The citation to that Policy will be inserted here once approval is completed.}*

### II. Definitions

- A. **Business Entity** means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a trade or business, including parent organizations of such entities or any other arrangement in which an entity operates through a subsidiary. Business Entity does not include federal, state, or local government agencies, institutions of higher education as defined at 20 U.S.C. 1001(a), academic teaching hospitals, medical centers, or research institutes affiliated with an institution of higher education.
- B. **Compensation** means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or Business Entity for or in consideration of personal services, materials, property, or the like.
- C. **Disclosure Form** is the personal financial information provided to the Individual Conflict of Interest Committee by an Investigator or Employee which shall include a complete description, including dollar amounts or percentages of ownership, for all Significant Financial Interests related to their professional responsibilities to the University.
- D. **Employee** means, for the limited purposes of this Policy, any individual who is employed by the University, whether full or part time, and includes but is not limited to staff, faculty, postdoctoral fellows, medical housestaff, educational trainees and students.
- E. **Family Member** means, for the limited purposes of this Policy, spouse/domestic partner and/or dependent and/or minor children. (Domestic partner is further defined in University Rule 5-200A.)

- F. **Gift** includes money, non-pecuniary gifts, excessive compensation or non-commercial loans. For the purpose of this Policy a gift does not apply to occasional non-pecuniary gifts that have an insignificant monetary value, as defined by the Utah Public Officers' and Employees' Ethics Act [Fn<sup>1</sup>], that would not tend to improperly influence an Employee in the discharge of his/her duties.
- G. **Human Subjects Research** is any research that has been designated "human subjects research" by the University's Institutional Review Board.
- H. **Intellectual Property** means any ideas, inventions, technology, creative expression and embodiments thereof, in which a proprietary interest is claimed, including but not limited to patents, copyrights, trademarks, know-how, and biological materials.
- I. **Investigator** means an individual, regardless of whether or not an Employee of the University as defined in this Policy, who is the project director or the principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct or reporting of research or scholarly activities conducted in whole or in part under the auspices of the University, which may include for example, collaborators, consultants and/or subaward or subcontract recipients.
- J. **Research** means a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge. The term includes, but is not limited to, basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug).
- K. **Significant Financial Interest** means a financial interest consisting of one or more of the following interests of the individual Investigator or Employee (and those of the Investigator's or Employee's Family Member as defined in this Policy) that reasonably appear to be related to the Investigator's or Employee's responsibilities to the University, as defined by an individual's department or job description [Fn<sup>2</sup>]:
1. With regard to any publicly traded entity, a Significant Financial Interest exists if the value of any remuneration received by the individual from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;
  2. With regard to any non-publicly traded entity, a Significant Financial Interest exists if the value of any remuneration received by the individual from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the individual holds any equity interest (e.g., stock, stock option, or other ownership interest); or
  3. Intellectual property rights and interests (e.g., patents, copyrights), when the patent application is filed or when the copyright is asserted or upon receipt of income related to such rights and interests, including royalty income from Intellectual Property owned by the University of Utah Research Foundation.
- L. **However, Significant Financial Interest does NOT include:**
1. Salary, travel reimbursements or other non-royalty remuneration from the University if the Investigator is currently employed or otherwise appointed by the University;

2. Income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education;
  3. Income from service on advisory committees or review panels for a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education;
  4. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles.
- M. **Transaction** means a formal or informal contract or agreement, express or implied, to which the University is a party.

### III. Policy

- A. General requirements (disclosure, prohibited activities). It is the duty of every individual member of the University community to disclose in a timely manner his or her personal or Family Member's involvement in activities listed as Activities Requiring Disclosure (Section III-B). Approval of the Individual Conflict of Interest Committee must be obtained before engaging in these activities. It is forbidden for individual University Employees or Investigators to engage in any Activities That Are Not Allowed (Section III-C).
- B. Activities Requiring Disclosure
  1. Research and Scholarly Activity
    - a. Investigators. Disclosure is required when an Investigator is responsible for the approval, design, conduct, or reporting of sponsored research conducted in whole or in part under the auspices of the University.
    - b. Employees. Disclosure is required when an Employee or his/her Family Member has a Significant Financial Interest related to research or scholarly activities involving University subordinates or students and the Employee has responsibility for the subordinates' or students' employment and/or academic evaluations.
    - c. Other individuals. Disclosure is required when a student or postdoctoral scholar or his/her Family Member has a Significant Financial Interest and submits an individual application for fellowship or other research support under the auspices of the University.
  2. Human Subjects Research
 

Disclosure is required when an Investigator is responsible for the design, conduct, or reporting of human subjects research conducted in whole or in part under the auspices of the University.

Research with human subjects must receive the highest level of protection from bias or appearance of bias created by an individual's conflict of interest. Consequently, the University shall apply a presumption against the conduct of research with human subjects in any circumstance where the individual has a conflict of interest relating to the research. The Individual Conflict of Interest Committee may approve conduct of the research by the individual only upon a finding of compelling circumstances and only when the Committee can craft an effective management plan to mitigate the conflict. Otherwise,

the conflict must be eliminated or the research project shall not be conducted by the individual.

3. Intellectual Property

Disclosure is required prior to the negotiation of any licensing agreements when an Employee is a named inventor on an invention disclosure and the Employee or his/her Family Member has a Significant Financial Interest in a Business Entity related to the Intellectual Property.

4. Procurement

- a. Disclosure is required when an Employee or his/her Family Member has a Significant Financial Interest in a Business Entity proposing to enter into a transaction with the University, and that Employee or Family Member is in a position to influence the outcome of the University's decision on that transaction.
- b. Disclosure is required when an Employee or his/her Family Member has a Significant Financial Interest in a Business Entity that provides goods or services, the University provides the same or similar goods and services, and the Employee is in a position to direct potential purchasers of the goods and services away from the University and to the Business Entity. This provision does not otherwise limit consulting by faculty or staff as defined under Policy 5-204.
- c. The Utah Public Officers' and Employees' Ethics Act, Utah Code Annotated §67-16-1 et seq. (the Ethics Act) requires disclosure of certain conflicts of interest to other entities including the state Attorney General's Office. University Employees are responsible for complying with the Ethics Act.

C. Activities That Are Not Allowed (Prohibited Activities)

The following activities present conflicts of interest in which individuals are not allowed to engage because they would be in violation of law or judged by the University to be in violation of its central missions.

1. Academic Freedom Restrictions

- a. Secrecy or confidentiality requirements are not allowed if they impact evaluation of a student, faculty member, or other Employee, or if they delay fulfillment of degree requirements by more than the time contractually allowed for publication and/or protection of intellectual property rights (up to 6 months).
- b. Investigators shall not permit a sponsor to compromise the integrity of the scientific analysis or the publication of research results or its conclusions.
- c. Evaluation of faculty, staff, postdoctoral fellows, medical housestaff, educational trainees or students is not allowed to be based, in whole or in part, on participation in (or refusal to participate in) non-University activities involving Business Entities in which the evaluating Employee or Investigator has a Significant Financial Interest. The participation of faculty, staff, medical housestaff, educational trainees or students in non-University activities involving such Business Entities shall not be required or expected.

2. Human Subjects Research

Individual Investigators or Employees participating in the design, conduct or reporting of a human subjects research study, or their Family Members, shall not, directly or indirectly, accept any incentives or gifts from a Business Entity that is sponsoring or

providing support for the study. Payments to the University from Business Entities that are sponsoring or providing support for the study shall only be deposited into the investigators' restricted project account established for the study, unless otherwise approved by the Vice President for Research.

3. Intellectual Property

Involvement by an Employee in the process of negotiating a license on behalf of the University with a Business Entity in which the Employee or his/her Family Member has a Significant Financial Interest is not allowed.

4. Solicitation or Receipt of Gifts [Fn<sup>1</sup>]

Solicitation or receipt of a gift by a University Employee, whether directly or indirectly through the institution, is not allowed, when (a) the purpose or effect of the gift is likely to improperly influence the Employee in the discharge of his/her University responsibilities; (b) the gift is given to reward the Employee for official action taken; or (c) the gift is given in close proximity [Fn<sup>3</sup>] to recent past, present or future transactions between the University and the giver of the gift.

D. Investigator and Employee Disclosure Responsibilities

This Policy uses disclosures as the key mechanism to bring potential financial conflicts of interest to light for evaluation and possible oversight.

1. Each Investigator or Employee engaged in any activities specified in Section III-B is required to complete financial conflict of interest training offered by the University.
2. Each Investigator or Employee must personally complete and submit a Disclosure Form prior to engaging in any activities specified in Section III-B.
  - a. The Investigator or Employee must provide complete and accurate information about all Significant Financial Interests that reasonably appear related to his/her professional responsibilities to the University.
  - b. The Investigator or Employee will not engage in any activities specified in Section III-B until the Individual Conflict of Interest Committee determines whether a Significant Financial Interest creates a financial conflict of interest for the Investigator or Employee and approves a plan to manage, reduce or eliminate any such conflicts.
3. Once a Disclosure Form has been required by the University, each Investigator or Employee must update his/her Disclosure Form at least annually and within thirty (30) days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) a new Significant Financial Interest that is related to his/her professional responsibilities to the University [Fn<sup>2</sup>].
4. Investigators participating in research funded by the Public Health Service (PHS) must also disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available), related to their responsibilities to the University [Fn<sup>4</sup>]; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

E. Individual Conflict of Interest Committee



1. The Individual Conflict of Interest Committee is hereby established as a University standing committee. The voting members shall be nominated by the Personnel and Elections Committee of the Academic Senate and appointed by the President of the University to serve for three year terms. A majority of the voting members shall be University faculty. The Committee shall be a campus-wide committee with broad representation from across campus. The President shall also appoint non-voting ex-officio participants from relevant administrative offices. Further details of the membership structure may be specified in a University Rule associated with this Policy, to be approved as per Policy 1-001. *{Drafting note: Because the further details of the membership structure are to be specified in a University Rule, and the process for approval of University Rules requires that they be submitted to the Senate these details will effectively be subject to Senate review and approval.}*
2. The Committee is charged with:
  - a. providing education and training to members of the University community about financial conflicts of interest and how they can be effectively managed, reduced or eliminated;
  - b. reviewing Disclosure Forms submitted by Investigators and Employees;
  - c. determining whether a disclosed Significant Financial Interest is a financial conflict of interest; and, if so,
  - d. determining how a financial conflict of interest can be managed, reduced, or eliminated to protect the Investigator or Employee, the interests of the University, research participants and the public.
3. A Conflict of Interest Officer and other staff as needed shall be employed by the University and adequate resources allocated to support the duties of the Individual Conflict of Interest Committee.
4. The Committee and its members shall act without bias in administering this Policy.

F. Conflict of Interest Office and Committee Responsibilities

1. The Conflict of Interest Office, on behalf of the Individual Conflict of Interest Committee, will determine, for each individual's Disclosure Form, whether a Significant Financial Interest exists that requires the review of the Conflict of Interest Committee. The individual Investigator or Employee and his/her department chair or supervisor will be notified when the Conflict of Interest Office refers a potential conflict of interest to the Conflict of Interest Committee for review.
2. The Conflict of Interest Committee will consult with the individual Investigator or Employee as appropriate and determine whether a Significant Financial Interest creates a financial conflict of interest. If it is determined that a financial conflict of interest exists, then the Conflict of Interest Committee will determine how it can be managed, reduced, or eliminated.
3. The Conflict of Interest Office will transmit the decision of the Conflict of Interest Committee to the Investigator or Employee, his/her University superiors, and the appropriate offices within the University.
4. The Committee is primarily responsible for monitoring and ensuring compliance with approved plans to manage, reduce or eliminate financial conflicts of interest. In most circumstances, this will include requiring the Investigator or Employee to submit

compliance reports at intervals specified by the Committee in the management plans. When plans require specific expertise, the Committee may enlist peers to assist with monitoring compliance as needed.

5. The University will adhere to research sponsor requirements and state and federal law for reporting of disclosure and management, reduction or elimination of conflicts of interest.

#### G. Confidentiality

1. Conflict of interest disclosures and Committee determinations concerning conflicts and violations shall be available to:
  - a. the Investigator or Employee's University superiors;
  - b. the appropriate University offices, including but not limited to, the Office of the Vice President for Research, the Office of General Counsel, Internal Audit, Institutional Review Board, Office of Sponsored Projects, Technology Commercialization Office, Procurement and Supply Management, Graduate School; and
  - c. other Employees whose responsibilities to the University are directly affected by the conflict of interest.
2. In certain circumstances, federal and state law may require public disclosure of information relating to identified conflicts of interest.
3. In other circumstances, including but not limited to conflicts regarding human subjects research, the University may require public disclosure as part of a conflict management plan.
4. Except for the foregoing disclosures contemplated in this Policy, the Individual Conflict of Interest Committee and those within the University who have direct responsibility for reviewing potential conflicts or investigating potential violations of this Policy shall treat the information received and considered during these processes as confidential information.
5. Any information disclosed by an Investigator or Employee as required by this Policy shall be used solely for the purpose of administering this Policy and shall not be used for any other purpose unless required by law.
6. Unauthorized disclosure of any such information by an Employee shall be deemed to be unethical behavior and shall be punishable under pertinent University Regulations including **Policy 5-111** (Corrective Action and Termination Policy for Staff Employees) or **Policy 6-316, Sections 4 & 5** (Faculty Code).

#### H. Appeals

Any decision of the Individual Conflict of Interest Committee concerning the existence of a conflict of interest or the appropriateness of a plan to manage, reduce, or eliminate a conflict may be appealed within thirty (30) days to a panel which shall include the Senior Vice President for Academic Affairs, the Senior Vice President for Health Sciences and the Vice President for Research. The decision of the panel shall be final.

#### I. Non-Compliance

1. Reports of Non-Compliance

Potential violations of this Policy or any conflict of interest management plans must be reported to the University's Conflict of Interest Officer.

2. Investigation of Non-Compliance

The Individual Conflict of Interest Committee shall investigate all potential non-compliance with this Policy, including potential non-compliance with prescribed management plans.

3. Protection of Affected Parties

To the extent permitted by law and University policies, the University will protect the identity and privacy of those individuals who, in good faith, report apparent non-compliance with this Policy or furnish information regarding such non-compliance. Retaliation of any kind against any individual, who, in good faith, alleges non-compliance or cooperates with the investigation, is prohibited and the retaliator may be subject to discipline under pertinent University policies.

4. Restrictions That May Be Imposed by the Individual Conflict of Interest Committee

- a. For violations of this Policy, the Committee may impose one or more of the following restrictions on an individual:

Freeze research funds, or otherwise suspend, a project or projects related to the policy violation;

Remove the individual found to be in violation from a role as Principal Investigator or Investigator on a project or projects related to the policy violation;

Prohibit submission of new applications to the Institutional Review Board and/or the Office of Sponsored Projects until resolution of the relevant conflict of interest issues or for a specified period of time;

Other restrictions as may be deemed appropriate by the Committee.

- b. The individual Investigator or Employee may appeal the restrictions imposed by the Committee to a panel which shall include the Senior Vice President for Academic Affairs, the Senior Vice President for Health Sciences, and the Vice President for Research. The decision of the panel shall be final.
- c. In situations involving the health or safety of any person or the potential loss of significant University resources, the Committee may implement any restrictions listed in paragraph 4(a) that are necessary to protect these persons and resources pending the outcome of the investigation. Otherwise, no restrictions, disciplinary or administrative action shall occur until the conclusion of the violation evaluation process set forth in this Policy.

5. Disciplinary and Other Administrative Actions

- a. For violations of this Policy, the Committee may recommend to the cognizant vice president(s) that disciplinary action be taken against the individual (including but not restricted to: reprimands, fines, probation, suspension, or dismissal). The Committee may proceed with a complaint against the Investigator or Employee before the appropriate University hearing body.
- b. Other Administrative Actions

For violations of this Policy, the Committee may recommend to the cognizant vice president(s) that one or more of the following administrative actions be taken:

Withholding payment owed under a procurement contract relating to the conflict;

Legal action to rescind or revise University contracts entered into or found to be in violation of this Conflict of Interest Policy or of federal or state law;

Legal action to recover the amount of financial benefit received by an Investigator or Employee as a result of his or her violation of this policy;

Other similar and appropriate actions.

6. Violations of the Utah Public Officers' and Employees' Ethics Act may result in prosecution and criminal penalties pursuant to that Act. (Utah Code Ann. § 67-16-1, et seq.)
7. The remedies provided or referenced above are cumulative and may include any other remedies required or provided by applicable state or federal law.
8. The Office of Associate Vice President for Research Integrity shall report incidents of non-compliance of with this Policy to external agencies and sponsors as required by state and federal law.

#### J. Other Conflict of Interest Policies and Procedures

##### 1. University Institutional Conflict of Interest Policy

In situations where both an *individual* and an *institutional* conflict of interest may exist, Investigators and Employees will be required to comply with the requirements of this Policy and also with the requirements of [[Policy XXX – the University Institutional Conflict of Interest Policy]]. *{Drafting note: work is underway on the companion University Institutional Conflict Policy, and this bracketed information will be filled in when that other Policy is approved.}* The Individual Conflict of Interest Committee and the University Institutional Conflict of Interest Committee shall consult on cases of overlapping oversight to determine the appropriate plan to manage, reduce, or eliminate both the individual and the institutional conflicts.

The Individual Conflict of Interest Committee and the University Institutional Conflict of Interest Committee shall consult on cases of overlapping oversight to determine the appropriate plan to manage, reduce, or eliminate both the individual and the institutional conflicts.

##### 2. Supplemental Rules Regarding Conflicts of Interest

Any unit within the University may elect to adopt a “Supplemental Rule” (as described in Policy 1-001) applicable for conflicts of interest arising within that unit. Any such Supplemental Rule shall operate in conjunction with this Policy, providing that such Supplemental Rule must aid in the implementation of and not be in conflict with the terms of this Policy. Any such Supplemental Rule proposed by any unit of the University shall be submitted for the approval of the Individual Conflict of Interest Committee.

#### IV. Rules, Procedures, Guidelines, Forms and Other Related Resources

A. Rules

1. **{Drafting note: The University Rule (Rule 1-006A & B) providing details of the membership structure of the Individual Conflict of Interest Committee and the Procedures for Non-compliance will be listed and linked here upon approval, as will any other Rules, Procedures, etc that may be developed pertinent to this Policy.}**

B. Procedures [reserved]

C. Guidelines [reserved]

D. Forms [reserved]

E. Other related resource materials

School of Medicine Industry Relations: Supplemental Rule **SOM-001**

V. References

- A. Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 et seq. 15 Utah Criminal Code, Utah Code Ann. § 76-8-105(1).
- B. National Science Foundation Policy; Grant Policy Manual 510, Investigator Disclosure Policy, 60 F.R.132, pp. 35810-823 (July 11, 1995).
- C. U.S. Department of Health and Human Services, Objectivity in Research Subpart F- 19 Responsibility of Applicants for Promoting Objectivity in Research for Which Funding is Sought, 42 CFR Part 50, Subpart F (for NIH Contracts, 45 CFR Part 94, Responsible Prospective Contractors).
- D. U.S. Department of Health and Human Services, Financial Disclosure by Clinical Investigators, 21 CFR Part 54.
- E. Anti-Kickback Act of 1986 (41 U.S.C. 51-58) and OMB A-110.
- F. **Policy 5-111**, Disciplinary Actions and Dismissal of Staff Employees.
- G. **Policy 5-210**, Employee Relations Procedures for Alleging Discrimination or Harassment and for Initiating Staff Employment Grievances.
- H. **Policy 3-192**, Restricted Purchases and Special Procurement.
- I. **Policy 7-001**, Policy for Research Misconduct.
- J. **Policy 7-003**, Copyright Policy: Ownership Purpose and Scope.
- K. **Policy 6-400**, Code of Student Rights and Responsibilities.
- L. **Policy 6-316**, Code of Faculty Rights and Responsibilities.

Related Topics Not Addressed by this Policy

- A. **Policy 5-204**, Remunerative Consultation and Other Employment Activities, and **5-403**, Additional Compensation and Overload Policy, discuss conflicts of commitment of time and use of University name, property, facilities or resource.

- B. **Policy 4-005**, Use and Security of Property, discusses use of property, supplies and services purchased with University funds.
- C. **Policy 7-004**, University Faculty Profit-Making Corporations, discusses conflicts of commitment.
- D. **Policy 7-013**, Patents and Inventions, discusses requirements for transfer of University technology and other intellectual property.
- E. **Policy 6-316**, Code of Faculty Rights and Responsibilities, discusses use of the University's name or property.
- F. Institutional Conflicts of Interest are not covered by this policy.

## VI. Contacts:

Policy Officer: Vice President/General Counsel, 801-585-7002

Policy Owner: Office of General Counsel, 801-585-7002

## VII. History

Renumbering: Renumbered as Policy 1-006 effective 9/15/2008, formerly known as PPM 2-30.

Revision History:

### A. Current version: Revision 11

Effective date *[upon final approval]*

Approved: Academic Senate [\_\_\_\_]

Approved: Board of Trustees [\_\_\_\_]

Legislative History of Revision 11 {link to copy of the entire proposal packet as approved by Senate}

### B. Earlier versions:

Revision 10: Effective dates March 8, 2004 to [\_\_\_\_]

Approved Academic Senate: 2/02/04

Approved Board of Trustees: 3/08/04

## Footnotes:

(1) As of January 2003, the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 et seq. permitted occasional nonpecuniary gifts not exceeding \$50.00.

(2) For Investigators who are not University Employees, as defined in this Policy, Significant Financial Interest shall include those financial interests that reasonably appear to be related to the Investigator's responsibilities to his/her employer and/or profession.

(3) In conformity with the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-5 et seq.

(4) For Investigators who are not University Employees, as defined in this Policy, disclosure of travel shall include the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available), related to the Investigator's responsibilities to his/her employer and/or profession provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

*{Drafting Note: The function of this Rule will be to provide further details about the membership structure for the Individual Conflict of Interest Committee, for which Policy 1-006 establishes and provides general principles. In the current in-force version of Policy 1-006, these details are included in the Policy itself. The current proposal is that such details be removed from the main Policy and instead placed in this accompanying Rule (so that it will be easier to occasionally update these details without disturbing the main Policy itself).}*

## **DRAFT**

### **University Rule 1-006A Individual Conflict of Interest Committee Membership Rule**

Revision 0. Effective date [upon final approval]

*{Drafting Note: contents were first extracted from the current version of Policy 1-006, and then revised}*

I. Purpose and Scope. This Rule is enacted to implement University Policy 1-006, Individual Financial Conflicts of Interest.

II. Definitions. The definitions provided in Policy 1-006 apply for purposes of this Rule.

III. Rule.

A. Membership of the Individual Financial Conflict of Interest Committee.

1. The general provisions for membership of the Individual Conflict of Interest Committee (“Committee”) are set forth in Policy 1-006-III-E:

*“The voting members shall be nominated by the Personnel and Elections Committee of the Academic Senate and appointed by the President of the University for three year terms. A majority of the voting members shall be University faculty. The Committee shall be a campus-wide committee with broad representation from across campus. The President shall also appoint non-voting ex-officio participants from relevant administrative offices. Further details of the membership structure may be specified in a University Rule associated with this Policy, to be approved as per Policy 1-001.”*

2. Further details of Committee membership. The Committee shall have 21 voting members, including at least:

Three staff members from the Health Sciences and two staff members from other academic units within the University

Three faculty from the School of Medicine

Two faculty from the College of Science

Two faculty from the College of Engineering

Two faculty from the College of Social and Behavioral Science, the College of Law or the School of Business

One faculty from the College of Architecture and Planning or the College of Fine Arts

One faculty from the College of Pharmacy *{Drafting note: perhaps this will be best place to integrate the new Dentistry school}*

The Committee may choose to include other non-voting ‘ad-hoc’ participants to assist in discussions and decisions as needed.

3. Committee rotation. One-third of the Committee membership shall be regularly appointed each year.
4. Chairperson. The Vice President for Research shall appoint one faculty from among the voting members of the Committee who has completed at least one year of service on the Committee to serve as the Chairperson for a two year term. The Chairperson shall only cast a vote in the case of a tie.
5. Panels. The Committee Chair shall have authority to assign members to panels as needed to conduct the business of the Committee. Each panel shall have at least 5 voting members present to conduct business.
6. Recusals. A committee member shall be recused from deliberation and voting on a particular case if:
  - a. The committee member has a compelling personal interest in the case (such as research or academic collaboration with the Investigator or Employee whose case is under consideration); or
  - b. The committee member has a financial interest in the case under consideration.



*{Drafting Note: The function of this Rule will be to provide details of procedures for investigations of non-compliance, and appropriate disciplinary actions.}*

## **DRAFT**

### **University Rule 1-006B Individual Financial Conflict of Interest Non-Compliance Revision**

0. Effective date [upon final approval]

*{Drafting Note: contents were first extracted from the current version of Policy 1-006, and then revised}*

- I. Purpose and Scope. This Rule is enacted to implement University Policy 1-006, Individual Financial Conflicts of Interest.
- II. Definitions. The definitions provided in Policy 1-006 apply for purposes of this Rule.
- III. Rule.
  - A. Procedures for Investigating Non-Compliance.
    1. Reports of non-compliance with University Regulations governing individual conflicts of interests (including Policy 1-006 and Rule 1-006A) or a prescribed management plan, shall be presented to the Conflict of Interest Officer.
    2. The Conflict of Interest Officer shall make a preliminary evaluation of the reported violations within five (5) days.
    3. If the Conflict of Interest Officer determines in consultation with the Committee that further investigation is warranted, he or she shall:
      - a. forward the report of potential non-compliance to the Individual Conflict of Interest Committee;
      - b. provide a copy of the report and the pertinent conflict of interest Regulation to the individual who is the subject of the allegations;
      - c. request a written response from the individual for the Committee's consideration.
    4. The individual shall have thirty (30) days to submit a written response to the Committee.
    5. Within five (5) days of receiving the response from the individual, the Committee shall forward the report of non-compliance and the individual's response to the individual's department chair or supervisor.
    6. Within ninety (90) days of receiving the response from the individual, the Committee shall complete an investigation into the allegations. During the investigation, the Committee shall review the report of non-compliance, any response from the subject individual, and any other relevant documentary material. The Committee may also conduct interviews of the person submitting the report, the individual subject of the allegations, and any other persons believed to have pertinent factual knowledge of the allegations.
    7. If the Committee determines that the individual has not violated the conflict of interest Regulations, the Committee shall prepare a final report and provide written

notice of its findings to the person providing the report, the individual subject of the allegations, and the individual's department chair or supervisor within five (5) days. This determination may be appealed pursuant to the appeals process described in Policy 1-006 Section III-H.

8. If the Committee determines that the individual subject of the allegations has violated a conflict of interest Regulation, the Committee shall have thirty (30) days to prepare a final report and present its findings, sanctions, and recommendations to the person submitting the original report, the individual subject of the allegations, the individual's department chair or supervisor and the cognizant vice president.
9. For any recommendation from the Committee to the cognizant vice president(s) for disciplinary or other administrative action, the individual subject of the allegations may, within ten (10) days of delivery of the Committee's final report, provide the cognizant vice president(s) with a written response to the Committee's recommendations.
10. The time frames outlined in these procedures may be extended for extenuating circumstances, as determined by the Vice President for Research.

B. Actions of the Vice Presidents.

1. Upon receipt of a recommendation from the Committee for disciplinary or other administrative action, the cognizant vice president(s) shall consider the Committee's findings and recommendations and any timely written response from the individual subject of the allegations. The vice president(s) shall, within thirty (30) days of receiving notice of the Committee's final report, provide written notice of his/her intended course of action to the Committee, to the individual subject of the allegations, and to the person who submitted the original report.

*{Drafting Note: These Procedures describe how the Individual Conflict of Interest Committee will review individual conflict of interest disclosure forms. Although Procedures do not require Academic Senate approval, these are provided for informational purposes because they were extracted from the current version of Policy 1-006}*

## **DRAFT**

### **Procedures 1-006: Reviewing Individual Conflict of Interest Disclosure Forms**

*{Drafting Note: contents were first extracted from the current version of Policy 1-006, and then revised}*

1. The Individual Conflict of Interest Committee (“Committee”) shall review potential conflicts of interest and recommendations forwarded by the Conflict of Interest Office.
2. If the Committee determines that a financial conflict of interest exists and the individual (Investigator or Employee) proposed a plan to manage, reduce, or eliminate the conflict, then the Committee shall determine whether the proposed plan is acceptable. The individual shall be given an opportunity to provide any additional information pertaining to the potential conflict or the proposed plan to the Committee.
3. If the Committee determines that the proposed plan is acceptable, the Conflict of Interest Officer shall transmit the Committee’s decision to the individual, his/her department chair or supervisor, and the appropriate University entities (e.g., Institutional Review Board, Office of Sponsored Projects, Technology Commercialization Office, Procurement & Supply Management, Graduate School).
4. If the Committee determines that the proposed plan is not acceptable, or if the individual does not propose a plan, the Committee shall draft an appropriate plan to manage, reduce, or eliminate the conflict. The individual shall be given an opportunity to provide any additional information pertaining to the potential conflict of interest. The Conflict of Interest Officer will transmit the Committee’s decision and the plan to the individual, his/her department chair or supervisor, and the appropriate University entities (e.g., Institutional Review Board, Office of Sponsored Projects, Technology Commercialization Office, Procurement & Supply Management, Graduate School).
5. If the individual does not agree with the decision or plan approved by the Committee, he/she will first be given the opportunity to resolve any differences with the Committee directly.

# Policy 1-006: Individual Financial Conflict of Interest Policy Revision 11. Effective date August 20, 2012.

## I. Purpose and Scope

The A central mission of the University is to educate the individual through the dissemination, discovery, and refinement of knowledge. In its pursuit of excellence in teaching, research and service, the University is an institution based on the shared values of learning, diversity and inclusiveness, entrepreneurship, independent inquiry, respect for resources, collegiality, and community. Even when members of the University community work to accomplish this mission with these shared values, financial conflicts of interests may naturally arise that have the potential to impair the judgment of the individual in that work.

This Policy describes the process by which the University identifies, evaluates and manages financial conflicts of interest of individuals without violating its central missions. It uses disclosure as the key mechanism to bring potential financial conflicts of interest to light for evaluation and possible oversight. This Policy also identifies types of financial conflicts of interest in which individuals are not allowed to engage because they would be in violation of law or are judged by the University to be in violation of its central missions. This Policy establishes the Individual Conflict of Interest Committee and Officer to administer implementation of the Policy. This Policy is not intended to directly govern financial conflicts of interest of the University as an *institution*, a subject governed by other regulations. [See Policy ###.]

**{Drafting note: Work is underway on a University *Institutional* Conflict of Interest Policy. The citation to that Policy will be inserted here once approval is completed.}**

## II. Policy–

This Policy–

- ~~A. describes the process by which the University identifies, evaluates and manages individual financial conflicts of interest without violating its central mission;~~
- ~~B. uses disclosure as the key mechanism to bring potential conflicts of interest to light for evaluation and possible oversight;~~
- ~~C. identifies individual conflicts of interest that are not allowed because they are a violation of law or are judged by the University to be a violation of its central mission.~~

~~It is the duty of every member of the University community to immediately disclose his or her personal or family involvement in activities listed in Activities Requiring Disclosure (**Section V**). Approval of the Conflict of Interest Committee must be obtained before engaging in these activities. It is forbidden for University employees to engage in any Activities That Are Not Allowed (**Section VI**).~~

### III. References

- A. ~~Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 et seq. 15 Utah Criminal Code, Utah Code Ann. § 76-8-105(1).~~
- B. ~~National Science Foundation Policy; Grant Policy Manual 510, Investigator Disclosure Policy, 60 F.R.132, pp. 35810-823 (July 11, 1995).~~
- C. ~~U.S. Department of Health and Human Services, Objectivity in Research Subpart F-19 Responsibility of Applicants for Promoting Objectivity in Research for Which Funding is Sought, 42 CFR Part 50, Subpart F (for NIH Contracts, 45 CFR Part 94, Responsible Prospective Contractors).~~
- D. ~~U.S. Department of Health and Human Services, Financial Disclosure by Clinical Investigators, 21 CFR Part 54.~~
- E. ~~Anti-Kickback Act of 1986 (41 U.S.C. 51-58) and OMB A-110.~~
- F. ~~**Policy 5-111**, Disciplinary Actions and Dismissal of Staff Employees.~~
- G. ~~**Policy 5-210**, Employee Relations Procedures for Alleging Discrimination or Harassment and for Initiating Staff Employment Grievances.~~
- H. ~~**Policy 3-192**, Restricted Purchases and Special Procurement.~~
- I. ~~**Policy 7-001**, Policy for Research Misconduct.~~
- J. ~~**Policy 7-003**, Copyright Policy: Ownership Purpose and Scope.~~
- K. ~~**Policy 6-400**, Code of Student Rights and Responsibilities.~~
- L. ~~**Policy 6-316**, Code of Faculty Rights and Responsibilities.~~

### IV. II. Definitions

- A. **Business entity Entity** means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a trade or business, including parent organizations of such entities or any other arrangement in which an entity operates through a subsidiary. Business Entity does not include federal, state, or local government agencies, institutions of higher education as defined at 20 U.S.C. 1001(a), academic teaching hospitals, medical centers, or research institutes affiliated with an institution of higher education.
- B. ~~**Clinical research** includes any research project dealing with humans, including trials sponsored by a medical industry corporation, or other private industry, departmental sponsored research, studies utilizing human tissues, social science research, and medical chart reviews.~~
- C. ~~**B.**~~ **Compensation** means anything of economic value, however designated,

which is paid, loaned, granted, given, donated, or transferred to any person or ~~business entity~~ Business Entity for or in consideration of personal services, materials, property, or the like.

- ~~D. —~~ **Disclosure Form** is the form prepared by the Conflict of Interest Committee and used to disclose individual potential conflicts of interest.
- C. — **Disclosure Form** is the personal financial information provided to the Individual Conflict of Interest Committee by an Investigator or Employee which shall include a complete description, including dollar amounts or percentages of ownership, for all Significant Financial Interests related to their professional responsibilities to the University.
- ~~E. —~~ **Employee** means any person who is employed by the University, whether full or part time, and includes but is not limited to staff, faculty, postdoctoral appointees, residents and students. It also includes investigators as defined by the referenced federal policies and individuals who are not paid on a project (i.e., volunteers). However, this designation does not apply to members of the Board of Trustees nor to any other advisory commission, board, or committee serving on a part time basis.
- D. — **Employee** means, for the limited purposes of this Policy, any individual who is employed by the University, whether full or part time, and includes but is not limited to staff, faculty, postdoctoral fellows, medical housestaff, educational trainees and students.
- F.E. — **Family Member** means, for the limited purposes of this ~~policy~~ Policy, spouse/domestic partner and/or dependent and/or minor children. (Domestic partner is further defined in University Rule 5-200A.)
- ~~G.F. —~~ **Gift** includes money, non-pecuniary gifts, excessive compensation or non-commercial loans. For the purpose of this ~~policy~~ Policy a gift does not apply to occasional non-pecuniary gifts that have an insignificant monetary value, as defined by the Utah Public Officers' and Employees' Ethics Act [Fn<sup>1</sup>], that would not tend to improperly influence an ~~employee~~ Employee in the discharge of his/her duties.
- G. — **Human Subjects Research** is any research that has been designated "human subjects research" by the University's Institutional Review Board.
- H. **Intellectual property** Property means any ideas, inventions, technology, creative expression and embodiments thereof, in which a proprietary interest ~~may be~~ is claimed, including but not limited to patents, copyrights, trademarks, know-how, and biological materials.
- ~~I. —~~ **Investigator** includes the principal investigator and all faculty, staff, postdoctoral appointees, residents or students, whether paid by the University or not, who are responsible for the design, conduct or reporting of research or scholarly activities conducted in whole or in part at the University.

- I. **Investigator** means an individual, regardless of whether or not an Employee of the University as defined in this Policy, who is the project director or the principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct or reporting of research or scholarly activities conducted in whole or in part under the auspices of the University, which may include for example, collaborators, consultants and/or subaward or subcontract recipients.
- J. **Research** means a systematic investigation designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug). As used in this policy, the term includes any such activity for which research funding is available from a sponsoring entity (see 42 CFR Part 50, Subpart F).
- ~~K. **Significant financial or other interest** means anything of significant monetary value, including but not limited to salary or other payments for services; equity interests (e.g., stocks, stock options or other ownership interests); intellectual property rights (e.g., patents, copyrights and royalties from such rights). "Significant financial or other interest" also means the holding of a position as an officer, director, agent, or employee of a business entity. "Significant financial and other interest" includes such interests held by the employee and by the employee's family members.~~
- K. **Significant Financial Interest** means a financial interest consisting of one or more of the following interests of the individual Investigator or Employee (and those of the Investigator's or Employee's Family Member as defined in this Policy) that reasonably appear to be related to the Investigator's or Employee's responsibilities to the University, as defined by an individual's department or job description [Fn<sup>2</sup>]:
1. With regard to any publicly traded entity, a Significant Financial Interest exists if the value of any remuneration received by the individual from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;
  2. With regard to any non-publicly traded entity, a Significant Financial Interest exists if the value of any remuneration received by the individual from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the individual holds any equity interest (e.g., stock, stock option, or other ownership interest); or

3. Intellectual property rights and interests (e.g., patents, copyrights), when the patent application is filed or when the copyright is asserted or upon receipt of income related to such rights and interests, including royalty income from Intellectual Property owned by the University of Utah Research Foundation.

~~L. ***However, significant financial or other interest does NOT include:***~~

- ~~1. salary, royalties, or other remuneration from the University;~~
- ~~2. income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;~~
- ~~3. income from service on advisory committees or review panels for public or nonprofit entities;~~
- ~~4. an equity interest that when aggregated for the employee and the employee's family meets both of the following tests: less than \$10,000 in value as determined through reference to public prices or other reasonable measure of fair market value, and less than a five percent (5%) ownership interest in any single entity;~~
- ~~5. annual salary, royalties or other payments from any source other than those referenced in subparagraphs (1) and (2) above that individually do not exceed \$10,000 or, when aggregated for the employee and the employee's family over twelve months, are not expected to exceed \$10,000. The University does not consider royalties to present a potential conflict of interest other than those from educational materials required by a professor to be purchased for his/her class at the University;~~
- ~~6. income from mutual funds and/or pension funds;~~
- ~~7. a percentage of income received from the Veteran's Administration Medical Center as part of physician reimbursement for University faculty;~~
- ~~8. any ownership interests in a business entity if the business entity is an applicant for Phase I support under the Small Business Innovation Research (SBIR) Program.~~

L. ***However, Significant Financial Interest does NOT include:***

1. Salary, travel reimbursements or other non-royalty remuneration from the University if the Investigator is currently employed or otherwise appointed by the University;
2. Income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an



academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education;

3. Income from service on advisory committees or review panels for a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education;
4. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles.

~~M. **Small Business Innovation Research (SBIR) Program** means the extramural research program for small businesses that is established by the Awarding Components of certain Federal agencies under Pub. L. 97-219, the Small Business Innovation Development Act, as amended. For the purposes of this policy, the term SBIR includes the Small Business Technology Transfer (STTR) Program, which was established by Pub. L. 102-564.~~

**N.M. Transaction** means a formal or informal contract or agreement, express or implied, to which the University is a party.

### III. Policy

A. General requirements (disclosure, prohibited activities). It is the duty of every individual member of the University community to disclose in a timely manner his or her personal or Family Member's involvement in activities listed as Activities Requiring Disclosure (Section III-B). Approval of the Individual Conflict of Interest Committee must be obtained before engaging in these activities. It is forbidden for individual University Employees or Investigators to engage in any Activities That Are Not Allowed (Section III-C).

#### ~~V.~~ B. Activities Requiring Disclosure

##### ~~A.~~ 1. Research and Scholarly Activity

- ~~1. Disclosure is required when an investigator has a significant financial or other interest that could affect the approval, design, conduct, or reporting of funded research.~~
- ~~2. Disclosure is also required when all of the following apply: 1) an employee or family member has a significant financial or other interest in a sponsor of research; 2) the employee has responsibility for designing, conducting or reporting the research; 3) the research will involve subordinates; and 4) the employee will provide an academic or employment evaluation of the subordinate based in part~~

~~upon the subordinate's work on the research project, or restrictions will be placed on the publication rights of the subordinate.~~

- a. Investigators. Disclosure is required when an Investigator is responsible for the approval, design, conduct, or reporting of sponsored research conducted in whole or in part under the auspices of the University.
- b. Employees. Disclosure is required when an Employee or his/her Family Member has a Significant Financial Interest related to research or scholarly activities involving University subordinates or students and the Employee has responsibility for the subordinates' or students' employment and/or academic evaluations.
- c. Other individuals. Disclosure is required when a student or postdoctoral scholar or his/her Family Member has a Significant Financial Interest and submits an individual application for fellowship or other research support under the auspices of the University.

#### ~~B. Clinical — I Research~~

~~Disclosure is required when an investigator has significant financial or other interest involved with clinical research.~~

#### 2. Human Subjects Research

Disclosure is required when an Investigator is responsible for the design, conduct, or reporting of human subjects research conducted in whole or in part under the auspices of the University.

Research with human subjects must receive the highest level of protection from bias or appearance of bias created by an individual's conflict of interest. Consequently, the University shall apply a presumption against the conduct of research with human subjects in any circumstance where the individual has a conflict of interest relating to the research. The Individual Conflict of Interest Committee may approve conduct of the research by the individual only upon a finding of compelling circumstances and only when the Committee can craft an effective management plan to mitigate the conflict. Otherwise, the conflict must be eliminated or the research project shall not be conducted by the individual.

#### ~~G. 3. Intellectual Property~~

~~Disclosure is required when an employee is a named inventor of intellectual property owned by the University and the employee has a significant financial or other interest in a business entity related to the intellectual property.~~

Disclosure is required prior to the negotiation of any licensing agreements when an Employee is a named inventor on an invention disclosure and the Employee or his/her Family Member has a Significant Financial Interest in a Business Entity related to the Intellectual Property.

D. 4.      Procurement

1. a. ~~Disclosure is required when a University employee, officer or a member of their family~~ an Employee or his/her Family Member has a significant financial or other interest Significant Financial Interest in a business entity Business Entity proposing to enter into a transaction with the University, and that ~~University employee, officer, or family member~~ Employee or Family Member is in a position to influence the outcome of the University's decision on that transaction. ~~Early disclosure prior to the procurement negotiation is encouraged.~~
2. b. ~~Disclosure is required when an employee or family member~~ an Employee or his/her Family Member has a significant financial or other interest Significant Financial Interest in a business entity Business Entity that provides goods or services, the University provides the same or similar goods and services, and the employee Employee is in a position to direct potential purchasers of the goods and services away from the University and to the business entity Business Entity. ~~This provision does not cover consulting by faculty or staff. This provision does not otherwise limit consulting by faculty or staff as defined under Policy 5-204.~~
3. c. The Utah Public Officers' and Employees' Ethics Act, Utah Code Annotated § 67-16-1 et seq. (the Ethics Act) requires disclosure of certain conflicts of interest to other entities including the state Attorney General's Office. University employees are responsible for complying with the Ethics Act.

VI. C. Activities That Are Not Allowed (Prohibited Activities)

The following activities present conflicts of interest ~~that~~ in which individuals are not allowed to engage because they ~~are a~~ would be in violation of law or ~~are~~ judged by the University to be a in violation of its central missions.

A. 1.      Academic Freedom Restrictions

1. a. Secrecy or confidentiality requirements are not allowed if they impact evaluation of a student, faculty member, or other employee, or if they delay fulfillment of degree requirements by more than the time contractually allowed for publication and/or protection of intellectual property rights (up to 6 months).
2. ~~Arrangements are not allowed that permit a sponsor to interfere~~

~~in the scientific analysis or with publication of research results or its conclusions except as mandated by force of law or governmental regulation.~~

b. Investigators shall not permit a sponsor to compromise the integrity of the scientific analysis or the publication of research results or its conclusions.

3. c. Evaluation of faculty, ~~postdoctoral appointees~~, staff, medical housestaff, educational trainees or students is not allowed to be based, in whole or in part, on participation in (or refusal to participate in) ~~outside non-University~~ activities involving ~~business entities~~ Business Entities in which the evaluating employee Employee or Investigator has a significant financial or other interest Significant Financial Interest. The participation of faculty, staff, medical housestaff, educational trainees or students in non-University activities involving such Business Entities shall not be required or expected.

#### B. ~~Clinical~~ — I Research

- ~~1. Individual employees involved in a study, or their families, may not themselves, directly or indirectly, accept payments, incentives or gifts from sponsors of human subjects research.~~
- ~~2. Payments are not allowed from sponsors of human subjects research to accounts other than the investigators' restricted project account.~~

#### 2. Human Subjects Research

Individual Investigators or Employees participating in the design, conduct or reporting of a human subjects research study, or their Family Members, shall not, directly or indirectly, accept any incentives or gifts from a Business Entity that is sponsoring or providing support for the study. Payments to the University from Business Entities that are sponsoring or providing support for the study shall only be deposited into the investigators' restricted project account established for the study, unless otherwise approved by the Vice President for Research.

#### G. 3. — Intellectual Property

Involvement by an employee Employee in the process of negotiating a license on behalf of the University with a ~~business entity~~ Business Entity in which the employee Employee has a significant financial or other interest Significant Financial Interest is not allowed.

#### D. 4. — Solicitation or Receipt of Gifts [Fn<sup>1</sup>]

Solicitation or receipt of a gift by a University ~~employee~~ Employee, whether directly or indirectly through the institution, is not allowed, ~~where~~ when (4) (a) the purpose or effect of the gift is likely to

improperly influence the employee Employee in the discharge of his/her University responsibilities; (2) (b) the gift is given to reward the employee Employee for official action taken; or (3) (c) the gift is given in close proximity<sup>2</sup> [Fn<sup>3</sup>] to recent past, present or future transactions between the University and the giver of the gift.

## ~~VII.—Conflict of Interest Committee~~

**{Drafting note: The general requirements of the Individual Conflict of Interest Committee have been relocated to Section III-E below. Additional details about the Committee have been removed from this Policy and are included in the draft of supplemental Rule 1-006A.}**

- ~~A.—The Conflict of Interest Committee shall be a University standing committee whose voting members are nominated by the Personnel and Elections Committee of the Academic Senate and appointed by the President for three year terms.~~
- ~~B.—The Committee shall follow the Procedures set forth in Procedure (Section VIII) to:
  - ~~1.—gather conflict of interest disclosures,~~
  - ~~2.—determine whether a conflict of interest exists; and, if so,~~
  - ~~3.—determine the proper level of management of the conflict.~~~~
- ~~C.—The Committee shall be a University wide committee, comprising 15 voting members: 3 staff members from across the University, 3 faculty from Health Sciences, 2 faculty from the College of Engineering, 2 faculty from the College of Science, 4 faculty from the other academic units of the University, and one at-large member. The Committee shall also include 6 non-voting, ex-officio participants including the Director of Sponsored Projects, the Director of Technology Transfer, the Director of the Institutional Review Board, the Conflict of Interest Officer, the Director of Procurement & Supply Management, and a representative from the University's Office of General Counsel. The Committee may choose to include other non-voting 'ad-hoc' participants to assist in discussions and decisions as needed.~~
- ~~D.—A Conflict of Interest Officer and other Committee staff as needed shall be employed by the University and adequate resources allocated to support the duties of the Conflict of Interest Committee.~~
- ~~E.—A committee member shall be recused from discussion and voting on a particular case if:
  - ~~1.—The committee member has a compelling personal interest in the case (such as research or academic collaboration with the employee whose case is under consideration); or~~
  - ~~2.—The committee member has a financial interest in the case under~~~~

consideration.

#### VIII. Procedure—

**{Drafting note:** The general responsibilities of individual Investigators and Employees have been relocated to Section III-D below. Additional details about the Committee have been removed from this Policy and are included in the draft of supplemental Procedures.}

~~This policy uses disclosures as the key mechanism to bring potential conflicts of interest to light for evaluation and possible oversight.~~

- ~~A. Disclosure consists of completing and submitting a conflict of interest Disclosure Form prior to engaging in any activities specified in Section III. When making a conflict of interest disclosure, an employee may, at his or her option, include a proposed management plan. A proposed management plan shall include the name and position of the person responsible for plan oversight.~~
- ~~B. Conflict of interest Disclosure Forms must be filed any time a new potential conflict of interest arises.~~
- ~~C. Questions concerning activities specified in Sections III and IV should be submitted to the Conflict of Interest Committee through the Conflict of Interest Officer.~~
- ~~D. Employees must submit the conflict of interest Disclosure Form to the Conflict of Interest Committee through the Conflict of Interest Officer.~~
- ~~E. The Conflict of Interest Officer, on behalf of the Conflict of Interest Committee, will determine, for each disclosure, whether a conflict of interest exists that requires the review of the Conflict of Interest Committee. The employee and his/her department chair will be notified if the Conflict of Interest Officer has referred a disclosure to the Conflict of Interest Committee.~~
- ~~F. The Conflict of Interest Committee will review each disclosure received from its Conflict of Interest Officer.~~
  - ~~1. The Conflict of Interest Officer shall be available to consult with any employee to help develop an acceptable management plan.~~
  - ~~2. If the Disclosure contains a proposed management plan, the Conflict of Interest Committee will first determine whether a conflict of interest exists. If it is determined that a conflict of interest exists, then the Conflict of Interest Committee will determine whether the proposed management plan is acceptable. The employee will be given an opportunity to provide any additional information pertaining to the potential conflict or the proposed management plan to the Conflict of Interest Committee.~~

3. ~~If the Disclosure does not contain a proposed management plan, the Conflict of Interest Committee will determine whether a conflict of interest exists. The employee will be given an opportunity to provide any additional information pertaining to the potential conflict of interest. If the committee determines that a conflict of interest exists, it will notify the employee and the employee's chair or supervisor. For the activity to proceed the employee shall then propose a management plan including the name and position of the person responsible for plan oversight.~~
  4. ~~Upon receiving a proposed management plan from the employee, the Conflict of Interest Committee will determine whether the Management plan is acceptable. The Conflict of Interest Committee will transmit its decision to the employee, the employee's chair, and the appropriate University entities (e.g., Institutional Review Board, Office of Sponsored Projects, Technology Transfer Office, Procurement & Supply Management, Graduate School)~~
  5. ~~The University will adhere to research sponsor requirements for reporting of disclosure and management, reduction or elimination of conflicts of interest.~~
- G. ~~Appeals of any decision of the Conflict of Interest Committee concerning the existence of a conflict of interest or acceptability of a proposed management plan may be made to the cognizant vice-president.~~
- H. ~~Subject to the requirements of confidentiality specified in the following section, and upon request of any employee, the Conflict of Interest Officer shall communicate decisions by the Conflict of Interest Committee in connection with any determination of whether a conflict of interest exists and whether a management plan is acceptable. Such communication shall contain the salient facts for the situation, the relevant sections of the Conflict of Interest Policy, and the decision of the Conflict of Interest Committee. Such public disclosures shall not contain the name of any employee or any other information deemed to be confidential.~~

D. Investigator and Employee Disclosure Responsibilities

This Policy uses disclosures as the key mechanism to bring potential financial conflicts of interest to light for evaluation and possible oversight.

1. Each Investigator or Employee engaged in any activities specified in Section III-B is required to complete financial conflict of interest training offered by the University.
2. Each Investigator or Employee must personally complete and submit a Disclosure Form prior to engaging in any activities specified in Section III-B.
  - a. The Investigator or Employee must provide complete and accurate information about all Significant Financial Interests

that reasonably appear related to his/her professional responsibilities to the University.

b. The Investigator or Employee will not engage in any activities specified in Section III-B until the Individual Conflict of Interest Committee determines whether a Significant Financial Interest creates a financial conflict of interest for the Investigator or Employee and approves a plan to manage, reduce or eliminate any such conflicts.

3. Once a Disclosure Form has been required by the University, each Investigator or Employee must update his/her Disclosure Form at least annually and within thirty (30) days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) a new Significant Financial Interest that is related to his/her professional responsibilities to the University [Fn<sup>2</sup>].

4. Investigators participating in research funded by the Public Health Service (PHS) must also disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available), related to their responsibilities to the University [Fn<sup>4</sup>]; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

#### E. Individual Conflict of Interest Committee

1. The Individual Conflict of Interest Committee is hereby established as a University standing committee. The voting members shall be nominated by the Personnel and Elections Committee of the Academic Senate and appointed by the President of the University to serve for three year terms. A majority of the voting members shall be University faculty. The Committee shall be a campus-wide committee with broad representation from across campus. The President shall also appoint non-voting ex-officio participants from relevant administrative offices. Further details of the membership structure may be specified in a University Rule associated with this Policy, to be approved as per Policy 1-001. {Drafting note: Because the further details of the membership structure are to be specified in a University Rule, and the process for approval of University Rules requires that they be submitted to the Senate these details will effectively be subject to Senate review and approval.}

2. The Committee is charged with:



- a. providing education and training to members of the University community about financial conflicts of interest and how they can be effectively managed, reduced or eliminated;
  - b. reviewing Disclosure Forms submitted by Investigators and Employees;
  - c. determining whether a disclosed Significant Financial Interest is a financial conflict of interest; and, if so,
  - d. determining how a financial conflict of interest can be managed, reduced, or eliminated to protect the Investigator or Employee, the interests of the University, research participants and the public.
3. A Conflict of Interest Officer and other staff as needed shall be employed by the University and adequate resources allocated to support the duties of the Individual Conflict of Interest Committee.
  4. The Committee and its members shall act without bias in administering this Policy.

F. Conflict of Interest Office and Committee Responsibilities

1. The Conflict of Interest Office, on behalf of the Individual Conflict of Interest Committee, will determine, for each individual's Disclosure Form, whether a Significant Financial Interest exists that requires the review of the Conflict of Interest Committee. The individual Investigator or Employee and his/her department chair or supervisor will be notified when the Conflict of Interest Office refers a potential conflict of interest to the Conflict of Interest Committee for review.
2. The Conflict of Interest Committee will consult with the individual Investigator or Employee as appropriate and determine whether a Significant Financial Interest creates a financial conflict of interest. If it is determined that a financial conflict of interest exists, then the Conflict of Interest Committee will determine how it can be managed, reduced, or eliminated.
3. The Conflict of Interest Office will transmit the decision of the Conflict of Interest Committee to the Investigator or Employee, his/her University superiors, and the appropriate offices within the University.
4. The Committee is primarily responsible for monitoring and ensuring compliance with approved plans to manage, reduce or eliminate financial conflicts of interest. In most circumstances, this will include requiring the Investigator or Employee to submit compliance reports at intervals specified by the Committee in the management plans. When plans require specific expertise, the Committee may enlist peers to assist with monitoring compliance as needed.

5. The University will adhere to research sponsor requirements and state and federal law for reporting of disclosure and management, reduction or elimination of conflicts of interest.

## IX. Confidentiality—

~~All records and information provided by an employee for the purpose of disclosure and management and all official records of disclosure and management shall be considered confidential. Any information disclosed by an employee as required by this policy shall be used solely for the purpose of administering this policy and may not be used for any other purpose unless required by law. Unauthorized disclosure of any such information by an employee shall be deemed to be unethical behavior and shall be punishable under **Policy 5-111** or **Policy 6-316, Section 4** & **Policy 6-316, Section 5**~~

### G. Confidentiality

1. Conflict of interest disclosures and Committee determinations concerning conflicts and violations shall be available to:
  - a. the Investigator or Employee's University superiors;
  - b. the appropriate University offices, including but not limited to, the Office of the Vice President for Research, the Office of General Counsel, Internal Audit, Institutional Review Board, Office of Sponsored Projects, Technology Commercialization Office, Procurement and Supply Management, Graduate School; and
  - c. other Employees whose responsibilities to the University are directly affected by the conflict of interest.
2. In certain circumstances, federal and state law may require public disclosure of information relating to identified conflicts of interest.
3. In other circumstances, including but not limited to conflicts regarding human subjects research, the University may require public disclosure as part of a conflict management plan.
4. Except for the foregoing disclosures contemplated in this Policy, the Individual Conflict of Interest Committee and those within the University who have direct responsibility for reviewing potential conflicts or investigating potential violations of this Policy shall treat the information received and considered during these processes as confidential information.
5. Any information disclosed by an Investigator or Employee as required by this Policy shall be used solely for the purpose of administering this Policy and shall not be used for any other purpose unless required by law.

6. ~~Unauthorized disclosure of any such information by an Employee shall be deemed to be unethical behavior and shall be punishable under pertinent University Regulations including **Policy 5-111** (Corrective Action and Termination Policy for Staff Employees) or **Policy 6-316, Sections 4 & 5** (Faculty Code).~~

H. Appeals

Any decision of the Individual Conflict of Interest Committee concerning the existence of a conflict of interest or the appropriateness of a plan to manage, reduce, or eliminate a conflict may be appealed within thirty (30) days to a panel which shall include the Senior Vice President for Academic Affairs, the Senior Vice President for Health Sciences and the Vice President for Research. The decision of the panel shall be final.

X. Violations — and Sanctions

{**Drafting note:** The general requirements of this Policy for non-compliance have been relocated to Section III-I below. Additional details about the procedures for non-compliance have been removed from this Policy and are included in the draft of Rule 1-006B.}

A. — Investigation of Violations

~~Reports of violations of this policy, including violations of a prescribed management plan, shall be presented to the Conflicts of Interest Committee through the Conflict of Interest Officer. Within five (5) business days of receiving a report, the Conflicts of Interest Committee shall provide a copy of the report to the subject of the allegations and request a written response for the Committee's consideration. Within thirty (30) days of receiving notice of an alleged violation, the Committee shall conduct an investigation into the allegations and determine whether the policy has been violated. During the investigation, the Committee shall review the report of violation, any response, and any other relevant documentary material. The Committee may also conduct interviews of the person submitting the report, the subject of the allegations, and any other persons believed to have pertinent factual knowledge of the allegations.~~

B. Sanctions — and Discipline

- ~~1. — For violations of this policy, the Committee may recommend one or more of the following disciplinary and/or administrative actions~~
  - ~~a. — Proceedings for employee or student discipline (including but restricted to: reprimands, fines, probation, suspension, dismissal, the freezing of research funds, other research restrictions, etc.) pursuant to 1) the Code of Faculty Rights and Responsibilities, **Policy 6-316, Section 5**, Sanctions & **6-316, Section 6**, Procedures: Complaints) staff disciplinary policies and procedures, **Policy 5-111 & 5-210, Section 5**)~~

the Code of Student Rights and Responsibilities, **Policy 6-400**; or 4) the Policy for Research Misconduct, **Policy 7-001**;

- ~~b. Withholding payment owed under a procurement contract relating to the conflict;~~
  - ~~c. Legal action to rescind University contracts entered into in violation of this Conflict of Interest Policy or of state law;~~
  - ~~d. Legal action to recover the amount of financial benefit received by an employee as a result of his or her violation of this policy;~~
  - ~~e. Other similar and appropriate actions.~~
- ~~2. If the Committee determines that the subject of the allegations has not violated this policy, the Committee shall provide written notice of its findings to the person providing the report and to the subject of the allegations. This determination may be appealed pursuant to Section VIII(G) of this policy.~~
  - ~~3. If the Committee determines that the subject of the allegations has violated this policy, the Committee shall present its findings and recommendations to the cognizant vice president. The Committee shall also provide contemporaneous notice of the findings and recommendations to the person submitting the original report and the subject of the allegations.~~
  - ~~4. Within ten (10) business days of delivery of notice of the Committee's findings and recommendations, the subject of the allegations may provide the cognizant vice president with a written response to the Committee's findings and recommendations.~~
  - ~~5. The cognizant vice president shall consider the Committee's findings and recommendations and any timely written response from the subject of the allegations. The vice president shall, within thirty (30) days of receiving notice of the Committee's findings and recommendations, provide written notice of his/her intended course of action to the Committee, to the subject of the allegations, and to the person who submitted the original report. Thereafter, the vice president may pursue any disciplinary action and/or impose that course of action.~~
  - ~~6. In situations involving (1) the health or safety of any person or (2) the potential loss of significant University resources, the Committee may recommend and/or the cognizant vice president may implement any administrative action necessary to protect these persons and resources pending the outcome of the foregoing Procedures. Otherwise, no disciplinary or administrative action shall occur until the conclusion of the violation evaluation process set forth in this policy.~~

7. ~~Violations of this policy may also result in criminal penalties pursuant to the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1, et seq.~~
8. ~~The remedies provided or referenced above are cumulative and shall be deemed to include any other remedies required or provided by applicable state or federal law.~~
9. ~~Conflict of interest violations will be reported to external agencies and sponsors to the extent required by law.~~

## I. Non-Compliance

### 1. Reports of Non-Compliance

Potential violations of this Policy or any conflict of interest management plans must be reported to the University's Conflict of Interest Officer.

### 2. Investigation of Non-Compliance

The Individual Conflict of Interest Committee shall investigate all potential non-compliance with this Policy, including potential non-compliance with prescribed management plans.

### 3. Protection of Affected Parties

To the extent permitted by law and University policies, the University will protect the identity and privacy of those individuals who, in good faith, report apparent non-compliance with this Policy or furnish information regarding such non-compliance. Retaliation of any kind against any individual, who, in good faith, alleges non-compliance or cooperates with the investigation, is prohibited and the retaliator may be subject to discipline under pertinent University policies.

### 4. Restrictions That May Be Imposed by the Individual Conflict of Interest Committee

#### a. For violations of this Policy, the Committee may impose one or more of the following restrictions on an individual:

Freeze research funds, or otherwise suspend, a project or projects related to the policy violation;

Remove the individual found to be in violation from a role as Principal Investigator or Investigator on a project or projects related to the policy violation;

Prohibit submission of new applications to the Institutional Review Board and/or the Office of Sponsored Projects until resolution of the relevant conflict of interest issues or for a specified period of time;

Other restrictions as may be deemed appropriate by the Committee.

- b. The individual Investigator or Employee may appeal the restrictions imposed by the Committee to a panel which shall include the Senior Vice President for Academic Affairs, the Senior Vice President for Health Sciences, and the Vice President for Research. The decision of the panel shall be final.
- c. In situations involving the health or safety of any person or the potential loss of significant University resources, the Committee may implement any restrictions listed in paragraph 4(a) that are necessary to protect these persons and resources pending the outcome of the investigation. Otherwise, no restrictions, disciplinary or administrative action shall occur until the conclusion of the violation evaluation process set forth in this Policy.

5. Disciplinary and Other Administrative Actions

- a. For violations of this Policy, the Committee may recommend to the cognizant vice president(s) that disciplinary action be taken against the individual (including but not restricted to: reprimands, fines, probation, suspension, or dismissal). The Committee may proceed with a complaint against the Investigator or Employee before the appropriate University hearing body.

b. Other Administrative Actions

For violations of this Policy, the Committee may recommend to the cognizant vice president(s) that one or more of the following administrative actions be taken:

Withholding payment owed under a procurement contract relating to the conflict;

Legal action to rescind or revise University contracts entered into or found to be in violation of this Conflict of Interest Policy or of federal or state law;

Legal action to recover the amount of financial benefit received by an Investigator or Employee as a result of his or her violation of this policy;

Other similar and appropriate actions.

6. Violations of the Utah Public Officers' and Employees' Ethics Act may result in prosecution and criminal penalties pursuant to that Act. (Utah Code Ann. § 67-16-1, et seq.)

7. The remedies provided or referenced above are cumulative and may include any other remedies required or provided by applicable state or federal law.
8. The Office of Associate Vice President for Research Integrity shall report incidents of non-compliance of with this Policy to external agencies and sponsors as required by state and federal law.

J. Other Conflict of Interest Policies and Procedures

1. University Institutional Conflict of Interest Policy

In situations where both an *individual* and an *institutional* conflict of interest may exist, Investigators and Employees will be required to comply with the requirements of this Policy and also with the requirements of [[Policy XXX – the University Institutional Conflict of Interest Policy]]. ***{Drafting note: work is underway on the companion University Institutional Conflict Policy, and this bracketed information will be filled in when that other Policy is approved.}***The Individual Conflict of Interest Committee and the University Institutional Conflict of Interest Committee shall consult on cases of overlapping oversight to determine the appropriate plan to manage, reduce, or eliminate both the individual and the institutional conflicts.

The Individual Conflict of Interest Committee and the University Institutional Conflict of Interest Committee shall consult on cases of overlapping oversight to determine the appropriate plan to manage, reduce, or eliminate both the individual and the institutional conflicts.

2. Supplemental Rules Regarding Conflicts of Interest

Any unit within the University may elect to adopt a “Supplemental Rule” (as described in Policy 1-001) applicable for conflicts of interest arising within that unit. Any such Supplemental Rule shall operate in conjunction with this Policy, providing that such Supplemental Rule must aid in the implementation of and not be in conflict with the terms of this Policy. Any such Supplemental Rule proposed by any unit of the University shall be submitted for the approval of the Individual Conflict of Interest Committee.

IV. Rules, Procedures, Guidelines, Forms and Other Related Resources

A. Rules

1.

***{Drafting note: The University Rule (Rule 1-006A & B) providing details of the membership structure of the Individual Conflict of Interest Committee and the Procedures for Non-compliance will be listed and linked here upon approval, as will any other Rules, Procedures, etc that may be developed pertinent to this Policy.}***

- B. Procedures [reserved]
- C. Guidelines [reserved]
- D. Forms [reserved]
- E. Other related resource materials

School of Medicine Industry Relations: Supplemental Rule **SOM-001**

#### V. References

- A. Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 et seq. 15 Utah Criminal Code, Utah Code Ann. § 76-8-105(1).
- B. National Science Foundation Policy; Grant Policy Manual 510, Investigator Disclosure Policy, 60 F.R.132, pp. 35810-823 (July 11, 1995).
- C. U.S. Department of Health and Human Services, Objectivity in Research Subpart F- 19 Responsibility of Applicants for Promoting Objectivity in Research for Which Funding is Sought, 42 CFR Part 50, Subpart F (for NIH Contracts, 45 CFR Part 94, Responsible Prospective Contractors).
- D. U.S. Department of Health and Human Services, Financial Disclosure by Clinical Investigators, 21 CFR Part 54.
- E. Anti-Kickback Act of 1986 (41 U.S.C. 51-58) and OMB A-110.
- F. **Policy 5-111**, Disciplinary Actions and Dismissal of Staff Employees.
- G. **Policy 5-210**, Employee Relations Procedures for Alleging Discrimination or Harassment and for Initiating Staff Employment Grievances.
- H. **Policy 3-192**, Restricted Purchases and Special Procurement.
- I. **Policy 7-001**, Policy for Research Misconduct.
- J. **Policy 7-003**, Copyright Policy: Ownership Purpose and Scope.
- K. **Policy 6-400**, Code of Student Rights and Responsibilities.
- L. **Policy 6-316**, Code of Faculty Rights and Responsibilities.

#### XI. Related Topics Not Addressed by this Policy

- A. **Policy 5-204**, Remunerative Consultation and Other Employment Activities, and **5-403**, Additional Compensation and Overload Policy, discuss conflicts of commitment of time and use of University name, property, facilities or resource.
- B. **Policy 4-005**, Use and Security of Property, discusses use of property, supplies and services purchased with University funds.
- C. **Policy 7-004**, University Faculty Profit-Making Corporations, discusses



conflicts of commitment.

D. **Policy 7-013**, Patents and Inventions, discusses requirements for transfer of University technology and other intellectual property.

E. **Policy 6-316**, Code of Faculty Rights and Responsibilities, discusses use of the University's name or property.

F. Institutional Conflicts of Interest are not covered by this policy.

~~XII. Rules, Procedures, Guidelines, Forms and other related resources:~~

~~A. Rules~~

~~1. Rule 1-001~~ **(R1-001)**

~~B. Procedures~~

~~C. Guidelines~~

~~D. Forms~~

~~E. Other related resource materials:~~

~~School of Medicine Industry Relations: Supplemental Rule~~ **SOM-001**

~~XIII.VI. Contacts:~~

~~Policy Owner: Questions about this Policy and any related Rules, Procedures, and Guidelines should be directed to~~ **General Counsel** ~~or~~ **Chair of the Conflict of Interest Committee**

~~Policy Officer: Only the~~ **Vice President and General Counsel, Vice President for Research**, ~~or their designee have the authority to grant exceptions to this policy.~~

Policy Officer: Vice President/General Counsel, 801-585-7002

Policy Owner: Office of General Counsel, 801-585-7002

VII. History.

Renumbering: Renumbered as Policy 1-006 effective 9/15/2008, formerly known as PPM 2-30.

Revision History:

A. Current version: Revision 11

Effective date [upon final approval]

Approved: Academic Senate [ ]

Approved: Board of Trustees [ ]

Legislative History of Revision 11 {link to copy of the entire proposal packet as approved by Senate}

B. Earlier versions:

Revision 10: Effective dates March 8, 2004 to [ ]

Approved Academic Senate: 2/02/04

Approved Board of Trustees: 3/08/04

Footnotes:

(1) As of January 2003, the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-1 et seq. permitted occasional nonpecuniary gifts not exceeding \$50.00.

(2) For Investigators who are not University Employees, as defined in this Policy, Significant Financial Interest shall include those financial interests that reasonably appear to be related to the Investigator's responsibilities to his/her employer and/or profession.

~~(2)~~ (3) In conformity with the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-16-5 et seq.

(4) For Investigators who are not University Employees, as defined in this Policy, disclosure of travel shall include the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available), related to the Investigator's responsibilities to his/her employer and/or profession provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.



**Laura Snow**  
Special Assistant to the President  
and  
Secretary to the University

*Agreed*  
*David W. Pershing*  
*Agreed*  
*3-7-12*

TO: President A Lorris Betz  
Sr. Vice President David W. Pershing

FROM: Laura Snow  
Secretary to the University

RE: Recommended policy updates

DATE: March 5, 2012

In an effort to update the University's Regulations Library, the Institutional Policy Committee (IPC) proposes that Policies 2-101, 2-102, 2-103, 2-104 and 2-105 be eliminated. These policies refer to the Utah System of Higher Education, its authority and purpose. To replace these, the IPC proposes one new, consolidated policy, 2-001: *Authority of the University of Utah and Higher Education*. This policy contains links to the appropriate references in Utah Code and the Board of Regents' Policies in order to facilitate the most up-to-date and accurate resource information. The drafting notes in each old policy (being deleted) will indicate where the relevant information appears in the newly created policy.

Policies to be deleted include:

2-101: State System of Higher Education – The University and the State

2-102: State System of Higher Education - State Board of Regents

2-103: State System of Higher Education - Officers of the State Board of Regents

2-104: State System of Higher Education - Committees of the State Board of Regents

2-105: State System of Higher Education - Commissioner of Higher Education

The IPC has also determined that Policy 2-100: State System of Higher Education - Memberships does not qualify as a policy under the current definitions. Therefore, the IPC requests permission to delete this policy. Information from this former policy is incorporated in the new Policy 2-001 (under "Other related resource materials") as links to the Board of Regents and Board of Trustees' websites.

As the designated owner of these policies and on behalf of the IPC, I request approval to make these improvements to the Regulations Library.

Attachments

Office of the President  
201 South Presidents Circle, Room 201  
Salt Lake City, UT 84112-9009  
(801) 581-5113  
FAX: (801) 581-3654  
E-mail: laura.snow@utah.edu

*Coversheet & Checklist form—for submitting to Academic Senate Executive Committee*  
**Proposal for addition/revision of University Regulation.**  
(Rev. 2011-9) <http://www.regulations.utah.edu/info/IPCresources.html>

1. Regulation(s) involved (*type, number, subject*):

Organization of the University of Utah (State System of Higher Education)  
**2-001: Authority of the University and the Utah System of Higher Education (new)**  
**2-100: Memberships (to be deleted)**  
**2-101: The University and the State (to be deleted)**  
**2-102: State Board of Regents (to be deleted)**  
**2-103: Officers of the State Board of Regents (to be deleted)**  
**2-104: Committees of the State Board of Regents (to be deleted)**  
**2-105: Commissioner of Higher Education (to be deleted)**

2. Responsible Policy Officer (*name & title*): **Laura Snow, Secretary to the University**

3. Contact person(s) for questions & comments (*name, email, phone#*):

**Becky Riley**  
**[Becky.Riley@utah.edu](mailto:Becky.Riley@utah.edu)**  
**801-581-3033**

4. Presenter to Senate Exec (*if different from contact person. name, phone#*):

**Laura Snow**  
**[Laura.Snow@utah.edu](mailto:Laura.Snow@utah.edu)**  
**801-581-5113**

5. Approvals & consultation status.

a. Administrative Officers who have approved (*VP/President, name & date*):

**President Lorris Betz - 3/07/2012**  
**Sr. Vice President David Pershing - 3/06/2012**

b. Committees/Councils/other Officers consulted: **Cabinet – approved 2/09/2012**

6. Check YES or NA (not applicable) of documents submitted--- (*In digital form. Preferred file format MS Word doc. Special exception allowed for PDF format if previously arranged.*)

**Yes** Explanatory memorandum (*key points of proposal, rationale*).

**Yes** VP/Presidential approval signatures (*separate sheet, or affixed to memo cover*).

**Yes** Text of proposed Regulation addition/revision.

**Yes** (If revision of existing Regulation) text changes are *clearly marked*, using *permanent* font markings (*not MS Word 'Track' Changes non-permanent markings*).

Date submitted to Senate Office: **3/08/2012**

*After presentation to the Executive Committee, the Committee will consider whether the proposal is ready for the full Senate, and if so will schedule it for presentation at a subsequent Senate meeting either as i) a matter of academic significance-- set on the "Intent" & "Debate" Calendars over two monthly meetings with final "approval" voting at the second, or ii) not academically significant--set on the "Information" Calendar for a single monthly meeting, with opportunity for questions and recommendations to the presenter. See Policy 1-001 <http://www.regulations.utah.edu/general/1-001.html>; Rule 1-001 <http://www.regulations.utah.edu/general/rules/R1-001.html>; Senate procedures <http://www.admin.utah.edu/asenate/index.html>. Further information-- Senate Office: Shawnee Worsley 581-5203 [shawnee.worsley@utah.edu](mailto:shawnee.worsley@utah.edu)*

Policy 2-001: Authority of the University of Utah and the Utah System Higher Education- **NEW**  
**POLICY**  
Revision 0

I. Purpose and Scope

To outline the University's and the State Board of Regents' authority as granted by the State of Utah

II. Definitions

(Reserved)

III. Policy

A. University of Utah

1. Authority

The University of Utah is an institution of higher learning organized under the constitution and laws of the state of Utah as a body corporate and politic, controlled and supported by the people of the state, and dedicated primarily to disseminating and assimilating knowledge in advanced fields of study and higher learning, research, and intellectual service to the state and nation. The University is granted authority by the state as listed in Utah Code 53B-2-101, 53B-1-102, 53B-17 *{link}* and other laws as applicable. {Drafting note: This is information is from old Policy 2-101}

2. Operation

The University is granted responsibility for institutional operation as defined in the State Board of Regents' Policy R121-3.3.3 *{link}*

B. State Board of Regents

1. Authority and Functions {Drafting note: This is information is from old Policy 2-102}

- a. The Utah State Board of Regents is empowered as a single board by the legislature to govern the State System of Higher Education, of which the University of Utah is a member, and to centrally direct and plan the course of higher education in Utah, delegating powers to the boards of trustees of members of the state system of higher education at its discretion. Utah Code Ann. 53-48-2, Board of Regents' Policy R120-3.1 and R 121 *{link}*
- b. The authority of the Board of Regents to organize committees is established in Utah Code 53B-1-104 -7a and Board of Regents' Policy R120-3.6 and 3.7. *{link}*{Drafting note: This is information from old Policy 2-104}

2. Elections and Duties of the Officers of the Board of Regents are established as listed in Board of Regents' Policy R120-3.2. *{link}* {Drafting note: This is information from old Policy 2-103}
3. Commissioner of Higher Education {Drafting note: This is information from old Policy 2-105}
  - a. The appointment of and succession plan for the Commissioner of Higher Education are established in Board of Regents' Policy R143 and R121-3.3.2. *{link}*
  - b. The duties and responsibilities of the Commissioner of Higher Education are established in Board of Regents' Policy R141. *{link}*

#### IV. Rules, Procedures, Guidelines, Forms and other related resources.

A. Rules

B. Procedures

C. Guidelines

D. Forms

E. Other related resource materials.

[Members of the State Board of Regents](#)

[Members and Bylaws of the University of Utah Board of Trustees](#)

#### V. References

Utah Code 53B-2-101 *{link}*

Utah Code 53B-1-102 *{link}*

Utah Code 53B-17 *{link}*

Regents' Policy R120 *{link}*

Regents' Policy R121 *{link}*

Regents' Policy R141 *{link}*

Regents' Policy R143 *{link}*

#### VI. Contacts:

Policy Officer:

Acting as the Policy Officer, the Secretary to the University is responsible for representing the University's interests in enforcing this policy and authorizing any allowable exceptions.

Policy Owner:

Acting as the Policy Owner, the Secretary to the University is responsible for answering questions and providing information regarding the application of this policy.

#### VII. History:

A. Current version: University Policy 2-001, Revision 0

Approved by the Academic Senate: (approval date)

Approved by the Board of Trustees: (approval date)

## **~~Policy 2-100: State System of Higher Education—Membership~~**

Policy 2-100 does not qualify as a policy under Regulations definitions. It is recommended that it be deleted and that the information from this document be included in the new Policy 2-001 under "Other related resource materials." Additionally, to keep this information current it will be listed as links to the Board of Regents and Board of Trustees Membership websites.

### ~~Utah State Board of Regents—Commissioner, William A. Sederburg~~

David J. Jordan, <i>Chair</i> , Bountiful	Nolan E. Karras, (2013) Roy
Bonnie Jean Beesley, <i>Vice Chair</i> (2015), SLC	Robert S. Marquardt, (2013) SLC
Jerry C. Atkin (2011), St. George	Carol Murphy (*no set term),
Brent L. Brown (2011), Provo	Jed H. Pitcher (2015), SLC
Daniel W. Campbell (2015), Provo	William Prows (*no set term), Layton
Rosanita Cespedes (2011), SLC	David Smith, <i>Student Regent</i> (2011) Provo
France A. Davis (2011), SLC	Marlon O. Snow (2013), Orem
Katharine B. Garff (2015), Bountiful	Teresa L. Theurer (2013), Logan
Greg W. Haws (*no set term), Hooper	John H. Zenger (2011), Midway
Megan Holbrook (2011), SLC	-

### ~~The University of Utah Board of Trustees~~

Randy L. Dryer, <i>Chair</i> (2011)	Lisa E. Eccles (2013)
Michele Mattsson, <i>Vice Chair</i> (2011)	Clark D. Ivory (2011)
Spencer F. Eccles, <i>Treasurer</i> (*no set term)	Chase Jardine, <i>ASUU President</i> (2011)
A. Scott Anderson (2013)	Joyce P. Valdez (2013)
Timothy B. Anderson (2013)	Jim M. Wall (2011)
H. Roger Boyer (2011)	-

#### ~~Contacts:~~

##### ~~Policy Officer:~~

~~Acting as the Policy Officer, the [Secretary to the University](#) is responsible for representing the University's interests in enforcing this policy and authorizing any allowable exceptions.~~

##### ~~Policy Owner:~~

~~Acting as the Policy Owner, the [Secretary to the University](#) is responsible for answering questions and providing information regarding the application of this policy.~~

~~Editorially revised: August 2, 2010~~



{Drafting note: In an effort to keep the Regulation Library current Policies 2-101, 2-102, 2-103, 2-104 and 2-105, which are in reference to the state system of higher education, its authority and purpose, are being replaced by new Policy 2-001. The new Policy contains links to the Utah Code and the Board of Regents' Policies. Any pertinent material from this Policy is included in the new Policy 2-001 in paragraph III.B.}

## **Policy 2-102: State System of Higher Education—State Board of Regents**

### **I. Purpose**

The Utah State Board of Regents is empowered as a single board by the legislature to govern the state system of higher education, of which the University of Utah is a member, and to centrally direct and plan the course of higher education in Utah, delegating powers to the boards of trustees of members of the state system of higher education at its discretion. Utah Code Ann. 53-48-2.

### **II. Membership and Authority**

The State Board of Regents consists of seventeen resident citizens of Utah, appointed by the governor with the consent of the senate. The board succeeded to the powers, duties, authority and responsibility previously held by the Board of Regents of the University of Utah and the State Coordinating Council of Higher Education. The university is governed by the State Board of Regents, the laws of Utah, the bylaws of the board, and such policies, rules, and regulation as the board shall establish. Utah Code Ann. 53-48-4, 5.

### **III. Functions**

Except to the extent specific duties, functions, and responsibilities have been delegated to the Board of Trustees as authorized by law, the State Board of Regents exercises the duty, function, and responsibility:

A. To appoint a commissioner of higher education to serve as the chief executive officer of the board.

B. After consultations with the Board of Trustees, to appoint the president of the university who is responsible to the board as chief executive officer of the university.

C. To conduct continuing studies and evaluations of institutions in the system of higher education and establish, maintain, and implement a current master plan.

D. To prepare budgets and requests for appropriations for the university in conjunction with all other institutions of higher education in the state system of higher education, approve university work programs providing for the expenditure of funds appropriated to the university by the legislature, and prescribe standard systems of accounts, records and reports for the institutions in the state system of higher education.

~~E. To fix tuition, fees, and charges of the university as it deems necessary to meet budget requirements.~~

~~F. To define the role of the university and prescribe the general course of study, considering the traditional role of the university.~~

~~G. To establish Procedures and policies for considering institutional changes in curriculum that are a substantial alteration of existing operations.~~

~~H. To approve or disapprove, prior to submission of plans or specifications to the State Building Board, proposals for new construction, repair and rehabilitation or purchase of educational and general buildings and facilities financed from any source. Utah Code Ann. 53-48-6, 8, 10, 12, 13, 15, 17.~~

#### ~~IV. Meetings~~

~~The board shall meet regularly on the same day of the same week of the month, as it shall determine, and when specifically called to convene, in full or executive session, by the chair of the board, by the executive officer of the board, or by request of five members of the board. Notice must be mailed to each member of the board at least seven days before each regular meeting, provided, however, that less notice may be given in case of emergency meetings. Utah Code Ann. 53-48-5(10); Bylaws of the State Board of Regents (1970), as amended [hereinafter Bylaws], Art. V, 1-3.~~

#### ~~V. Quorum~~

~~Nine members of the board shall constitute a quorum to transact business. Utah Code Ann. 53-48-5(11).~~

#### ~~VI. Parliamentary Rules~~

~~Robert's Rules of Order shall be followed in conducting all meetings of the board, and of the meetings of the committees of the board. Bylaws, Art. V, 9.~~

#### ~~VII. Order of Business~~

~~The official agenda shall constitute the principal business at regular meetings of the board. The regular order of business on the Debate Calendar shall be:~~

~~A. Action on the minutes of the preceding meeting.~~

~~B. Report of the Commissioner of Higher Education.~~

~~C. Reports of the Committees of the Board.~~

~~1. Executive Committee.~~

~~2. Master Planning and Governance Committee.~~

~~3. Budget and Finance Committee.~~

~~4. Curriculum, Roles, and Vocational Technical Committee~~

~~5. Capital Facilities Committee.~~

~~6. Special Committees.~~

~~D. Communications, petitions, and other business.~~

{Drafting note: The contact information in part VIII. is not part of Policy and as such is being deleted without reassignment.}

#### ~~VIII. Contacts:~~

##### ~~Policy Officer:~~

~~Acting as the Policy Officer, the Secretary to the University is responsible for representing the University's interests in enforcing this policy and authorizing any allowable exceptions.~~

##### ~~Policy Owner:~~

~~Acting as the Policy Owner, the Secretary to the University is responsible for answering questions and providing information regarding the application of this policy.~~

\* \* \* \* \*

{Drafting note: In an effort to keep the Regulation Library current Policies 2-101, 2-102, 2-103, 2-104 and 2-105, which are in reference to the state system of higher education, its authority and purpose, are being replaced by new Policy 2-001. The new Policy contains links to the Utah Code and the Board of Regents' Policies. Pertinent material from this Policy is included in the new Policy 2-001 in paragraph III.B.2.}

## **Policy 2-103: State System of Higher Education** Rev. 1 **Officers of the State Board of Regents**

### **I. Officers Enumerated**

~~The board shall elect one of its members to serve as chair and shall elect a vice chair to assume the duties of chair in his or her absence. Both officers shall serve terms of two years and until their successors are chosen and qualified.~~

~~The board shall appoint from the staff of its chief executive officer a secretary to serve at the pleasure of the board. The board shall appoint a treasurer to serve at the pleasure of the board.~~

~~Both secretary and treasurer may be required to post a bond in favor of the state for the faithful discharge of their duties. Utah Code Ann. 53-48-5(5), (6), (7) (1970).~~

## ~~II. Election of Officers~~

~~The chair and vice chair shall be elected by the board at its July meeting in odd-numbered years. Bylaws, Art. II, 1, 2.~~

## ~~III. Duties of Chair and Vice chair~~

~~The chair shall preside at all meetings of the board, and, as directed by the board, shall have such other duties, powers and responsibilities as are assigned by the board, provided that the board may also authorize its executive and other officers to execute such business, including contracts and other documents, as the board may from time to time authorize and direct. The vice chair shall act as chair in the absence or disability of the chair and shall have such other duties, powers and responsibilities as may be assigned by the chair of the board. Bylaws, Art. II, 1, 2.~~

## ~~IV. Duties of Secretary~~

~~The secretary shall be a full time employee at such salary as the board may fix. The secretary shall be charged with the responsibility of recording and maintaining a record of all board meetings and shall perform such other duties as the board may direct. Bylaws, Art. II, 3~~

## ~~V. Duties of Treasurer~~

~~The treasurer shall perform such duties as the board may prescribe. The treasurer shall file a bond with the state treasurer in such amount as the board may deem appropriate. All checks drawn on the account of the board shall bear the signature of either the chair, the vice chair, the treasurer, or such officers as may be approved by the board, such as the commissioner or associate commissioners when so authorized. Bylaws, Art. II, 4.~~

{Drafting note: The contact information in part VI. is not part of Policy and as such is being deleted without reassignment.}

## ~~VI. Contacts:~~

### ~~Policy Officer:~~

~~Acting as the Policy Officer, the Secretary to the University is responsible for representing the University's interests in enforcing this policy and authorizing any allowable exceptions.~~

### ~~Policy Owner:~~

~~Acting as the Policy Owner, the Secretary to the University is responsible for answering questions and providing information regarding the application of this policy.~~

{Drafting note: In an effort to keep the Regulation Library current Policies 2-101, 2-102, 2-103, 2-104 and 2-105, which are in reference to the state system of higher education, its authority and purpose, are being replaced by new Policy 2-001. The new Policy contains links to the Utah Code and the Board of Regents' Policies. Any pertinent material from this Policy is included in the new Policy 2-001 in paragraph III.B.1.b.}

## **Policy 2-104: State System of Higher Education-- Committees of the State Board of Regents**

### **I. Committees Enumerated**

~~There shall be five standing committees of the board: (1) Executive; (2) Master Planning and Governance; (3) Budget and Finance; (4) Curriculum, Roles and Vocational Technical; and (5) Capital Facilities. Bylaws, Art. VI, 1.~~

### **II. Appointment and Membership**

~~The members of all committees and their chairs, except the executive committee, shall be appointed by the chair of the board. The chair and vice chair of the board may be appointed to and serve as regular members of one or more standing committees, with full power to vote. The chair and vice chair of the board shall also be ex officio members of each standing committee to which they are not appointed on a regular basis, but in such ex officio capacity shall be without power to vote. Bylaws, Art. VI, 1.~~

### **III. Executive Committee**

~~The Executive Committee shall be composed of the chair and vice chair of the board, the immediate past chair of the board, and three members duly elected at the July meeting in each odd-numbered year. Vacancies in the Executive Committee shall be filled by election for the balance of the unexpired term. The Executive Committee shall have the full authority of the board to act upon routine matters during the interim between board meetings, but shall act upon nonroutine matters only under extraordinary and emergency circumstances. Actions of the Executive Committee shall be reported to the board at its next regular meeting following such action. Utah Code Ann. 53-48-5(8); Bylaws, Art. VI, 2.~~

### **IV. Committee Meetings**

~~Meetings of all committees may be held upon the call of the chair of the committee, the chair of the board, or at the request of the commissioner of higher education. The board may also meet as a committee of the whole on the call of the chair. Notice shall be given by the person calling such meeting. Bylaws, Art. VI, 3.~~

### **V. Quorum**

~~A quorum of any committee of the board shall consist of a majority of its members. Proxy voting shall not be permitted at meetings of committees. Bylaws, Art VII, 1, 2.~~

## ~~VI. Special Committees~~

~~The board or chair may at any time create special committees as necessary or appropriate.  
Bylaws, Art. VI, 1.~~

{Drafting note: The contact information in part VII. is not part of Policy and as such is being deleted without reassignment.}

## ~~VII. Contacts:~~

### ~~Policy Officer:~~

~~Acting as the Policy Officer, the Secretary to the University is responsible for representing the University's interests in enforcing this policy and authorizing any allowable exceptions.~~

### ~~Policy Owner:~~

~~Acting as the Policy Owner, the Secretary to the University is responsible for answering questions and providing information regarding the application of this policy.~~

\* \* \* \* \*

{Drafting note: In an effort to keep the Regulation Library current Policies 2-101, 2-102, 2-103, 2-104 and 2-105, which are in reference to the state system of higher education, its authority and purpose, are being replaced by new Policy 2-001. The new Policy contains links to the Utah Code and the Board of Regents' Policies. Any pertinent material from this Policy is included in the new Policy 2-001 in paragraph III.B.3.}

## **Policy 2-105:** ~~State System of Higher Education – Commissioner of Higher Education~~

### ~~I. Appointment~~

~~The State Board of Regents shall appoint a commissioner of higher education to serve as the chief executive officer of the board at the pleasure of the board. Utah Code Ann. 53-48-6 (1970).~~

### ~~II. Duties and Responsibilities~~

~~The commissioner of higher education shall be responsible:~~

~~A. To see that the policies and programs of the board are properly executed.~~

~~B. To advise the board with regard to recommendations from the institutions governed by the board.~~

- ~~C. To furnish information about the state system of higher education and make recommendations to the board with respect thereto.~~
- ~~D. To provide state level leadership in all activities affecting institutions in the state system of higher education.~~
- ~~E. To receive all communications to and from the board and its member institutions.~~
- ~~F. To recommend a staff of professional and administrative personnel to serve in such capacities as the board may determine.~~
- ~~G. To refer all matters submitted by member institutions to the board for its approval to the appropriate standing committees of the board unless otherwise directed by the board.~~
- ~~H. To speak for the board and the state system of higher education with respect to any policy matters that have received the approval of the board, and on administrative matters which have been entrusted to the commissioner by law or by the board, and to issue, consistent with board policies and practices, such news releases, general information and other communications regarding administration of the system of higher education as will serve its purposes.~~
- ~~I. To do such other things as may be directed by the board in carrying out its duties and responsibilities under the law.~~

{Drafting note: The contact information in part III. is not part of Policy and as such is being deleted without reassignment.}

### ~~III. Contacts:~~

#### ~~Policy Officer:~~

~~Acting as the Policy Officer, the Secretary to the University is responsible for representing the University's interests in enforcing this policy and authorizing any allowable exceptions.~~

#### ~~Policy Owner:~~

~~Acting as the Policy Owner, the Secretary to the University is responsible for answering questions and providing information regarding the application of this policy.~~

## Cover/Signature Page - Abbreviated Template

Institution Submitting Request: *University of Utah*Proposed Title: *Center for Communication and Community*Currently Approved Title: *None*School or Division or Location: *College of Humanities*Department(s) or Area(s) Location: *Communication*Recommended Classification of Instructional Programs (CIP) Code<sup>1</sup> (for new programs): *09.9999*Current Classification of Instructional Programs (CIP) Code (for existing programs): *00.0000*Proposed Beginning Date (for new programs): *September 1, 2012*Institutional Board of Trustees' Approval Date: *MM/DD/YEAR*

Proposal Type (check all that apply):

R401-5		R401-6	
Items submitted will be reviewed by OCHE. If there are any issues, the proposal will be returned for clarification/correction. If no issues, the proposal will be returned with a note of approval and the request will be placed on the General Consent Calendar of the next Regents' agenda.		Items submitted will be reviewed by OCHE. If there are any issues, the proposal will be returned for clarification/correction. If no issues, the proposal will be returned with a note of approval and the request will be placed on the General Consent Calendar of the next Regents' agenda.	
Section#	Item	Section#	Item
4.1.5.2	<input type="checkbox"/> Minor*	6.1.1	<input type="checkbox"/> Reinstatement of Previously Suspended Program
5.1.1.1	<input type="checkbox"/> New Emphasis on an Existing Degree*	6.1.5	<input type="checkbox"/> Reinstatement of Previously Suspended Unit
5.1.2	<input type="checkbox"/> Certificate of Proficiency Not Eligible for Financial Aid		
5.1.3	<input type="checkbox"/> Out-of-Service Area Delivery of Programs		
5.1.4	<input type="checkbox"/> Name Change of Existing Programs		
	<input type="checkbox"/> Program Transfer		
5.1.5	<input type="checkbox"/> Program Restructure		
	<input type="checkbox"/> Program Consolidation		
5.1.6	<input type="checkbox"/> Program Discontinuation		
	<input type="checkbox"/> Program Suspension		
5.1.7	<input type="checkbox"/> Administrative Unit Creation		
	<input type="checkbox"/> Administrative Unit Transfer		
	<input type="checkbox"/> Administrative Unit Consolidation		
5.1.8	<input checked="" type="checkbox"/> New Center		
	<input type="checkbox"/> New Institute		
	<input type="checkbox"/> New Bureau		
5.1.9	<input type="checkbox"/> Graduate Certificate		

\*Requires "Section VI: Program Curriculum" of Abbreviated Template

Chief Academic Officer (or Designee) Signature:

I certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Signature

Date:

Printed Name: *Michael Hardman, Interim Senior VP for Academic Affairs*

<sup>1</sup> CIP codes must be recommended by the submitting institution. For CIP code classifications, please see <http://nces.ed.gov/ipeds/cipcode/Default.aspx?y=55>.





05 April 2012

Michael Hardman  
Interim Senior Vice President for Academic Affairs  
205 Park  
Campus

Dear Interim Vice President Hardman,

Enclosed is proposal for the Center for Communication and Community which was approved by the Graduate Council on March 26, 2012. Included in this proposal packet are the signature page, proposal, and letters of support.

Please forward this proposal to the Academic Senate to be placed on the information calendar for the next meeting of the Senate.

Sincerely,

Charles A. Wight  
Dean, The Graduate School

Program Request  
University of Utah  
Center for Communication and Community  
In the Department of Communication  
03/08/2012

Section I. Request

The Department of Communication seeks the establishment of the Center for Communication and Community to provide the administrative means for enlisting communication scholarship into the service of community needs. The Center would be based on a micro-economics, technology-transfer, community engaged scholarship model to create reciprocal benefits for community groups and communication faculty and students.

Section II. Need

*"The scholarship of engagement means connecting the rich resources of the university to our most pressing social, civic and ethical problems, to our children, to our schools, to our teachers and to our cities."* (Ernest Boyer. (1996). *The Scholarship of Engagement*.)

From the Carnegie Foundation in 1990 to the Kellogg Commission in 1999 to the Brown University initiative of 2006 to the present, the call has been sounded for higher education to move beyond its academic walls and find its place in the community. The University of Utah has responded well to this call with its service learning programs managed through the Bennion Center, its west side outreach located in the University Neighborhood Partners program and most recently applying for and receiving the Carnegie Community Engaged University designation. One next step is to regularize the practice of community engaged scholarship at the department level through the creation of administrative and curricular mechanisms that provide for and recognize its daily performance. As with most—if not all—departments on campus, the Department of Communication has particular expertise, skills, and knowledge that can be leveraged by community members into positive outcomes for their community as well as to provide the site and stage for innovative research and contributions to the discipline. The work of the proposed center would be in the creation of durable linkages between the department and the members of the multiple communities of this state in order to provide alternative routes to achieve both the research and teaching mission of the University and citizen-motivated community improvement.

The 2007 report by co-sponsored by Campus Compact noted that a "central challenge to expanding engaged research is a perception held by many faculty members that it is not valued in the promotion and tenure process."<sup>1</sup> A second effort of the Center, therefore, is to work with faculty and administration to develop the appropriate criteria and assessment tools that will support community engaged research and provide an appropriate route for career achievements for the professorial staff.

This proposal was initiated in a 2007 grant from the Civically Engaged Scholarship Initiatives program funded by the office of the Senior Vice President. That grant supported a study of the feasibility of University Centers of Community Engagement. Viewing departments "as the local communities of the University", the study held that "if we are to achieve a full measure of community engagement by the University, it will have to be supported by the [departmental] communities of the University. The work of each such centers was envisioned as leveraging disciplinary based expertise to connect the experts within a department with the appropriate community needs. The results of the study underlined the necessity of a local to local connection in order for sustained and sustainable relationships between academic and societal communities. This proposal for a departmental center for community engagement within the Department of Communication is a direct result of that study.

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<sup>1</sup> *New times demand new scholarship.* [www.compact.org/resources/research\\_universities/](http://www.compact.org/resources/research_universities/). Accessed December 19, 2011.

Finally, The 2011 report on the *Principles of Community Engagement* authored in part by the Task Force on the Principles of Community Engagement and sponsored by NIH concludes that successful community based research requires sustained person-to-person contact to establish and maintain the necessary relationships in an atmosphere of trust and cooperation. These relationships are not a sometime thing, where researchers drop in and drop out of the community according to their agenda. The establishment of the Center allows for the sustained effort required.

### Section III. Institutional Impact

The Center has been informally operating as a development site for the past five years based on the findings of the 2007 Initiatives grant. During that time it has worked with faculty and graduate students to produce the policies and procedures that would direct it. It has received approval for the main curricular components that form the heart of the activity. Those components are repeatable graduate and undergraduate courses that allow graduate and undergraduate students to be Center Fellows and Center Interns respectively. Center Fellows are charged with the responsibility for identifying projects that fit the mission of the Center to create durable relationships with the community through scholarship in action. Center Fellows then participate with the community organization to manage the project with the support and mentorship of the faculty. Center Interns assist Center Fellows in the identification and activities of projects. The primary work of the fellows is advisory, consultative, and instructive. They do not do the work of the project; they make it possible for community members to achieve their own goals.

The impact of this development site has been to provide students and faculty with the opportunity for their scholarship and expertise to make a difference. Center Fellows have worked with Alliance Community Services to help that organization produce a book, in Spanish, with pictures and illustrations that helps Latinas in the community learn about breast cancer. The book focuses on the stories of Latinas, their struggles with breast cancer, and the changes in their lives. Center Fellows also worked with Guadalupe Schools to train the small administrative team in public communication and civic engagement in order that the administrators could then train parents to make better use of the local media through press releases and news stories. Center Interns have worked with the Ronald McDonald House to help develop their Internet social networking practices, provide research services for its capital campaign, and to develop a video archive of client stories.

The work to date has been a series of one-off projects that are significant—at the high end of service learning if you will—and that create bursts of good will toward the University in the community, but they are not developing durable relationships, and they are not returning sustained value to the archive of communication scholarship. The purpose of the proposed Center is to provide the institutional impact of those latter achievements. Establishment of the Center would advance those goals by providing a visible symbol (albeit virtual) for the community of its long-term commitment to community members, by becoming an institutional participant in the professional associations and publication venues of the discipline, and by working with funding agencies to put both communication and community engagement on their agendas. Members of the department have a long history of an advanced presence within these disciplinary associations and can achieve both national and international results.

The purpose of the proposed center, then, is to assist in managing the community engaged research (CER) process at the disciplinary level by:

- Establishing and maintaining durable relationships across the diverse communities of the state
- Helping these communities to identify and articulate needs that can be met by communication research and scholarship
- Assisting faculty to recognize the research potential within the communities of the state
- Brokering the relationship between communities and researchers/scholars
- Facilitating research activities by connecting faculty with graduate and undergraduate students
- Conducting original research directed at developing theory and methodology appropriate to community engaged research
- Being a recognizable presence on the nascent national CER scene

- Participating in the development of venues of presentation and publication
- Supporting and leveraging at the disciplinary level the CER work of the Bennion Center and of Neighborhood Partners
- Becoming a partner in the Muse Project
- Providing students and faculty with opportunities for transformative experience
- Making a difference in community members' lives

#### Section IV Finances

The Center of Communication and Community is currently fully funded by the Department of Communication and needs no additional financial support. The Center works from a two-way “technology transfer” model and is based on the principles of micro-economics. Every department has particular expertise, skills, and knowledge that can be leveraged by community interests into positive outcomes. Every community has particular practices that mark it as a distinct community and that can be leveraged into scientific and scholarly contributions.

Micro-economics has demonstrated that it does not take a large investment to produce significant results when the community itself is the driving force. The Center does not require money, collect money, or disburse money. It does not run programs; it provides the expertise to achieve them. Because The Center does the ordinary work of a faculty member—teaching, research, and service, but in alternate locations; its primary costs are a sign on the door, letterhead, and business cards.

Center Fellows are supported by the instructional staff and the available credit in the course: Communication 7310 Communication and Community Engagement, and the Center Interns are supported by Communication 5380 Interdisciplinary Applications in Community Engagement. Both courses will be repeatable once the Center is in operation.

Like its curricular foundation, the Center is a commitment, not a place or a portfolio of programs. The Center creates the opportunity for programs, assists in their development, enables them to be better— but always by following the lead of the community—and then assists in the creation and publication of the resulting scholarly work. It is an administrative device that provides the connection among the department, the communities it can serve, and the body of knowledge within the discipline.

The Center, then, works entirely within the margins of existing resources by assigning a faculty member to supervise already established course activities and to mentor graduate and undergraduate students in learning experiences that fit inside and are appropriate to existing graduate plans of study and undergraduate degrees. The supervising faculty member is teaching the theory and practice of communication and engaged in communication scholarship that in turn benefits the community.

In its developmental stage, the Center has developed close relationships with The Bennion Center and University Neighborhood Partners. It looks forward to a being a partner to the Muse Project. The Center does not duplicate the work of any of these initiatives but rather intends to extend their effectiveness by raising departmental consciousness of community involvement, by putting more “boots on the ground” in the community, and by creating the avenues of scientific and scholarly contributions.

January 26, 2012

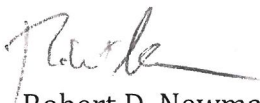
Charles Wight, Dean  
The Graduate School  
302 Park Building  
CAMPUS

Dear Dean Wight,

I am pleased to add my support to the proposal to establish the Center for Communication and Community to be housed in the College of Humanities. The purpose of the center is to manage and enhance community engaged research at the University of Utah by establishing and maintaining relationships in communities across the state of Utah while linking communication research to community organizations and members. This Center will provide community engaged research and service learning opportunities for both undergraduate and graduate students under the direction of a faculty member. It will continue to coordinate with existing University funded community and student based programs including University Neighborhood Partners, Bennion Center and the Muse Program. No additional funding for this center is required.

The Center for Communication's faculty and student research will be informed by the discipline and managed by Professor James Anderson, a renowned scholar who is widely published in theory and methodology and has extensive leadership experience. A Center for Communication established on the model of community engaged research has tremendous potential to make significant and meaningful contributions to the Utah community. I strongly encourage approval of this proposal.

Sincerely,



Robert D. Newman  
Dean, College of Humanities

RN/jd

30 January 2012

Dean Charles A. Wight  
The Graduate School  
302 Park Building  
University of Utah

Dear Chuck,

I'm writing to express my strong support for the proposed Center for Communication and Community in the Department of Communication. I have spoken about this project with Professor Jim Anderson, who has established a functioning basis for it over the past several years, and I have carefully reviewed the written proposal. In my judgment this Center would serve many educational and community purposes, and it would advance our engaged research and learning practices here at the University. As the director of The MUSE Project, I'm excited about how the establishment of the Center would regularize and increase experiential learning opportunities for our students. I am very confident in Professor Anderson's leadership of the program, and I believe the Center may come to serve as a model for the future development of engaged learning efforts here at the U.

As I understand it, the Center will serve two primary functions: it will advance the University's practice of engaged learning and research, with specific educational advantages for undergraduates, graduate students, and faculty, and it will create durable relationships between the University and community groups that can benefit from the resources and expertise we have on this campus. Both of these goals are laudable. Having been involved in numerous conversations with the Bennion Center—with which the Center will work closely—it's clear to me that a major issue facing engaged learning and research at the U is recognition in the RPT process for faculty who devote their efforts to these projects. In its design, the proposed Center would serve as a means of developing the case that engaged research and learning should be credited to faculty in a significant way. This would make its role potentially consequential for the University at large, and it could help us forward in the national movement for more community-based research.

For groups in our community the Center would offer valuable help on the basis of specific disciplinary expertise. Professor Anderson and the students in his courses—both graduate and undergraduate—have already established a significant track record of offering help of this kind. They have worked with a broad spectrum of community groups, including Alliance Community Services, the Guadalupe Schools, and Ronald McDonald House. Students have offered services in the field of Communication to these community interests; they have helped create a book in Spanish with important health



information for underserved members of the community, provided public communication advice to small organizations, and worked to assist other groups in implementing social networking practices and establishing video archives.

One particular strength of the proposed Center is the understanding of University-community relationships that informs it. Engaged students will not themselves carry out the work of the community group; rather, these students will function in a consulting role to help the group achieve its own self-identified goals. Community members will clearly lead and make all the decisions relative to a specific project, and respect for their autonomy is built into the ethos of the proposed Center. The students will in turn receive valuable training in working with others in an organizational context, creative problem solving, and applying their specific disciplinary knowledge in practical situations.

From the standpoint of The MUSE Project, students involved with the Center would thus have an extraordinary opportunity for experiential learning. They would study and attend class on campus and work directly with people in the community, and there would be a rich context of supervision for all of this involving both graduate students and faculty. When I spoke initially about MUSE with former President Michael Young, he cited the University Venture Fund as an example of what he wanted to promote. My understanding was that he thought highly of this program because it offers students integrated academic and community-based experience under the supervision of outstanding faculty. The same “triangulation” is achieved in Professor Anderson’s current teaching and in his model for the proposed Center, which will clearly offer students the opportunity for highly individualized and consequential education. At MUSE this is what we mean by a “signature learning experience,” and it’s our objective to enrich the educational culture of the University in a way that expands the availability of such experiences to our students. In my view the Center for Communication and Community clearly constitutes enrichment of this kind, and I look forward to having it join our formal list of MUSE partners.

For all of these reasons I am pleased to give my very strong endorsement to the proposed Center. I believe it constitutes a genuine step forward for the University in all three of its primary missions—teaching, research, and community engagement. Please contact me if you would like to discuss the Center at greater length.

Yours sincerely,

A handwritten signature in cursive script, reading "Mark Matheson". The signature is fluid and elegant, with a large initial "M" and a long, sweeping underline.

Mark Matheson, D.Phil.

Director

The University of Utah MUSE Project



January 15, 2012

Charles A. Wight  
Dean  
The Graduate School  
University of Utah  
Campus

Dear Dean Wight:

I am writing to provide my strong and enthusiastic endorsement of the proposed Center for Communication and Community to be housed in the Department of Communication in the College of Humanities.

The Communication faculty has a long history of community outreach and socially-engaged scholarship. Members of the faculty have been involved with both the Bennion Service Center and University Neighborhood Partners since their inception, and the proposed CCC more formally recognizes this faculty commitment to both research and service learning.

As the proposal for the new entity makes clear, the CCC will create durable linkages between the Department of Communication and the various statewide communities that can directly benefit from the faculty's scholarly and service commitment. The Center has been operating informally in recent years and has already demonstrated tangible positive outcomes for a number of community-based nonprofit agencies.

The faculty of the Department of Communication voted unanimously in favor of the Center's creation at its regular meeting on December 13, 2011. With the full support of my faculty colleagues, I am pleased to have the opportunity to offer my own unqualified support. I fully expect the Center to fulfill its potential in becoming a significant element in the University's community engagement and a substantial asset of the department.

Sincerely,

Robert K. Avery  
Professor and Interim Chair



Date: January 14, 2012

To: Chuck Wight, Dean of the Graduate School, University of Utah

From: Irene Fisher, former director, Bennion Center and University Neighborhood Partners

Re: Support for the Communication Department's Center for Communication and Community

In my positions as director of the Lowell Bennion Community Service Center and University Neighborhood Partners, I observed the academic benefits for students and faculty as they worked collaboratively with community partners. Health science disciplines have known of these benefits for some time. Individual faculty members in a growing number of disciplines have discovered the value of community engagement. But to reach its full potential, community engaged research and teaching needs infrastructure, theory, methodologies, and publication venues that can only be developed at the disciplinary and departmental level.

I am convinced that discipline-specific attention to community based research is the next "building block" to institutionalize this type of research and learning throughout higher education. For this reason, I am very pleased to support the Department of Communication's proposed "Center for Communication and Community." The proposal includes important work that can only be done at a disciplinary level. Faculty and graduate students within the Communication Department wish to establish and maintain durable relationships across the diverse communities of the state. They propose to broker the relationships between communities and researchers/scholars. And they intend to facilitate research activities by connecting faculty with graduate and undergraduate students. These are among the activities most essential to further growth of community engaged research on this campus.

The University of Utah is already recognized as a leader in the national arena that supports community engaged research. This addition at a departmental level will provide an example for other academic units and will add to the national reputation of the University of Utah. It will enable the University of Utah to be a player in addressing issues of social and environmental concern within the communities of our state. And it will strengthen learning and research outcomes for our faculty and students.

Thank you for your past support of University-community engagement. And thank you for careful consideration of the "Center for Communication and Community."

Cc: Donna White

Jim Anderson

January 9, 2012

Chuck Wight, Dean  
Graduate School  
201 President's Circle Rm 302  
Salt Lake City, Utah 84112

Dear Chuck,

The Lowell Bennion Community Service Center at the University of Utah is in support of the creation of the Center for Communication and Community proposed by Dr. James Anderson. The purpose of the proposed center is to assist in managing the community engaged research (CER) process at the disciplinary level.

The scholarship of engagement represents an integrated view of faculty roles in which teaching, research/creative activity, and service overlap and are mutually reinforcing, is characterized by scholarly work tied to a faculty member's expertise, is of benefit to the external community, is visible and shared with community stakeholders, and reflects the mission of the institution. In addition, most practitioners conceptualize scholarly engagement in terms of social justice in a diverse democracy. Community engaged research (CER) has a long history in the public health disciplines but is just starting its movement into other disciplines, particularly within humanities and social sciences. We agree with Jim that establishing the center at this time is important if we are to exercise leadership and influence the direction this movement takes.

As the proposed Director, Dr. James Anderson is an engaged scholar has published extensively in theory and methodology. Jim has held University and national organization leadership positions as well as served as editor for multiple journals. He has also has five years of experience in brokering CER projects.

Jim has been very involved with the Bennion Center and provided leadership through the Task Force for Community Engagement throughout 2010 and 2011. This group did the research and editing of the application for the elective Community Engaged Institution designation. This designation from the Carnegie Foundation for the Advancement of Teaching was received by the University of Utah in January 2011. Jim continues to work as a member of the Task Force as it moves forward to the implementation phase of its work.

The Bennion Center and University Neighborhood Partners provide significant and substantial institutional support and leadership within CER, but we are not positioned to do the disciplinary work that develops the theory, methodologies, and publication venues that will complete the

CER circle as the Center for Communication and Community would. We believe that a disciplinary center can only enhance and further leverage the work of the Bennion Center The Bennion Center and University Neighborhood Partners, and more recently the Muse Project, have demonstrated the return on investment of CER both in terms of community goodwill and research productivity. The proposed center hopes to increase that value by assisting the progress of CER into full disciplinary status, so that it is part of a set of normal career expectations. As it currently serves with informal status, the centers' activities have contributed to the community by providing greater resources, developing better systems of management, helping non-profits enter the world of social networks, assisting schools in parent/teacher/administrator relationships, and instructing in the management of conflict.

Some of the community benefits include:

- Helping these communities to identify and articulate needs that can be met by communication research and scholarship
- Assisting faculty to recognize the research potential within the communities of the state and connecting them with graduate and undergraduate students
- Brokering the relationship between communities and researchers/scholars
- Conducting original research directed at developing theory and methodology appropriate to community engaged research
- Being a recognizable presence on the nascent national CER scene
- Participating in the development of venues of presentation and publication

The Center for Communication and Community has been imagined for over a decade and has found the right timing to further advance the field in regards to Community Engaged Research. We commend the efforts of Dr. James Anderson and the Department of Communication for leading out and putting energy and expertise into this most important endeavor..

Sincerely,

A handwritten signature in dark ink, appearing to read "Linda P. Dunn", with a long, sweeping horizontal flourish extending to the right.

Linda P. Dunn  
Executive Director





1060 South 900 West • Salt Lake City, UT 84104 • University Neighborhood Partners - [www.partners.utah.edu](http://www.partners.utah.edu) - Office-801-972-1058 • Fax-801-972-3628

January 31, 2012

Chuck Wight, Dean  
Graduate School  
201 President's Circle Rm 302  
Salt Lake City, Utah 84112

Dear Chuck,

I am writing in support of Dr. James Anderson and the Department of Communications' proposal for the creation of the Center for Communication and Community. The purpose of the proposed center is "to provide the administrative means for enlisting communication scholarship in the service of community needs." We applaud Dr. Anderson and departments' commitment to supporting research that is relevant to the community and mutually beneficial to faculty and student.

Throughout the changing social, economic, and political environments, education continues to be viewed as the great equalizer. However, in recent decades, there has been increasing demand that universities do some reflection and evaluation of themselves to see how they carry out their mission of education and whether or not the knowledge that is transmitted is useful to their surrounding communities and the public good. In response to this critique, higher education-community partnerships have been formed as models that create systemic change in universities and colleges and with partnering community organizations. In particular, many of these partnerships have demonstrated success in the areas of community-capacity-building or community empowerment, especially in the area of promoting social development. By providing an environment that validates the knowledge base of the community, the Center for Communication and Community can become the means by which engaged learning and community-based research are institutionalized within the Department of Communication and serves as a model for other departments at the University of Utah.

As the proposed director of the Center, Dr. Anderson is a nationally recognized scholar in social action theory and environments of civic engagement. His teaching and scholarship are integrated with the pursuit of social justice. He has extensive experience in higher education administration and long-term collaborative relationships with the Lowell Bennion Community Service Center and UNP. As member of the Task Force for Community Engagement, Dr. Anderson provided leadership in assisting the university with its application for designation as a *Community Engaged Institution* to the Carnegie Foundation. As you know, the University of Utah received this prestigious designation in January 2011.

Over the past decade, University Neighborhood Partners (UNP) has been working with colleges and departments to develop structures that connect faculty and students with west side neighborhoods in ways that promote mutual empowerment, discovery and learning rooted in diverse life experiences. Through these collaborative partnerships the university creates higher

education opportunities for community members and enriched university research and teaching opportunities. We believe the proposed Center for Communication and Community provides a sustainable structure that will allow interested faculty and student to identify and connect with equally interested community partners.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemarie Hunter". The signature is fluid and cursive, with the first name "Rosemarie" written in a larger, more prominent script than the last name "Hunter".

Rosemarie Hunter, Ph.D, LCSW  
Special Assistant to the President for Campus-Community Partnerships  
Director, University Neighborhood Partners  
University of Utah



January 13, 2012

Professor Chuck Wight  
Dean, Graduate School  
201 President's Circle, Rm #302  
University of Utah  
CAMPUS

Dear Chuck:

My colleague, Professor James Anderson, has advanced a proposal for the creation of a Center for Communication and Community. As I write in support of this proposal I do so from several vantage points, as Co-Chair of the University Neighborhood Partners Partnership Board, as the new Associate Dean of Undergraduate Studies, and as his colleague of many years. I can say without hesitation that this Center could not be more perfectly timed to help distinguish this University as it moves more assuredly into the Pac-12.

Thanks to the work of Irene Fisher, Rosie Hunter, and Linda Dunn as well as dozens of faculty and hundreds of students and countless community partners, this University is already recognized as a leader in engaged service and teaching. The Bennion Center, with its focus on service learning, and University Neighborhood Partners, with its focus on community partnership, stand as national examples of how to support and celebrate engaged teaching, learning, and research. Our standing as a leader in engagement was solidified last year when the campus was recognized with the Carnegie classification of an Engaged Campus. This recognition is of significant importance right now. As the public becomes increasingly wary of the cost of and purpose for large research university's engagement is a contribution to the public good that is well understood and readily embraced.

The Center for Communication and Community will add an important facet of support to our campus. The Center will help to nurture a distinctive culture of engaged research in the Communication discipline and, in so doing, will create a model for other disciplinary units on campus. As is often noted, and well known, engaged research requires a type of support that is different from more conventional research paradigms. For example, this research requires carefully managed relationships across contexts and time. This research is often too risky for junior faculty to take on because the products of research are so dependent on these sometimes tenuous relationships with our community partners. The Center will help find, build, and nurture these relationships so that faculty and graduate students can more safely tackle important engaged projects. Among the many things

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that the Center will accomplish, this networking of relationships, and the creation of an engaged research culture are most important. It is my strong belief that increasingly we will distinguish ourselves from our Pac-12 colleagues as being a leader in community engagement and the Center will help us surge into that leadership position.

There are numerous existing and emerging programs on campus that will be enhanced by the presence of the Center. While the first and most obvious partners of the Center will be the Bennion Center and UNP, other partnerships seem appropriate to explore. Community engagement with public health campaigns provides an excellent example of a nexus that might provide productive engaged interdisciplinary research. The same is true of our sustainability office. I can imagine potent engaged research programs that explore sustainable community practices from a communication perspective. Thus, this is an excellent starting point for interdisciplinary engaged research involving faculty and students from across the campus.

Professor Anderson has a clear record of leadership and accomplishment. He is one of the leading scholars in Communication and, having built his scholarly career in conventional paradigms of research, he provides an exceptional model of how to move through and into engaged research successfully. He is the architect of the Communication Institute, an entity that has been providing teaching and training to community professionals in the areas of Integrated Marketing Communication and Conflict Resolution for 20 years. Finally, he is one of the most sought after PhD advisors in our department, a fact that demonstrates his capacity to support and guide successful research projects.

My support for the Center is enthusiastic and unqualified. It is among the most important additions that we can make to our University at this time. With the support of this Center the University of Utah will become known as the leader in community engaged pedagogy, service and research.

Respectfully,



Ann Darling  
Associate Professor, Communication  
Sr. Associate Dean, Undergraduate Studies

**Institution Submitting Request:** University of Utah  
**Proposed Title:** Center for Science and Mathematics Education  
**Currently Approved Title:** Center for Science and Mathematics Education  
**School or Division or Location:** University of Utah; College of Education, College of Science  
**Department(s) or Area(s) Location:** Department of Mathematics  
**Recommended Classification of Instructional Programs (CIP) Code<sup>1</sup> (for new programs):** 13.9999  
**Current Classification of Instructional Programs (CIP) Code (for existing programs):** 13.1399  
**Proposed Beginning Date (for new programs):** 07/01/2012  
**Institutional Board of Trustees' Approval Date:**

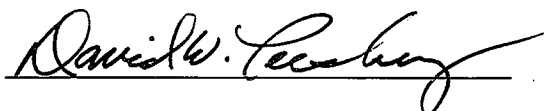
**Proposal Type (check all that apply):**

R401-5		R401-6	
<i>Items submitted will be reviewed by OCHE. If there are any issues, the proposal will be returned for clarification/correction. If no issues, the proposal will be returned with a note of approval and the request will be placed on the General Consent Calendar of the next Regents' agenda.</i>		<i>Items submitted will be reviewed by OCHE. If there are any issues, the proposal will be returned for clarification/correction. If no issues, the proposal will be returned with a note of approval and the request will be placed on the General Consent Calendar of the next Regents' agenda.</i>	
Section#	Item	Section#	Item
4.1.5.2	<input type="checkbox"/> Minor*	6.1.1	<input type="checkbox"/> Reinstatement of Previously Suspended Program
5.1.1.1	<input type="checkbox"/> New Emphasis on an Existing Degree*	6.1.5	<input type="checkbox"/> Reinstatement of Previously Suspended Unit
5.1.2	<input type="checkbox"/> Certificate of Proficiency Not Eligible for Financial Aid		
5.1.3	<input type="checkbox"/> Out-of-Service Area Delivery of Programs		
5.1.4	<input type="checkbox"/> Name Change of Existing Programs		
	<input type="checkbox"/> Program Transfer		
5.1.5	<input type="checkbox"/> Program Restructure		
	<input type="checkbox"/> Program Consolidation		
5.1.6	<input type="checkbox"/> Program Discontinuation		
	<input type="checkbox"/> Program Suspension		
	<input type="checkbox"/> Administrative Unit Creation		
5.1.7	<input type="checkbox"/> Administrative Unit Transfer		
	<input type="checkbox"/> Administrative Unit Consolidation		
5.1.8	<input checked="" type="checkbox"/> New Center – Permanent Status		
	<input type="checkbox"/> New Institute		
	<input type="checkbox"/> New Bureau		
5.1.9	<input type="checkbox"/> Graduate Certificate		

\*Requires "Section VI: Program Curriculum" of Abbreviated Template

**Chief Academic Officer (or Designee) Signature:**

I certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.



Signature

Date:

3/2/12

**Printed Name:**

<sup>1</sup> CIP codes must be recommended by the submitting institution. For CIP code classifications, please see <http://nces.ed.gov/ipeds/cipcode/Default.aspx?y=55>.





*Please forward  
David W. Cressy  
3/2/12*

29 February 2012

David W. Pershing  
Senior Vice President for Academic Affairs  
205 Park  
Campus

Dear Vice President Pershing,

Enclosed is the proposal for the Center Science and Mathematics Education which was approved by the Graduate Council on February 27, 2012. Included in this packet are the proposal and signature page.

Please forward this proposal to the Academic Senate to be placed on the information calendar for the next meeting of the Senate.

Sincerely,

Charles A. Wight  
Dean, The Graduate School

University of Utah  
College of Education and College of Science – Center for Science and Mathematics Education  
02/21/2012

**SECTION I: REQUEST FOR PERMANENT STATUS FOR THE CENTER FOR SCIENCE AND MATH  
EDUCATION (CSME)**

The Center for Science and Mathematics Education (CSME) was provisionally established by the Board of Regents in May 2009. The leadership teams of the College of Science (COS) and the College of Education (COE) at the University of Utah (U of U) request that the CSME be granted permanent Center status. The CSME embraces a multidisciplinary, multi-department, and multi-institutional approach to science and math (math) education.

**SECTION II. INTRODUCTION TO THE CSME**

*A. Needs and Objectives*

The CSME was established to meet three primary needs that emerge from national and Utah State societal trends. First, we have a workforce that is technically and scientifically insufficient to meet the economic and societal needs over the next two decades (*Utah Occupational Projections, 2006-2016*, Utah Division of Workforce Services). **We must increase student retention, interest, and ability in STEM areas at all levels through assessment and systematic improvement of best practices in university instruction.**

Second, Utah has the highest birth rate of any state in the country, with a sharply increasing and currently unmet need for teachers, particularly in math, physics, and chemistry (*2007 Report on Teacher Education Supply and Demand Needs in Utah*, Utah State Office of Education). **We must produce a larger number and higher quality of K-12 teachers who are skilled in both pedagogy and STEM content through a research-based understanding of the effective preparation of university students in mathematics and science, of preparation of high quality teachers of math and science, and of the professional development of teachers in the field.**

Third, the general population lacks awareness and understanding of the function and importance of science and mathematics in their daily lives. Americans are highly supportive of science, but nearly 80% lack knowledge of the scientific process, and less than 15% follow science news closely (National Science Board, 2010). Increasing urbanization, greater reliance on virtual rather than actual experiences, and fewer encounters of youth with nature contribute to the growing distance between people and nature (Uriarte et al. 2007). These gaps between science, nature, and society have led to a call from high-level scientists for greater scientist-initiated public engagement (Bell et al. 2009). **We must create compelling programs and partnerships that will foster synergistic public engagement with informal science education institutions and with U of U scientists themselves.**

Fourth, the population of Utah has a rapidly increasing rate of minorities and a rich and growing population of refugees and immigrants, many of whom seek careers in science, math, and engineering. **We must create science and math education programs and an inclusive atmosphere that welcomes those of diverse backgrounds, cultures, and ways of learning.**

Fifth, science and math educational can be fragmented, redundant, and based on pragmatic or “top-down” initiatives that are not firmly based on best practices. **We must initiate new practices or accompany current practices with sound research and assessment.**

Figure 1. Problems and Projects for CSME- 2012-2017

<u>Problems to Address by CSME</u>	<u>Tasks for CSME</u>
<i>Formal Education (K-16)</i>	
1. Low K-12 knowledge	Increase teacher #, quality, & retention
2. Low undergrad retention	Assess loss, improve UU teaching
3. Difficult "transitions"	"Cohort" training; research experiences; \$
4. Low diversity	"cohort" training; research experiences; \$
<i>Informal Education/Public Engagement</i>	
5. Low appreciation of science in society	ISE programs
6. Lack of diverse public audiences	Engage targeted publics
<i>Other issues</i>	
6. Student and workforce disconnect	Internships, interactions
7. State & national leadership	National conferences
8. Lack of evaluation	Engage COE evaluators
9. "Distant" scientists	Train UU scientists

### B. Mission

The mission of the CSME is to build programs, provide resources, and foster partnerships between academia and the community at large that promote understanding and enthusiasm for science and mathematics.

Specifically, the CSME provides:

- Development of undergraduate programs in science and mathematics that significantly increase the retention of students in STEM areas;
- Guidance, education, and venues for researchers to become their own ambassadors to the public; and
- Positive encounters with science and mathematics through informal science education centers and free-choice learning venues within our dynamic local and global communities.
- Creation of programs and an atmosphere that fosters equal access for all students seeking mastery and careers in science and mathematics.
- Exemplary training programs based on research on best practices in training, education, and assessment.

### C. History

This CSME was given provisional status in May 2009. Its administrative location lies between the Colleges of Education and Science at the University. The Deans of these two Colleges and the Vice President for Academic Affairs together provide oversight and guidance.

An Interim Director served to establish the CSME until its first Director was recruited (September 2011). A small staff and office within the Mathematics Department were established, with an operating budget administered through the College of Science. Several teacher training and STEM education projects were established by the Interim Director, which have been supported by extramural and U of U funds and implemented by staff in the COS and COE. Annual progress reports have been submitted to the Deans of the Colleges of Education and Science.

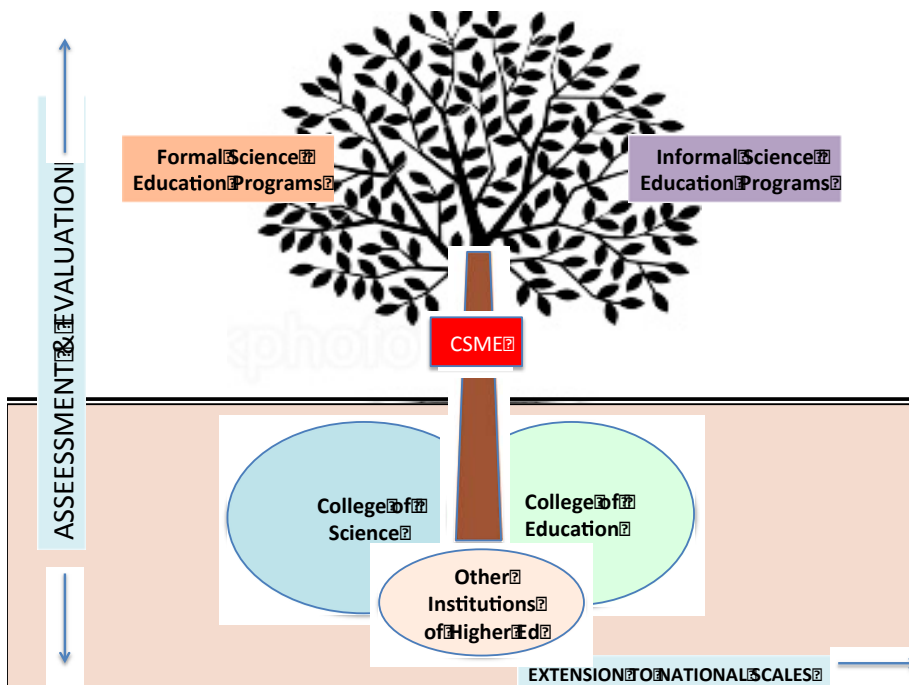
### SECTION III: STRATEGIC ROLES AND CURRENT ACTIVITIES

#### A. Institutional Position

The Center is not charged with creating its own curriculum, but rather works with the departments in the COS, COE, and elsewhere on and off campus to develop and implement innovative programs and educational instruction that relate to its mission. The CSME also develops programs that interact with the community and the school districts that strengthen the professional development of teachers and the recruitment and retention of university students in mathematics and science. Other programs that exist under the aegis of the CSME foster participation of minority students in mathematics and the sciences.

The central role of the CSME is to develop a system at the U of U that addresses these needs by creating a portfolio of innovative programs that complement existing activities carried out at the U of U, within the Utah State Office of Education (USOE), in the private sector, in Utah and around the country. Assessment and evaluation accompanies each outcome so that we can modify and improve our work, as well as disseminate our programs as models to provide national leadership in these important fields.

The CSME at U of U is unique in its scope and its placement within the U of U. Centers of Science and Mathematics Education exist at nearly 100 other state institutions; these are primarily focused on undergraduate education in science and mathematics; on outreach and public information; or on K-12 teacher training. The CSME at the U of U has the potential to seamlessly integrate all three of these areas seamlessly. No barriers exist to integrate programs in science and mathematics, public and higher education, and formal and informal education. We draw strength and talent from the faculties of the College of Science, the College of Education, the College of Mines and Earth Science, and community resources (Figure 2).



B. Projects and Programs (See Appendix for description of specific programs):

1) **Produce more and higher quality K-12 teachers in math and science through teacher training programs**

Until 1980, the University of Utah was a major producer of the highest quality science and mathematics teachers in the state. By the millennium, this production dwindled to near zero. Our goal is to retrieve the primacy of the University of Utah in the preparation of the teacher leaders in mathematics and science and to establish graduate programs for educators in the sciences, producing the teacher-leaders of the future. These are being accomplished through the MfA and MSSST Programs; the first a program of induction into secondary education for career-changers, and the second a subject matter driven Master's degree program for practicing teachers.

2) **Increase enrollment and retention in UU STEM departments and programs**

In the first two years of college, STEM programs at the University lose about half its majors (Office of Budget and Institutional Analysis, University of Utah). That loss must be reduced and increase the number of graduates in STEM disciplines annually. Our goal is to recruit students from high school with interest in STEM areas, and to provide them with programs that keep them in these areas. One program (Math 1030) is the development and implementation of innovative "bridge" modules in mathematics, a hybrid of teacher-led and custom videos prepared by U of U math faculty for use by high school seniors, who are not required to take mathematics, but who wish to be well-prepared for college level math. This is part of the ongoing Technology Intensive Concurrent Enrollment (TICE) program that is organized by the U of U Graduate School.

3) **Enhance public perception and understanding of science and math**

Faculty and departments at the U of U have developed many outreach programs, such as the Science and Engineering Fair, AP science laboratories for high school students, the Math and Teachers' Circles. Other programs target non-traditional audiences, such as sports. This year is the third year that the CSME has

operated the Salt Lake Valley Science and Engineering Fair. We anticipate over 500 projects with more than 700 student participants.

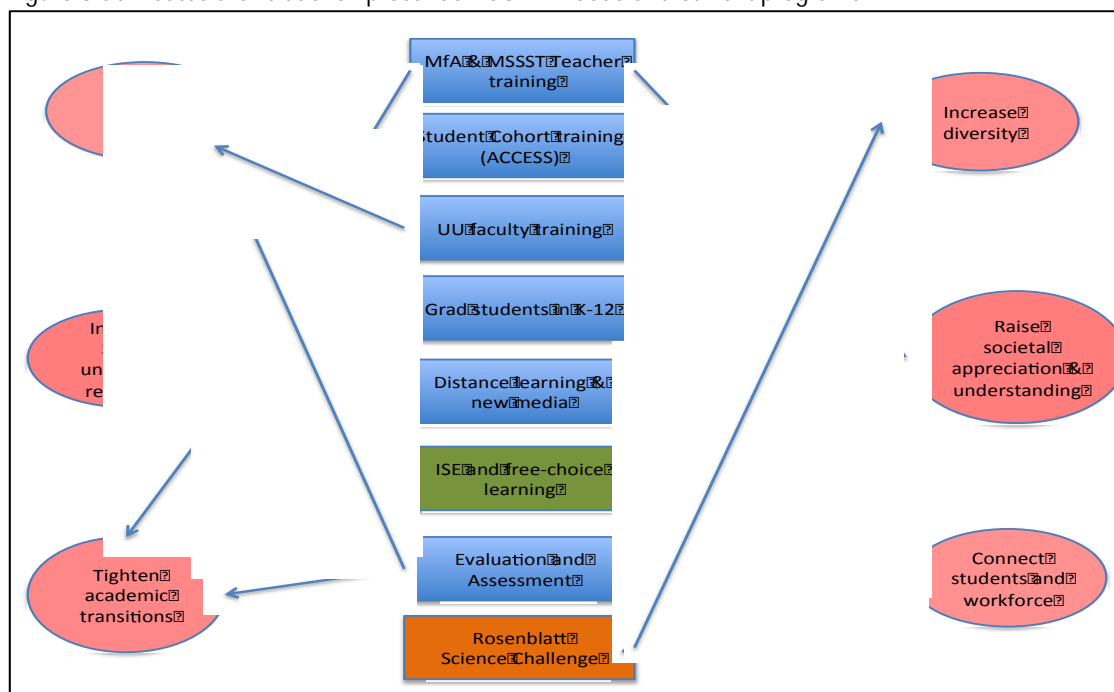
**4) Foster a sense of inclusiveness to enhance student diversity in science and math.**

The ACCESS program, begun 20 years ago to keep women in STEM areas, and from there into STEM professions. In the past two years, this program has doubled in size and the goal is to extend its role with participants beyond the first two years. Eventually, the University of Utah should be perceived as the university of choice for female students with an interest in science.

**5) Carry out academic research as part of our programs and processes**

- Preparation of new K-12 teachers of math and science, based on strong and adaptive content knowledge and pedagogical instruction that is driven by that knowledge;
- Programs, based on the collaboration of the COS and COE with School districts, for professional development of practicing teachers, school specialists and educational leaders;
- Recruitment and retention of university students in mathematics and science, especially minority students;
- Undergraduate instruction based on the connections among disciplines, and the integration of research into education;
- Research on the development and implementation of evidence-based practices in the teaching of math and science in public and higher education classrooms, including an understanding of the role of racial, ethnic, and linguistic diversity in learning and a strong commitment to equity.

Figure 3 delineates the relationship between CSME needs and current programs.



## SECTION IV: LOGISTICS AND RESOURCES

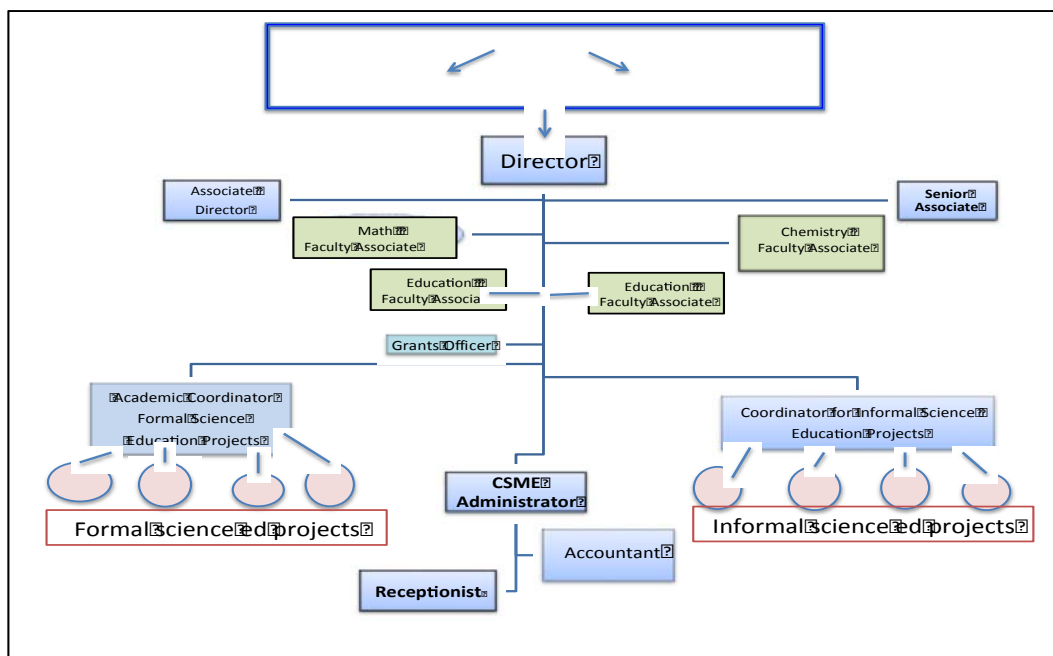
### A) Institutional Structure

The Center for Science and Mathematics Education at the University of Utah is structured so as to support significant interaction among faculty from the content and pedagogical areas as well as connection with school district leaders. In particular, the Center combines the scientific research experience, recognized

nationally in the College of Science, with the long history of collaboration between the College of Education and the local school districts.

### B) Staff

We have built a collaborative forward-looking, and creative staff and associated faculty who share an entrepreneurial and optimistic outlook. When the current round of hiring is completed, the CSME will include a Program Assistant, an Office Administrator/Accountant, an Informal Science Education Program Manager, and a Formal Science Education Manager (Figure 4).



Faculty with other home departments hold positions within the CSME structure based on the mission and collaborative community of the CSME being an enabling factor in that faculty member's work. To date, the CSME hosts an associate faculty member in the Chemistry Department (C. Atwood); and will be hiring an associate faculty in Mathematics, as well as two junior level education faculty.

Dr. Nalini Nadkarni, a senior faculty member with a PhD in biology who holds a tenured position within the Biology Department in the College of Science, directs the Center. The CSME holds four auxiliary faculty members, two having an advanced degree in mathematics or science and the other two having an advanced degree in education and K-12 school experience. Additional positions may also be filled on a rotating basis by faculty from the College of Science or the College of Education.

At present, the CSME has five faculty associated with it:

Name	CSME role	Associated Department	CSME expertise
Dr. Nalini Nadkarni	Director	Biology	Public engagement of science

Dr. Charles Atwood	Associate Faculty	Chemistry	Assessment of undergraduates
Dr. Hugo Rossi	Former Director & Associate Faculty	Mathematics	Teacher training
Dr. Louisa Stark	Associate Director	Human genetics	Virtual approaches to education
Mary Burbank	Associate Faculty	Urban Institute for Teacher Training	Teacher training

*C) Space*

At present, the CSME office is located in Rooms 108 and 108A in the John Widtsoe Building, with other staff (including the Director) scattered widely over both lower and upper campus. With the growth in staff and programs anticipated for next year and in the future, the CSME has already outgrown its space. The new Sorensen Education Building (2013 projected opening) has allocated space to the CSME (2500 sq ft), which will house some of staff and programs. Until that is available, the CSME is making efforts to use temporary space in the George Thomas Building when the Natural History Museum has vacated (June 2012). When the Crocker Science Center is completed, the CSME will use space there for some staff, student learning, and some programs.

*D) Finances*

Outside of the funds committed in 2009 and again in 2012 by the central administration to seed this program, no significant additional changes in institutional funding are anticipated. Significant growth in external funding is anticipated, as we expand and increase our programs into the areas of undergraduate education, service to disadvantaged communities, and outreach to the general public.

CSME Summary Budget, FY 2009-2013				
Revenue	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13 Projected
Carry-over		1,155,071	728,300	518,870
*New Funds	1,566,111	646,858	1,018,720	1,024,900
<b>TOTAL BUDGET</b>	<b>1,566,101</b>	<b>1,801,929</b>	<b>1,747,020</b>	<b>1,543,770</b>
<b>Expenses</b>				
**Personnel	166,817	358,045	430,880	460,000
Operations	8,476	82,478	140,820	140,000
Director Search	5,179		3,000	3,000
Workshops	5,318	28,228	30,000	50,000
Stipends	101,300	189,494	219,000	260,000
Tuition	40,000	163,294	200,000	250,000
Evaluation		35,000	25,000	25,000
Travel	10,081	18,890	23,250	30,000
Indirect Cost	2,692	6,091		10,000
USU Subcontract	69,000	163,123	131,000	50,000
SLVSEF Support		10,000	10,000	10,000
Program Meals	2,167	18,987	18,200	20,000
<b>Total Expenses</b>	<b>411,030</b>	<b>1,073,630</b>	<b>1,231,150</b>	<b>1,308,000</b>



<b>BALANCE</b>	<b>1,155,071</b>	<b>728,300</b>	<b>515,870</b>	<b>235,770</b>
*Includes CSME Operating and program grant funding				
**Does not include Director salary				

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## SECTION V. FUTURE PROGRAMS AND DIRECTIONS

With its permanent status, the CSME will create, maintain, and evaluate externally funded projects that increase the interaction of U of U STEM faculty with the State educational enterprise in public and higher education, and among the general public. It will also provide trainings and opportunities for U of U faculty to participate in this work in ways that will shift academic culture to directly implement broader impacts of their research. The CSME will increase its efforts to foster minority participation in the sciences and math. The diverse menu of programs and projects presented below will be disseminated via in-person delivery mechanisms and through our website.

### A) Formal Science Education Programs

#### 1) Assessment of retention and recruitment

- a. In conjunction with our Associate Faculty in Chemistry, we have embarked upon a project that will reveal the underlying causes of low retention rates in the "gateway" courses of Chemistry. Through survey and questionnaire instruments, we will get input from students, parents, and faculty to understand and then address weaknesses in instruction offered at the U of U. This will be applied to other departments in the COS in 2013-2014.
- b. Critical Transition Points. In Fall, 2012, we will develop an interdisciplinary laboratory course for high school seniors in Salt Lake City School District that takes place mostly at the University of Utah. We will videograph the lecture part of the course for broader use in subsequent years.
- c. A joint project of the CSME and the College of Science centers around the College's undergraduate committee, which works to design a curriculum to make maximum use of the facilities at the new Crocker Science Center to increase inquiry-based instruction, and to design introductory classes integrated the sciences around common problems, modeling the way science is done today. 2) The CSME also works with STEM departments to increase research experiences for undergraduates, a proven strategy for retention of students in science fields (reference). These programs will have little impact on the number of students, but will positively affect the retention of majors in these areas. 3) The CSME's Master's Programs in teaching in science have had, and will have further significant impact on these departments; the cost of those increases are and will be supported by extramural grants.

#### 2) Teacher training programs

- a) We are planning to initiate a Master's degree program with the department of geology analogous to the College of Science MSSST program, which will prepare Earth Sciences teachers for an enriched curriculum for that course so that it counts as a high school science course.
- b) We are also planning on a program to prepare math teachers in the state of Utah for roles of academic leadership in elementary schools; in particular to serve in their districts as instructors for the elementary mathematics endorsement.
- c) We anticipate enraging the MfA Utah program (a pre-service program for career changers with

!

strong mathematics background) to include the sciences.

*B) Informal Science Education Program*

Dr. Nadkarni's specialty is public engagement with science, and she will significantly expand the CSME impact state wide and nationally. In 2009, she established the Research Ambassador Program, supported by the National Science Foundation, to guide scientists to disseminate their research to underserved audiences. She and CSME staff have made initial contacts to connect U of U scientists to public groups through the following projects:

- 1) *Sports and Athletics*: the Sports 'n Science Project, in collaboration with the U of U Athletics Department, will create posters and videos depicting U of U sports figures and science students and faculty interacting; these will be distributed to middle schools and at sports events to link science and sports, and will serve as a model for other PAC-12 universities.
- 2) *Sustainable Prisons Project*: Expanding a highly successful project in Washington State to bring sustainability and science projects to incarcerated men and women, the CSME will bring scientists to state prisons to provide lectures and involve inmates with research and conservation projects.
- 3) *Faith and Science*: Religious communities make up a strong part of Utah's population, so the CSME is providing pathways for scientists to connect with them in partnership with an interfaith organization, Interfaith Power and Light. The CSME will provide guidance to create sermons that relate their area of research that they deliver in places of worship (e.g., "Trees and Spirituality"); provide information on the biota of churchyards for congregations; and create and disseminate field guides to local flora and fauna of countries visited by missionaries.
- 4) *Seniors and Science/Math*: Seniors (+55 yr) constitute an active and curious portion of the public. The CSME provides classes to older citizens in collaboration with the Osher Institute, which carries out logistics, while CSME staff engage faculty from the four science departments.
- 5) *Communication skill development*: The CSME will develop communication skills among academics by providing short courses and workshops for faculty and graduate students in the COS in such areas as filmmaking, public speaking, and writing for the public.
- 6) *Generating "Broader Impacts" for research projects*: The CSME will provide individual/group "consultations" to help COS faculty and graduate students create effective and efficient science outreach projects in conjunction with their research grants.

*C) Integrative Education Programs*

Several of our programs cross the traditional lines of formal and informal education. One example is our Salt Lake Valley Science and Engineering Fair, which operates by training 7-12 teachers, but presented outside school hours. Another example is the collaborative afterschool and in-school community based program that brings scientist-led projects to the children of refugees and immigrants, facilitated through the U of U's University Neighborhood Program. This involves supplementary instruction and tutoring, targeting disadvantaged populations, starting with four refugee communities in Salt Lake and Granite districts.

*D) Development of National Models*

Although most of our work is centered on people and programs in Utah, we will strive to expand the scope of our work to larger geographical scales. Each program will be regarded as a source of outcomes and protocols for application at the regional and national levels, and we will allocate time to write these up for appropriate journals and other media so that others may benefit from our experience, and so that the U of U will be regarded as a leader in this field.

We are also organizing meetings at the national level for our areas of excellence. For 2012-2014, for example, we have already applied for national grants to hold two national meetings. One concerns science

and sustainability education for incarcerated men and women, and draws upon the Director's efforts and experience in this area in Washington State, now being implemented in Utah state prisons. The second is a conference to bring together leaders of other Centers for Science and Math Education from around the country to exchange best practices in areas of common interests.

## **VI. SUMMARY**

The CSME was established to address critical questions facing science and math education at all levels in Utah and at a national level. Administrators at the highest levels have provided academic and financial support that maximizes the probability for success. Actions during the first three years of provisional status have laid a strong groundwork for the implementation and evaluation of programs that directly address the problems needing attention, and have provided a framework for future work that will address them further.

The programs described here, and others we have outlined for the future, will create a rich, innovative, and diverse panoply of programs that address K-12, university undergraduate, and public outreach and engagement needs to address the great challenges of science and mathematics education. From these, U of U and other scientists can find appropriate ideas, contacts, and protocols to effectively and efficiently engage students, the public, and scientists in the enterprise of creating a more effective and well-educated society.



## APPENDIX: CENTER FOR SCIENCE AND MATHEMATICS EDUCATION

November 2011-2012

### PROGRAMS AND PROJECTS

#### *FORMAL SCIENCE EDUCATION*

##### *ACCESS Program*

ACCESS increases the number of women in science and mathematics. A typical ACCESS student will attend a 7-week integrated science course during the summer of her freshman year at the UofU. The student is introduced to hands-on experiences with real-world problems through instruction, laboratory work, and teamwork on assigned projects. Topics are taught each week by faculty from the four College of Science departments. The cohorts remain cohesive through their college career.

##### *Math for America Utah*

Also known as SMART, MfA Utah (2010) creates teacher-leaders who use their mathematical talents to transform schools into learning communities. One of eight sites nationally, it supports candidates with strong mathematical backgrounds to help future teachers develop in-depth understandings of mathematics and connections through a content-driven pedagogical training program, followed by placement in public secondary schools. This is a partnership with the UofU, USU, and Utah public school districts, with support from the NSF and the MfA Foundation.

##### *GK-12/TGLL*

To both provide teaching training to graduate students in science, and to provide middle and high school teachers with science content, the GK-12 (Teach Globally, Learn Locally) presents ca. 10 graduate students each year with the opportunity to work with teachers in the classroom, supplemented with enrichment activities to help them do enquiry-based teaching and inspire young people to seek science.

##### *After School Science for Refugee Communities*

The CSME and the Sudanese Community in Utah (SCUT), the Refugee Services Office (RSO), the Refugee and Immigrant Center at Asian Association of Utah (RIC), Bhutanese Community in Utah (BCU) and Calvary Baptist Church have entered into a partnership to develop Refugee After-school Science Program, that provides a family approach with science and math enrichment programs. This program also provides academic tutoring, home visits to the families, and social services to those in need. Currently, there are two sites for after-school programs: 1) the Refugee and Immigrant Center (RIC) at Asian Association of Utah (155 S 300 W) and 2) the Calvary Baptist Church (1090 S State Street).

### **MSSST Science and Mathematics**

Initiated in 1972, the MSSST program helps practicing teachers acquire a deeper and broader science background in science. Participants are professional science or math teachers who plan to stay in their field.

### **Math 1030 Online**

This is an innovative online class for students who wish to gain mathematics competency. Current evaluation and assessment tools are being used to ensure rapid and specific feedback to course instructors.

### **Scientists-in-Schools Project**

Working initially in the Salt Lake Center for Science Education, we are bringing science faculty to give presentations that reveal the “person behind the science” as well as science content itself. Middle and highschool students create biographies of the scientist as well as others in their lives to understand that scientists are similar to others, reinforcing NSF’s desire to “place scientists into public lives”. Videotapes of these presentations will be distributed through formal education channels.

### **Salt Lake Valley Science and Engineering Fair**

SLVSEF is an annual science competition for grades 5-12, and which stimulates interest in science and technology while promoting the development of communication, decision-making, and critical thinking. This fair draws from Tooele, Granit, Park City, and Murray School Districts.

## **INFORMAL SCIENCE EDUCATION**

### **Osher Institute**

This organization offers a rich and evolving array of courses, lectures, and special activities to enhance the lives of its members, people who are 50 and older. The CSME will offer a daytime class for 60 participants in the community, the topic being “Hidden Worlds of Science”.

### **Faith and Nature Travel Guides**

People of many religious faiths and other groups travel to far-off places and live there for some time. Adjusting to the different culture and customs can be a challenge, but the universal interest and appeal of local natural history – identifying and understanding the birds, trees, flowers, and medicinal plants – is common to nearly everyone. The CSME creates and distributes small field guides of both the foreign venue and of Utah that can be taken to other countries to help make initial contacts with local people, and instill a longer-term awareness and interest in natural history.

### **Afterschool Science for Refugee Communities**

Refugee communities represent a unique, rich, and challenging audience for science educators. CSME staff are overcoming language and cultural differences to present physics content and raise awareness of scientific approaches through an afternoon after school science enrichment program. Currently focused on Sudanese refugees, CSME will expand to other groups, and to

other scientific disciplines. Currently, it is supported by Utah State, with logistical help from the University Neighbor Program.

### **Sustainable Prisons Program**

In 2005, academics and prison administrators created the Sustainable Prisons Project, to bring nature, science, and sustainability to state prisons. This successful program oversees sustainable operations (recycling, gardening); education (lecture series, workshops), and research projects (rearing endangered plants and animals for restoration biology projects). The CSME has engaged the Utah Department of Corrections and The Nature Conservancy to carry out a companion program in Utah's prisons.

### **Sports and Science Initiative**

These two disciplines are often at opposite ends of the spectrum, but the CSME is working out ways to juxtapose them for mutual benefit. As a way of inspiring middle school students toward science - as well as a U of U recruitment tool – the CSME is bringing athletic starts together with science faculty to create posters and short videos to help convince youth that science and sports can go together.

## **RESEARCH AMBASSADOR ACTIVITIES**

### **Science Filmmakers Workshop**

The goal of this three-day workshop was to offer our scientists efficient and effective tools and training to document their research through film for research and for public engagement. We also wished to create a nexus of interest for science filmmakers within and outside the University. The first workshop drew 13 participants from three science departments who created short films for outreach work.

### **Public Presentations and Media Training for Scientists**

Few scientists receive training in public speaking or interactions with the media, so the CSME has created a short-course to help academic researchers communicate their work to other researchers, the media, and to public audiences. Valerie Kittel, a former theater actress who consults to businesspeople on public communication, will conduct workshops for scientists. Randall Carlisle, former news anchor for SALT-TV, will present media training.

### **Companion Journalists**

Scientists and mathematicians seldom have the time or training to pursue professional-level journalism, but their involvement in the translation of science/math to the public is critical to avoid the passage of misinformation or sensationalism. This program pairs “companion journalists and scientists” who together create news releases, articles, and online offerings. We have initiated the program with graduate students in journalism/media and in the Department of Biology, with the eye to expand this to other disciplines and other academic levels.

### **Consultants for Broader Impacts Menu**

The NSF and other funding sources - as well as society at large – require scientists to articulate and implement the “broader impacts” of their research. The cross-disciplinary approaches of the CSME, as well as the many existing public venues they have established provide a venue for scientists of many disciplines to seek guidance and audiences to carry out these interactions with the public through formal and informal science education pathways. Individuals or groups of faculty can consult with senior staff at the CSME and get help in choosing which public audience and by what medium their research can best be disseminated.

## ***SCIENCE/COMMUNITY LINKS***

### **Common Table Gatherings**

These meetings were created to provide a venue for stimulating and interdisciplinary questions and problems of people within and outside academia. The central idea is that people from very different backgrounds can provide fresh perspectives and understandings about pressing issues of our time. For each dinner, we selected five scientists and five representatives of “outside” groups: arts, politics, business, religion, and sports. Discussions were recorded and summarized, and we have expectations that projects and interactions will continue beyond the events.

## ***NATIONAL LEADERSHIP***

### **CSME Conference**

Although Centers for Science and Mathematics Education exist on over 100 campuses and play unique roles in STEM education, no unifying organization exists. The CSME is organizing a national conference to bring CSME representatives to discuss cutting edge issues in STEM education, links between formal and informal science education, and serve as a Launchpad for new initiatives. A public event – lecture and gala – will be part of this gathering.

### **National Sustainable Prisons Conference**

The CSME is well-placed to become a leader in bringing sustainability and sciences to an underserved public audience, incarcerated men and women. The Center submitted a grant proposal to hold a national conference on sustainability and science in prisons, to be held in spring 2012.

### **Art/Science Initiative**

There are growing numbers of scientists who are working with artists, and artists working with scientists to better understand the world, and to communicate results to others. The U of U and the Salt Lake City community are uniquely positioned to become leaders in projects that involve the confluence of art and science. Arts and sciences educators within the university and state school system, and artists and informal science educators outside the university, are making first steps in organizing a network to facilitate these activities.

**Cover/Signature Page - Abbreviated Template****Institution Submitting Request:** University of Utah**Proposed Title:** Adult-Gerontology Acute Care Nurse Practitioner Program (DNP & Post-Graduate Certificate)**Currently Approved Title:** Acute Care Nurse Practitioner Program (DNP & Post-Graduate Certificate)**School or Division or Location:** College of Nursing**Department(s) or Area(s) Location:** College of Nursing**Recommended Classification of Instructional Programs (CIP) Code<sup>1</sup> (for new programs):** 00.0000**Current Classification of Instructional Programs (CIP) Code (for existing programs):** 51.3818**Proposed Beginning Date (for new programs):** MM/DD/YEAR**Institutional Board of Trustees' Approval Date:** MM/DD/YEAR**Proposal Type (check all that apply):**

R401-5		R401-6	
Items submitted will be reviewed by OCHE. If there are any issues, the proposal will be returned for clarification/correction. If no issues, the proposal will be returned with a note of approval and the request will be placed on the General Consent Calendar of the next Regents' agenda.		Items submitted will be reviewed by OCHE. If there are any issues, the proposal will be returned for clarification/correction. If no issues, the proposal will be returned with a note of approval and the request will be placed on the General Consent Calendar of the next Regents' agenda.	
Section#	Item	Section#	Item
4.1.5.2	<input type="checkbox"/> Minor*	6.1.1	<input type="checkbox"/> Reinstatement of Previously Suspended Program
5.1.1.1	<input type="checkbox"/> New Emphasis on an Existing Degree*	6.1.5	<input type="checkbox"/> Reinstatement of Previously Suspended Unit
5.1.2	<input type="checkbox"/> Certificate of Proficiency Not Eligible for Financial Aid		
5.1.3	<input type="checkbox"/> Out-of-Service Area Delivery of Programs		
5.1.4	<input checked="" type="checkbox"/> Name Change of Existing Programs		
	<input type="checkbox"/> Program Transfer		
5.1.5	<input type="checkbox"/> Program Restructure		
	<input type="checkbox"/> Program Consolidation		
5.1.6	<input type="checkbox"/> Program Discontinuation		
	<input type="checkbox"/> Program Suspension		
5.1.7	<input type="checkbox"/> Administrative Unit Creation		
	<input type="checkbox"/> Administrative Unit Transfer		
	<input type="checkbox"/> Administrative Unit Consolidation		
5.1.8	<input type="checkbox"/> New Center		
	<input type="checkbox"/> New Institute		
	<input type="checkbox"/> New Bureau		
5.1.9	<input type="checkbox"/> Graduate Certificate		

\*Requires "Section VI: Program Curriculum" of Abbreviated Template

**Chief Academic Officer (or Designee) Signature:**

I certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Signature

Date:

**Printed Name:** Michael Hardman, Interim Senior VP for Academic Affairs

<sup>1</sup> CIP codes must be recommended by the submitting institution. For CIP code classifications, please see <http://nces.ed.gov/ipeds/cipcode/Default.aspx?y=55>.





05 April 2012

Michael Hardman  
Interim Senior Vice President for Academic Affairs  
205 Park  
Campus

Dear Interim Vice President Hardman,

Enclosed is proposal for the Adult-Gerontology Acute Care Nurse Practitioner name change within the Doctor of Nursing Practice which was approved by the Graduate Council on March 26, 2012. Included in this proposal packet are the signature page and proposal.

Please forward this proposal to the Academic Senate to be placed on the information calendar for the next meeting of the Senate.

Sincerely,

Charles A. Wight  
Dean, The Graduate School

Program Request - Abbreviated Template  
University of Utah College of Nursing  
Doctor of Nursing Practice – Adult-Gerontology Acute Care Nurse Practitioner  
03/07/2012

### Section I: Request

The College of Nursing (NURS) at the University of Utah is requesting a name change for the existing Acute Care Nurse Practitioner Program (ACNP) and requests that the new name is included on the students transcripts at the time of graduation.

### Section II: Need

The American Nurses Credentialing Center (ANCC), the credentialing body for ACNP's has recently changed the name of the existing ACNP certification. Beginning in 2014 the certification will be titled the Adult-Gerontology Acute Care Nurse Practitioner (AG-ACNP). The ANCC will require that this name be on a student's transcript in order for them to be eligible to take their certification exam. Currently there are no other institutions in the State of Utah or Intermountain Region that offer a Doctor of Nursing (DNP) degree with an Adult-Gerontology Acute Care Nurse Practitioner emphasis.

### Section III: Institutional Impact

This change in program name is being done in order to allow students who will graduate beginning in 2014 to be eligible to take the AG-ACNP certification exam. This will have no impact on the College of Nursing or the University of Utah.

### Section IV: Finances

There will be no financial impact to the College of Nursing or the University of Utah.

### Section VI: Program Curriculum

\*\*\*THIS SECTION OF THE ABBREVIATED TEMPLATE REQUIRED FOR EMPHASES AND MINORS ONLY.\*\*\*

#### All Program Courses

Not Applicable – Name Change Only

Course Prefix & Number	Title	Credit Hours
Required Courses		
	Sub-Total	
Elective Courses		
	Sub-Total	
Track/Options (if applicable)		
	Sub-Total	
Total Number of Credits		

#### New Courses to Be Added in the Next Five Years

Not Applicable – Name Change Only

Semester 1	Course Prefix and Number	Course Title
<i>(List courses – use one row per course)</i>		
Semester 2		

<i>(List courses – use one row per course)</i>		
<i>Continue with Semesters for Entire Program</i>		

### Program Schedule

Not Applicable – Name Change Only

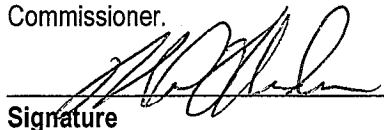
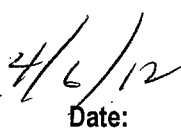
**Cover/Signature Page - Abbreviated Template****Institution Submitting Request:** *University of Utah Center for Clinical and Translational Sciences***Proposed Title:** *Graduate Certificate in Patient Centered Outcomes Research/Comparative Effectiveness Research***Currently Approved Title:** *Current Program or Unit Title -- if Title is being changed from current title to a new title***School or Division or Location:** *School of Medicine***Department(s) or Area(s) Location:** *Center for Clinical and Translational Sciences***Recommended Classification of Instructional Programs (CIP) Code<sup>1</sup> (for new programs):** *51.1401***Current Classification of Instructional Programs (CIP) Code (for existing programs):** *00.0000***Proposed Beginning Date (for new programs):** *MM/DD/YEAR***Institutional Board of Trustees' Approval Date:** *05/01/2012***Proposal Type (check all that apply):**

R401-5		R401-6	
Items submitted will be reviewed by OCHE. If there are any issues, the proposal will be returned for clarification/correction. If no issues, the proposal will be returned with a note of approval and the request will be placed on the General Consent Calendar of the next Regents' agenda.		Items submitted will be reviewed by OCHE. If there are any issues, the proposal will be returned for clarification/correction. If no issues, the proposal will be returned with a note of approval and the request will be placed on the General Consent Calendar of the next Regents' agenda.	
Section#	Item	Section#	Item
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	<input type="checkbox"/> Administrative Unit Consolidation		
	<input type="checkbox"/> New Center		
5.1.8	<input type="checkbox"/> New Institute		
	<input type="checkbox"/> New Bureau		
5.1.9	X Graduate Certificate		

\*Requires "Section VI: Program Curriculum" of Abbreviated Template

**Chief Academic Officer (or Designee) Signature:**

I certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Signature

Date:

**Printed Name:** *Michael Hardman, Interim Senior VP for Academic Affairs*

<sup>1</sup> CIP codes must be recommended by the submitting institution. For CIP code classifications, please see <http://nces.ed.gov/ipeds/cipcode/Default.aspx?y=55>.



05 April 2012

Michael Hardman  
Interim Senior Vice President for Academic Affairs  
205 Park  
Campus

Dear Interim Vice President Hardman,

Enclosed is proposal for a Graduate Certificate in Patient Centered Outcomes/Comparative Effectiveness Research which was approved by the Graduate Council on March 26, 2012. Included in this proposal packet are the signature page, proposal, and letter of support.

Please forward this proposal to the Academic Senate to be placed on the information calendar for the next meeting of the Senate.

Sincerely,

Charles A. Wight  
Dean, The Graduate School

University of Utah  
Graduate Certificate in Patient Centered Outcomes/Comparative Effectiveness Research  
03/07/2012

### Section I: Request

This proposal requests creation of a 12 credit Graduate Certificate Program in Patient Centered Outcomes/Comparative Effectiveness Research. This certificate will be offered to doctoral-level graduate students across disciplines—medicine, nursing, pharmacy, social sciences—and faculty interested in advancing the field of patient centered outcomes research (also known as Comparative Effectiveness Research).

### Section II: Need

Purpose/Educational Need: The purpose of this Certificate is to provide focused training and credentialing for faculty at all levels and students in an emergent area of health services research. Two related, national efforts driving the need to provide such focused training to allow our research faculty and students to be competitive are:

1. The American Recovery and Reinvestment Act called for the Institute of Medicine (IOM) to prepare and release a report to guide comparative effectiveness research for the nation. This report was released on June 30, 2009.
2. The IOM report laid the groundwork for creation of the Patient Centered Outcomes Research Institute (PCORI) to serve as the major funding mechanism for comparative effectiveness research. The associated definition of patient centered outcomes research is in draft form, requests for proposals on methods development and an expanded national research agenda are forthcoming.

This focused area of health services research is evolving. A draft definition of patient centered outcomes research is currently under review and PCORI is expected to release its research agenda in May/June 2012. The IOM began by defining comparative effectiveness research (CER) in June, 2009, as:

*The purpose of CER is to assist consumers, clinicians, purchasers, and policy makers to make informed decisions that will improve health care at both the individual and population levels.*

The draft PCORI definition that expands upon the IOM definition as the field is evolving is listed below:

*Patient Centered Outcomes Research (PCOR) helps people make informed health care decisions and allows their voice to be heard in assessing the value of health care options. This research answers patient-focused questions:*

- 1. "Given my personal characteristics, conditions and preferences, what should I expect will happen to me?"*
- 2. "What are my options and what are the benefits and harms of those options?"*
- 3. "What can I do to improve the outcomes that are most important to me?"*
- 4. "How can the health care system improve my chances of achieving the outcomes I prefer?"*

*To answer these questions, PCOR:*

- Assesses the benefits and harms of preventive, diagnostic, therapeutic, or health delivery system interventions to inform decision making, highlighting comparisons and outcomes that matter to people;*
- Is inclusive of an individual's preferences, autonomy and needs, focusing on outcomes that people notice and care about such as survival, function, symptoms, and health-related quality of life*
- Incorporates a wide variety of settings and diversity of participants to address individual differences and barriers to implementation and dissemination; and*

- *Investigates (or may investigate) optimizing outcomes while addressing burden to individuals, resources, and other stakeholder perspectives.*

While the Affordable Care Act required a change in language (from CER to PCOR), the central role of actively engaging patients in research—from design through dissemination—is the new normal. This is not a tradition approach and we have room to improve in effectively training the next generation of investigators. There are no similar programs or opportunities that exist in the state of Utah or the Intermountain Region. This is an opportunity for the University of Utah to lead the way.

The certificate will allow our trainees and investigators to be aptly prepared to conduct the highest quality research possible and effectively compete for external research funds. Further, the proposed certificate will help communicate to proposal reviewers that investigators have focused training in patient centered outcomes research and/or comparative effectiveness research (NB: these terms are used synonymously).

The current economic environment has led to a research environment that is poorly funded with the exception, largely, of earmarked funds. The primary source of funds for this type of research will be PCORI over the next 5 years. When the President's budget is released, we will learn more about other funding mechanisms, but early talks with leaders in various Federal funding agencies supports the argument that PCORI will be the most critical and stable source of funding for health services research in the near future. Given this, we anticipate high demand and expect to meet an important need.

### **Section III: Institutional Impact**

The proposed certificate will require very little impact on the existing structure of the University of Utah. The certificate will reside in the Division of Epidemiology, Department of Internal Medicine, School of Medicine under the direction of Dr. Lucy Savitz, who also serves as Section Lead for Health Services Research Community Engagement Core of the Center for Clinical and Translational Research. Our primary collaborations are with the MSCI Program (led by Dr. Carol Sweeney) and the newly funded KM1, Mentored Scholars Program in Comparative Effectiveness Research (led by Dr. Carrie Byington). The CCTS Community Engagement Core has a consultation service. We will use this service to assign a primary and secondary mentor to enrollees in the Certificate Program.

This organization draws on many pre-existing relationships in order to offer the proposed certificate with very little impact to the institution.

Since all the required courses are already in place at the University (MDCRC 6460 is new for Summer 2012) no changes in faculty will be required. Ms. Amy Wuthrich, who is an Education Specialist and the Program Manager for the CCTS Community Engagement Core, will conduct program assessment activities. She is a Research Associate at the University of Utah in the Division of Epidemiology. CCTS faculty, including Dr. Steve Alder, Dr. Louisa Stark, Dr. Carrie Byington and Dr. Carol Sweeney will serve as mentors and advisory board members.

No new equipment will be required to offer the proposed certificate.

### **Section IV: Finances**

Any expenses incurred in conjunction with the proposed Certificate Program delivery will be incurred in the normal presentations of course offerings for the courses listed in Section IV. Since the coursework used in the formation of this Certificate Program is already in place and has been approved, there should not be any significant costs associated with implementing the Certificate Program. Program coordination, evaluation, and advisory committee responsibilities will be assumed by leveraging CCTS resources in the Community Engagement Core and the Education Core.

The Certificate in Patient Centered Outcomes Research Program will maintain a separate account code within the University of Utah Center for Clinical and Translational Research. Trainees in the KM1 Mentored Clinical Scholars in CER and MSCI program trainees will not have an administrative fee. Faculty/students outside these programs will have a \$750 administrative fee to support the applied learning experience and faculty mentoring (\$400 to community partner and \$300 honoraria to primary faculty mentor).

## Section Vi: Program Curriculum

### All Program Courses

Course Prefix & Number	Title	Credit Hours
Required Courses		
MDCRC 6460	Patient Centered, Community Engaged Research	3.0
MDCRC 6230	Health Services Research	3.0
MDCRC 6270	Methods in Comparative Effectiveness Research	3.0
MDCRC 6950	Independent Study, Applied Learning	2.0
	<b>Sub-Total</b>	<b>11.0</b>
Elective Courses		
MDCRC 6340	Team Communication and Collaboration for Translational Research	1.0
MDCRC 6220	Survey Methods	2.0
MDCRC 6150	Foundations in Personalized Healthcare	2.0
MDCRC 6260	Practice Based Research Networks	1.0
MDCRC 6120	Cost Effectiveness Analysis	2.0
	<b>Sub-Total</b>	<b>8.0</b>
	<b>Total Number of Credits</b>	<b>19.0</b>



Memo

To: University of Utah Academic Senate Executive Committee  
From: Academic Policy Advisory Committee (Chair—Linda Smith)  
Date: April 11, 2012

The Academic Policy Advisory Committee (APAC) had been charged by the Senate President with considering the management of faculty data, and particularly the appropriate identification of and use of private data.

The Senate President explained that a great bulk of faculty data is reported and aggregated through the Faculty Activity Report system (FAR) and managed by Cassandra Van Buren, the Academic/Faculty IT Manager UIT. (Other individuals on campus also act as ‘data stewards’.) When Cassandra receives requests from entities on campus or off campus for summaries of certain data within the faculty data, she has consulted with the following individuals before agreeing to provide any data: Associate Vice President for Faculty, and the three Senate Presidents (elect, current and past) as well as the Associate Vice President for Budget & Planning Cathy Anderson. They have consistently declined to provide data that would identify or be traceable to any individual.

One question presented was whether this approach was appropriate for dealing with such requests for data or whether a different approach should be identified.

After considering a number of examples where this process was used, the APAC unanimously concluded that this process was appropriate and should be adopted as a policy (or regulation) of the University as may be appropriate.

A second question presented was how the University should deal with personal faculty information. The Committee first sought an opinion from the Office of General Counsel regarding what information was “public” which the University was obligated to disclose, what information was “private” or “protected” which the University was prohibited from disclosing without individual faculty member consent, and what information was neither “public” nor “private” nor “protected.” The Committee saw its charge as dealing with the third category of information.

Legal Counsel advised (see attached) that GRAMA (Utah Government Records Access and Management Act) requires that certain records be made available to the public. This law excludes personal notes, drafts, or other materials which the faculty member owns in his private capacity. “Private” records which the University cannot disclose include employment records about a faculty member such as performance evaluations or records containing personal information such as Social Security number, address, home telephone, or otherwise constituting an unwarranted invasion of personal privacy. “Protected” records are not necessarily personal in nature but are generally academic or business records the disclosure of which is deemed not to be in the public’s interest.

Protected records include unpublished lecture notes, grant applications, and works in progress.

The Committee considered the appropriate policy for the University to adopt in light of these categories. It is clear that a faculty member may, on occasion, disclose information from “protected” records to the University. For example, the faculty member may list grants sought or describe “works in progress” in a FAR. The faculty member communicating this information to the chair, dean or other administrator through including this information in a FAR or other internal document does not alter the character of the record – it should remain “protected” information even though it is shared with an administrator with a need to know of the faculty member’s grant applications, works in progress or other personal information.

Similarly, the faculty member may share personal information with an administrator. For example, the FAR may list community service, religious service or political service work that the faculty member has performed but that the faculty member may not want to make public.

The Committee chose to develop a policy that would deal with both “personal” information and “protected” information under the umbrella of “personal data.”

The Committee concluded that when the faculty member chooses to make personal data public – by, for example, publishing it on the faculty member’s web page – then the University may use and further publicize that information. However, when a faculty or staff member provides personal data to an administrator, that does not render that data public or authorize the administrator to publicize identifiable personal data. An administrator is entitled to use personal data in the administration of a unit, to aggregate such data, and to create institutional data. However, no administrator or data steward is entitled to make public identifiable personal data. If the administrator or data user wishes to share or make publically available personal data that could identify any individual, that administrator or data steward must first obtain the permission of the individual who would be identified.

The Committee recommends amendments (attached) to University Policy 4-001 (University Institutional *and Personal* Data Management) and to University Policy 6-316 (Code of Faculty Rights and Responsibilities), in Section 2(Academic Rights of Faculty Members) to effectuate these policies.

We are informed by Special Assistant to the Associate VP Bob Flores that any substantial revision of the Faculty Code is to be reviewed by the AFFRC. This comes from Policy 6-002—III-Section 4-A-2.

### **Academic Freedom and Faculty Rights Committee**

The Academic Freedom and Faculty Rights Committee consists of twelve

members elected by the Senate from the university faculty members other than ex officio members of the Senate.

In addition to its role, prescribed in Section 11 of this policy, **the committee will oversee the application and updating of the Policy 6-316, Code of Faculty Rights and Responsibilities** and will review for Senate consideration all legislative matters concerning faculty rights and responsibilities.

*{Proposed revision 2 of Policy 4-001. Prepared by Academic Policy Advisory Committee. Draft of 2012-04-13}*

**Policy 4-001: University Institutional and Personal Data Management Policy.** (Revision 2) [effective date \_\_\_\_? Upon final approval, or at start of academic year?]

**I. Purpose and Scope**

1. This policy applies to those official and/or authoritative data that are critical to the administration of the University, regardless of whether the data are used or maintained by administrative, health sciences, patient care, or academic units. While these data may reside in different database management systems and on different machines, in aggregate they may be thought of as Institutional Data. This Policy does not apply to data acquired or maintained by University personnel primarily for purposes of conducting academic research, and reference should be made to other University Policies regarding maintenance and use of such data, including those in Part 7 of the University Policies.
2. This policy describes general principles of management, security, and access that should be applied in order to maintain the value and guarantee effective use of Institutional Data and Information.

**II. Definitions**

- A. Institutional Data -- Data that are acquired or maintained by University employees in the performance of official administrative job duties. Specifically excluded from the definition of Institutional Data are: personal medical, psychiatric, or psychological data for both employees and patients seen at University Hospitals or Clinics; notes and records that are the personal property of individuals in the University community; research notes, data, and materials; and instructional notes and materials.
- B. Personal Data – Data that are both created and maintained by an individual faculty or staff member. Individuals may choose to make such personal data public by, for example, publishing such data on the individual's website or including it in the individual's publically available resume. However, providing such data to an authorized administrator does not

thereby render the data public data or entitle the administrator to share identifiable personal data with others. An administrator is entitled to use personal data in the administration of the department, college, university or other unit of the university and, by aggregating such data, create institutional data.

- C. Information -- For the purpose of this policy, Information is Institutional Data that is grouped and/or organized for use in a context required by Data Users. For example, student Institutional Data may be grouped and organized to provide Information in the form of enrollment reports or other contextual information required by Data Users.
- D. Campus Chief Information Officer (CIO) -- The person that is responsible to ensure that the University's Institutional Data and Information are securely, reliably and optimally used to further the mission of the University.
- E. Information Technology Council (ITC) -- A representative body with members from University colleges, divisions, and departments. ITC oversees campus information technology plans, policies, processes, and investments that support the University's mission.
- F. Information Technology Executive Committee (ITEC) -- A Committee consisting of the CIO, Data Stewards, information technology directors, and other individuals as designated by the CIO. The ITEC is a subcommittee of the ITC. The ITEC advises the CIO regarding the application of policies and procedures intended to ensure that Institutional Data are securely, reliably and optimally used to further the mission of the University. The ITEC advises the CIO to assist in the prioritization of IT projects that depend on limited IT resources, and the resolution of appealed denials of Institutional Data access requests and appeals regarding the prioritization of access requests.
- G. Data Steward -- A University official who has planning and policy-level responsibilities for access and management of Institutional Data in his or her functional areas. A Data Steward is appointed by the Vice President who is responsible for the Data Steward's functional area. For example, the Vice President for Student Affairs appoints the Registrar as the Data Steward over student data.

- H. Data Custodian -- The organization or individual who implements the policy, procedures and best practices defined by the Data Steward, and has responsibility for IT systems that create, receive, store, process or transmit Institutional Data.
- I. Data Administrators -- University staff members that, under the direction of the Data Custodian, have day-to-day operational responsibility for data capture, maintenance and dissemination. Data Administrators may also include departmental data and network systems managers and their staff.
- J. Data Users -- Individuals and organizations that access Institutional Data and Information in order to perform their assigned duties or to fulfill their role in the university community.
- K. Best Practices -- Accepted management and access procedures that Data Custodians, Data Administrators and Data Users follow to ensure security, accessibility, and integrity of Institutional Data. The Data Steward is responsible for specifying Best Practices and identifying adequate resources that enable Data Custodians and Data Administrators to implement Best Practices. Best Practices change as technology, procedural improvements, and the nature of the data change. Because Best Practices are subject to change, they will be described in documented procedures that reference this policy.

### Policy

- . The value of Institutional Data is increased through its widespread and appropriate use; its value is diminished through misuse, misinterpretation, or unnecessary restrictions to its access.
- A. Data Users will be granted secure access to view or query all Institutional Data based on the “need to know” in order for the individual or campus organization to perform all legitimate administrative, health care, research, academic and other official responsibilities pertaining to the mission of the University, examples of which include but are not limited to planning, decision making, official reporting, etc.
- B. The “need to know” exists when certain conditions are met, including but not limited to the following:

1. The Institutional Data are needed to improve services to faculty, staff, students, patients, and other University constituents.
  2. Access to Institutional Data increases the understanding, usefulness, and ease of use of the data, and/or maximizes efficiency of human, physical, and digital resources.
  3. Integration of Institutional Data with other data and information or applications increases the value of the Institutional Data to those who may use it.
- C. Curiosity does not constitute a “need to know.” Access to Institutional Data for academic research and inquiry may be approved subject to privacy rules and regulations, and appropriate institutional review.
- D. Access to Institutional Data will be granted subject to Best Practices for data and information management and analysis and should minimize duplication of data and information capture, storage, maintenance and retrieval.
- E. Institutional Data will be kept accurate, complete, and current to the fullest extent that is practicable.
- F. Requests for Institutional Data and Information will be handled in a timely manner.
- G. Access to Institutional Data and Information will not be unreasonably withheld.
- H. Security and Integrity of Institutional Data
1. Data Stewards and Data Users that possess or access Institutional Data accept full responsibility for the Institutional Data or subsets of Institutional Data that are in their possession and must adhere to the requirements of Policy 4-004 to protect private sensitive and critical data from unauthorized access or loss. The University Information Security, Privacy, and IT Compliance Office must approve security procedures.
  2. Data Stewards and Data Users that access Institutional Data are responsible for the integrity, validity, and correctness of Institutional Data that are in their possession and must incorporate editing and validation checks to ensure the integrity and validity of such data. When Data Users identify errors in official Institutional Data, they must work with the Data Stewards and

Custodians to correct the Institutional Data. If Information that is derived from Institutional Data cannot be reconciled with the official Institutional Data, it cannot be considered official Institutional Data or presented as such.

3. Should access to Institutional Data permit Data Stewards, Custodians or Data Users to identify individuals' personal data; such Data Stewards, Custodians and Users are not permitted to share or make public such identifiable personal information or data.

#### I. Institutional Data Access and Use

1. Access to Institutional Data is subject to University of Utah rules, regulations, and policy, and all relevant state and federal laws.
2. Institutional Data access may be requested by Data Users. A request may include various data and information types depending on the purpose and context of the data or information to be presented to the requester.
3. Data access may be requested from one or multiple Data Stewards depending on the purpose and context of the data or information request.
4. The Data Steward may designate, pre-approve, and make accessible certain Institutional Data elements for the legitimate business of the University, subject to the user's ability to comply with conditions of use set forth by the Data Steward and the rules and regulations that govern the data.
5. The Data User will apply for access to Institutional Data that is not pre-approved using a process specified by the Data Steward(s). The actual process may vary depending on the rules, regulations and conditions of use that govern the data.
6. The Data Steward is responsible for clearly specifying the conditions of use of requested Institutional Data. The Data User requesting access will be required to comply with the specified conditions of use. Non compliance with the conditions of use may result in penalties and sanctions allowed by University regulations. The Data



Steward will periodically review request process and conditions of use.

7. Data Users should request access to Institutional Data and Information through a Data Steward. The Data Steward(s), will determine whether or not the context of the data or information that is requested changes the data and information such that they cannot be reconciled with official Institutional Data or presents the data or information such that it cannot be maintained as current with the Institutional Data. In these cases, the requester must be informed that the requested data or information should not be considered official Institutional Data and should not be represented to any other party as official Institutional Data. The Data Steward may require that the presentation of the data or information in the form of reports, web pages, paper documents, email, or other forms include a disclaimer that indicates that the data or information are not official Institutional Data.
8. Data Stewards are responsible to ensure that Data Users who receive access to Institutional Data agree to comply with the conditions of use specified by the Data Stewards and all University policies, rules and regulations that govern the Institutional Data.
9. If a request is denied or placed in a low priority by a Data Steward, the Data Steward must provide documentation to the requester that describes the reason(s) why the request was denied or placed in a low priority.
10. If a request is denied or placed in a low priority by a Data Steward, the requester may appeal the Data Steward's decision by forwarding the request to the CIO. The CIO may convene the Information Technology Executive Committee (ITEC). If convened, the ITEC will review the request, receive presentations from the Data Steward and the requester, and make recommendations to the CIO based on the principles of data and information management and access outlined in this policy. The CIO will render a decision regarding the appeal.

11. If a Data User wishes to share or make publically available data that could identify any individual, such Data User must obtain the permission of the individual before making public any personal information regarding that individual.

#### IV. Rules, Procedures, Guidelines, Forms and other related resources.

- A. Rules [reserved]
- B. Procedures [reserved]
- C. Guidelines [reserved]
- D. Forms [reserved]
- E. Other related resource materials

#### V. References:

Policy 4-002, Information Resources Policy  
Policy 4-003, World Wide Web Resources Policy  
Policy 4-004, University Information Technology Resource Security Policy

#### VI. Contacts:

Policy Owner: Questions about this Policy and any related Rules, Procedures and Guidelines should be directed to the Director of Planning and Policy/Office of Information Technology.

Policy Officer: Only the Chief Information Officer or his/her designee has the authority to grant exceptions to this Policy.

#### VII. History:

Renumbering: Renumbered as Policy 4-001 effective 9/15/2008, formerly known as PPM 1-12

##### Revision History:

1. Current version: Revision 2. Approved by the Academic Senate [ ] ? ]. Approved by the Board of Trustees [ ] ? ], with designated effective date [ ] ? ]

\_\_\_\_\_ Legislative history of Revision 2. {create link to proposal packet from Senate agenda}

##### 2. Earlier revisions:

Revision 1. {add link to archived Revision 1} Effective dates Dec. 8, 2008 to [ ] ? ? ]. The Information Technology Council approved the first draft of this revision on April 12, 2007.

On July 1, 2008, the Office of Information Technology revised the policy to conform to the format of the University of Utah Regulations Library. This revision was approved by the Information Technology Council on August 14, 2008. On November 17, 2008 the Academic Senate Executive Committee approved forwarding

~~the proposed revision to the Academic Senate as an item for  
debate and approval.~~

Approved by the Academic Senate: December 1, 2008. Approved  
by the Board of Trustees: December 8, 2008~~Effective date: December 8,  
2008.~~

Legislative History of Revision 1. {link to  
[http://www.regulations.utah.edu/it/appendices\\_4/4-001\\_Exec\\_summary.html](http://www.regulations.utah.edu/it/appendices_4/4-001_Exec_summary.html)}  
[Revision 0.](#) {link to  
[http://www.regulations.utah.edu/it/revisions\\_4/4-001.R0.pdf](http://www.regulations.utah.edu/it/revisions_4/4-001.R0.pdf)} Effective  
dates: March 11, 1996 to December 7, 2008.

*{Proposed revision 12 of Policy 6-316. Prepared by Academic Policy Advisory Committee. Draft of 2012-04-13}*

**Policy 6-316: Code of Faculty Rights and Responsibilities.**

(Revision 12) [Effective date \_\_\_\_\_ ? Upon final approval or at start of academic year ?]

I. Purpose and scope [reserved]

II. Definitions [reserved]

III. Policy

Section 1. General Provisions *{drafting note—lengthy contents not included here, no changes proposed}*.

Section 2. Academic Rights of Faculty Members

- A. Faculty members have the legal rights and privileges of citizens. They may not be subject to punishment or reprisal for the exercise of such rights and privileges.
- B. Faculty members have the right to academic freedom and the right to examine and communicate ideas by any lawful means even should such activities generate hostility or pressures against the faculty member or the university. Their constitutionally protected exercise of freedom of association, assembly, and expression, including participation in political activities, does not constitute a violation of duties to the university, to their profession, or to students.
- C. Where their rank and status are appropriate, faculty members have the right to vote on faculty appointments, promotions, and tenure, and to vote for representatives to college and university legislative bodies .
- D. Faculty members have a right to due process and peer judgment in any disciplinary matter involving the possibility of substantial sanctions. This includes a right to be heard, a right to decision and review by impartial persons or bodies, and a right to adequate notice. The Consolidated Hearing Committee is the appropriate body to hear charges of a violation of this Code of Faculty Responsibility, unless some other hearing body is specified in this Code.
- E. Faculty members have a right to support and assistance from the university in maintaining a climate suitable for scholarship, research, and effective teaching and learning. Faculty members are entitled to an academic environment free from violence or systematic disruption, and to a teaching environment adequately equipped for meeting the teaching mission of the university.
- F. Consistent with state law, faculty members have a right to university support in professional activities inside and outside the classroom, both on and off campus, both in defense of academic freedom, and in defense of any resulting litigation, including funds for legal assistance. Professional activities are those described or required by each Department's RPT and/or financial compensation criteria.
- G. Faculty members have a right to assistance from the university in improving their skills and developing their talents as teachers and scholars.
- H. Faculty members have a right to fair and equitable financial remuneration commensurate with their rank, duties, performance, and professional stature.

- I. Faculty members have the right to manage their personal data and choose what elements of their personal or private data to make public. Administrators may request personal data (for example, works in progress) from an individual faculty member in order to administer academic units, but may not make such personally identifiable data public without the consent of that individual faculty member.

J. I.—The above list of rights is not exhaustive. Other rights, such as the faculty's right to a meaningful role in the governance of the university, including primary responsibility for course content and materials, degree requirements, and curriculum, are found in the Policies and Procedures Manual.

Sections 3, 4, 5, 6, 7, 8. *{drafting note—lengthy contents not included here, no changes proposed}*.

#### IV. Rules, Procedures, Guidelines, Forms and other related resources

Rules: [reserved]

Procedures: [reserved]

Guidelines: [reserved]

Forms: [reserved]

Other related resource materials:

#### V. References

(reserved)

#### VI. Contacts:

Policy Owners:

Questions about this Policy and any related Rules, Procedures and Guidelines should be directed to the Associate Vice President for Faculty and the Associate Vice President for Health Sciences.

Policy Officers:

Only the Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences or their designees have the authority to grant exceptions to this policy.

#### VII. History:

Renumbering: Renumbered as Policy 6-316 effective 9/15/2008, formerly known as PPM 8-12.4, and formerly as University Regulations Chapter XII Part IV.

#### Revision History:

1. Current version: Revision 12 Approved by Academic Senate [ \_\_\_\_?].  
Approved by Board of Trustees [ \_\_\_\_?], with designated effective date [ \_\_\_\_?].  
Legislative History of Revision 12. {Link to proposal packet from Senate agenda}

#### 2. Earlier versions:

Revision \_\_\_\_\_ 11 {link to archived Revision 11}. Effective dates April 13, 2010 to [ \_\_\_\_?].

Approved by Academic Senate: April 5, 2010

Approved by Board of Trustees: April 13, 2010

Legislative History of Revision 11 {link  
to[http://www.regulations.utah.edu/academics/appendices\\_6/6-316R11\\_legislativehistory\\_2010-04-13.pdf](http://www.regulations.utah.edu/academics/appendices_6/6-316R11_legislativehistory_2010-04-13.pdf)}

Editorially revised June 20, 2011 (correcting Section 4-A cross-references to Policy 5-107 rather than 5-210)

~~Earlier versions:~~

~~Revision 10~~

~~Editorially revised: July 9, 2009 Effective date: July 9, 2009 to April 12, 2010~~

~~Revision 9:~~

~~Approved: Academic Senate (by Executive Committee), June 1, 2009~~

~~Approved: Board of Trustees, June 9, 2009~~

~~Effective date: July 1, 2009 to July 8, 2009~~

~~Legislative History of Revision 9~~

~~Revision 8: effective dates July 1, 2008 to June 30, 2009~~

~~Legislative History of Revision 8~~

~~{see side bar for links to earlier versions}~~

~~{add information here for all previous versions. So that the History section will be complete and accurate}~~

## MEMORANDUM

To: Linda Smith, Chair, Academic Policy Advisory Committee

From: Gigi C. Parke, Associate General Counsel

Date: October 17, 2011

Re: GRAMA and Disclosure Considerations Relating to Faculty Information

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This memorandum summarizes the University of Utah's (the "*University*") obligation to disclose faculty-related materials pursuant to an external request, as well as the University's ability to disclose certain faculty information collected by the University. Part I discusses the application of Utah's Government Records Access and Management Act, Utah Code §§ 63G-2-101 to -901, as amended ("*GRAMA*"), to the University. Part II addresses GRAMA's classification of records as public, private or protected and the University's corresponding disclosure obligations for each class of records. Part III discusses the University's ability to proactively disclose faculty-related information.

### **Part I. Applicability of GRAMA**

The University frequently receives external requests for information about the faculty. Examples include requests for salary information, research proposals, protocols and contracts, employment records or performance evaluations. As a governmental entity, access to records held by the University is generally governed by GRAMA. GRAMA grants any member of the public the right to inspect a public record. *Id.* § 63G-2-201. However, GRAMA balances this right against an individual's right to personal privacy, while recognizing that restricted access to certain records is in the public's best interest. *Id.* §63G-2-102.

The threshold issue when analyzing any GRAMA request is whether the request pertains to a "record" as defined by statute. Information qualifies as a "record" if it satisfies the form and content elements set forth in GRAMA. With respect to form, a "record" is documentary material that is prepared, owned, received or retained by the University (e.g., book, letter, document, paper, map, plan, photograph, film, card, tape, recording or electronic data), and the record must

be reproducible by photocopy or other mechanical or electronic means. *Id.* § 63G-2-103(22). Therefore, the information requested must already be documented and in the University's possession at the time of the request to satisfy the definition of a "record" under GRAMA. Furthermore, GRAMA does not require that the University create a record or compile, format, manipulate, package, summarize or tailor information in response to a request. *Id.* § 63G2-201(8). The foregoing provisions suggest that if, at the time of the request, the University has not manipulated the information into an identifiable record whose content or format is directly responsive to the request, the University has no obligation to provide the information as requested.

With respect to the content of a request, the definition of "record" notably excludes information of a personal or proprietary nature. The exclusions most relevant to faculty and other employees include:

- Personal notes or communications prepared or received in any employee's private capacity;
- A temporary draft or similar material prepared for personal use;
- A daily calendar or other personal note prepared for personal use;
- Material that is legally owned by an individual in the individual's private capacity; or
- Material to which access is limited by copyright or patent of a third party. *Id.* § 63G-2-103(22).

Even if the University possesses such materials, if the requested materials fall into one of the categories listed above, such materials do not qualify as records. Therefore, GRAMA would not apply and the University would have no obligation to disclose such materials. On the other hand, once the University determines that the requested materials satisfy the form and content elements of a "record", the University must then find the appropriate classification for the record under GRAMA.

## **Part II. Classification of Records and Disclosure Obligations**



GRAMA sets forth three general categories of records: public, private or protected.<sup>1</sup> A record is presumed to be public and the University is obligated to disclose the record unless the University properly classifies the records as private or protected. Section 63G-2-301 sets forth a non-exhaustive list of records that are deemed “public” (i.e., the Legislature has determined that the public’s interest in such information outweighs the subject’s private interests). “Public” records regarding University faculty and other employees include those containing an employee or former employee’s name, office contact information, job title, job description, job qualifications and experience, dates of employment, gross compensation and number of hours worked per pay period.<sup>2</sup> Id.

Upon request, the University must disclose a public record to the requestor.

A “private” record, on the other hand, is a record that if disclosed would invade the personal privacy of the record’s subject without imparting a commensurate public benefit. GRAMA classifies as “private”:

- employment records concerning a current / former employee of, or applicant for employment with, a governmental entity that would disclose that individual’s address, home telephone number, Social Security number, insurance coverage, marital status or payroll deductions;
- records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion or disabilities;<sup>3</sup> and
- other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy. Id. § 63G-2-302.

GRAMA prohibits the University from disclosing a private record except under very limited circumstances (e.g., the requester is the subject of the record or the requester provides a valid

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<sup>1</sup> GRAMA also recognizes a category of “controlled” records, which are records containing medical, psychiatric or psychological data. Generally, controlled records are also classified as protected health information under the Health Information Portability and Accessibility Act (“HIPAA”) and HIPAA, rather than GRAMA, governs the disclosure of these records.

<sup>2</sup> To the extent the University maintains aggregate statistical information on the faculty or other employees, such information would likely be subject to disclosure.

<sup>3</sup> When a record contains performance or demographic status information presented at the aggregate level, individual privacy becomes less relevant and the information is more likely to be classified as public.

power of attorney from the subject of the record, a notarized release by the subject, a court order or a federal court subpoena).<sup>4</sup> See id. § 63G-2-202.

“Protected” records are not necessarily personal in nature, but are generally academic or business records the disclosure of which is deemed by the Legislature not to be in the public’s interest. In other words, the Legislature has determined that the public’s interest is better served by maintaining the confidentiality of such records. Certain commercial, proprietary or scholarly information maintained by University faculty or provided to the University from its business partners may be classified as “protected”. Relevant categories of protected records that may apply to faculty include:

- Trade secrets and commercial information that if disclosed could reasonably be expected to result in unfair competitive injury;
- A proposal or application for a grant (prior to award of the grant);
- Tenure evaluations, retention decisions and promotions;
- Materials to which access must be limited to secure or maintain the University’s proprietary protection of intellectual property rights; or
- Unpublished lecture notes, notes, data and information related to research of the University or a sponsor, unpublished manuscripts, creative works in progress, scholarly correspondence or confidential information contained in research proposals.

Id. §63G-2-305

Rather than denying complete access to the record, the University must, if possible, separate protected or private information from the public information contained in the record and provide the requester with a copy of the record with the protected and private portions redacted. See id. § 63G-2-202. The University consults with the relevant faculty member to determine the extent to which the record relates to commercial, proprietary or scholarly information.<sup>5</sup> Similar to private

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<sup>4</sup> The Utah Legislature, pursuant to its legislative subpoena power, has broad power to require disclosure of any record. See §63G-2-202(1)(e)(ii). Furthermore, §63G-2-206 of GRAMA allows the University to share records with other governmental entities if the requesting entity is, for example:

(i) authorized by state statute to conduct an audit and the record is needed for that purpose; or  
(ii) the Legislature pursuant to the preparation or review of a legislative proposal or legislation, appropriations, or an investigation or review.

<sup>5</sup> With respect to records relating to commercial vendors, the burden is upon a vendor to claim that the information contained in the relevant records should be protected. GRAMA requires that the vendor provide a written claim of

records, the University may provide the entire protected record to the requester under certain circumstances (e.g., the requestor is the subject of the record or the requester provides a valid power of attorney from the subject of the record, a notarized release by the subject, a court order or a federal court subpoena). See id. § 63G-2-202.

### **Part III. Disclosure of Faculty Information**

From time to time, the University may collect information about the academic background, experience and professional or civic interests of University faculty (e.g. Faculty Activity Reports) (collectively, the “*Faculty Data*”). Absent a GRAMA request, there are no other statutory limits on the University’s ability to disclose Faculty Data. A plausible limit on disclosure, however, could be the legal standard for an invasion of privacy claim. The Utah Supreme Court recognizes the following elements of such a claim:

- (1) the disclosure of the private facts must be a public disclosure and not a private one;
- (2) the facts disclosed to the public must be *private facts*, and not public ones; and
- (3) the matter made public must be one that would be *highly offensive and objectionable to a reasonable person of ordinary sensibilities* (emphasis added). *Shattuck-Owen v. Snowbird Corp.*, 16 P.3d 555 (Utah 2000) (quoting Restatement (Second) of Torts §652D).

Case law suggests that “private facts” relate to information of a highly personal nature (e.g., medical condition) rather than information of a professional nature. See *Alvarado v. KOB-TV, L.L.C.*, 493 F.3d 1210 (10<sup>th</sup> Cir. 2007). Furthermore, disclosure of Faculty Data is unlikely to be “highly offensive or objectionable to a reasonable person” to the extent Faculty Data is voluntarily provided by faculty and professional or civic in nature. Under these circumstances, the disclosure of Faculty Data would not satisfy the elements of an invasion of privacy claim. Thus, from a legal perspective, the University has broad discretion to disclose Faculty Data, provided that no “private facts” are disclosed.

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confidentiality with a concise statement of reasons supporting the claim of business confidentiality. See id. §63G-2-309.

## **Ad hoc Closure Committee Report**

{ Note to Senate: The following was produced by the Ad Hoc Committee on Campus Closure—as a recommendation for procedures to follow when the University hosts a football game on a weekday. The Committee was formed and tasked to come up with such recommendations in response to concerns raised at the August 2011 Senate meeting and discussed at the October 2011 Senate meeting. The Committee was chaired by Wayne McCormack, Professor of Law (who served as coordinator for the University’s participation in the 2002 Winter Olympic Games). This report with recommendations was presented to the Executive Committee April 23. }

## **Policies Regarding Major Events Likely to Disrupt Academic Schedules**

### **A. Basic Notification and Strategies Regarding Major Weekday Events:**

1. The University recognizes that some co- or extra-curricular events are worth hosting even if the event may disrupt normal academic activities. University Administration should be notified as early as possible when major events occurring during normal school hours are planned or contemplated. The Administration and event organizers will coordinate to minimize or eliminate academic disruption to the maximum extent possible.
2. University administration should provide early notice to students, staff, and faculty when any major event during the week will be held.
  - a. Instructors should be reminded of options to modify class schedules or requirements in light of the event. For Thursday football games, the Scheduling Office has identified about 260 classes that could be impacted, 70 of which might be movable. Student Affairs will ask those instructors if they would choose to move their class on that day.
  - b. Managers should be encouraged to adjust staff work schedules if possible to help minimize parking conflicts. Human Resources can send out notices to managers close in time to the event (e.g., 10 days out) to remind them of the possibilities of adjusting schedules.
3. Those who must drive to campus should be provided options to minimize disruption to the extent possible considering the nature of the event. A public education campaign should be developed and implemented for special events, encouraging students, staff, and faculty to consider alternate transportation options on event days. Options to include: ride sharing, carpooling, UTA, TRAX – even if these are not usually considered by the commuter.

### **B. General Parking Practice for Thursday Football games**

1. Based on previous years' experience, the general practice during Thursday football games is as follows (see attached map for Crimson Club designations):
  - a. Lots reserved for Crimson 1, Tailgating and Restricted areas are shut down completely from all University permits at noon on game day and require all permits to leave before 2:00 p.m. This is required because of the set up and number of reserved stalls required provided services. These lots include 1, 8, 9, 40, 41 & 45.
  - b. Lots reserved for Crimson 2 are generally in the Bookstore and PMT area and are not dedicated for Just Football as PMT's schedule has priority in lots 2 and 3. This area we reserve 3 hours before game time and only allow Crimson 2 permits and A permits. All others are directed to general parking areas.
  - c. Crimson 3 are farther east along South Campus and we again reserve 3 hours before game time and restrict to appropriate crimson permits and A or U permits. All others are directed to general parking.
  - d. Crimson 4 areas are the old dorm lots 24 and 25. This area we allow any crimson permit, all University permits and sell additional stalls for \$5.00.

2. The entire south side of campus is reserved along with other major portions and is needed for every Football game. To accommodate classes and the event this similar plan will need to be followed generally but with the option of using grass areas for football parking we will re-direct approximately 1,842 visitors to three alternate options. This alternative to park on the grass areas has been approved per Gordon Wilson (AVP Auxiliary Services) and Mike Perez (AVP Plant operations.)

### **C. Exploring Other Parking Options**

1. Commuter Services, when notified of an event, may utilize “non-standard” parking options to provide the required space for expected audiences. (For Thursday Football contests in the near future, several grass areas on campus have been identified.) Commuter services will identify any additional costs associated with making such non-standard areas available (see point 1.a. in section E.).

- a. Commuter Services staff have identified three non-standard grass parking areas on campus for these football games. (See attached Map: Proposed Grass Lots) The areas are
  - i. Stillwell Field, (Approx. 590 stalls)
  - ii. Play fields east of The Union and north of the “Bailiff” lot, Lot 24, (Approx. 824 stalls)
  - iii. Grass area west of Athletics track and north of “Bailiff” lot. (Lot 24) (Approx. 420 stalls)

2. For future years, other areas are being explored, and conversations with appropriate entities are underway.

3. In cooperation and consultation with Commuter Services, event organizers may erect additional signage, displays and other promotional pieces in these non-standard areas (see point 1.a.iii. in section E.).

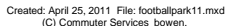
4. Department of Public Safety will identify traffic control and security issues and develop a staffing plan to accommodate the non-standard parking areas. Public Safety will identify any additional costs associated with providing safety/security (see point 1.b. in section E.).

### **D. Department of Public Safety’s Implementation Plan:**

1. Based on the Suggested Commuter services strategy, public safety recommends the following:
  - a. Pre game – Three security officers to patrol the designated nonstandard grass areas, beginning 2 hours before game time, continuing through end of game.
  - b. Post-game – For post-game traffic blowout (3 hr. minimum; bring on-duty officers at halftime for stadium/parking lot management, then deploy to street assignments):
    - i. One police officer on the crosswalk of 100 South as it turns into North Campus Drive, to help control pedestrian crossing.
    - ii. Two Police Officers in the intersection of 1455 E (Wolcott) and 100 S for traffic control.
    - iii. Two Police Officers in the intersection of University St and 100 S for traffic control.
    - iv. Two Police Officers in the intersection of 1300 E 100 S for traffic control.

## E. Cost Anticipation

1. For this to be viable the following costs should be considered:
  - a. Additional costs associated with making non-standard areas available include, but are not limited to:
    - i. Additional staffing,
      1. Parking would require an additional 10 staff at 3.5 hours each for a total of **\$838.25 per game.**
    - ii. Temporary ingress/egress points
    - iii. Required signage
      1. Way finding signs we would recommend an additional six signs for these games for a total of **\$120 per game.**
    - iv. Required striping and lighting
      1. Painting of grass areas for parking would cost approximately **\$2,498.24 per game.**
      2. Portable lighting would be required for safety after the game for walking paths in grass areas and cost \$103 per unit per day. It was projected that we would need two in each of the smaller lots and three in the larger lot for a total of seven plus delivery and pick up of \$80.00 each for a grand total of **\$881.00 per game.**
    - v. Repair of any damage incurred during the use of the area
      1. Lastly is the possible damage to the grass from the vehicles. This has been extremely difficult in figuring a cost to estimate. Aaron White from Transportation cautioned that this could become an extremely large cost depending on the weather up to game time. If it rains and is warm the costs could easily reach into the thousands, if it is cold or dry minimal repairs would be experienced. (Aaron White is forwarding me a bid from last season of damage in the sponsor area which I will forward on once received for an idea of costs.)
      2. This rough estimate shows that Athletics would incur additional costs at minimum of **\$11,674.98 plus repairs to grass areas.**
    - vi. Temporary ramps up onto the grass areas would incur a cost of approximately **\$3000.00 per season.**
  - b. Providing safety/security to the non-s standard parking area may include, but is not limited to, the following costs:
    - i. Additional staffing
      1. Security – \$495.00 per game.
      2. Police (off-duty assisting agency) – \$672.00 per game.
    - ii. Security enhancements
    - iii. Required Traffic Control Devices
2. Such additional anticipated costs will be reported to University administration. University administration may elect to reimburse the additional costs, or require the entity responsible for the event to reimburse such costs.





Office of the President  
April 4, 2012

AGENDA ITEM 201

### ITEM FOR INFORMATION

#### RE: Awards and Honors to the University Community

1. Graduate programs at the University of Utah are getting some impressive exposure in this year's edition of "America's Best Graduate Schools" published by *U.S. News & World Report*. The College of Engineering, the state's pre-eminent engineering program, is ranked 54 in the nation, up six spots from last year while the college's School of Computing is ranked at 39. The separate disciplines of Computer Engineering is ranked number 47 with Biomedical/Bioengineering ranked at 30; Electrical/Electronic/Communications at 51; Materials Engineering at 53; Civil Engineering at 54; Chemical Engineering at 57; Mechanical Engineering at 72; and Environmental/Environmental Health Engineering at 65. The University's respected science programs continue to make their mark with Mathematics ranking number 30 in the nation. Other science programs held their rankings with Chemistry at 36 and Biology at 56. The Department of Psychology in the College of Social and Behavioral Science is ranked 66 in the nation this year. The college's Clinical Psychology program moved into the top 50 for the first time ever and is ranked 47. The S.J. Quinney College of Law was once again recognized as an elite national program and is ranked number 47 in the nation. The Health Sciences programs again placed extremely well in the rankings with the School of Medicine being ranked 48 in the nation for research, up six spots. It also moved up five places to number 21 for Primary Care. *U.S. News* also ranked the Physician Assistant education at No. 2. Pharmacy ranked number 10, rising six spots and Physical Therapy moved up five places to number 14. The College of Nursing graduate programs remained at 36 and the Nursing-Midwifery program held steady with an 8<sup>th</sup> place ranking.
2. The University's video game design program was recently ranked third by the Princeton Review, behind the University of Southern California and the Massachusetts Institute of Technology. It's a slip from their second place ranking in 2011, but it's still the top ranked public school on the list. The Princeton Review's methodology considers a number of factors including the courses offered to students, if the program is team driven and the percentage of the graduating class who worked on a game that shipped. In 2011, all graduating seniors worked on a game that shipped, the first time that has happened in the program's five-year existence. The three games that groups of seniors worked on for their capstone course — "Minions!" "The Last Podfighter" and "Mr. Gravity" were submitted to Xbox Live Indie Games and approved.
3. University of Utah startup companies and researchers were recently awarded 11 second-round grants through the state of Utah's Technology Commercialization and Innovation Program (formerly named "Centers of Excellence"). The TCIP grants are awarded to companies (startup and existing) that license technology developed at a Utah college or university. This year's U winners include: Actiont, ADD.it, Susan Bock, Kenneth Eddington, Heavystone Laboratories, Granite Mountain Technologies, Metallosensors, Navigen, Jacqueline Siy-Ronquillo, US Bio-Remediation, and Viropan.

4. The Daily Utah Chronicle recently received several awards from the Utah Press Association in the daily newspaper category which includes Utah's professional newspapers. The awards include the following:
  - 1<sup>st</sup> place for Best Feature Photograph, Richard Payson - Special Olympics
  - 1<sup>st</sup> place for Best Sports Photograph, Spencer Sandstrom - "Utes Aspire for Top Half of Pac"
  - 2<sup>nd</sup> place for Best Staff Produced Ad, Tyler Pratt - Ad for Tavernacle
  - 3<sup>rd</sup> place for Best Sports Photograph, Nathan Sweet – Women's Basketball Net Cutting
  - 3<sup>rd</sup> place for Best Special Section, Staff – Fall Outdoor Guide
  - 3<sup>rd</sup> place for Best Investigative Reporting, Emily Andrews - "The Group: Utah County's Covert Secular Community"
5. In its third year, the *Utah Student 25* recognized three of the University of Utah student-created businesses including: Fix A Phone, LLC - Craig Anderson, Jacob Williams and Quinn Zite, Uptown Cheapskate, LLC - Chelsea Elan Sloan and Scott Romney Sloan, Research Accelerator - Gary Jense and Travis Corrigan. The *Utah Student 25* awards program recognizes the top student-founded businesses in Utah the achievements of student entrepreneurs, the innovative companies they founded and their contribution to the Utah economy.
6. Student Ashley Edgette was selected for the Truman Scholarship which provides up to \$30,000 in funding to students pursuing graduate degrees in public service fields. This is the sixth year in a row that a University of Utah student has been selected for this prestigious award. Ms. Edgette, an honors student, was among 54 winners selected from a national pool of 587 applicants. The U. is the only university in the country to have fielded a Truman winner in each of the past six years. Much of that success can be attributed to the school's Hinckley Institute of Politics which thoroughly vets the University's applicants. Two other U students, Melissa Moeinvaziri and Whitney Beens were finalists in the competition.
7. Students Kaitlin Jacobs, McCall Lewis and Kristine Taylor took first place in a statewide competition to develop a marketing plan for a line of hand-poured lollipops. The students, who are working toward their master's of business administration degrees, won \$5,000 and their market plan will be implemented by the Alpine, Utah-based Kencraft Candy, the company that makes the lollipops that are sold under the name Lollipals. Thirty teams of Utah college students from the U. of U., Brigham Young University, Utah State University and Westminster College took part in the "Launch the Lollipop" competition that was sponsored by Dolphin Capital, a private equity firm and parent company of Kencraft.
8. Business student Tom Wallisch is not only a dedicated student but is also an accomplished professional skier. He is considered the hottest slopestyle freeskier in the world. Wallisch recently won the Dew Tour Nike Open, the Pantech Invitational and the ESPN X-Games competitions. During the X-Games competition he set a record score of 96. Wallisch stated that he is taking valuable instruction from his business classes and applying them in the real world of high-flying freeskiiing where athletes must always market themselves to the next sponsor.
9. The American Institute of Certified Planners (AICP) recently announced that Brenda Case Scheer, dean of the College of Architecture + Planning at the University of Utah, has been elected to the College of Fellows of AICP. Fellows of AICP are honored in recognition of achievements as model planners who have made significant contributions to planning and society. Fellowship is granted to

planners who have been members of AICP and have achieved excellence in professional practice, teaching and mentoring, research, public and community service, and leadership.

10. Tony Onofrietti, Director of Research Education, was recently presented the 2012 Society of Research Administrators International (SRA) Western Section Excellence Award. The honor is given annually to the member who has excelled in meeting SRA's purpose of expanding the knowledge and tools of research administration. An SRA member since 2006, Tony was recognized for his innovation and effectiveness as a conference speaker, workshop instructor and committee volunteer. Tony developed and manages the Research Administration Training Series (RATS) for the University research community.