MEMORANDUM
January 27, 2012

TO: Academic Council*

COPY TO: David Daniel             George Fair
           Hobson Wildenthal         Dennis Kratz
           Andrew Blanchard         James Marquart
           Calvin Jamison           Bert Moore
           Abby Kratz               Bruce Novak
           John Wiorkowski          Hasan Pirkul
           Austin Cunningham        Mark Spong
           Sheila Amin Gutierrez de Piñeres

FROM: Office of Academic Governance
       Vicki Carlisle, Academic Governance Secretary

SUBJECT: Academic Council Meeting

The Academic Council will meet on Wednesday, February 1, 2012 at 2:00 p.m. in the Osborne Conference Room, ECSS 3.503. Please bring the agenda packet with you to the meeting. If you cannot attend, please notify me at vicki.carlisle@utdallas.edu or x6751.

Attachments

2011-2012 ACADEMIC COUNCIL

R. Chandrasekaran
David Cordell**
Murray Leaf*
Dennis Miller
Tim Redman
Richard Scotch
Tres Thompson

Sharkey Anderson, Student Government President

*Speaker
**Secretary
AGENDA

ACADEMIC COUNCIL MEETING
February 1, 2012
Osborne Conference Room, ECSS 3.503

1. CALL TO ORDER, ANNOUNCEMENTS & QUESTIONS  DR. DANIEL
2. APPROVAL OF THE AGENDA  DR. LEAF
3. APPROVAL OF MINUTES  DR. LEAF
   December 7, 2011 Meeting
4. SPEAKER’S REPORT  DR. LEAF
5. FAC REPORT  DR. LEAF
6. PEER REVIEW POLICY FOR NON-TENURE TRACK FACULTY  DR. LEAF
7. REVISION – POLICY AND PROCEDURES FOR STUDENT EVALUATIONS OF TEACHING  DR. LEAF
8. CEP PROPOSALS: UNDERGRADUATE CATALOG COPY  DR. CANTRELL
9. RESEARCH CONFLICT OF INTEREST POLICY  DR. LEAF
10. **FOR SENATE AGENDA**: APPOINTMENT OF DENIS DEAN TO CQ  DR. LEAF
11. **FOR SENATE AGENDA**: UNDERGRADUATE CATALOG COPY  DR. LEAF
12. AGENDA FOR FEBRUARY 15, 2012 SENATE MEETING  DR. LEAF
13. ADJOURNMENT  DR. DANIEL
UNAPPROVED AND UNCORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Council. They have not been approved by the body in question, and, therefore, they are not the official minutes.

ACADEMIC COUNCIL MEETING
DECEMBER 7, 2011

PRESENT: David Daniel, Tim Redman, Cy Cantrell, David Cordell, Murray Leaf, Dennis Miller, Richard Scotch

ABSENT: R. Chandrasakaren, Tres Thompson

VISITORS: Andrew Blanchard, Abby Kratz

1. CALL TO ORDER, ANNOUNCEMENTS & QUESTIONS:
President Daniel called the meeting to order. He addressed a recent article in The Mercury which raised the question of whether UTD would move to Division II status for athletics. Dr. Daniel stated that there have been no serious discussions about us changing our Division III status. There has been some discussion internally motivated in part by our desire to get a nice events center on campus that would seat 4,000-8,000 people which could be used for graduation. A feasibility study was done in cooperation with the city of Richardson. The conclusion of this study was not encouraging due to the large number of major event centers already in place in this area. If we were to build an arena we would need to do a business model analysis in which we would be solely responsible for the financial liability. We may bring in a little rental income from other events but for the most part it would need to ride on its own. For the time being, this idea has been shelved. It is possible that a building like this could be built if the students decided they really wanted it and voted for a fee increase to finance the project. However, the Regents take a very dim view of student-initiated fee increases that would burden future students with additional college costs. This will not deter our students from having a fee referendum this spring to enlarge the Student Union. At some point in the future the University will have to consider the question of whether we want to increase athletic programs and whether we want to be more seriously involved in Division II or Division I.

Dr. Daniel has instructed the Provost to aggressively hire faculty for next fall. He was a little disappointed that the net hiring was not as positive as he had hoped last fall. He is concerned about our continued weak numbers in under-represented minority members on our faculty and weak numbers in women faculty. Dr. Daniel is quite concerned about faculty diversity.

Dr. Daniel is deeply concerned about the business processes that interface with PeopleSoft. He is working with staff to determine how to resolve some of the issues that have arisen. It does not appear that the major problem is with the PeopleSoft software, but rather with the way we are utilizing it.
In response to a question regarding what was being done to control enrollment growth for the spring semester, Dr. Daniel replied that one of the key areas being addressed is cutting back the number of Academic Excellence Scholarships that will be awarded. This will help control the costs of these scholarships as well as limiting enrollment growth. Our goal is 3%-5% growth in student enrollment per year. Additionally, we have raised the minimum entry requirements for graduate students. Dr. Cantrell expressed concern that we need to have minimum requirements in place and enforced regarding the admission of undergraduate transfer students. Dr. Daniel stated that our requirement has been a minimum GPA of 2.5, but that too many exceptions were being made to this rule. He suggested that the Committee on Educational Policy meet with Curt Ely, Greg Morris and Courtney Brecheen to determine what admission criteria should be and how that should be enforced. Another option would be to limit enrollment in certain programs or to have higher GPA requirements for certain programs. Dr. Blanchard noted that enrollment management must be handled at the school level.

2. APPROVAL OF AGENDA
Speaker Leaf asked to add the following items to the agenda: Senate Resolution on MyEdu Disavowing the Course Evaluation Associated with myEdu and appointment of Denis Dean to the Committee on Qualifications of Academic Personnel replacing Bruce Jacobs. There was some brief discussion of myEdu. President Daniel said that he has been in two briefings about myEdu and there are some valuable features. He would encourage us not to disavow the use of myEdu but rather to be deeply engaged in the process and make sure that it serves the academic purposes of the University well. Cy Cantrell moved to approve the agenda as amended. Tim Redman seconded. The agenda was approved as amended.

3. APPROVAL OF MINUTES
Tim Redman moved to approve the minutes as circulated. Cy Cantrell seconded. The minutes were approved as circulated.

4. SPEAKER’S REPORT (Murray Leaf)
1. Leadership Training. For at least the last six years, we have been talking about providing some guidance for people newly assigned to positions of leadership. About four years ago, the FAC presented a plan to the UT System. The UT System took it up, and in 2008 announced the creation of the Leadership Institute, under the office of Geri Malandra. We here reviewed the program and our conclusion was that it was too focused on compliance issues and not enough concerned with what we felt was most needed, which was the change in perspective that a person has to make when going from being an individual faculty member talking to a Chair or Dean to that of being a Chair or Dean talking to a body of faculty. The other problem with the program was that it was never big enough to reach down to the level we were most concerned with, which was initial level or base level administration; it was forced by the demographics to focus on higher levels. So basically, the idea did not work as intended. Now, UTSA may be working out a successful alternative approach.

On October 14, Speaker Leaf attended a session of a leadership training program that UTSA has developed for its staff and faculty. They call it Leadership UTSA. They take 20 people, about equally faculty and staff, and conduct a year-long series of one-day sessions. This is their third cohort. Each day they have readings, then one or a few groups works up a presentation with their own analysis, and then they have some kind of exercise. In Speaker
Leaf’s case, the readings were Birnbaum, *How Colleges Work*, and Pawlak and Bergquist, *The Six Cultures of the Academy*. His job was to follow up with a one-hour presentation on organizing, organizational design, and how one writes good policy.

His conclusion was that it was a good class; the group was lively, the discussion on point, and practically everyone seemed to be getting something out of it and seemed to enjoy doing so. He thinks it would be a good model for us; certainly it is worth looking into. The individuals who are coordinating it for them are Mansour El Kikhiia and Gage Paine. They would be happy to come here to talk about it. They have a website: [http://utsa.edu/today/2011/07/leadershiputsa.html](http://utsa.edu/today/2011/07/leadershiputsa.html)

5. FAC REPORT (Murray Leaf)
1. Activity has mainly focused on an effort by some members to approve an alternative wording to the amendments to the Regents policy on post tenure review. The proponents circulated a version and voted with a mail ballot; the vote was 17 in favor and 2 opposed. Since the total vote added up to a quorum (which is half of the total membership), the Chair has said it is in order and will forward it to Pedro Reyes.

2. The second area of concern continues to be the resignation of David Prior and what to do about it. All but one of the Academic campuses were represented at the Texas Council of Faculty Senates meetings, so we talked about it briefly. We agreed that will write a memorandum stating what we think the faculty requires, and also that we felt that David understood and was committed to this. We will also offer to help in going forward.

Everything else is on the agenda.

**TEXAS COUNCIL OF FACULTY SENATES REPORT (Murray Leaf)**
The Texas Council of Faculty Senates held its fall meeting in Austin on Friday, October 28. The meeting is normally a day and a half, but this was compressed into one day to allow Friday to be devoted to a series of workshops by the AAUP on advocacy. I attended the TCFS meeting with Richard Scotch. We did not attend the AAUP workshops, not because we oppose advocacy but because we think we are already doing it.

One of the highlights of the program was a panel on the legislature by the legislative liaisons for UT, TAMU, University of Houston, and the Texas State University System. It was very interesting but way too complicated to try to repeat. Basic conclusions were two: there was a high level of agreement in what the different panelists saw, and the overall prospects were not likely to improve in the next session. Most likely they would get worse, because much of the present budgetary “savings” were actually pushing the deficit ahead to the next biennium.

The second highlight was a presentation on the proposed new Coordinating Board core requirements by Lucy Hester, who is in charge of them.) It stays at 42 hours and seems mostly the same, except "computer literacy" is gone. But they seem to have added the idea of six broad categories of "skills" that may allow us some flexibility in what we classify as providing them.

I was particularly worried by their math requirement, which seems to preclude starting with calculus. I didn't ask a question to see if that is what she meant. I figure someone else can do it who better knows what we need. If I remember right, it seemed that this was just 3 hours, but perhaps 6 (I was not sure what the columns were on the table she showed).
Another area of possible use (or possible trouble) was "communication.” This was 6 hours, or perhaps 12 (same table).

My overall sense is that the increasing pressure for transferability of core courses between campuses amounts, for us, to increasing pressure for mediocrity, and we need to think of ways to work within them to be more imaginative.

My conclusion was that it will intensify the need to add senior, tenured, faculty to the committee who are more engaged in research and graduate education, in order to be sure we are making the best possible use of the latitude we have left.

The third highlight, as always were the campus reports. I think we are one of only about three campuses that did not report that the Coordinating Board was requiring them to cut one or more low producing programs. Otherwise, it was as usually grimly encouraging to see how much better we seem to be doing than most of the other institutions. As I think you know, we are often cited as a model for good governance. This time, in one conversation, I heard a new twist: one of the members remarked that she cited us to show that the faculty senate could actually talk to and get along with the administration. The relationship did not have to be adversarial.

6. SCHEDULE FOR DECEMBER-JANUARY SENATE AND COUNCIL MEETINGS
The Council agreed that there would be no Senate meeting in December. There was also agreement that the Council would not meet in January. If a possible item comes up for the Senate agenda it would be considered by the Council Agenda Committee.

7. CEP PROPOSAL – REVIEW OF FIRST 40 PAGES OF CATALOG
Cy Cantrell moved to place this item on the January Senate agenda. Richard Scotch seconded. The motion carried.

8. POLICY ON ACADEMIC INTEGRITY IN THESES AND DISSERTATIONS
Speaker Leaf presented a revision to the policy which he believes reflects the last Senate discussion on the issue. He believes that it would be appropriate to go ahead and send this to HOP Committee for their review. The revisions that have been made are primarily for clarification. The only substantive change was whether to involve the Senate in the revoking of a degree. The Council as a whole agreed that there was no need for the Senate to discuss this item again and it should be sent to the HOP Committee.

9. SENATE RESOLUTION ON myEDU
Tim Redman moved to place this item on the Senate agenda. Cy Cantrell seconded. The motion carried.

10. APPROVAL OF DENIS DEAN TO REPLACE BRUCE JACOBS ON CQ
Cy Cantrell moved to recommend that the Senate approve Denis Dean as a replacement for Bruce Jacobs on the Committee on Qualifications of Academic Personnel and to authorize Speaker Leaf to ask Dr. Dean to begin attending the CQ meetings immediately. Tim Redman seconded. The motion carried.
There being no further business, Dr. Daniel adjourned the meeting.

APPROVED: ______________________________ DATE: ______________________________
Murray J. Leaf
Speaker of the Senate
1. Preamble

The ideal of a research university is a university in which all those who convey knowledge are also engaged in producing it. Further, those engaged in producing knowledge require and should have, as a necessary condition in support of their freedom of inquiry, the protection of tenure. The faculty of the University of Texas at Dallas has been dedicated to this concept since the University began and this dedication does not waver. Other things being equal, as many of the faculty as practicable should hold tenure-track or tenured appointments. On the standard of the major American research universities, this would mean substantially all teaching faculty.

We recognize, however, that we will continue to be required to hire faculty for a wide variety of purposes for which tenure-track positions are not available. Such faculty are generally hired under the headings of Lecturers and Senior Lecturers. This policy applies to Senior Lecturers. For purposes of the policy, a “Senior Lecturer” will be understood to be a person employed on a renewable annual contract with a teaching requirement of 24 workload points in organized courses or a person appointed as a Senior Lecturer at least half time or with administrative duties. This policy also applies to a person employed on the same terms with the title of Clinical Professor. This policy does not apply to ordinary “Lecturers,” who are hired to teach specific courses on a course-by-course basis. The titles “Visiting Professor” and “Clinical Lecturer” are not used for this type of position since they carry an expectation that the term of employment is fixed and not renewable. However, in the event that a person bearing one of these latter titles does continue at the University for three years or more, they should become subject to peer review as described herein. The title “Adjunct Professor” is not used for this type of position since it is used for positions that are not remunerated.

It is the policy of the University of Texas at Dallas that Senior Lecturers should be treated as true colleagues in a collective academic enterprise. Senior Lecturers should have the same kinds of working conditions and expectations of fair and considerate treatment as tenured and tenure-track faculty and should be able to work with tenured and tenure-track faculty as genuine colleagues. Accordingly, the purpose of this policy is to better integrate Senior Lecturers into the established processes of faculty hiring and evaluation.

This policy is to be implemented in the several schools as the responsibility of the School Dean and Faculty. Promotion recommendations regarding Senior Lecturers are not to be reviewed by the Committee on Qualifications of Academic Personnel. Appeals or complaints should be directed to the University Committee on Faculty Standing and

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1. These definitions reflect established usage at U T Dallas. With respect to the Regent’s Rules, Senior Lecturer I at U T Dallas corresponds to “Lecturer” in the Rules. Senior Lecturer I and II are divisions of “Senior Lecturer” in the Rules, and “Lecturer” corresponds to a position that would presumably be subcategory of “Lecturer” in the rules.
Conduct. The Academic Senate will exercise general oversight with respect to academic policy. The University Provost will exercise general oversight with respect to contractual responsibilities and due process.

2. Standards of Evaluation

The University recognizes three categories of standards of performance in matters of promotion, reappointment, and tenure for all faculty. They are (a) peer-reviewed research and academic achievement; (b) teaching effectiveness; and (c) university citizenship, which may include specific administrative duties as specified in the Senior Lecturer’s contract. Contracts will specify the duties of Senior Lecturers in terms of the proportion of effort expected under each of these categories.

Peer-Reviewed Research and Academic Achievement

Peer-reviewed research and academic achievement is not required of Senior Lecturers as part of their normal assigned responsibilities at U. T. Dallas. However, Senior Lecturers have the same standing to seek funding for, and to pursue, independent funded research as other faculty. If peer-reviewed research and academic achievement is required as a condition of employment, it should be a basis of evaluation. When not required, it may still be noted in peer reviews.

Evidence of research and academic achievements can include publication in peer-reviewed journals; monographs which contribute to advancing knowledge or its utilization in the resolution of societal problems; development of widely adopted clinical or educational techniques which advance the quality of life; presentations at professional gatherings; literary publications, performances, and visual and other artistic contributions in regional and national exhibitions.

Teaching

Because of the difficulties in measuring teaching effectiveness, it is important that evaluating committees seek a variety of ways to evaluate an individual's teaching. Teaching effectiveness is not to be measured solely in terms of teaching in organized courses. It also includes the ability and willingness to develop new courses and to teach wide variety of courses. Committees should consider the importance of such courses to the instructional programs, the willingness to teach evening or Saturday courses, and the development of innovative teaching methods. Teaching also extends to curriculum development and student advisement.

University Citizenship

University citizenship is that amorphous blend of willingness to participate actively as citizens in the life of the University and as collegial representatives of the University in extramural settings. Service, in contrast to administration, includes membership in governance bodies and committees, program planning and development, public service, and special assignments from Deans or the University Administration.
Administration

Senior Lecturers may be assigned duties that require academic knowledge and experience but are also heavily administrative, such as Associate Deans for Undergraduate Education, graduate student advisor, and graduate clinical instructor or coordinator. Aspects of this type of activity that indicate good or poor performance include overall work-load or case-load, the overall levels of satisfaction and good order in the program, letters or other expressions of satisfaction or dissatisfaction from students, colleagues, or immediate supervisors, and the development of innovative methods or program designs.

3. Procedures

1. Inclusion in by-laws. Procedures for hiring and peer review of Senior Lecturers should be incorporated in the by-laws of the school. Where by-laws have not yet been written, rules for peer review Senior Lecturers should be written independently.

2. Rank and recognition of employment history. The differences between faculty in the ranks of Senior Lecturer I, II, and III should correspond to the differences in academic attainment and achievement in areas relevant to their assigned activities as specified by the faculties of their respective schools. Criteria for this differentiation might include relevant degrees, teaching experience, work, and creative or research experience. In general, Senior Lecturer I is an initial appointment. Senior Lecturer II signifies a record of excellence relevant to their assignments, and Senior Lecturer III should reflect distinguished attainments relevant to their assignments. A person would not normally become eligible for appointment as a Senior Lecturer II until their second three-year review.

3. Faculty voting on appointments. Faculty recommendations for initial appointments or promotions to the level of Senior Lecturer II should be approved by a vote of the tenured faculty of the concerned School or Department, and including those of the rank of Senior Lecturer II and Senior Lecturer III if provided for in the by-laws of the school. Faculty recommendations for initial appointments or promotions to the level of Senior Lecturer III should be approved by a vote of the Full Professors of the concerned School or Department, together with those of the rank of Senior Lecturer III if provided for in the by-laws of the school. Votes should be taken by secret ballot in a meeting of the faculty eligible to vote. Those voting should attest that they have read the report of the ad hoc committee.

4. Hiring. For hiring Senior Lecturers, each School or Department should institute a standing or ad hoc search committee or designate an already existent standing committee as a search committee. If Senior Lecturers are available, when appropriate at least one should be included on the search committee.
5. Teaching Evaluation. Each school should establish or designate a Committee to review and provide advice on Senior Lecturer’s teaching performance. This evaluation may be assigned to the school Committee on Effective Teaching. For this purpose, the Committee should include an appropriate number of senior lecturers, depending on the numbers of Senior Lecturers in the School. A school Committee on Effective Teaching is mandated by POLICY MEMORANDUM 96-III.21-70, which requires in part:

a. A teaching evaluation procedure developed and administered by an independent faculty committee.

b. Written objective standards for evaluating teaching performance. These standards must include student course evaluations, teaching load contributions, diversity of courses covered, course development and administration, and factors such as thesis and dissertation supervision².

c. Procedures for periodic collection of reliable and verifiable information related to teaching performance including periodic classroom visits by designated faculty to supplement information taken from sources such as course syllabi and student course evaluations.

d. Some mechanism for faculty to comment on their evaluations and provide information they feel is pertinent to the teaching evaluation process.

6. Orientation programs and advice. Each School with Senior Lecturers should develop orientation programs and materials for Senior Lecturers and assure that there is some system for ongoing advice. This program should involve both more experienced Senior Lecturers and tenured faculty. If there is a mentoring program, Senior Lecturers should be included as appropriate given their work assignments and numbers in the school. Each school or Department should clearly designate a faculty member or faculty body for each Senior Lecturer to consult with in regard to their academic responsibilities. Senior Lecturers should also consult regularly with school Deans and Associate Deans.

7. Periodic Review. Under Regent’s Rules, the longest contract available to Senior Lecturers is three years (renewable). The practice at UTD is to issue only one-year contracts, but with an expectation of renewal subject to job performance and availability of funds. Like all other faculty, Senior Lecturers are subject to an annual administrative review. For annual administrative reviews, Senior Lecturers will submit annual review documents in the same manner and at the same times as tenure-track and tenured faculty.

² Whether a Senior Lecturer is required to serve on dissertation committees or supervise dissertations will depend upon their terms of employment. It is established university policy, however, that they shall not be precluded from such service simply because of their status as Senior Lecturers. Service on dissertation committees depends wholly on a person’s actual academic qualifications.
8. Senior Lecturers should be reviewed periodically in a process involving tenure-track faculty as well as above-grade Senior Lecturers as appropriate in the school. As with reviews for tenure-track faculty, these reviews should strive for an even consideration of strengths and weaknesses and should attempt to commend performance that is already outstanding as well as give constructive advice where performance can be improved. The weighting of the standards of evaluation should reflect the employment agreement. The interpretation of the standards of evaluation should reflect the interpretations of the School or Department guidelines. The reviews may recommend non-renewal, renewal in grade, renewal at a higher grade, or changes in assignment. If the ad hoc committee recommends promotion from Senior Lecturer I to Senior Lecturer II or Senior Lecturer II to Senior Lecturer III, the recommendation should be accompanied by a vote of the faculty of the unit as in Section 3 above. As feasible, the reviews should be conducted on the following schedule:
   a. First in the first year.
   b. In their third year.
   c. Subsequent reviews every three years thereafter subject to favorable recommendations.

9. All reviews should be complete by March 30 in the years they occur.

10. Non-renewal or dismissal. Each school should provide a way to assure that non-renewals or dismissals will not be arbitrary and will involve consultation by the Dean with the Executive Committee or another faculty body designated in the school by-laws.

4. Review of Files

A Senior Lecturer who will be reviewed by a faculty body under this policy is responsible for preparing the file which will constitute the essential basis for this review. The Review File as submitted by the faculty member to their Dean will include a complete professional vita from the faculty member which covers the areas of assigned responsibility and any additional areas the candidate wishes to have considered. For teaching evaluation, information should include statistical summaries of the teaching evaluation form for each course taught during the previous six regular, long semesters (including transcripts of or original comments by students) as well as information on course content and process, such as copies of syllabi and exams. Upon receipt of the basic Review File from the faculty member, the Office of the Dean will inventory the contents and insert a copy of the inventory in the file.

The designated reviewing committee has the authority and responsibility to add material to the basic Review File, these additions being clearly identified components of the Review File. Possible additions will include items such as the letters from external and internal evaluators for the ad hoc committee's review of teaching performance, and
the ad hoc committee's recommendations. All these additions will be entered on the file inventory sheet.

5. Right to View Files

If a Senior Lecturer under review requests to see his or her file during the review process, the Dean shall make the file available within three working days.

6. Opportunities

Nothing in these guidelines or the school by-laws should be construed as precluding Senior Lecturers from applying and being considered for tenure track positions in the manner established for those positions.
Policy and Procedures for Student Evaluations of Teaching - UTDPP1074

Policy Statement

Preamble

In order to provide faculty members and the University with information on teaching performance, all faculty will be evaluated by students pursuant to these policies and procedures.

Policies

1. The teaching performance of all faculty members is to be reviewed and evaluated by the students in each organized course, using, at a minimum, the procedures described in this document.
2. The reviews and evaluations submitted by the students are the property of the University and, within the limits of law and court decisions, Regents' Rules, administrative procedures, and this policy, are to be made available in a timely manner to the faculty member, to review committees, to administrators, and to other properly constituted functions of the University.

Procedures

1. At or near the end of each organized course, a machine-readable University questionnaire will be distributed to each student in attendance at the evaluation session. The questionnaire, The University of Texas at Dallas Course Evaluation form, may also contain additional course or program-specified questions and essay questions.
2. The Department, Program, or School responsible for the organized course may also request written student comment or response in addition to the required administration of the machine-readable questionnaire.
3. The following minimum standards govern the administration of all teaching evaluations by students:
   1. The instructor shall not be present.
   2. Any questionnaires or other materials are to be distributed, proctored, collected, and returned immediately to the Department, Program, or School office or to another designated office by non-faculty staff or students and not by the course instructor. The
Department Head or Dean will designate a member of the Department staff or School to distribute and collect the evaluation materials.

4. The Department Head or Dean responsible for the organized course shall assure that a period of approximately thirty minutes in a class period within the last two weeks of the semester shall be allocated for the administration of the teaching review.

5. The University shall oversee the computer processing of the data and shall provide appropriate standardized statistical summaries to the administration and to the School Dean, who is responsible for the dissemination of statistical summaries to the individual faculty member and within the School. The faculty member shall not have access to student responses or comments that may identify the student until after the grades for the course have been submitted.

6. The statistical summaries and student comments (transcripts or originals) are to be kept by the School Dean for a minimum of three years, or as long as either the faculty member or the administration deems them valuable, except that for nontenured but tenure-track faculty and instructors all review materials related to teaching evaluations are to be kept until three years after a decision has been made regarding tenure.

Policy History

- Issued: May 1, 1994
- Editorial Amendments: February 2, 1998
- Editorial Amendments: September 1, 2000
- Revised: January 22, 2003
MODEL POLICY FOR DISCLOSURE OF SIGNIFICANT FINANCIAL INTERESTS AND MANAGEMENT AND REPORTING OF FINANCIAL CONFLICTS OF INTEREST IN RESEARCH—ACADEMIC INSTITUTIONS

This policy governs the disclosure of individual significant financial interests and the management and reporting of an individual financial conflict of interest in research performed at this institution of The University of Texas System.

This policy provides requirements for the disclosure of financial interests that comply with the disclosure requirements of federal regulations of the U.S. Department of Health and Human Services (HHS) and the HHS Public Health Service, but this policy is not limited in application to PHS-funded research. Rather, this policy applies broadly to research performed at the institution, without regard to whether the research has external funding and, if externally funded, regardless of the funding source. For this purpose, “research” means any systematic investigation, study, or experiment designed to develop or contribute to generalizable knowledge. The term includes both basic and applied research and product development.

This policy applies in addition to general institutional policies, such as policies on standards of conduct, as well as other policies governing disclosure of activities and financial interests.

If a specific federal law or regulation provides different requirements than this policy, the more stringent requirement applies.

Chapter 1. General Provisions

Section 1.01. Who is Covered: “Covered Individual”

(a) An individual who, regardless of title or position, is responsible for the design, conduct, or reporting of research, including a principal investigator, co-investigator, or project director, must file and update financial disclosure statements under this policy. A person required to file and update financial disclosure statements is referred to in this policy as a “covered individual.”

(b) A student enrolled at the institution who is responsible for the design, conduct, or reporting of research that is not PHS-funded is considered to be a “covered individual” under this policy only if the student has a significant financial interest that appears to be affected by the research or is in an entity whose financial interest appears to be affected by the research. A student who is in doubt about whether the student is a “covered individual” must request a determination by the conflict of interest official appointed under Section 3.01.

Sec. 1.02. Collaborators and Contractors

(a) If research is carried out in cooperation with or through a subrecipient (e.g. a subcontractor, contractor, or collaborator), this institution will enter into a written agreement with the contracting party that provides legally enforceable terms that establish whether this policy or the financial conflicts of interest policy of the contracting party applies to the researchers of the contracting party.
(b) If the policy of the contracting party applies to its researchers, the contracting party must certify that its policy is consistent with the requirements of any applicable federal regulations. If the contracting party cannot so certify, the agreement must state that the researchers are subject to this policy as covered individuals for disclosing significant financial interests that are directly related to the researcher’s work at this institution.

(c) If the policy of the contracting party applies to its researchers, the agreement must specify the time periods for the contracting party to report identified financial conflicts of interest to this institution. The time periods must be sufficient for this institution to make any reports required by federal regulation.

(d) If the policy of this institution applies to the researchers of the contracting party, the agreement must specify the time periods for the researchers to submit a financial interest disclosure statement to this institution. The time periods must be sufficient for this institution to comply with its review, management, and reporting obligations under federal regulation.

**Sec. 1.03. Education**

(a) Each covered individual must acknowledge annually that the individual is aware of and has read this policy and is aware of the covered individual’s responsibilities regarding disclosure of significant financial interests and of applicable federal regulations.

(b) A covered individual must complete training in regard to this policy and applicable policies, regulations, and laws before engaging in research at the institution and at least once every four years thereafter. A covered individual who is new to the institution must complete the training before engaging in research at the institution or provide evidence of having completed the training at another institution of The University of Texas System within the last four years. A covered individual must complete the training immediately if the institution finds that the individual is not in compliance with this policy or the individual’s management plan, or if the institution revises this policy in a manner that affects the individual’s duties.

**Chapter 2. Disclosure of Significant Financial Interests Related to Institutional Responsibilities**

**Sec. 2.01. Extent of Disclosure**

(a) As often as required by Section 2.05, a covered individual shall complete or update a financial interest disclosure statement that:

(1) identifies all research in which the covered individual is engaged at the time of the disclosure; and

(2) discloses, as provided by Section 2.02, each significant financial interest of the individual and covered family members that reasonably appears to be related to the individual’s institutional responsibilities.
(b) “Institutional responsibilities” means any of the professional responsibilities of a covered individual on behalf of the institution, including research, research consultation, teaching, professional practice, institutional committee membership, or service on an institutional panel such as an Institutional Review Board (IRB) or Data and Safety Monitoring Board (DSMB).

(c) In determining whether research or a financial interest should be disclosed, the covered individual should resolve the doubt in favor of disclosure.

Sec. 2.02. Contents of Disclosure: Significant Financial Interests

(a) The following interests are considered to be significant financial interests and, subject to the exclusions provided by Subsection (b) of this section, a covered individual’s disclosure statement must include the following information in regard to the covered individual and covered family members, but only in regard to interests that reasonably appear to be related to the individual’s institutional responsibilities:

(1) Payments received from or equity interest in a publicly traded entity: the total amount and source of payments received in the preceding twelve months from a publicly traded entity and the value of any equity interest held in the entity on the date of disclosure that, when aggregated, exceed $5,000, including:
(A) as to payments received:
   (i) salary; and
   (ii) any payment for services other than salary, such as consulting fees, honoraria, or paid authorship; and
(B) as to equity interests held, any stock, stock options, or other ownership interest or entitlement to such an interest, valued by reference to public prices or other reasonable measures of fair market value;

(2) Payments received from a non-publicly traded entity or equity interest in a non-publicly traded entity:
   (A) the total amount and source of payments received in the preceding twelve months from an entity that is not publicly traded that, when aggregated, exceed $5,000, including
      (i) salary; and
      (ii) any payment for services other than salary, such as consulting fees, honoraria, or paid authorship; and
   (B) a description of any equity interest held in an entity that is not publicly traded, including any stock, stock options, or other ownership interests or entitlement to such an interest;

(3) Intellectual property and royalties:
   (A) a description of intellectual property rights held and any agreements to share in royalties related to those rights; and
   (B) the amount and source of royalty income that the covered individual or covered family member received or had the right to receive in the preceding twelve months;

(4) Travel: reimbursed or sponsored travel in the preceding 12 months, including the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration;
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(5) GIFTS: the value and source of a single gift that the covered individual received in the preceding twelve months that exceeds $250 in value, or multiple gifts from a single entity that in the aggregate exceed $250 in value, other than gifts from a covered family member; and

(6) FIDUCIARY POSITIONS: a fiduciary position the covered individual held in a for-profit or nonprofit entity in the preceding twelve months, including a position as a member of the board of directors, an officer, or other executive or management position, for which the individual received any form of remuneration or reimbursement for expenses, and the name and principal address of the entity.

(b) The following interests are not significant financial interests and need not be disclosed on the disclosure statement:

(1) salary, royalties, or other remuneration paid by the institution to the covered individual, if the covered individual is currently employed or otherwise appointed by the institution;

(2) income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government, an institution of higher education as defined by 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education;

(3) income from service on an advisory committee or review panel for a federal, state, or local government, an institution of higher education as defined by 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education;

(4) income from investment vehicles, such as mutual funds or retirement accounts, as long as the covered individual does not directly control the investment decisions made in those vehicles; or

(5) travel reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education as defined by 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.

(c) In making disclosures under this section, the covered individual shall disclose the value of a significant financial interest within the following ranges:

(1) $0 - $4,999;
(2) $5,000 - $9,999;
(3) $10,000 - $19,999;
(4) amounts between $20,000 - $100,000 by increments of $20,000; or
(5) amounts above $100,000 by increments of $50,000.

(d) When describing a source, the covered individual shall provide the name and principal address for the source.
(e) The covered individual shall distinguish among information pertaining to the covered individual and covered family members whose financial interests and activities are also disclosed by the covered individual.

(f) The conflict of interest official may request further information about a covered individual’s travel, including the monetary value of the travel, in order to determine whether the travel constitutes a financial conflict of interest.

**Sec. 2.03. Disclosure of Financial Interests of Other Persons: Covered Family Member**

(a) For purposes of disclosure under Section 2.02, “covered family member” includes:

1. a spouse;
2. a dependent child or stepchild or other dependent, for purposes of determining federal income tax liability during the period covered by the disclosure statement; and
3. a related or non-related, unmarried adult who resides in the same household as the covered individual and with whom the covered individual is financially interdependent as evidenced, for example, by the maintenance of a joint bank account, mortgage, or investments.

(b) If the covered individual is in doubt about whether an individual is a covered family member, the covered individual should resolve the doubt in favor of disclosure.

(c) In disclosing financial interests, the interest of any legal entity, including a foundation or a trust that is controlled or directed by the individual or by the individual and covered family members, is considered to be the interest of the covered individual or covered family member as if the separate legal entity did not exist.

**Sec. 2.04. Text of Documentation to be Provided on Request**

If a covered individual discloses payments, intellectual property interests, or royalties, the covered individual must permit review of any related agreement, contract, offer letter, or other documentation on request of:

1. the president of the institution;
2. the conflict of interest official; or
3. any other person or entity with administrative responsibility in regard to reviewing financial interest disclosure statements or approving a related management plan.

**Sec. 2.05. When to Disclose; Period Covered by Statement**

(a) A covered individual shall submit or update a financial interest disclosure statement:

1. not later than the 30th day of initial employment, covering the 12 months preceding the date of disclosure;
2. annually not later than March 1; and
(3) not later than the 30th day after acquiring a new financial interest that requires disclosure under Section 2.02, such as receiving payments, an equity interest, intellectual property rights, or royalties that would require disclosure on an annual financial interest disclosure statement.

(b) A covered individual who is planning to participate in a PHS-funded research project shall submit a financial interest disclosure statement not later than the time of application for PHS-funded research, except that an individual who is new to the institution and who is planning to participate in an on-going PHS-funded research project shall submit the statement not later than the 30th day after acquiring a new financial interest that requires disclosure under Section 2.02, such as receiving payments, an equity interest, intellectual property rights, or royalties that would require disclosure on an annual financial interest disclosure statement.

(c) The president of the institution or the conflict of interest official may require a covered individual to submit additional disclosures.

Chapter 3. Conflict of Interest Official; Disclosure Statement Review

Section 3.01. Conflict of Interest Official

The president or his or her designee shall appoint a conflict of interest official to perform the duties required by this policy and other duties as assigned by the president.

Sec. 3.02. Disclosure Statement Review; Determination of Financial Conflict of Interest

(a) The appropriate conflict of interest official shall review each financial interest disclosure statement and make two determinations:

(1) whether any significant financial interest disclosed is related to research in which the covered individual is engaged; and

(2) if so, whether a financial conflict of interest exists.

(b) A significant financial interest is related to research in which the covered individual is engaged if the conflict of interest official reasonably determines that the financial interest appears to be affected by the research or is in an entity whose financial interest appears to be affected by the research.

(c) A financial conflict of interest exists when the conflict of interest official reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of the research.

Sec. 3.03. No Expenditure of Funds Prior to Review and Determination

Neither the institution nor a covered individual may expend research funds unless the conflict of interest official has determined that no financial conflict of interest exists or that any financial conflict of interest is manageable in accordance with the terms of a management plan that has been adopted and implemented in accordance with Chapter 4 of this policy.
Sec. 3.04. Cooperation with Institutional Committees

The conflict of interest official and the appropriate IRB, IACUC, IBC, and other relevant committees shall cooperate in the consideration of whether a covered individual has a financial conflict of interest in regard to research and in the development and implementation of a management plan for that conflict of interest.

Chapter 4. Management of Financial Conflict of Interest

Sec. 4.01. Management Required for Financial Conflicts of Interest

(a) If the conflict of interest official determines that a covered individual has a financial conflict of interest, the official, in cooperation with the covered individual and other appropriate individuals designated by the conflict of interest official, shall develop a management plan governing that conflict of interest.

(b) If research is ongoing and a new covered individual discloses a significant financial interest related to that research or any other covered individual discloses a new significant financial interest related to that research, the conflict of interest official shall, not later than the 60th day after the filing of the disclosure statement:
   (1) review the disclosure statement to determine if a financial conflict of interest exists; and
   (2) if a financial conflict of interest exists, implement an interim management plan or implement other interim measures to ensure the objectivity of the research.

(c) If the conflict of interest official learns of a significant financial interest that was not timely disclosed or was not timely reviewed, the conflict of interest official shall, not later than the 60th day after learning of the interest:
   (1) determine whether the significant financial interest is a financial conflict of interest; and
   (2) if a financial conflict of interest exists, implement an interim management plan or implement other interim measures to ensure the objectivity of the research going forward.

(d) In addition, if a financial conflict of interest was not timely identified or managed, or if a covered individual fails to comply with a management plan, the conflict of interest official shall, not later than the 120th day after determining noncompliance:
   (1) complete and document a retrospective review and determination as to whether research conducted during the period of noncompliance was biased in the design, conduct, or reporting of the research; and
   (2) implement any measures necessary with regard to the covered individual’s participation in the research between the date that the noncompliance is identified and the date the retrospective review is completed.

(e) For PHS-covered research projects, the retrospective review shall cover key elements as specified by federal regulations and may result in updating the Financial Conflict of Interest Report, notifying the PHS, and submitting a mitigation report as required by federal regulation.
Sec. 4.02. Management Plan Design and Agreement

(a) A management plan may impose conditions and prescribe actions necessary to manage a financial conflict of interest, including an action reducing or eliminating the financial conflict of interest, to ensure that the design, conduct, or reporting of the research is free from bias or the appearance of bias. Examples of conditions or actions that may be prescribed include:

1. public disclosure of the conflict of interest in presentations and publications;
2. for human subjects research, direct disclosure of the conflict of interest to research participants;
3. appointment of an independent monitor with authority to take measures to protect the design, conduct, and reporting of research against bias, or the appearance of bias, resulting from the conflict of interest;
4. modification of the research plan;
5. change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research;
6. divestiture or reduction of the financial interest; or
7. severance of relationships that create an actual or potential financial conflict of interest.

(b) A management plan must be in the form of a written agreement and must:
1. provide that the covered individual acknowledges receipt of the plan and understands the requirements of this policy and understands and agrees to comply with the required actions and other terms of the plan, including the time frames for required actions; and
2. clearly identify each specific person responsible for monitoring compliance with the management plan.

Sec. 4.03. Monitoring and Compliance

Each person conducting research under a management plan shall comply fully and promptly with the plan, and each person identified in the management plan as having responsibility for monitoring compliance with the plan shall carefully and fully monitor that compliance.

Chapter 5. Web Posting of Financial Conflict of Interest Information

Sec. 5.01. Posting of this Policy

This policy and each update of this policy must be publicly accessible through the Internet.

[OPTION A – Sec. 5.02]

Sec. 5.02. Posting of Information Regarding Specific Financial Conflicts of Interest

(a) For each financial conflict of interest that is found to exist by the conflict of interest official, the institution will make the following information available to the public through the Internet in regard to each covered individual who contributes to the scientific development or execution of
the research project in a substantive, measureable way, including a covered individual who is the
project director or principal investigator:
   (1) the covered individual’s name;
   (2) the covered individual’s title and role with respect to the research;
   (3) the name of the entity in which the significant financial interest is held;
   (4) the nature of the significant financial interest that constitutes a financial conflict of
   interest; and
   (5) the approximate value of the significant financial interest by range or, if the dollar
   value cannot be determined by reference to public prices or other reasonable measures of fair
   market value, a statement to that effect.

(b) The approximate dollar value of the significant financial interest shall be provided within the
following ranges if it can determined by reference to public prices or other reasonable measures of fair
market value:
   (A) $0 - $4,999;
   (B) $5,000 - $9,999;
   (C) $10,000 - $19,999;
   (D) amounts between $20,000 - $100,000 by increments of $20,000; or
   (E) amounts above $100,000 by increments of $50,000.

(c) The institution will update the information required by this section annually. In addition, for
any financial conflict of interest of a covered individual whose information must be posted under
this section and for which the information was not previously posted, the institution will make
the information required by this section available not later than the 60th day after the financial
conflict of interest is identified.

(d) The website on which the information is posted must note that the information is current as
of the date listed and is subject to updates.

(e) The information required by this section must remain available on the Internet for three years
after its most recent update.

(f) For PHS-funded research, in regard to project directors, principal investigators, and other
senior or key personnel, this information must be available through the Internet before expending
PHS funds.

[OPTION B – Secs. 5.02 and 5.03]

Sec. 5.02. Posting of Information Regarding Specific Financial Conflicts of Interest in
Research Funded by PHS

(a) For each financial conflict of interest in PHS-funded research that is found to exist by the
conflict of interest official, the institution will make the following information available to the
public through the Internet in regard to each covered individual who contributes to the scientific
development or execution of the research project in a substantive, measureable way, including a
covered individual who is the project director or principal investigator:
   (1) the covered individual’s name;
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(2) the covered individual’s title and role with respect to the research;
(3) the name of the entity in which the significant financial interest is held;
(4) the nature of the significant financial interest that constitutes a financial conflict of interest; and
(5) the approximate value of the significant financial interest by range or, if the dollar value cannot be determined by reference to public prices or other reasonable measures of fair market value, a statement to that effect.

(b) The approximate dollar value of the significant financial interest shall be provided within the following ranges if it can determined by reference to public prices or other reasonable measures of fair market value:
   (A) $0 - $4,999;
   (B) $5,000 - $9,999;
   (C) $10,000 - $19,999;
   (D) amounts between $20,000 - $100,000 by increments of $20,000; or
   (E) amounts above $100,000 by increments of $50,000.

(c) The institution will update the information required by this section annually. In addition, for any financial conflict of interest of a covered individual whose information must be posted under this section and for which the information was not previously posted, the institution will make the information required by this section available not later than the 60th day after the financial conflict of interest is identified.

(d) The website on which the information is posted must note that the information is current as of the date listed and is subject to updates.

(e) The information required by this section must remain available on the Internet for three years after its most recent update.

(f) For PHS-funded research, in regard to project directors, principal investigators, and other senior or key personnel, this information must be available through the Internet before expending PHS funds.

Sec. 5.03. Availability of Information Regarding Specific Financial Conflicts of Interest in Research Not Funded by PHS

(a) For each financial conflict of interest in research not funded by PHS that is found to exist by the conflict of interest official, the institution will centrally retain and make the following information available to the public, upon request under the Texas Public Information Act (Chapter 552, Government Code), in regard to each covered individual who contributes to the scientific development or execution of the research project in a substantive, measureable way, including a covered individual who is the project director or principal investigator:
   (1) the covered individual’s name;
   (2) the covered individual’s title and role with respect to the research;
   (3) the name of the entity in which the significant financial interest is held;
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(4) the nature of the significant financial interest that constitutes a financial conflict of interest; and

(5) the approximate value of the significant financial interest by range or, if the dollar value cannot be determined by reference to public prices or other reasonable measures of fair market value, a statement to that effect.

(b) The approximate dollar value of the significant financial interest shall be provided within the following ranges if it can determined by reference to public prices or other reasonable measures of fair market value:

(A) $0 - $4,999;
(B) $5,000 - $9,999;
(C) $10,000 - $19,999;
(D) amounts between $20,000 - $100,000 by increments of $20,000; or
(E) amounts above $100,000 by increments of $50,000.

(c) The institution will update the information required by this section annually. In addition, for any financial conflict of interest of a covered individual whose information must be available under this section and for which the information was not previously available, the institution will make the information required by this section available after the financial conflict of interest is identified in accordance with the deadlines provided by the Texas Public Information Act.

(d) The information required by this section must remain available for three years after its most recent update.

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Chapter 6. Certification and Reports to PHS

Sec. 6.01. Certification and Report Required

Federal regulations require that each application for funding to the PHS include specific certifications and agreements in regard to this policy and financial conflicts of interest. Federal regulations also require that the institution make the reports required by this policy for PHS-funded research.

Sec. 6.02. Financial Conflict of Interest Report

Before the expenditure of any funds under a PHS-funded research project, the appropriate institutional officials will make the Financial Conflict of Interest Report to the PHS awarding component in compliance with 42 CFR Part 50, Subpart F, and 45 CFR Part 94. In general, those regulations require a Financial Conflict of Interest Report regarding those interests that the institution determines are financial conflicts of interest, including financial conflicts of interest of sub-recipients. The reporting will include specified information sufficient to enable the awarding component to understand the nature and extent of the financial conflict and to assess the appropriateness of the management plan related to the conflict of interest. The federal regulations require reporting within a specified period of financial conflicts of interest identified.
subsequent to an earlier report and require annual updating of reports regarding previously disclosed financial conflicts of interest.

Chapter 7. Enforcement

Section 7.01. Disclosure is a Condition of Employment or Relationship to Institution

(a) Timely, complete, and accurate disclosure of activities and financial interests consistent with this policy is a condition of employment at the institution, and a covered individual who does not comply with this policy is subject to discipline, including termination of employment.

(b) For a covered individual who is not an employee of the institution, compliance with this policy is a condition of participating with the institution in the capacity that qualifies the person as a covered individual. The institution may require the individual to execute a document certifying that the individual knows that compliance with this policy is a condition of participation.

Sec. 7.02. Federal Enforcement

(a) Federal regulations, 42 CFR Part 50, Subpart F, and 45 CFR Part 94, require the institution to notify the PHS of instances in which the failure of a covered individual to comply with this policy or a management plan appears to have biased the design, conduct, or reporting of PHS-funded research. The PHS awarding component may take enforcement action or require the institution to take action appropriate to maintaining objectivity in the research. The institution must make information available to HHS or the PHS awarding component as required by federal regulation.

(b) If the HHS determines clinical research funded by PHS to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by a covered individual with a financial conflict of interest that was not managed or reported by the institution as required by federal regulation, the institution will require the covered individual involved to disclose the financial conflict of interest in each public presentation of the results of the research and to request an addendum to previously published presentations.

Chapter 8. Administration of Conflicts Policies; Records

Sec. 8.01. Oversight and Authority

The president or his or her designee shall appoint a conflict of interest official who is responsible for overseeing implementation of this policy and who may provide additional procedures and supplementary forms, as appropriate, consistent with this policy and applicable sponsor regulations.

Sec. 8.02. Records

(a) Records regarding the disclosure of financial interests and the management of a conflict of interest, including financial interest disclosure statements, a reviewing official's determinations,
and other records of institutional actions, shall be retained for the longer of at least three years after:

(1) the date of creation;

(2) the date of termination or completion of a research award or contract, or the submission of the final expenditures report, for research identified in a disclosure statement; or

(3) the date of final resolution of any investigation, audit, or similar action involving the records.

(b) The institution will provide for a centralized repository for financial interest disclosure statements, management plans, and related records.

(e) The conflict of interest official, or another person designated by the president, shall provide the chancellor of The University of Texas System with copies of all guidelines, procedures, and forms used by the institution relating to financial conflicts of interest and shall ensure that the chancellor receives copies of any revised guidelines, procedures, and forms simultaneously with the implementation of the revision.

**Sec. 8.03. Audits**

The institution will provide for regular audits of financial interest disclosure statements to determine individual and institutional compliance with this policy.
1. Title

Disclosure of Significant Financial Interests and Management and Reporting of Financial Conflicts of Interest in Research - Health Academic Institutions

2. Policy

Sec. 1 Applicability. This policy applies to all University of Texas System Health Academic institutions. It is intended to promote objectivity in research by requiring those institutions to establish standards that provide a reasonable expectation that the design, conduct, and reporting of research is free from bias resulting from researcher financial conflicts of interest. It applies to externally funded research, regardless of the funding source, as well as to research that does not have external funding.

Sec. 2 Federal Regulations. This policy implements federal requirements pertaining to objectivity in research adopted by the Public Health Service of the U.S. Department of Health and Human Services, as well as those adopted by the National Science Foundation (42 CFR Part 50, Subpart F; 45 CFR Part 94; National Science Foundation Grant Policy Manual Section 510). However, this policy requires U. T. System Health Academic institutions to adopt standards for the disclosure, management, and reporting of individual financial conflicts of interest in research that go beyond the requirements of the federal regulations.

Sec. 3 Model Policy. Each U. T. System Health Academic institution must adopt a policy for the disclosure, management, and reporting of individual financial conflicts of interest in research. To satisfy this requirement, the institution may, but is not required to, adopt the model policy provided under Item 5 of this policy. If adopting the model policy, the institution may conform the organization and arrangement to those typical for the institution.

Sec. 4 Adoption of Policy Other than Model Policy. If the Health Academic institution does not adopt the model policy provided under Item 5, the institution must adopt a policy that is at least as stringent as the federal regulations adopted by the Public Health Service of the U.S. Department of Health and Human Services pertaining to objectivity in research (42 CFR Part 50, Subpart F; 45 CFR Part 94). In addition, the institution’s policy must be substantially similar to the model policy and specifically must:
4.1 apply to research that has external funding, regardless of the funding source, as well as to research that does not have external funding;

4.2 require the disclosure of significant financial interests in a manner that is at least as stringent as the disclosure requirements provided by Chapter 2 of the model policy; and

4.3 require the posting on the Internet of financial conflicts of interest in a manner that is at least as stringent as the requirements of Chapter 5 of the model policy.

Sec. 5 Institutional Requirements. Each health academic institution must:

5.1 include the policy in its Handbook of Operating Procedures;

5.2 amend the policy as necessary to comply with the federal regulations referenced in Section 2; and

5.3 post the up-to-date policy on a publicly accessible website.

Sec. 6 Administration and Enforcement. Each health academic institution must administer and enforce the policy.

Sec. 7 Initial Implementation. Each U.T. System health academic institution must adopt its policy for the disclosure, management, and reporting of individual financial conflicts of interest in research as required by this policy as soon as possible, but the policy must be implemented beginning not later than December 31, [DATE], with appropriate transitional provisions for research that is in progress on the effective date of the institutional policy.

3. Definitions

None

4. Relevant Federal and State Statutes

42 CFR Part 50, Subpart F

45 CFR Part 94

National Science Foundation Grant Policy Manual Section 510

Section 51.912, Texas Education Code
Chapter 572, *Texas Government Code*

5. **Relevant System Policies, Procedures, and Forms**

   - Rule 30104, Regents’ *Rules and Regulations*
   - Series 90000, Regents’ *Rules and Regulations*
   - Model Policy for Disclosure of Significant Financial Interests and Management and Reporting of Financial Conflicts of Interest in Research - Health Academic Institutions

6. **Who Should Know**

   All U.T. System health academic institutions

7. **System Administration Office(s) Responsible for Policy**

   Office of Health Academic Affairs
   Office of General Counsel

8. **Dates Approved or Amended**

   - June 23, 2010
   - Amended September x, 2011
   - [DATE]

9. **Contact Information**

   Questions or comments about this policy should be directed to:

   - bor@utsystem.edu
Issuance of the Final Rule - Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and Responsible Prospective Contractors

Notice Number: NOT-OD-11-109

Update: The following update relating to this announcement has been issued:


Key Dates
Release Date: August 22, 2011

Issued by
National Institutes of Health (NIH), Office of Extramural Research

Purpose

The U.S. Department of Health and Human Services (HHS) is issuing a final rule in the Federal Register (http://www.gpo.gov/fdsys/pkg/FR-2011-08-25/pdf/2011-21633.pdf) that amends the Public Health Service (PHS) regulations on 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). The final rule specifies compliance dates in the "Dates" section, as discussed further below.

Background

Since the promulgation of these regulations in 1995, the growing complexity of biomedical and behavioral research; the increased interaction among Government, research institutions, and the private sector in attaining common public health goals while meeting public expectations for research integrity; as well as increased public scrutiny, all have raised questions as to whether a more rigorous approach to Investigator disclosure, institutional management of financial conflicts, and federal oversight is required. The HHS decided to explore the need for revisions to the 1995 regulations by publishing an Advance Notice of Proposed Rulemaking on May 8, 2009 (74 FR 21610).

After analyzing public comments, HHS published a Notice of Proposed Rulemaking (75 FR 28688, hereafter referred to as "NPRM") on May 21, 2010, proposing changes to the 1995 regulations to strengthen accountability and transparency. The proposed changes focused on Investigators' disclosure requirements of significant financial interests (SFIs), Institutions' reporting and management of identified financial conflicts of interest (FCOI), and public disclosure of information regarding Investigator FCOI.

On July 21, 2010, HHS published a Notice (75 FR 42362) extending the 60 day comment period for the NPRM by another 30 days and seeking comment on whether HHS should clarify its authority to enforce compliance with the regulations by Institutions and Investigators, and whether HHS should clarify how the regulations apply in circumstances in which an Investigator or a PHS-funded research project transfers from one Institution to another.

After considering all public comments, and consistent with the proposals articulated in the NPRM, HHS developed the final rule, which includes the following major changes to the 1995 regulations:

<table>
<thead>
<tr>
<th>Topic</th>
<th>1995 Regulations</th>
<th>2011 Final Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Financial Interests (SFI) threshold</td>
<td>De minimis threshold of $10,000 for disclosure generally applies to payments or equity interests</td>
<td>De minimis threshold of $5,000 for disclosure generally applies to payments for services and/or equity interests</td>
</tr>
<tr>
<td>Which SFIs need to be disclosed (once the threshold is met)</td>
<td>Only those SFI the Investigator deems related to the PHS-funded research.</td>
<td>All SFI related to the Investigator’s institutional responsibilities.</td>
</tr>
<tr>
<td>Excluded from disclosure requirement</td>
<td>Income from seminars, lectures, or teaching, and service on advisory committees or review panels, for public or nonprofit entities</td>
<td>Income from seminars, lectures, or teaching engagements sponsored by and service on advisory 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.</td>
</tr>
<tr>
<td>Types of SFI excluded</td>
<td>All forms of remuneration are included – specific questions such as mutual funds and blind trusts are addressed in FAQ on the NIH website.</td>
<td>Excludes 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.</td>
</tr>
<tr>
<td>Travel reimbursements and sponsored travel</td>
<td>Travel reimbursement is not mentioned explicitly in the regulations but is not excluded from the SFI definition.</td>
<td>Disclose the occurrence of any reimbursed travel or sponsored travel related to Institutional responsibilities (including purpose of trip, sponsor/organizer, destination, and duration). NOT required to disclose 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. The Institution will determine if any travel requires further investigation, including determination or disclosure of the monetary value.</td>
</tr>
<tr>
<td>Information on an identified Financial Conflict of Interest (FCOI) reported by the Institution to the PHS Awarding Component</td>
<td>Grant/Contract number Project Director/Principal Investigator (PD/PI) or Contact PD/PI Name of Investigator with FCOI Whether FCOI was managed, reduced, or eliminated</td>
<td>INITIAL REPORT Requirements in 1995 regulations, plus: Name of the entity with which the Investigator has a FCOI Nature of FCOI, e.g., equity, consulting fees, travel reimbursement, honoraria Value of the financial interest $0-4,999; $5K-9,999; $10K-19,999; amts between $20K-$100K by increments of $20K; amts above $100K by increments of $50K or statement that a value cannot be readily determined. A description how the financial interest</td>
</tr>
</tbody>
</table>
relates to PHS-funded research and the basis for the Institution’s determination that the financial interest conflicts with such research

Key elements of the Institution’s management plan

ANNUAL REPORT
status of the FCOI
changes to the management plan

<table>
<thead>
<tr>
<th>Subrecipient Institutions/Investigators and Reporting of identified FCOIs</th>
<th>Institutions must take reasonable steps to ensure that Investigators working for subs comply with the regulations by requiring those Investigators to comply with the Institution’s policy or by requiring the entities to provide assurances to the Institution that will enable the Institution to comply with the regulations.</th>
<th>Incorporate as part of a written agreement terms that establish whether the FCOI policy of the awardee Institution or that of the subrecipient will apply to subrecipient Investigators and include time periods to meet disclosure and/or FCOI reporting requirements. Subrecipient Institutions who rely on their FCOI policy must report identified FCOIs to the awardee Institution in sufficient time to allow the awardee Institution to report the FCOI to the PHS Awarding Component (e.g., NIH through the eRA Commons FCOI Module) to meet reporting obligations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Accessibility</td>
<td>No requirement</td>
<td>Make information available concerning identified FCOIs held by senior/key personnel via a publicly accessible Web site or by a written response to any requestor within five business days of a request, and update such information as specified in the rule. This information will include at a minimum the Investigator’s name; the Investigator’s title and role with respect to the research project; the name of the entity in which the SFI is held; the nature of the SFI; and the approximate dollar value of the SFI, 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.</td>
</tr>
<tr>
<td>FCOI training</td>
<td>No requirement</td>
<td>Each Investigator must complete training prior to engaging in research related to any PHS-funded grant or contract and at least every four years, and immediately under the designated circumstances: institutional FCOI policies change in a manner that affects Investigator requirements an Investigator is new to an Institution an Institution finds an Investigator noncompliant with Institution’s FCOI policy or management plan.</td>
</tr>
</tbody>
</table>
### Retrospective Review

("Mitigation plan," discussed in NPRM)

| Institution is required to conduct a retrospective review in those cases of non-compliance with the regulations. The Institution will be required to notify the PHS Awarding Component promptly and submit a report to the PHS Awarding Component in cases where bias is found. The report will address the impact of the bias on the research project and the actions the Institution has taken, or will take, to eliminate or mitigate the effect of the bias. |

| Compliance Dates: |

An Institution applying for or receiving PHS funding from a grant, cooperative agreement, or contract that is covered by the final rule must be in full compliance with all of the revised regulatory requirements:

- No later than 365 calendar days after the date of publication in the Federal Register, i.e. August 24, 2011; and
- Immediately upon making its institutional Financial Conflict of Interest (FCOI) policy publicly accessible as described in the final rule.

In the interim, Institutions should continue to comply with the 1995 regulations and report Investigator FCOIs to the Public Health Service (PHS) Awarding Component as required in the 1995 regulations.

NIH grant and cooperative agreement award recipients should continue to submit FCOI reports using the electronic Research Administration (eRA) Commons FCOI Module. Once the institution is required to be in full compliance with the regulatory requirements, the additional reporting requirements must be met. Therefore, if the eRA Commons FCOI Module is not updated by the time this occurs, the FCOI report should include an attachment that addresses the minimum elements of the FCOI report as provided in 42 CFR 50.605(b)(3).

### Inquiries

Please direct all inquiries to:

Office of Policy for Extramural Research Administration  
Division of Grants Compliance and Oversight  
6701 Rockledge Drive MSC 7974  
Bethesda, MD 20892-7974  
Voice: (301) 435-0938  
Fax: (301) 435-3059

or

FCOICompliance@mail.nih.gov

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**Weekly TOC for this Announcement**  
**NIH Funding Opportunities and Notices**

Note: For help accessing PDF, RTF, MS Word, Excel, PowerPoint, Audio or Video files, see Help Downloading Files.