



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

December 1, 2023

Utah State University – Conflicts of Interest Policy

Utah State University seeks Utah Board of Higher Education approval of USU Policy 545, *Individual Conflicts of Interest*, as authorized under the Utah Prudent Management of Institutional Funds Act. Under that Act, higher education institutions are required to comply with the Board of Higher Education's conflict of interest requirements unless the Board approves a conflict of interest policy that has been adopted by the institution's board of trustees. [Utah Code 51-8-303\(2\)\(b\)](#). The USU Board of Trustees adopted USU Policy 545 on May 4, 2022.

Commissioner's Recommendation

The Commissioner recommends the Board approve USU Policy 545, *Individual Conflicts of Interest*.

Attachment



VIA EMAIL ONLY

November 8, 2023

Commissioner Geoffrey Landward
Utah System of Higher Education
60 South 400 West
Salt Lake City, UT 84101
glandward@ushe.edu

RE: Request for Approval of USU Policy 545: Individual Conflicts of Interest

Dear Commissioner Landward,

In conformance with the Utah Prudent Management of Institutional Funds Act (UPMIFA),¹ Utah State University (USU) requests that the Utah Board of Higher Education (UBHE) approve USU Policy 545: Individual Conflicts of Interest and asks for your assistance in submitting this matter to the UBHE for its consideration. In support of this request, I have enclosed (1) a copy of USU Policy 545 and (2) the agenda, relevant attachments, and minutes for USU's Board of Trustees May 4, 2022 meeting, during which the policy was presented to the USU Board of Trustees and the USU Board of Trustees approved the retirement of USU's prior conflict of interest policy, USU Policy 307.

USU Policy 545 reflects a significant revision and update of USU's Conflict of Interest Policy. Importantly, the revised policy and its associated procedures ensure USU's compliance with the Utah Public Officers' and Employees' Ethics Act, as well as federal guidelines for maintaining Objectivity in Research. USU Policy 545 was developed by a working group at USU led by the Office of General Counsel and supported by University Ethics and Compliance, which is the compliance owner for managing conflicts of interest at USU.

We appreciate your assistance in submitting USU Policy 545 to the UBHE for approval and look forward to your confirmation that USU's Policy 545 has been accepted in lieu of the UBHE's conflict of interest requirements.

Very best regards,

Mica McKinney
Vice President, Legal Affairs

Encl: USU Policy 545: Individual Conflicts of Interest
Agenda and Minutes for the May 4, 2022 USU Board of Trustees Meeting

cc: Alison A. Adams, USHE, General Counsel
Russ Price, USU, Chief Compliance Officer

¹ See Utah Code section 51-8-303(2)(b) ("A higher education institution and its employees shall comply with the Utah Board of Higher Education's conflict of interest requirements unless the Utah Board of Higher Education approves the conflict of interest policy that has been adopted by the higher education institution's board of trustees.").

University Policy 545: Individual Conflicts of Interest

Category: Operating Policies

Subcategory: General

Covered Individuals: All Employees, Trustees, Researchers, and Volunteers

Responsible Executive: Vice President for Legal Affairs

Policy Custodian: Chief Compliance Officer

Last Revised: 2022/06/24

Previous USU Policy Number: 307

545.1 PURPOSE AND SCOPE

Utah State University (“USU”) is committed to a culture and environment where its community members are encouraged and obligated to carry out their duties and responsibilities in a transparent, objective, lawful, and ethical manner. This culture and environment are intended to protect the integrity and reputation of, and the public trust in, both the institution as a whole and its individual community members. As USU community members seek to accomplish USU’s mission, individual conflicts of interest may arise. If left unidentified or unmanaged, conflicts of interest can influence, or appear to influence, the performance of professional duties or professional judgment and objectivity.

This Individual Conflict of Interest Policy (“Policy”) establishes principles and an operating framework for the disclosure of relevant relationships and outside interests of individuals and the avoidance and/or management of identified individual conflicts of interest. Proper management of individual conflicts of interest facilitates USU’s compliance with the requirements of state and federal law and of third parties with whom USU has a contractual relationship.

This Policy governs conflicts of interest for all [Employees](#), [Benefited Employees](#), [Trustees](#), and [Researchers](#), as defined herein. This Policy contemplates the use and maintenance of appropriate procedures, forms, and practices to seek disclosures, assess potential conflicts, and deploy appropriate management planning or other appropriate steps. This Policy and its associated procedures are intended to comply with, and implement, the requirements of applicable federal laws and regulations (particularly 42 C.F.R. pt. 50 and 45 C.F.R. pt. 94 for Public Health Service-funded research and PAPPG, Chapter IX.A for National Science Foundation-funded research) and the requirements of all applicable state laws (particularly Utah Public Officers’ and Employee’s Ethics Act, Utah Code 67-16). This Policy will be construed in accordance with such regulations and laws and shall be deemed to include any requirements imposed by such regulations and laws that are not otherwise expressly set forth in this Policy and its associated procedures.

545.2 POLICY

2.1 Conflicts of Interest

An individual conflict of interest refers to a situation in which an individual’s financial, professional, or other personal considerations or interests may directly or indirectly affect an individual’s professional judgment in exercising any professional duty or responsibility, including the design, conduct, and/or reporting of research. The following categories of individual conflicts of interest are addressed in this Policy: (1) financial conflicts of interest, and (2) conflicts of commitment.

2.1.1 Financial Conflicts of Interest. An individual financial conflict of interest (“FCOI”) arises when the personal financial interests of a person conflict with their professional University-assigned responsibilities. An FCOI would exist when a person stands to benefit from a transaction directly or indirectly where USU is a party, and that person has decision-making authority over or influence of the terms of the transaction. Indirect benefits include, for example, benefits realized by a spouse, dependent child, family member, or close personal relation of the person. Common types of FCOIs include transactions between USU or USU students and an entity in which a covered individual has a financial interest, acceptance of a gift from a client or similar type of person, or the use of USU’s confidential or proprietary information for personal financial benefit.

2.1.2 Conflicts of Commitment. An individual conflict of commitment, also referred to as a conflict of allegiance, arises when a person’s distribution of time and effort between their professional duties conflicts with their responsibilities resulting from other commitments. Employees must dedicate sufficient time and effort to fulfill their assigned duties and responsibilities in a professional and competent manner. Benefited Employees owe their primary professional allegiance and commitment to USU toward the fulfillment of their assigned duties and responsibilities. Outside commitments that might result in a conflict of commitment include, for example, a second job, owning and/or operating a private business, professional and other responsibilities that are outside of the core scope of an Employee’s responsibility, consulting arrangements, or other commitments that interrupt the fulfillment of a person’s professional duties at USU. Procedure 545-PR1, “Disclosing Outside Interests,” provides additional guidance concerning conflicts of commitment.

2.2 Disclosures

2.2.1 Required Disclosures. To ensure proper evaluation, monitoring, and management of individual conflicts of interest, Trustees, Employees, and Researchers, and Trustees must disclose certain financial, professional, or other personal considerations or interests. Such individuals must make these disclosures by completing and submitting a USU-approved conflict-of-interest disclosure form. Such disclosure forms include a series of questions designed to identify outside interests (including those of close relatives and household members) and may be delivered and collected through physical or electronic means. Disclosures will be collected, reviewed, and assessed for potential and actual conflicts of interest per the applicable procedures established by USU and in effect at the time of the review. For further information see Procedure 545-PR1, “Disclosing Outside Interests.” For information about USU’s practices for identifying outside interests that give rise to a conflict of interest that must be managed, see Procedure 545-PR2, “Outside Interest Assessment and Conflict of Interest Determinations.” Further information regarding the requirement to disclose foreign interests as required by federal agencies is available in Procedure 545PR4, “Disclosing Foreign Interests.”

2.2.2 Disclosure Schedule. Disclosures in keeping with Section 2.2.1 must be submitted by the following persons as follows:

- (1) Benefited Employees- upon hire, annually thereafter, and as prescribed in applicable procedures.
- (2) Researchers- upon hire or inclusion in an externally funded project, annually thereafter, and as prescribed in applicable procedures.
- (3) Employees who are not Benefited Employees and other Agents- as prescribed by applicable procedures.
- (4) Trustees- upon appointment, annually thereafter, and as prescribed in applicable governing documents.

Benefited Employees, Researchers, and Trustees must update and keep current their disclosures to include previously undisclosed outside interests as they arise. Interests that may prompt an updated disclosure include, for example, when (a) a person or a person’s family member becomes involved in or purchases a business that has had or could have business dealings with USU; (b) an Employee is promoted to a new position or assumes new decision-making responsibilities at USU that conflict with outside interests; (c) an Employee’s expected time at or obligations to work are affected by new outside

interests; (d) circumstances relating to a person's responsibilities or influence are changed because of actions taken or decisions made by USU, its administrators, or other third parties; or (e) an Employee undertakes a consulting arrangement pursuant to Policy #377, "Consulting Service."

2.3 Managing Conflicts of Interest

Identified conflicts of interest must be either eliminated or otherwise appropriately evaluated, monitored, and managed. A conflict-of-interest management plan is a written document that outlines the allocation of responsibilities between (i) the person with the conflicting interest(s), their department, and their supervisor or (ii) a Trustee and USU as an institution. Conflict-of-interest management plans must be maintained and complied with until the identified conflict of interest no longer exists. Instructions to persons that will have responsibility for developing a conflict-of-interest management plan will be provided to the affected discloser, the responsible supervisor, the responsible department head or center director (if different from the supervisor) and the responsible dean or vice president, as set forth in 545-PR2, "Outside Interest Assessment and Conflict of Interest Determinations." USU prohibits certain activities and transactions where conflicts of interest are inherently unmanageable or prohibited by applicable state and federal law and other applicable USU policies or related procedures. Prohibitions arising from the "Utah Public Officers' and Employees' Ethics Act" are addressed in Procedure 545-PR3, "Prohibition of Certain Activities under Utah Law."

2.4 Non-compliance

2.4.1 Non-compliance for Employees. An Employee's failure to fulfill the applicable responsibilities set forth in Section 3.1 may result in a notation of such failure in performance reviews, removal or reassignment of job responsibilities, corrective and/or disciplinary action up to and including termination, and criminal or civil prosecution under applicable state or federal law.

2.4.2 Non-compliance for Researchers. A Researcher's failure to fulfill the responsibilities set forth in Section 3.2 may result in modification of awards, disclosures to awarding entities, exclusion from the performance of research, and/or other appropriate action warranted under an associated research contract, law, regulation, and/or policy.

2.4.3 Non-compliance for Trustees. A Trustee's failure to fulfill the responsibilities set forth in Section 3.6 may result in reporting the Trustee to the Governor's Office, other responsible administrative authorities, and/or criminal or civil prosecution under applicable state or federal law.

2.4.4 Non-compliance for Volunteers. A Volunteer's failure to fulfill the responsibilities set forth in Section 3.7 may result in dismissing the individual from a USU board, committee, or other volunteer service, and/or criminal or civil prosecution under applicable state or federal law.

2.5 Training

Training materials associated with this Policy and all related laws and regulations will be developed, maintained, and delivered to all Benefited Employees, Researchers, and Trustees. Appropriate training to other persons required to submit disclosures of outside interests will be provided periodically and will be based on the principles represented in this policy, and the regulations cited above.

545.3 RESPONSIBILITIES

3.1 Employees

Each Employee has a responsibility to identify and disclose outside interests that concern as required by this Policy (See Section 2.2) and applicable procedures. Benefited Employees are responsible for participating in the annual conflict-of-interest disclosure process each fiscal year. When a conflict of interest is identified, the involved Employee must work with their assigned supervisor and department head or center director (if different from the direct supervisor) to eliminate the conflict of interest or

develop and comply with a conflict-of-interest management plan. Employees and Agents are responsible for completing all USU-assigned training associated with this Policy. Trustees shall be trained in accordance with Board of Trustee governing documents.

3.2 Researchers

Researchers, whether Employees, students, Research Interns, or Volunteers, are responsible for complying with any conflict-of-interest associated requirements as designated by the relevant sponsor and for complying with applicable policies and procedures relating to conflicts of interest. For example, Researchers funded by the Public Health Service must follow the specific guidelines found in the FCOI Regulation, as implemented in the 2011 Final Rule for grants and cooperative agreements. For additional instructions see 545-PR5, "PHS-related Disclosures, Conflicts of Interest and Reporting."

The Office of Research will develop, use, and maintain appropriate procedures to regularly seek disclosures, assess potential conflicts, and deploy appropriate management planning governing Researchers. Disclosures relating to Employees participating in research where the potential conflicts lie outside of the responsibilities of the Vice President for Research will be transferred to and processed by the procedures generally applicable to Employees. Additionally, the Vice President for Research may publish and require training of Researchers relating to conflicts of interest and management of conflicts within the conduct of research.

3.3 Supervisors

Supervisors are responsible for ensuring that each person that reports to them: (a) completes assigned training; (b) if the person is a Benefited Employee, participates in the annual disclosure process; and (c) complies with any applicable conflict-of-interest management plan. Supervisors are also responsible for ensuring that a conflict-of-interest management plan is developed and implemented for all identified conflicts of interest involving employees that report to the supervisor. Supervisors shall coordinate as appropriate with responsible department heads and/or center directors, who must approve conflict-of-interest management plans.

3.4 Institutional Review Board

The Institutional Review Board ("IRB") is charged with the protection of participants in human research at USU. Under 45 CFR 46, the IRB is charged with screening for and approving any management plans associated with identified conflicts of interest related to human research. The IRB has the authority to require changes to or disapprove a conflict-of-interest management plan that they find insufficient to protect participants in research under the IRB's oversight. For more information, see Policy 584, Protection of Human Participants in Research.

3.5 Deans and Vice Presidents

Each USU dean and vice president is responsible for ensuring that their college or department complies with this Policy and with specific procedures, practices, reports, etc. that are required of their unit pursuant to federal or state law or applicable organizational or contractual requirements. For example, the Vice President for Research and the Deans are responsible for ensuring compliance with any requirements relating to conflicts of interest made by federal sponsors of research (e.g., National Institutes of Health, National Science Foundation, Department of Energy, etc.); the Vice President and Director of Athletics is responsible for ensuring compliance with athletic conference and NCAA regulations relating to conflicts of interest; and the Vice President for Business and Finance is responsible for ensuring compliance with USU's Procurement Policy and related prohibitions and controls in state and federal laws.

3.6 Trustees

USU holds its Trustees responsible for identifying and disclosing their outside interests as required by this Policy (See Section 2.2), applicable procedures, and the Bylaws and organizational documents of the Board of Trustees. Trustees are required to participate in the annual conflict-of-interest disclosure

process each fiscal year. When a conflict of interest is identified, the involved Trustee must work with Board leadership and USU's administrators to either eliminate the conflict of interest (e.g., through recusal) or to develop and comply with a conflict-of-interest management plan. Trustees are responsible for completing all USU-provided training associated with this Policy.

3.7 Conflict of Interest Oversight Committee

A Conflict of Interest Oversight Committee (the "Committee"), chaired by the Chief Compliance Officer or another Committee member as designated by the President, will oversee the implementation of this Policy. The Committee will comprise the following (or their designees): (1) the Chief Compliance Officer (2) the Vice President for Research, (3) the Provost, (4) the Vice President for Finance and Administrative Services, (5) the Chief Information Officer, (6) the SEA President, (7) the Faculty Senate President, and (8) the Chair- Elect of the Department Head Executive Committee. A representative from the Office of General Counsel will act in an ex-officio non-voting capacity to advise the Committee. Additional Committee members may be added at the discretion and invitation of the President.

In overseeing the implementation of this Policy, the Committee will (a) ensure that a disclosure and management portal and system and associated training materials are developed and kept current; (b) review training materials prior to release to the USU community; (c) review and approve procedures developed to support and implement this Policy; (d) provide guidance and direction to supervisors, department heads, center directors, deans, and vice presidents seeking assistance in fulfilling their responsibilities or addressing noncompliance pursuant to this Policy; (e) serve as a reviewing and management body regarding any conflicts of interest assigned to the Committee by the President or referred from a supervisor or the Chief Compliance Officer; and (f) establish and support subcommittees as needed to address conflicts requiring expertise in specific areas. A Subcommittee on Research may be established and chaired by the Vice President for Research (or their designee) to address conflicts of interest relating to research.

545.4 REFERENCES

- Utah Code 67-16, Utah Public Officers' and Employee's Ethics Act
- Utah Code 53B-7-106, Personal use expenditures for officers and employees of institutes of higher education
- Utah Code 76-8-402, Misusing public money or public property
- 42 CFR 50 subpart F, "Promoting Objectivity in Research for which PHS Funding is Sought" ("FCOI Regulation"), as implemented in the 2011 [Final Rule](#) for grants and cooperative agreements
- Association for the Accreditation of Human Research Protection Programs, Standard I.6.A
- National Science Foundation, PAPPG, Chapter IX.A, Conflict of Interest Policies

545.5 RELATED USU POLICIES

- USU Policy 104: The University President and other Officers
- USU Policy 305: Discrimination Complaints
- USU Policy 377: Consulting Service
- USU Policy 387: Benefited Employment
- USU Policy 403: Academic Freedom and Professional Responsibility
- USU Policy 407: Academic Due Process: Sanctions and Hearing Procedures
- USU Policy 517: Investment Policy
- USU Policy 532: Scholarship Awarding
- USU Policy 539: Procurement Policy
- USU Policy 583: Research
- USU Policy 584: Protection of Human Participants in Research
- USU Policy 587: Intellectual Property

545.6 DEFINITIONS

- **Benefited Employee** means an Employee that is benefit-eligible as defined and set forth in USU Policy 387: Benefited Employment. An employee is considered benefit-eligible (*i.e.*, eligible for all USU benefits) if they are budgeted to work at least 20 hours a week and their position is budgeted for employee benefits. Affordable Care Act (ACA) eligible employees are not considered fully benefited employees as they are only eligible for medical coverage.
 - **Employee** means an employee of USU.
 - **Researcher** means an Employee, student, visiting scholar, or volunteer participating in a research project. Included in this definition are personnel who are defined in 42 CFR 50 as “Investigators” and whose responsibilities include the planning, conduct, and/or reporting of research. For Investigators who are funded by PHS, see Procedure 545-PR5, “PHS-related Disclosures, Conflicts of Interest and Reporting.”
 - **Research Intern** means a USU student or an approved non-USU student who voluntarily conducts research – or performs research-related tasks – for USU for the purpose of supporting the research efforts of USU and to gain experience and knowledge in the research field. See Policy
 - **Trustee** means a member of the Utah State University Board of Trustees.
 - **Volunteer** means any individual who donates approved and accepted services that are directly related to the business of the University or that support the activities of the University without the promise, expectation, or receipt of any compensation, future employment, or any other tangible benefit. See USU Policy 535.
-

The information below is not included as part of the contents of the official Policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the President, subject to review by the USU Policy Committee.

RESOURCES

Procedures

- 545-PR1. Disclosing Outside Interests
- 545-PR2. Outside Interest Assessment & Conflict of Interest Determinations
- 545-PR3. Prohibition of Certain Activities under Utah Law
- 545-PR4. Disclosing Foreign Interests
- 545-PR5. PHS-related Disclosures, Conflicts of Interest and Reporting

Guidance

Related Forms and Tools

- 545-F1. Notification of a Conflict of Interest

Contacts

- Conflicts of Interest Officer
Office of University Ethics and Compliance
usu.edu/compliance
(435) 797-8305

(For disclosures made for all covered individuals except researchers)

Compliance Officer

Research Integrity & Compliance

[Research.usu.edu/compliance/conflict-of-interest](https://research.usu.edu/compliance/conflict-of-interest)

(For disclosures made through the Kuali system for researchers)

POLICY HISTORY

Original issue date: May 4, 2022

Last review date:

Next scheduled review date:

Previous revision dates: See retired USU Policy 307, last revised June 29, 2012

AGENDA

**REGULAR MEETING OF THE
UTAH STATE UNIVERSITY BOARD OF TRUSTEES
UNIVERSITY INN – SONNE BOARD ROOM OR VIA ZOOM TELECONFERENCE**
<https://usu-edu.zoom.us/j/85085397647?pwd=VUszbEIYRG5SdmgyNzNTL3Q0b3hTZz09>

May 4, 2022 – 1:00 p.m.

- | | | |
|------------|--|--------------|
| 12:00 p.m. | Lunch (Board of Trustees and Vice Presidents) | Univ Inn 507 |
| 1:00 p.m. | Regular Meeting | Univ Inn 508 |
| | 1. Welcome and Introductory Items, Chair Kent Alder | |
| | 1.1. Resolution of Appreciation and Commendation to Lucas Stevens | |
| | 1.2. Present gift from Trustees | |
| | 1.3. Introduction of new USUSA President and Trustee Clara Alder and Oath of Office | |
| 1:15 p.m. | Closed Session | Univ Inn 508 |
| 1:45 p.m. | Regular Meeting (continued) | |
| | 2. Chair's Report, Chair Kent Alder | |
| | 2.1. Next meeting is scheduled for videoconference on Friday, June 24, 2022 | |
| | 2.2. Commencement questions/changes | |
| 1:50 p.m. | 3. Committee Reports, Committee Chairs | |
| | 3.1. Executive Committee – Chair Kent Alder | |
| | 3.2. Academic Approval Committee – Chair Wayne Niederhauser | |
| | 3.3. Recruitment, Retention, and Completion Committee – Chair Gina Gagon | |
| | 3.4. Audit, Risk and Compliance Committee – Chair David Petersen (no report) | |
| | 3.5. Honorary Degrees, Awards, and Recognition Committee – Chair John Ferry | |
| | 3.6. Marketing and Communications Committee – Chair Jacey Skinner (no report) | |
| | 3.7. Student Health, Safety and Well-being Committee – Chair David Huntsman | |
| 2:20 p.m. | 4. Presentation – Program Coordinator Fraternity & Sorority Life Adviser Ian Nemelka | |
| 2:50 p.m. | Break | |
| 3:05 p.m. | 5. President's Report, President Noelle Cockett | |
| | 5.1. Update on Strategic Plan | |
| 3:20 p.m. | 6. Consent Agenda | |
| | 6.1. Minutes from Board of Trustees Regular Meeting held on April 8, 2022 | |

- 6.2. Minutes from Board of Trustees Closed Meeting held on April 8, 2022
- 6.3. Academic Approvals/Program Review
 - 6.3.1. Summary Page
 - 6.3.2. CSF-Cambridge Preparatory Academy
 - 6.3.3. Faculty 402
 - 6.3.4. CAAS-PSC-Specialization MS PhD Plant Science
 - 6.3.5. CCA-THEA-Name Change-Theatre Arts Education BFA
 - 6.3.6. COE-MAE-Center for Design Mfg. of Advanced Materials
 - 6.3.7. EEJCEHS-COMD-TEAL Suspend Deaf Ed-Early Childhood Composite
 - 6.3.8. EEJCEHS-COMD-TEAL Suspend Deaf Ed-Elementary Ed Composite
 - 6.3.9. EEJCEHS-COMD-TEAL Suspend Deaf Ed-Elementary Ed-Composite
 - 6.3.10. EEJCEHS-COMD-TEAL Suspend Elementary Ed-Deaf Ed Composite
 - 6.3.11. EEJCEHS-SPER-Transition Post Masters Post Bacc Certificate
 - 6.3.12. JHSB-DATA-Cybersecurity Post Baccalaureate Certificate
 - 6.3.13. JHSB-DATA-Data Analytics Certificate
 - 6.3.14. JHSB-DATA-Data Engineering Certificate
 - 6.3.15. JHSB-DATA-Data Technologies Certificate
 - 6.3.16. JHSB-DATA-Restructure Master of Information Systems Program
 - 6.3.17. JHSB-DATA-Web Development Certificate
- 6.4. Recommendations for Re-appointment to Space Dynamics Laboratory Board of Directors for Three-year Terms
 - 6.4.1. Lt. Gen. John Thompson
 - 6.4.2. Lesa Roe
 - 6.4.3. Kathryn Tobey
- 6.5. Proposal to Retire University Policy 307

- 3:25 p.m. 7. Action Agenda
 - 7.1. Proposal to offer a Bachelor of Science in Environmental Planning CAAS-LAEP-BS Environmental Planning
 - 7.2. Proposal for Name Change of Business and Finance to Finance and Administrative Services
 - 7.3. Approval of Authorization to Act in Capacity of Vice President for Finance and Administrative Services and Public Treasurer
 - 7.4. Real Property Disposition (Bedford, Massachusetts)
 - 7.5. Proposed Student Building Fee Revenue Bonds, Series 2022
- 8. Information Items
 - 8.1. President's Recent and Upcoming Events
 - 8.2. Report of Investments for November 2021
 - 8.3. Report of Investments for December 2021
 - 8.4. Report of Investments for January 2022
 - 8.5. Revised and Introduced 500 Level Policies
 - 8.6. University Policy 545: Individual Conflicts of Interest

4:00 p.m. Adjourn

4 May 2022

ITEM FOR ACTION

RE: Proposal to Retire University Policy 307

The attached Resolution is submitted to the Board of Trustees for consideration. It has received the appropriate administrative review and approval.

EXECUTIVE SUMMARY

Consistent with Policy 203, the University adopted Policy 545: Individual Conflicts of Interest (see Item for Information No. 8.6). University Policy 545 replaces and, upon its effective date, will supersede University Policy 307, thereby rendering University Policy 307 moot.

RECOMMENDATION

Accordingly, the President and Executive Committee recommend that the Board of Trustees approve the resolution retiring University Policy 307.

**RESOLUTION
UTAH STATE UNIVERSITY
BOARD OF TRUSTEES**

WHEREAS, the University desires to retire University Policy 307: Conflicts of Interest;

WHEREAS, the proposal to retire University Policy 307 has been reviewed and approved by the appropriate student and administrative units;

NOW, THEREFORE, BE IT RESOLVED, that the USU Board of Trustees approve the retirement of University Policy 307, effective May 4, 2022.

RESOLUTION APPROVED BY THE USU BOARD OF TRUSTEES:

Date

4 May 2022

ITEM FOR INFORMATION

RE: Adopted 500 Level Policy

The attached policy is submitted to the Board of Trustees as information. The policy received the appropriate administrative review and approval.

EXECUTIVE SUMMARY

The University has adopted Policy 545: Individual Conflicts of Interest, which is attached hereto. Consistent with USU Policy 203, University Policy 545 was presented to and approved by the Executive Committee and President.

University Policy 545 will replace and supersede USU Policy 307: Conflicts of Interest. Accordingly, University Policy 307 will, upon action by the Board of Trustees, be retired (See Consent Agenda Item 6.5).



University Policy 545: Individual Conflicts of Interest

Category: Operating Policies

Subcategory: General

Covered Individuals: All Employees, Trustees, Researchers, and Volunteers

Responsible Executive: Vice President for Legal Affairs

Policy Custodian: Chief Compliance Officer

Last Revised: 2022/05/04

Previous USU Policy Number: 307

545.1 PURPOSE AND SCOPE

Utah State University (“USU”) is committed to a culture and environment where its community members are encouraged and obligated to carry out their duties and responsibilities in a transparent, objective, lawful, and ethical manner. This culture and environment are intended to protect the integrity and reputation of, and the public trust in, both the institution as a whole and its individual community members. As USU community members seek to accomplish USU’s mission, individual conflicts of interest may arise. If left unidentified or unmanaged, conflicts of interest can influence, or appear to influence, the performance of professional duties or professional judgment and objectivity.

This Individual Conflict of Interest Policy (“Policy”) establishes principles and an operating framework for the disclosure of relevant relationships and outside interests of individuals and the avoidance and/or management of identified individual conflicts of interest. Proper management of individual conflicts of interest facilitates USU’s compliance with the requirements of state and federal law and of third parties with whom USU has a contractual relationship.

This Policy governs conflicts of interest for all [Employees](#), [Benefited Employees](#), [Trustees](#), and [Researchers](#), as defined herein. This Policy contemplates the use and maintenance of appropriate procedures, forms, and practices to seek disclosures, assess potential conflicts, and deploy appropriate management planning or other appropriate steps. This Policy and its associated procedures are intended to comply with, and implement, the requirements of applicable federal laws and regulations (particularly 42 C.F.R. pt. 50 and 45 C.F.R. pt. 94 for Public Health Service-funded research and PAPPG, Chapter IX.A for National Science Foundation-funded research) and the requirements of all applicable state laws (particularly Utah Public Officers’ and Employee’s Ethics Act, Utah Code 67-16). This Policy will be construed in accordance with such regulations and laws and shall be deemed to include any requirements imposed by such regulations and laws that are not otherwise expressly set forth in this Policy and its associated procedures.

545.2 POLICY

2.1 Conflicts of Interest

An individual conflict of interest refers to a situation in which an individual’s financial, professional, or other personal considerations or interests may directly or indirectly affect an individual’s professional judgment in exercising any professional duty or responsibility, including the design, conduct, and/or reporting of research. The following categories of individual conflicts of interest are addressed in this Policy: (1) financial conflicts of interest, and (2) conflicts of commitment.

2.1.1 Financial Conflicts of Interest. An individual financial conflict of interest (“FCOI”) arises when the personal financial interests of a person conflict with their professional University-assigned responsibilities. An FCOI would exist when a person stands to benefit from a transaction directly or indirectly where USU is a party, and that person has decision-making authority over or influence of the terms of the transaction. Indirect benefits include, for example, benefits realized by a spouse, dependent child, family member, or close personal relation of the person. Common types of FCOIs include transactions between USU or USU students and an entity in which a covered individual has a financial interest, acceptance of a gift from a client or similar type of person, or the use of USU’s confidential or proprietary information for personal financial benefit.

2.1.2 Conflicts of Commitment. An individual conflict of commitment, also referred to as a conflict of allegiance, arises when a person’s distribution of time and effort between their professional duties conflicts with their responsibilities resulting from other commitments. Employees must dedicate sufficient time and effort to fulfill their assigned duties and responsibilities in a professional and competent manner. Benefited Employees owe their primary professional allegiance and commitment to USU toward the fulfillment of their assigned duties and responsibilities. Outside commitments that might result in a conflict of commitment include, for example, a second job, owning and/or operating a private business, professional and other responsibilities that are outside of the core scope of an Employee’s responsibility, consulting arrangements, or other commitments that interrupt the fulfillment of a person’s professional duties at USU. Procedure 545-PR1, “Disclosing Outside Interests,” provides additional guidance concerning conflicts of commitment.

2.2 Disclosures

2.2.1 Required Disclosures. To ensure proper evaluation, monitoring, and management of individual conflicts of interest, Trustees, Employees, and Researchers, and Trustees must disclose certain financial, professional, or other personal considerations or interests. Such individuals must make these disclosures by completing and submitting a USU-approved conflict-of-interest disclosure form. Such disclosure forms include a series of questions designed to identify outside interests (including those of close relatives and household members) and may be delivered and collected through physical or electronic means. Disclosures will be collected, reviewed, and assessed for potential and actual conflicts of interest per the applicable procedures established by USU and in effect at the time of the review. For further information see Procedure 545-PR1, “Disclosing Outside Interests.” For information about USU’s practices for identifying outside interests that give rise to a conflict of interest that must be managed, see Procedure 545-PR2, “Outside Interest Assessment and Conflict of Interest Determinations.” Further information regarding the requirement to disclose foreign interests as required by federal agencies is available in Procedure 545PR4, “Disclosing Foreign Interests.”

2.2.2 Disclosure Schedule. Disclosures in keeping with Section 2.2.1 must be submitted by the following persons as follows:

- (1) Benefited Employees- upon hire, annually thereafter, and as prescribed in applicable procedures.
- (2) Researchers- upon hire or inclusion in an externally funded project, annually thereafter, and as prescribed in applicable procedures.
- (3) Employees who are not Benefited Employees and other Agents- as prescribed by applicable procedures.
- (4) Trustees- upon appointment, annually thereafter, and as prescribed in applicable governing documents.

Benefited Employees, Researchers, and Trustees must update and keep current their disclosures to include previously undisclosed outside interests as they arise. Interests that may prompt an updated disclosure include, for example, when (a) a person or a person’s family member becomes involved in or purchases a business that has had or could have business dealings with USU; (b) an Employee is promoted to a new position or assumes new decision-making responsibilities at USU that conflict with outside interests; (c) an Employee’s expected time at or obligations to work are affected by new outside

interests; (d) circumstances relating to a person's responsibilities or influence are changed because of actions taken or decisions made by USU, its administrators, or other third parties; or (e) an Employee undertakes a consulting arrangement pursuant to Policy #377, "Consulting Service."

2.3 Managing Conflicts of Interest

Identified conflicts of interest must be either eliminated or otherwise appropriately evaluated, monitored, and managed. A conflict-of-interest management plan is a written document that outlines the allocation of responsibilities between (i) the person with the conflicting interest(s), their department, and their supervisor or (ii) a Trustee and USU as an institution. Conflict-of-interest management plans must be maintained and complied with until the identified conflict of interest no longer exists. Instructions to persons that will have responsibility for developing a conflict-of-interest management plan will be provided to the affected discloser, the responsible supervisor, the responsible department head or center director (if different from the supervisor) and the responsible dean or vice president, as set forth in 545-PR2, "Outside Interest Assessment and Conflict of Interest Determinations." USU prohibits certain activities and transactions where conflicts of interest are inherently unmanageable or prohibited by applicable state and federal law and other applicable USU policies or related procedures. Prohibitions arising from the "Utah Public Officers' and Employees' Ethics Act" are addressed in Procedure 545-PR3, "Prohibition of Certain Activities under Utah Law."

2.4 Non-compliance

2.4.1 Non-compliance for Employees. An Employee's failure to fulfill the applicable responsibilities set forth in Section 3.1 may result in a notation of such failure in performance reviews, removal or reassignment of job responsibilities, corrective and/or disciplinary action up to and including termination, and criminal or civil prosecution under applicable state or federal law.

2.4.2 Non-compliance for Researchers. A Researcher's failure to fulfill the responsibilities set forth in Section 3.2 may result in modification of awards, disclosures to awarding entities, exclusion from the performance of research, and/or other appropriate action warranted under an associated research contract, law, regulation, and/or policy.

2.4.3 Non-compliance for Trustees. A Trustee's failure to fulfill the responsibilities set forth in Section 3.6 may result in reporting the Trustee to the Governor's Office, other responsible administrative authorities, and/or criminal or civil prosecution under applicable state or federal law.

2.4.4 Non-compliance for Volunteers. A Volunteer's failure to fulfill the responsibilities set forth in Section 3.7 may result in dismissing the individual from a USU board, committee, or other volunteer service, and/or criminal or civil prosecution under applicable state or federal law.

2.5 Training

Training materials associated with this Policy and all related laws and regulations will be developed, maintained, and delivered to all Benefited Employees, Researchers, and Trustees. Appropriate training to other persons required to submit disclosures of outside interests will be provided periodically and will be based on the principles represented in this policy, and the regulations cited above.

545.3 RESPONSIBILITIES

3.1 Employees

Each Employee has a responsibility to identify and disclose outside interests that concern as required by this Policy (See Section 2.2) and applicable procedures. Benefited Employees are responsible for participating in the annual conflict-of-interest disclosure process each fiscal year. When a conflict of interest is identified, the involved Employee must work with their assigned supervisor and department head or center director (if different from the direct supervisor) to eliminate the conflict of interest or

develop and comply with a conflict-of-interest management plan. Employees and Agents are responsible for completing all USU-assigned training associated with this Policy. Trustees shall be trained in accordance with Board of Trustee governing documents.

3.2 Researchers

Researchers, whether Employees, students, Research Interns, or Volunteers, are responsible for complying with any conflict-of-interest associated requirements as designated by the relevant sponsor and for complying with applicable policies and procedures relating to conflicts of interest. For example, Researchers funded by the Public Health Service must follow the specific guidelines found in the FCOI Regulation, as implemented in the 2011 Final Rule for grants and cooperative agreements. For additional instructions see 545-PR5, "PHS-related Disclosures, Conflicts of Interest and Reporting."

The Office of Research will develop, use, and maintain appropriate procedures to regularly seek disclosures, assess potential conflicts, and deploy appropriate management planning governing Researchers. Disclosures relating to Employees participating in research where the potential conflicts lie outside of the responsibilities of the Vice President for Research will be transferred to and processed by the procedures generally applicable to Employees. Additionally, the Vice President for Research may publish and require training of Researchers relating to conflicts of interest and management of conflicts within the conduct of research.

3.3 Supervisors

Supervisors are responsible for ensuring that each person that reports to them: (a) completes assigned training; (b) if the person is a Benefited Employee, participates in the annual disclosure process; and (c) complies with any applicable conflict-of-interest management plan. Supervisors are also responsible for ensuring that a conflict-of-interest management plan is developed and implemented for all identified conflicts of interest involving employees that report to the supervisor. Supervisors shall coordinate as appropriate with responsible department heads and/or center directors, who must approve conflict-of-interest management plans.

3.4 Institutional Review Board

The Institutional Review Board ("IRB") is charged with the protection of participants in human research at USU. Under 45 CFR 46, the IRB is charged with screening for and approving any management plans associated with identified conflicts of interest related to human research. The IRB has the authority to require changes to or disapprove a conflict-of-interest management plan that they find insufficient to protect participants in research under the IRB's oversight. For more information, see Policy 584, Protection of Human Participants in Research.

3.5 Deans and Vice Presidents

Each USU dean and vice president is responsible for ensuring that their college or department complies with this Policy and with specific procedures, practices, reports, etc. that are required of their unit pursuant to federal or state law or applicable organizational or contractual requirements. For example, the Vice President for Research and the Deans are responsible for ensuring compliance with any requirements relating to conflicts of interest made by federal sponsors of research (e.g., National Institutes of Health, National Science Foundation, Department of Energy, etc.); the Vice President and Director of Athletics is responsible for ensuring compliance with athletic conference and NCAA regulations relating to conflicts of interest; and the Vice President for Business and Finance is responsible for ensuring compliance with USU's Procurement Policy and related prohibitions and controls in state and federal laws.

3.6 Trustees

USU holds its Trustees responsible for identifying and disclosing their outside interests as required by this Policy (See Section 2.2), applicable procedures, and the Bylaws and organizational documents of the Board of Trustees. Trustees are required to participate in the annual conflict-of-interest disclosure

process each fiscal year. When a conflict of interest is identified, the involved Trustee must work with Board leadership and USU's administrators to either eliminate the conflict of interest (*e.g.*, through recusal) or to develop and comply with a conflict-of-interest management plan. Trustees are responsible for completing all USU-provided training associated with this Policy.

3.7 Conflict of Interest Oversight Committee

A Conflict of Interest Oversight Committee (the "Committee"), chaired by the Chief Compliance Officer or another Committee member as designated by the President, will oversee the implementation of this Policy. The Committee will comprise the following (or their designees): (1) the Chief Compliance Officer (2) the Vice President for Research, (3) the Provost, (4) the Vice President for Business and Finance, (5) the Chief Information Officer, (6) the SEA President, (7) the Faculty Senate President, and (8) the Chair-Elect of the Department Head Executive Committee. A representative from the Office of General Counsel will act in an ex-officio non-voting capacity to advise the Committee. Additional Committee members may be added at the discretion and invitation of the President.

In overseeing the implementation of this Policy, the Committee will (a) ensure that a disclosure and management portal and system and associated training materials are developed and kept current; (b) review training materials prior to release to the USU community; (c) review and approve procedures developed to support and implement this Policy; (d) provide guidance and direction to supervisors, department heads, center directors, deans, and vice presidents seeking assistance in fulfilling their responsibilities or addressing noncompliance pursuant to this Policy; (e) serve as a reviewing and management body regarding any conflicts of interest assigned to the Committee by the President or referred from a supervisor or the Chief Compliance Officer; and (f) establish and support subcommittees as needed to address conflicts requiring expertise in specific areas. A Subcommittee on Research may be established and chaired by the Vice President for Research (or their designee) to address conflicts of interest relating to research.

545.4 REFERENCES

- Utah Code 67-16, Utah Public Officers' and Employee's Ethics Act
- Utah Code 53B-7-106, Personal use expenditures for officers and employees of institutes of higher education
- Utah Code 76-8-402, Misusing public money or public property
- 42 CFR 50 subpart F, "Promoting Objectivity in Research for which PHS Funding is Sought" ("FCOI Regulation"), as implemented in the 2011 [Final Rule](#) for grants and cooperative agreements
- Association for the Accreditation of Human Research Protection Programs, Standard I.6.A
- National Science Foundation, PAPPG, Chapter IX.A, Conflict of Interest Policies

545.5 RELATED USU POLICIES

- USU Policy 104: The University President and other Officers
- USU Policy 305: Discrimination Complaints
- USU Policy 377: Consulting Service
- USU Policy 387: Benefited Employment
- USU Policy 403: Academic Freedom and Professional Responsibility
- USU Policy 407: Academic Due Process: Sanctions and Hearing Procedures
- USU Policy 517: Investment Policy
- USU Policy 532: Scholarship Awarding
- USU Policy 539: Procurement Policy
- USU Policy 583: Research
- USU Policy 584: Protection of Human Participants in Research
- USU Policy 587: Intellectual Property

545.6 DEFINITIONS

- **Benefited Employee** means an Employee that is benefit-eligible as defined and set forth in USU Policy 387: Benefited Employment. An employee is considered benefit-eligible (*i.e.*, eligible for all USU benefits) if they are budgeted to work at least 20 hours a week and their position is budgeted for employee benefits. Affordable Care Act (ACA) eligible employees are not considered fully benefited employees as they are only eligible for medical coverage.
 - **Employee** means an employee of USU.
 - **Researcher** means an Employee, student, visiting scholar, or volunteer participating in a research project. Included in this definition are personnel who are defined in 42 CFR 50 as “Investigators” and whose responsibilities include the planning, conduct, and/or reporting of research. For Investigators who are funded by PHS, see Procedure 545-PR5, “PHS-related Disclosures, Conflicts of Interest and Reporting.”
 - **Research Intern** means a USU student or an approved non-USU student who voluntarily conducts research – or performs research-related tasks – for USU for the purpose of supporting the research efforts of USU and to gain experience and knowledge in the research field. See Policy
 - **Trustee** means a member of the Utah State University Board of Trustees.
 - **Volunteer** means any individual who donates approved and accepted services that are directly related to the business of the University or that support the activities of the University without the promise, expectation, or receipt of any compensation, future employment, or any other tangible benefit. See USU Policy 535.
-

The information below is not included as part of the contents of the official Policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the President, subject to review by the USU Policy Committee.

RESOURCES

Procedures

- 545-PR1. Disclosing Outside Interests
- 545-PR2. Outside Interest Assessment & Conflict of Interest Determinations
- 545-PR3. Prohibition of Certain Activities under Utah Law
- 545-PR4. Disclosing Foreign Interests
- 545-PR5. PHS-related Disclosures, Conflicts of Interest and Reporting

Guidance

Related Forms and Tools

- 545-F1. Notification of a Conflict of Interest

Contacts

- Conflicts of Interest Officer
Office of University Ethics and Compliance
usu.edu/compliance
(435) 797-8305

(For disclosures made for all covered individuals except researchers)

Compliance Officer

Research Integrity & Compliance

[Research.usu.edu/compliance/conflict-of-interest](https://research.usu.edu/compliance/conflict-of-interest)

(For disclosures made through the Kualu system for researchers)

POLICY HISTORY

Original issue date: May 4, 2022

Last review date:

Next scheduled review date:

Previous revision dates: See retired USU Policy 307, last revised June 29, 2012

UTAH STATE UNIVERSITY BOARD OF TRUSTEES
Utah State University, Logan, Utah
May 4, 2022

Minutes of the Regular Meeting of the Utah State University Board of Trustees held in the University Inn Sonne room, Utah State University and via Zoom videoconferencing, commencing at 1:04 p.m.

MEMBERS PRESENT

Kent K. Alder (Chair)	Kacie Malouf
John Y. Ferry (Vice Chair)	Wayne L. Niederhauser
Clara Alder	Steven L. Palmer
Gina Gagon	David A. Petersen
David H. Huntsman	Tessa White

UNIVERSITY REPRESENTATIVES PRESENT

Janet Anderson	Vice Provost
Jodi Bailey	Chief Audit Executive
Lisa Berreau	Vice President for Research
Janalyn Brown	Interim Secretary of the Board of Trustees
Kaleb Cavazos	USU Student and Fraternity Member
Noelle E. Cockett	President
Dave Cowley	Vice President Finance and Administrative Services
Amanda DeRito	Associate Vice President for Strategic Communications
Boyd Edwards	Faculty Senate President
David Forbush	Associate Director Center for the School of the Future
Francis D. Galey	Executive Vice President and Provost
Nancy Hanks	Assistant to the President
Sarah Kohler	Technical Coordinator SR
Mica A. McKinney	General Counsel and Vice President, Legal Affairs
James Morales	Vice President for Student Affairs
Ian Nemelka	Program Coordinator Fraternity & Sorority Life Adviser
Parker Fawson	Director & Emma Eccles Jones Endowed Chair in Early Childhood
Sean Peterson	Systems Administrator Senior
Larry Smith	Vice President Statewide Campuses
Lucas Stevens	Former USUSA President and Trustee Member
Kara Tim	USU Student and Sorority Member
Robert Wagner	Vice President Academic & Instructional Technology
Ken White	Vice President Dean College of Agriculture and Applied Sciences
Jen Wright	Assistant Director for Strategic Communications

OTHER ATTENDEES PRESENT

Carol Amick	
Wilford Clyde	Board Member, Utah Board of Higher Education
Stan Lockhart	
Robert Nelson	
Scott L. Theurer	Board Member, Utah Board of Higher Education

1. BOARD OF TRUSTEES REGULAR MEETING

Chair Alder called the meeting to order. He welcomed and thanked those present for their attendance.

Chair Alder made note of item 7.4 being removed from the agenda due to additional information having been received.

Chair Alder read a Resolution of Appreciation and Commendation for Lucas Stevens and offered him a gift from the Board of Trustees. Lucas expressed appreciation for being a part of the Board of Trustees. President Cockett then presented Lucas with a framed picture of Old Main. (Appendix A)

Chair Alder administered the Oath of Office to new USUSA President Clara Alder. President Cockett introduced Clara who then shared some information about herself, her background, and her and her family's history at Utah State. President Cockett stated one of Clara's platforms is to create more traditions to help unify students across USU. Clara introduced the USUSA theme "We are one" for the 2022-23 school year. (Appendix B)

Action: Vice Chair Ferry moved in accordance with 52-4-205 of the Utah Code, that the Trustees go into a Closed Session for the sole purpose of discussing the character, professional competence, or physical or mental health of individuals, pending or reasonably imminent litigation, and the possible sale of real property. Trustee Huntsman seconded the motion. Voting was unanimous in the affirmative and the motion passed.

Chair Alder reopened the Regular Meeting at 2:09 p.m.

2. CHAIR'S REPORT

Chair Alder reminded attendees again there would be no discussion on action agenda item 7.4 and would be moved to a future meeting. The next Board of Trustees Regular Meeting will be held via Zoom videoconference on June 24, 2022. Commencement schedules for Trustees were included in each of their folders and a reminder was given for the Dignitary Dinner held that evening at 6:00 p.m.

Committees are very important as they carry the load for the Board of Trustees. Work being done in the committees is appreciated.

a. Committee Reports

- a. Executive Committee typically sets the agenda for upcoming meetings. Chair Alder discussed Trustee Petersen's idea of inviting different students or other university groups who have accomplished something unique or outstanding to come to the Trustee meetings to share their successes with the Board. Chair Alder will continue to invite others to present to the group such as statewide campus representatives, college deans, faculty senate president, etc. which he believes will help the board members make a more positive impact as a group and help build a better university.

- b. Wayne Niederhauser chair of the Academic Approval Committee reported his committee went over several name changes and slight program changes. New R401 programs are being added which are listed on the consent agenda. Additionally, Utah State is adding a new Bachelor of Science-Environmental Planning degree which will be voted on in the action agenda.
- c. Gina Gagon chair of the Recruitment, Retention and Completion Committee met the previous Monday and explained the university is right in the middle of registration so there are not solid numbers, but things are tracking well in conjunction with the team's fall enrollment goals. USU Blanding is still struggling with not being able to get out into the reservation.

Registration is looking good overall. The housing and dining grant has helped with recruitment, though as of Monday's meeting, there are over 1,000 students on the housing waitlist which is concerning. If students cannot get housing, will they attend Utah State? The "Pell Promise" or "USU Promise" has been another important component of recruitment. This program will cover the costs above what the federal Pell grant pays for. This scholarship has currently been offered to 2,457 students, of which 39% are first generation college students.

The USU team is working very hard to attain the goals set by the Board of Higher Education of reaching the underserved population of Utah. Another component which is helping the university is earned admissions. These are students who, on paper, do not meet the admissions criteria of Utah State University. There is currently a program in which students must take some classes before they can start at the university. Of the 585 students offered the earned admissions pathway, 21% were LatinX and 39% were first generation students. It is too early to assess retention and completion to share meaningful data. Chair Gagon plans to report later in the summer once more complete information becomes available. The team's goal for fall 2022 is 14,983 student admissions. Though early in the process, the university is currently at 14,048 admitted students which is ahead of fall 2021's 13,584 admissions. One long term issue which is concerning to the team is how does USU get the same results once the university does not have ARPA money for housing grants. Utah State will also need to come up with ongoing funding for the pell promise program. Trustee White suggested housing may continue to be a concern for students as well. Vice President Wagner explained the implementation of a new university website which combines both on and off campus housing information, including daily and weekly updates from private partners to show students available housing. President Cockett affirmed the 1,000 on-campus housing waitlist is the largest ever seen at the Logan campus.

Trustee Gagon shared Vice President Wagner's group has been working on implementing a strategic enrollment management plan which will include each of the colleges and deans to ensure all are on the same team. President Cockett explained Provost Galey and Analysis, Assessment & Accreditation Executive Director Michael Torrens have been working on a business model which will drive more attention to the colleges on enrollment and completions. It looks very exciting.

- d. Student Health, Safety and Well-being Committee Chair Huntsman mentioned the committee had an open discussion with Matt Pinner, newly hired Executive Director of the Office of Equity who has been in place for a couple of months. They spoke about student safety with an emphasis on sexual misconduct, its prevention, and what to do when and if it does happen. Director Pinner reported, based on his limited experience, he is incredibly optimistic, is impressed with his team, and feels the university is well positioned going forward to make continued strides and improvements. Pinner is pleased with the level of support from the university, from President Cockett on down through all the levels of the organization. Trustee Huntsman concluded he received a positive report and plan to have more to discuss with the committee going forward.
3. President Cockett introduced Fraternity and Sorority Life Advisor Ian Nemelka and his student co-presenters Kara Tim and Kaleb Cavazos. (Appendix C)

President Cockett remarked she presents the “President’s Cup” to the top Greek chapter each year which allows her to acknowledge, applaud, and have insight into how each of the chapters are doing. In 2022, the President’s Cup was awarded to Sigma Phi Epsilon.

4. PRESIDENT’S REPORT

President Cockett commented she was asked to give an update on her Strategic Plan which she feels is going fantastically. She feels the strategic plan should be directed at where the university wants to be in the next five years. The President feels she has accomplished each one of her Presidential Priorities which she established when she took over the presidency. President Cockett has the best and brightest and the whole university looking at where they are going the next five years. The ensuing result is anticipated to be a strong document which will absolutely carry Utah State University through to the next level.

Co-chairs of the committee are Vice President White and Director Torrens with the rest of the group being hand-picked by the President for their deep thinking as well as their passion for Utah State. The working group has come up with the idea of Utah State University not just being one of but being the premier land and space grant university. Once the group identifies three or four core themes, the strategies will then be intertwined. The Board of Trustees will be the first stakeholders the committee presents the plan to. Trustee Gagon asked President Cockett if it would be helpful for board members to send the committee questions or items they would like incorporated into the strategic plan. President Cockett confirmed she would welcome any input and is planning to have a draft to show the Trustees at the August 12, 2022 meeting.

Answering Trustee Palmer’s question about a scorecard of sorts in which the plan will be measured, Vice President Wagner verified there will be ways to assess each of the action plans and strategies. Utah Board of Higher Education member Wilford Clyde was asked by Trustee Gagon if Utah State was expected to fill a certain role in the state of Utah. Board Member Clyde expressed his hope that each institution across Utah would look to the Utah System of Higher Education’s strategic plan and incorporate ways they could help the System to achieve their objectives and goals as well.

Board Member Theurer mentioned the Board of Higher Education has a statutory responsibility to evaluate university presidents. They use a strategic plan to complete this evaluation. Board Member Theurer believes Utah State University fills both the role of a research institution as well as that of a teaching university very well.

Recent Events

- a. Mountain West Women's Basketball Tournament – Las Vegas, Nevada – March 6-9, 2022
- b. Remarks at Virtual International Women's Day Celebration: Utah Women Learn, Lead, and Lift – March 8, 2022
- c. Mountain West Men's Basketball Tournament – Las Vegas, Nevada – March 9-12, 2022
- d. Mountain West Board of Directors Virtual Meeting – March 21, 2022
- e. Utah Board of Higher Education Meetings – Utah Valley University and Mountainland Technical College – March 24-25, 2022
- f. Remarks at Spring Runoff Conference on Water in Utah and the West – March 29, 2022
- g. Panelist at Deseret News Round Table Discussion at Malouf Companies – March 29, 2022
- h. Remarks at USU Moab Ribbon Cutting and Luncheon – Moab, Utah – April 1, 2022
- i. Honorable Guest and Speaker at Advances in Genome Biology and Technology (AGBT) Meeting – San Diego, California – April 4-6, 2022
- j. USU Board of Trustees Videoconference Meeting – April 8, 2022
- k. Present at Robins Awards Ceremony – April 8, 2022
- l. Adjudicate Miss USU Pageant – April 11, 2022
- m. Moderate Panel at Seely Hinckley Luncheon – April 12, 2022
- n. Legislative Appreciation Dinner – April 13, 2022
- o. Present at Rotary Luncheon – Logan, Utah – April 14, 2022
- p. Remarks at Founder's Day and Old Main Society – April 14, 2022
- q. USU Brigham City Commencement – April 15, 2022
- r. Mountain West Board of Directors Virtual Meeting – April 19, 2022
- s. USU Southwest – Nephi Commencement – April 21, 2022
- t. USU Southwest – Parowan Commencement – April 22, 2022
- u. USU Tooele Commencement – April 23, 2022
- v. USU Athletics Hall of Fame Induction – April 23, 2022
- w. Promotion and Tenure Reception – April 27, 2022
- x. USU Moab Commencement – April 28, 2022
- y. Present President's Cup Award at Fraternity and Sorority Life Reception – April 28, 2022
- z. USU Blanding Commencement – April 29, 2022
- aa. USU Eastern Commencement – Price, Utah – April 30, 2022
- bb. USU Uintah Basin Commencement – Vernal, Utah – April 30, 2022
- cc. Host A.C. Women's Luncheon – May 2, 2022
- dd. USU Board of Trustees Regular Meeting – May 4, 2022
- ee. USU Dignitary Dinner – May 4, 2022

Upcoming Events

- a. USU Commencement Ceremony – May 5, 2022
- b. USU Commencement Convocations – May 5-7, 2022
- c. Mountain West Board of Directors Legal and Finance Committee Virtual Meeting – May 17, 2022
- d. Envision Utah Executive Committee Virtual Meeting – May 18, 2022
- e. Utah Board of Higher Education Meeting – Salt Lake City, Utah – May 20, 2022
- f. Mountain West Board of Directors Virtual Meeting – May 20, 2022
- g. Remarks at Large Animal Genetic Editing Conference – Park City, Utah – May 8, 2022
- h. USU Foundation Board Meeting – Moab, Utah – June 9-12, 2022
- i. Mountain West Board Meeting – Colorado Springs, Colorado – June 5-7, 2022
- j. Association of Public and Land-grant Universities Board Meeting – Washington, D.C. – June 12-13, 2022
- k. USU Juneteenth Activities – June 17-19, 2022
- l. Northwest Commission on Colleges and Universities Summer Commission Meetings – Reno, Nevada – June 21-24, 2022
- m. USU Board of Trustees Regular Videoconference Meeting – June 24, 2022

4. CONSENT AGENDA

Trustee Gagon made a motion to move item 6.3.3 to the Action Agenda due to wanting more information before voting. Trustee Ferry seconded the motion. Voting was unanimous in the affirmative and the motion passed.

Chair Alder declared the board of Trustees received the following agenda items for review and approval.

- 6.1. Minutes from Board of Trustees Regular Meeting held on April 8, 2022
- 6.2. Minutes from Board of Trustees Closed Meeting held on April 8, 2022
- 6.3. Academic Approvals/Program Review
 - 6.3.1. Summary Page
 - 6.3.2. CSF-Cambridge Preparatory Academy
(Appendix D) [Resolution 22-05-01]
 - 6.3.3. Faculty 402 (moved to Action Agenda)
 - 6.3.4. CAAS-PSC-Specialization MS PhD Plant Science
(Appendix E) [Resolution 22-05-02]
 - 6.3.5. CCA-THEA-Name Change-Theatre Arts Education BFA
(Appendix F) [Resolution 22-05-03]
 - 6.3.6. COE-MAE-Center for Design Mfg. of Advanced Materials
(Appendix G) [Resolution 22-05-04]
 - 6.3.7. EEJCEHS-COMD-TEAL Suspend Deaf Ed-Early
Childhood Composite (Appendix H) [Resolution 22-05-05]
 - 6.3.8. EEJCEHS-COMD-TEAL Suspend Deaf Ed-Elementary Ed
Composite (Appendix I) [Resolution 22-05-06]
 - 6.3.9. EEJCEHS-COMD-TEAL Suspend Deaf Ed-Elementary Ed-
Composite (Appendix J) [Resolution 22-05-07]

- 6.3.10. EEJCEHS-COMD-TEAL Suspend Elementary Ed-Deaf Ed Composite (Appendix K) [Resolution 22-05-08]
 - 6.3.11. EEJCEHS-SPER-Transition Post Masters Post Bacc Certificate (Appendix L) [Resolution 22-05-09]
 - 6.3.12. JHSB-DATA-Cybersecurity Post Baccalaureate Certificate (Appendix M) [Resolution 22-05-10]
 - 6.3.13. JHSB-DATA-Data Analytics Certificate (Appendix N) [Resolution 22-05-11]
 - 6.3.14. JHSB-DATA-Data Engineering Certificate (Appendix O) [Resolution 22-05-12]
 - 6.3.15. JHSB-DATA-Data Technologies Certificate (Appendix P) [Resolution 22-05-13]
 - 6.3.16. JHSB-DATA-Restructure Master of Information Systems Program (Appendix Q) [Resolution 22-05-14]
 - 6.3.17. JHSB-DATA-Web Development Certificate (Appendix R) [Resolution 22-05-15]
- 6.4. Recommendations for Re-appointment to Space Dynamics Laboratory Board of Directors for Three-year Terms
 - 6.4.1. Lt. Gen. John Thompson (Appendix S) [Resolution 22-05-16]
 - 6.4.2. Lesa Roe (Appendix T) [Resolution 22-05-17]
 - 6.4.3. Kathryn Tobey (Appendix U) [Resolution 22-05-18]
 - 6.5. Proposal to Retire University Policy 307 (Appendix V) [Resolution 22-05-19]

Action: Trustee Petersen moved to approve the Consent Agenda. Trustee Niederhauser seconded the motion. Voting was unanimous in the affirmative and the motion passed.

5. ACTION AGENDA

- a. Approval of revisions to 6.3.3. Faculty 402 (Appendix W) [Resolution 22-05-20]

Chair Alder invited Trustee Gagon to inquire about Consent Agenda item 6.3.3 Faculty Code which was in question. Trustee Gagon asked Faculty Senate President Edwards and Provost Galey for a brief summary on the changes made. Provost Galey stated the changes were made to clean up faculty code and redundancies removed. This clean up also reflects that USU in Logan and on Statewide Campuses are “one faculty” across the state.

Action: Trustee Ferry moved to approve the revisions to Faculty 402. Trustee Malouf seconded the motion. Voting was unanimous in the affirmative and the motion passed.

- b. 7.1. Proposal to offer a Bachelor of Science in Environmental Planning CAAS-LAEP-BS Environmental Planning (Appendix X) [Resolution 22-05-21]

Chair Niederhauser presented the new Bachelor of Science degree is bringing the concept of landscaping and environmental planning together. This degree will

not require any additional expenses but instead the department will reallocate monies to cover any new costs at least for the time being. All the academic programs brought to the board are looked at in detail in the Academic Approval Committee meetings.

Action: Trustee Niederhauser moved to approve the proposal to offer a Bachelor of Science in Environmental Planning. Trustee Palmer seconded the motion. Voting was unanimous in the affirmative and the motion passed.

- c. 7.2. Proposal for Name Change of Business and Finance to Finance and Administrative Services (Appendix Y) [Resolution 22-05-22]

Vice President Cowley proposed to change the name of his department from Business and Finance to Finance and Administrative Services due to the former name being outdated as well as to clarify any confusion.

Action: Trustee Ferry moved to approve the proposal for name change from Business and Finance to Finance and Administrative Services. Trustee Clara Alder seconded the motion. Voting was unanimous in the affirmative.

- d. 7.3. Approval of Authorization to Act in Capacity of Vice President for Finance and Administrative Services and Public Treasurer (Appendix Z) [Resolution 22-05-23]

Vice President Cowley indicated because of the name change in action item 7.2., the Board needs to approve a new authorization for himself, Associate Vice President of Finance and Administrative Services Dwight Davis, and Controller Dan Christensen to act as public treasurer on behalf of Utah State University.

Action: Trustee Gagon moved to approve authorization to act in capacity of Vice President for Finance and Administrative Services and Public Treasurer. Trustee Malouf seconded the motion. Voting was unanimous in the affirmative.

- e. 7.4. Real Property Disposition (Bedford, Massachusetts) removed from the agenda. (Appendix AA) [Resolution 22-05-24]

Action: None taken.

- f. 7.5. Proposed Student Building Fee Revenue Bonds, Series 2022 (Appendix BB) [Resolution 22-05-25]

Vice President Cowley reminded the Board this item was presented to the Board of Trustees, Utah Board of Higher Education, and the Utah Legislature previously (last year). This project will allow enhancements to be made on the Maverik Stadium. Parameters of the bond were included in the resolution provided on the meeting agenda. Chair Alder clarified previously the Board had approved the improvements to the stadium and this action approves the bond.

Action: Trustee Petersen moved to approve the proposed student building fee revenue bonds, series 2022. Trustee White seconded the motion. Voting was unanimous in the affirmative.

Chair Alder thanked Utah Board of Higher Education member Wilford Clyde for his years of service on the board.

Action: Trustee White moved to adjourn. Trustee Clara Alder seconded the motion. Voting was unanimous and the meeting was adjourned.



Kent K. Alder, Chair



Janalyn Brown, Interim Secretary

June 24, 2022

Date Approved