Minutes

I. Minutes from the March 13, 2018, meeting were approved.

II. **Dean's Comments**
   A. Chair searches – The searches are nearly complete for the Chair of the Department of Psychiatry and the Director of the Health and Wellness Center. The search for the Chair of Orthopedics is in first-round interviews, with five candidates to visit. The search for the Chair of Immunology and Microbiology is going well.

   Architects are moving ahead with the new building, directly west of R2. State appropriation of capital will cover 20% of the costs, and the project is still in budget. Designs and models are being reviewed, and it is believed that it will be a great addition to the campus.

   UCHHealth has gone to the Board to ask for funding for planning for a 3rd tower of UCH. That process will go on over the next 4-5 months, then a formal proposal for funding will be complete, which will go back to the Board.

   We will be closing the Family Medicine Residency Program at Rose Hospital on July 1. Residents have spots now in other residency programs in the area. This was in the best interest of the residents, and they agreed.

   Senator Question: What is the tentative location for the 3rd tower? Answer: The western part of the tower, with the exact location still up in the air.

III. **Discussion/Approval Items**
   A. Institutional & Faculty Integrity and External Gifts – Matt Wynia

   Dr. Wynia came to the Faculty Senate last year and spoke about this draft, and there have been a couple of modest iterations. Approximately 2 weeks after he got here, the Coca Cola story “broke,” and he was asked to look at a plan for determining if gifts are appropriate. The new policy does not address individual conflicts of interest, and it is not about faculty getting a gift to do something on their own, e.g., give a talk. This policy does not cover IRB-approved work.

   A committee was then formed (PIIRC), which was appointed by the Chancellor. The group has expertise in law, conflicts of interest, ethics, institutional finance, fundraising standards and corporate relations. They were responsible for tracking and mitigating reputational risk related to external funding of non-research work by campus faculty and staff, along with making recommendations to the Chancellor regarding accepting, rejecting, or modifying proposed gifts to reduce risk and support receipt of appropriately structured gifts. The gift-size thresholds are:
   - $5,000-$<50,000 – faculty member should complete attestation form.
   - $50,000-$100,000 – faculty member and supervisor should sign form.
• $>100,000 - $1,000,000 – should receive PIIRC review and must have a written gift agreement.
• $>1,000,000 – must receive PIIRC review, have written gift agreement and Chancellor/designee approval.

Senator Question: If the gift is legitimate, from Pfizer for example, wouldn’t that imply endorsement of the company? Answer: Agreed. The point is to say, is this a lecture series that comports with the vision and intent of the University? The faculty member should attest to that. If it is a large gift, this would be set up so that people could say it is a good use of resources. If we had to defend in public, we could. The process makes sure it’s not just one person making the decision, and then regret it.

Senator Question: Even with smaller gifts, can the committee help? Answer: Yes. The process trusts that faculty will think it through, and ask for assistance if needed. We will have ways to mitigate risk that faculty might not have thought of.

Question: If a gift starts out at $25,000, and the faculty member “did good,” and now they are offered $75,000 - is it cumulative? Answer: One of the questions is, has this person given additional $$$ before so as not to game the system? You can always fill out the electronic form, and someone will be reviewing as a second set of eyes. We have tried to set a dollar threshold to have maximum impact; you can always fill this out. We are trying to make this as simple as possible.

There was then discussion regarding the website, which will be available soon. The form currently exists on Red Cap, but it has not been made public. The intent is to implement at the beginning of next academic year, provided no “red flags” come up in the meantime.

B. New Exempt Honoraria Policy – Steven Lowenstein

Dr. Lowenstein reviewed the new Exempt Honoraria Policy, which addresses the common question of whether consulting agreements are assignable or exempt. There are only two places where the information appears: The CU Medicine Member Practice Agreement and the BSI Plan, which was last reviewed in 1998. The information is ambiguous with regard to one time versus occurring. The goal was to clarify definitions and to avoid confusion.

Clarifications: We will retain existing exemptions for editing, royalties, IP, one-time visiting professorships, lectures, articles, service on non-profit board, and add an exemption for governmental study sections, even if they are recurring. The policy will clarify that reimbursement from for-profit entities are always assignable, regardless of whether the activity is one-time or recurring. Industry-paid engagements will always be assignable.

An attempt was made to clarify grey areas, to make it easy to determine what's assignable. We will engage in as much outreach as possible to all stakeholders. We will
update the case studies document. We need additional resources to ensure rapid invoice tracking, as CU Medicine legal review of contracts will increase as more will be funneled there. Clarification was made that when you assign income to CU Medicine, you can still receive income. It comes back to the faculty member. Even though there is a tax and a low administration processing fee, compared to a 1099, it is nearly identical. There are advantages of legal review, indemnification, and retirement contributions.

The process for assigning income to CU Medicine was discussed. Instead of the company giving you an honorarium check, the process will start with a contract. The CU Medicine team will review and substitute “CU Medicine” for your name. The check for services will then be routed to CU Medicine. This will make it easier for you to track when the money is paid and when to see it. Question: After CU Medicine takes its share, does CU send a 1099? Answer: The funds come to the faculty through the University, not a 1099. It’s a University paycheck, W2.

Question: At what point does it become recurring? Answer: Now it won't matter.

The meeting adjourned at 5:20 p.m.

Respectfully submitted,

Cheryl Welch
for Secretary of Faculty Senate