

George Mason University Procedure for Review and Management of Disclosures Related to the Virginia Conflict of Interests Act

General Description:

All employees of the Commonwealth of Virginia are required to comply with the State and Local Government Conflict of Interests Act (the Act). The Act prohibits officers or employees of George Mason University (Mason) from having a Personal Interest in a contract with Mason, other than their own contracts of employment. Waivers from this prohibition may be granted in specific circumstances described below. This procedure details the process George Mason University (Mason) uses for employees to disclose personal interests, and the process for how Personal Interests and waiver requests will be reviewed, evaluated, and approved or disapproved.

Definitions:

Note: Definitions are from Virginia Code § 2.2-3101, as amended. For Mason employees, the “governmental agency” is Mason.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Personal Interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such

property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.....

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

Procedures:

1. **Disclose Personal Interests:** In order for the university to evaluate the potential applicability of the Act, employees have a duty to disclose Personal Interests related to Mason contracts and transactions through the electronic COI Disclosure system at <http://coi.gmu.edu>. All Personal Interests must be disclosed and reviewed prior to Mason entering into a contract or transaction. Employees must not take on new Personal Interests related to ongoing contracts with Mason prior to receiving a waiver.
2. **Review of Disclosures:**
 - a. All disclosures of Personal Interests will be reviewed by a subcommittee of the Conflict of Interest Committee consisting of the representatives from the Office of Research Integrity and Assurance (ORIA) and Institutional Compliance to determine whether to present them to the full Conflict of Interest Committee.
 - b. Disclosures of dual employment of Immediate Family Members will be reviewed and evaluated by an employee's supervisor, Human Resources, and Institutional Compliance.
3. **Waivers:**
 - a. To request a COI waiver an employee must disclose their Personal Interest and/or submit a Pre-Approval Request (PAR) through the electronic COI Disclosure system. Waiver requests will be reviewed by a subcommittee of the Conflict of Interest Committee consisting of the representatives from ORIA and Institutional Compliance, who will determine whether a waiver is required. When a waiver is required, the request will be reported to the full Committee at their subsequent meeting.
 - b. Proposed waivers for contracts that involve research and development or commercialization of intellectual property activities (Research) will be reviewed by the COI Committee. If the Committee approves a proposed waiver, it will be sent for signature by the employee's Dean or Director, the Vice President for Research, Innovation, and Economic Impact, and the President. Once all signatures have been received, the waiver is approved.
 - c. Proposed waivers for:
 - i. the purchase of goods and services;
 - ii. the purchase of building materials, supplies or equipment for a University building or structure from any independent contractor who is providing architectural or engineering (non-construction) services to the University, or from any partnership, association or corporation in which the architect or engineer has a personal interest, except in cases of emergency (as defined in Virginia Code section 2.2-4303) when authorized in writing by the Vice President, Facilities; or
 - iii. trips paid by vendorswill be reviewed by the COI Committee. If the Committee approves a proposed waiver, it will

be sent for signature by the employee's Dean or Director, the Executive Vice President for Finance and Administration, and the President. Once all signatures have been received, the waiver is approved.

- d. Proposed waivers for the dual employment of Immediate Family Members will be reviewed by the employees' supervisors, HR, and the University Ethics Officer and Outside Interests Manager. Once the supervisor and University Ethics Officer have accepted, the waiver is approved.
- e. All proposed waivers of a conflict of interest which do not fall into the above categories will be reviewed by the COI Committee. If the Committee approves the proposed waiver, it will be sent for signature by the employee's Dean or Director and the President. Once all signatures have been received, the waiver is approved.
- f. Copies of approved COI Waivers will be maintained in the COI Disclosure system.

4. Management Plans:

- a. COI Waivers will include steps to manage a conflict of interest.
- b. Management options for Research Conflict of Interest Waivers may include, but are not limited to:
 - i. Filing a public Statement of Economic Interests (SOEI) with the Commonwealth of Virginia (this is required for Research COI Waivers)
 - ii. Termination of a contract which creates a COI and renegotiation/submission of an RFP
 - iii. Modification/severance/divestiture/restructuring of financial interest
 - iv. Reduction of financial interest
 - v. Exclusion of employee from all business transactions between the university and the organization in which the financial interest is held
 - vi. Use of a third-party for all negotiations between the university and the organization in which the financial interest is held
 - vii. Removal of the employee from all purchasing decisions or contracting authority
 - viii. Management or oversight of procurement activities by a contracting authority without a conflict
- c. Management options for other Conflicts of Interest may also include, but are not limited to:
 - i. Monitoring of contract or transactions by an independent supervisor or reviewer
 - ii. Monitoring of contract or transactions by an administrative agent (such as a representative of Purchasing)
 - iii. Disqualification of the employee from participation in any transaction that affects the interests of the outside organization in which the employee holds a financial interest
 - iv. (For dual employment of Immediate Family Members) Removal of employee from the direct supervisory chain of a family member
 - v. (For dual employment of Immediate Family Members) Monitoring of employee collaborations and projects by an independent supervisor or reviewer

5. **Denying Waivers:** Recommendations by a Dean or Director, the Vice President for Research, Innovation, and Economic Impact, the Executive Vice President for Finance and Administration, or the University Ethics Officer and Outside Interests Manager may be appealed to the President of the University. The President has ultimate decision authority for approving or denying waiver requests.

6. **Reports to the Board of Visitors:** Institutional Compliance will prepare an annual report for the Board of Visitors of all current Conflict of Interest waivers.

Related Forms, Guidance, and SOPs:

Found at <http://coi.gmu.edu>

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