



NUMBER: 4.4.10

DATE: 11/01/2007

REVISION: 10/16/2009

PAGE: 1 of 14

SECTION: HUMAN RESOURCES

AREA: EMPLOYEE RELATIONS

SUBJECT: CONFLICT OF INTEREST FOR ACADEMIC STAFF MEMBERS

### **PURPOSE**

The purpose of this policy is to protect the university mission (research, teaching, service and patient care) and academic integrity in science. The policy establishes a faculty peer review system that will enable management of potential conflicts of interest among all faculty colleagues.

### **SCOPE**

This policy applies to all UAMS academic staff members. Academic staff include all faculty, principal investigators on research projects, and any person who is involved with the design, conduct and reporting of research. (as defined below)

### **DEFINITIONS**

**Academic Staff Member:** All UAMS faculty, an individual who is the principal investigator or co-principal investigator on a research project, or any person who is involved with the design, conduct and reporting of research.

**Technology:** Any tangible or intangible invention, in the patent sense, whether or not reduced to practice and any research results, whether or not patentable or copyrightable, including:

- (i) any process, method, product, compound, drug, device, biological or biogenic material,
- (ii) any diagnostic, therapeutic, medical, or surgical procedure, or any computer program or software, integrated circuit design, database, technical drawing, or other technical creation whether intended for commercial use or not.

**Technology Transfer:** Technology transfer refers to the commercialization of ideas, concepts, and inventions through publication, patenting and licensing, and the formation of business entities.

**Immediate Family:** Family or Family Member: Spouse, children, stepchildren, parents, siblings, and domestic partners (individuals not related by blood, not legally married, but currently in a committed relationship and residing in a common household sharing joint responsibility for the household).

**Institution:** The University of Arkansas for Medical Sciences

**Responsible Administrator:** With respect to the disclosure and management provisions of this policy, the term “Responsible Administrator” for an Academic Staff Member refers, in the first instance, to the Vice Chancellor for Academic Affairs and Research Administration (VCAA).

**Business Relationships:** In general, when Academic Staff Members or their immediate family members are involved in Business ventures as owner, operator, or a major investor or as an Executive Officer.

**Gifts:** Are defined in the UAMS gift policy and include anything of monetary value from meals and travel to promotional items such as pens, coffee mugs and note pads.

**Healthcare Industry:** The healthcare industry includes the development, manufacture, supply and delivery of healthcare products or services. Entities in healthcare industry include, but are not limited to, pharmaceutical and medical devices, medical supply, patient transportation and ambulance services, hospitals, laboratories, medical imaging, and physician and nursing services.

**Conflicts of Interest:** A conflict of interest is defined as a divergence of interests away from professional obligations to the Institution. COI is also defined as a divergence of interests toward external sponsors of research or other activities toward an individual’s private or personal interests. Under these conditions, an unbiased observer would reasonably conclude the individual's professional actions or deeds were determined by personal considerations of gain, financial or otherwise and were not in the best interest of the Institution and sponsor.

Significant Financial Interest: salary or other payments for services (e.g., consulting fees or honoraria);

- equity interests (e.g., stocks, stock options or other ownership interests);
- intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term does **not** include:

- salary, royalties, or other remuneration from the Institution;
- any ownership interests in the Institution, if the Institution is an applicant under the SBIR and STTR programs;
- income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- income from service on advisory committees or review panels for public or nonprofit entities;

- an equity interest aggregated for the Investigator and the Investigator's spouse and dependent children
- salary, royalties or other payments

## **POLICY**

**Conflicts of Interest:** A conflict of interest exists when an individual has an outside interest that affects or provides an incentive to affect the individual's conduct of his or her UAMS activities. Conflicts of interest can arise naturally from an individual's engagement with the world outside of UAMS, and the mere existence of a conflict of interest does not necessarily imply wrongdoing. When conflicts of interest do arise, however, they must be recognized, disclosed and either eliminated or appropriately managed.

Academic staff members must disclose Interest described in sections 1 – 5 below to the conflict of interest committee to reduce, manage or eliminate the conflict.

1. Ownership interest, stock options, or other financial interest related to the research unless it meets two tests:
  - a. The interest is publicly traded on a stock exchange.
  - b. No arrangement has been entered into where the value of the ownership interests will be affected by the outcome of the research.
2. Compensation related to the research unless no arrangement has been entered into where the amount of compensation will be affected by the outcome of the research.
3. Proprietary interest related to the research including, but not limited to, a patent, trademark, copyright or licensing agreement.
4. Board or executive relationship related to the research, regardless of compensation.
5. All contracts with (includes employment), Board service for, and financial interest in entities in healthcare industries or entities that contract with, or are otherwise engaged in business with or seek to do business with UAMS.

**Conflicts of Commitment:** A conflict of commitment is a distraction of an individual academic staff member's attention or effort from obligations to the academic appointment (teaching, research, other services, and/or patient care) because of "outside" activities. Professional service activities on the part of College of Medicine faculty, such as patient care and professional consultation, are subject to special constraints as defined in the MCPG By-Laws. Part-time faculty may not be subject to conflict of commitment guidelines due to the nature of their appointments; however they are subject to conflict of commitment requirements, especially if they participate in sponsored activities. These instances should be discussed with individual chairs and/or division heads. The following

list represents conflicts of commitment and must be disclosed to the conflict of interest committee:

1. Absence: Commitments that involve frequent or prolonged absence from the University on non-University business.
2. Substantial Outside Commitments: Commitments that engage a substantial portion of the time an Academic Staff Member is expected to spend in University-related activities and which thereby reduce the amount or quality of participation in the clinical, instructional, scholarly or administrative work of the University. Situations where an Academic Staff Member, while serving in a position at the University makes a substantial contribution to the non-educational services offered by another entity that interferes with UAMS duties.
3. Multiple Teaching Appointments: Situations where an Academic Staff Member, while serving in a position at the University, is concurrently engaged to teach a course or otherwise make a substantial contribution to the instruction or educational services offered by another entity. Instructional activities performed in the course of normal faculty scholarly leave, which are routinely subject to disclosure and approval processes, are not meant to be covered by this example.
4. Limitations on Performance of Duties: Situations where an Academic Staff Member, as part of an arrangement with an entity unaffiliated with the University, agrees to any limitations on his/her performance of teaching or other instructional duties, or non-teaching duties for the University (e.g., through agreements containing exclusive provider, non-competition or right of first refusal clauses).
5. External Executive or Managerial Appointments: Situations where an Academic Staff Member is asked to assume Executive Positions with outside organizations that might seriously divert the individual's attention from University duties, or create other conflicts of loyalty.

Outside employment is governed by University of Arkansas Board of Trustees Policy 450.1. That policy establishes that outside employment “shall not interfere in any substantial way with the employee’s University duties nor conflict with his/her University assignments.” The policy further recognizes that full-time faculty and non-classified administrative staff members “are obligated to devote their working time and efforts primarily to University activities”. Outside employment requires prior written approval by the department head and/or dean.

**Activities Related to Students/Trainees:** Academic Staff Members may not assign students, post-doctoral fellows, or other trainees to University projects sponsored by any Business if the Academic Staff Member or a Family Member has a Significant Financial Interest in or is an officer or director for such Business. Academic Staff Members also may not assign students or trainees or permit students or trainees to participate in any consulting relationship of the Academic Staff Member which constitutes a Significant Financial Interest for the Academic Staff Member or a Family Member.

Deans and department chairs have the responsibility for protecting the interests of students, fellows, and trainees who may be directly or indirectly involved in a conflict

situation based upon their institutional role and relationship with a faculty or staff Academic Staff Member who has a financial interest in which the student is involved, in accordance with this Policy.

**Activities Related to Academic Staff Members and Immediate Family Members:** An Academic Staff Member may not participate in the hiring process or any employment - related decisions pertaining to a Family Member. Likewise, an Academic Staff Member may not be in a position to supervise a Family Member as an employee of the University or otherwise review or participate in reviewing a Family Member's work as an employee of the University.

**Research and Healthcare Activities:** An Academic Staff Member may not review, approve or administratively control contracts, grants, clinical trials, or other business relationships when such contract, grant, clinical trial, or other business relationship pertains to Sponsored Research involving the University and a Business in which the Academic Staff Member or a Family Member has any financial interest or when the Academic Staff Member or Family Member is an employee of the Business and directly involved with activities pertaining to the Sponsored Research. Accordingly, each Academic Staff Member either participating in or otherwise involved in patient care or any University research activities is responsible for learning and complying with the specific policies and procedures pertaining to their work or area of research, including the special policies and procedures for Sponsored Research which is part of this policy.

Conflicts of Interest in Sponsored Research and the provision of patient care involve situations in which financial, professional, or other personal considerations may compromise, or have the appearance of compromising, an individual's judgment in the provision of patient care or the conduct or reporting of Sponsored Research. The bias which may result from such conflicts may impact not only on the collection, analysis and interpretation of data, but also on the hiring of staff, procurement of materials, clinical referrals, sharing of results, choice of protocol, the use of statistical methods, the use of human participants or otherwise influencing the provision of patient care or the course of a Sponsored Research project.

**Conflicts of interests when humans are involved in research:**

**Conflicts of Interest in Human Subject Research:**

In addition, if the Conflict of Interest Committee (COIC) determines a conflict exists between the university and the company sponsoring the research, these conflicts and their respective management plans shall be disclosed in the informed consent documents as follows\*:

**If any investigator listed in the IRB form has a "significant financial interest," a disclosure statement, such as the following, must be included in the consent form:**

The Research staff may make money if the study goes well. There are no plans to share this with people who take part in this study. Please ask the research staff if you have any questions.

**If not significant, use the following language:**

The Sponsor of this study will give the research doctor [*insert other personnel as appropriate*] or UAMS [*add other sites as appropriate*] money to cover the costs of doing this study. Please ask the research staff if you have any questions.

**If the Institution has a “significant financial interest,” a disclosure statement, such as the following, must be included in the consent form:**

UAMS may make money if the study goes well. There are no plans to share this with people who take part in this study. Please ask the research staff if you have any questions.

**If the PI has received either an “unrestricted research grant” or a “gift” from an outside entity to fund research initiatives, a disclosure statement, such as the following, must be included in the consent form:**

*(Insert Name of Funder)* has given the *(Insert Department or PI Name, whichever is applicable)* money that will help pay for this study and may include money for research staff salaries. Also, this money will cover the costs of *(Insert other uses for the funding, if applicable)*.

\*Please note that all revised consent forms are subject to IRB review and approval.

## **PROCEDURES**

**Disclosure:** Use the Conflict of Interest disclosure forms in Appendix A to report conflicts identified in any of the 6 categories described in the Policy section above.

**Grants:** When an academic staff member submits a grant proposal each academic staff member planning to participate in the research must have submitted a conflict of interest form for the fiscal year. This form should include a listing of his/her known Significant Financial Interests (and those of his/her spouse and dependent children) 1) that would reasonably appear to be affected by the research for which funding is sought from the funding agency and 2) in entities whose financial interests would reasonably appear to be affected by the research. Any conflict of interest identified in the form shall be reported to the conflict of interest committee and the academic staff member shall be responsible for assisting in developing an assurance of management of conflicts of interest. If federally funded research is to be carried out in part by subgrantees, contractors, or collaborators, the principal investigator is responsible for securing the compliance by such other investigators with this UAMS policy or for providing from the external entities assurances that will enable UAMS to comply with its institutional responsibilities to the funding agency.

Prior to expenditure of any funds from a federal award, the Office of Research and Sponsored Programs shall obtain from each academic staff member a fully-executed conflict of interest form for the fiscal year. At this time the ORSP will report to the awarding agency the existence of any conflicting interest with respect to the research proposed (but not the nature of the interest or other details) and assure that the interest has been managed, reduced, or eliminated. For any conflicting interest identified subsequent to the initial report under the award, a report shall be made and the conflict managed, reduced, or eliminated within sixty days.

**Maintenance of Records:** All financial disclosures and records of actions taken by UAMS with respect to each conflicting interest shall be maintained for at least three years from the date of the submission of the final expenditure report for any federally funded project. Such information shall be provided to the funding agency upon appropriately authorized request.

**Conflict of Interest Committee:** The Conflict of Interest Committee (COIC) shall be appointed by the Vice Chancellor for Academic Affairs and shall be a standing committee of UAMS. The Committee shall include one lay person appointed by the Vice Chancellor for Academic Affairs. The Chair shall be appointed by the Vice Chancellor for Academic Affairs, and the Committee shall meet regularly in order to act in a timely fashion. The Conflict of Interest Committee shall review disclosures for possible conflict and shall advise appropriate officials on the management of the situations using the COIC standard operating procedures. The Committee shall also publish and periodically revise concrete guidelines to assist faculty and administrators.

**Campus Committees:** All campus committees must be mindful of potential conflicts of interest and must incorporate disclosure of potential conflicts of interest of committee members at the start of each committee meeting.

**Physician Preference Purchasing:** Any physician wishing to purchase under the physician preference procedure must disclose any contract with or financial interest in the entity selling, manufacturing or otherwise involved in producing the item to be purchased.

## **ADMINISTRATIVE ACTIONS, PENALTIES, AND APPEALS**

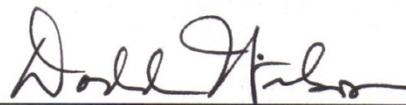
**Notification of Federal Agencies:** If the failure of the investigator to comply with this conflict of interest policy has biased the design, conducting, or reporting of federally funded research, UAMS shall promptly notify the awarding agency of the corrective action taken or to be taken.

**Administrative Sanctions:** Failure to disclose conflicts of interest in an appropriate and timely manner or failure to comply with procedures to resolve conflicts of interest as recommended by the Conflict of Interest Committee shall result in administrative sanctions determined by the Vice Chancellor for Academic Affairs with advice from the

appropriate Dean or other administrative officials and the Conflict of Interest Committee. Additional administrative action may include oral admonishment, written reprimand, reassignment, disqualification from submitting proposals for research support to Federal Agencies or other sponsors, demotion, suspension, or separation.

**Appeal:** Appeal of any determination by a Responsible Administrator may be made to the next higher level or to the Conflict of Interest Committee. Appeal of sanctions determined as above may be made to the Chancellor, in accordance with the UAMS Grievance Procedure. The decision made by the Chancellor will be final and binding and shall not be subject to further appeal.

**Reporting:** The UAMS Office of Research and Sponsored Programs shall report identified financial conflicts of interest to the funding agency prior to releasing the award to Grants Accounting for establishing an account.

SIGNATURE:   
Chancellor

Date: October 23, 2009

UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES  
**CONFIDENTIAL**  
CONFLICT OF INTEREST AND COMMITMENT DISCLOSURE FORM

**Fiscal Year:** \_\_\_\_\_

NAME: \_\_\_\_\_  
Last, First

ADDRESS: \_\_\_\_\_  
Department Building Room Phone

POSITION: \_\_\_\_\_  
Title Faculty (Yes/No)

Click twice on all that apply. Change the default value to “checked”:

- Annual Update     Full-time Employee     Part-time Employee     First Time Form  
 Research Personnel     Non-research Personnel     Ad Hoc report

The following questions address situations that may continue into the above referenced Fiscal Year, but only those situations that, to an outside person could appear to affect objectivity in your professional role at UAMS. For example, it is not necessary to list stock in a bank unless that bank is engaged in business with UAMS or funds research at UAMS, additionally it is not necessary to list a spouse’s unrelated business activities.

1. **Ownership:** Do you or your immediate family members own any interest in any corporation; partnership; trust; joint venture; or other business interest, including land used for income, which represents a legal or equitable interest (Ownership of intellectual property, e.g., patents, royalties, and copyrights is also included. Ownership of funds and holdings acquired through the UA retirement programs are not included.)?

No     Yes

If patents, list patent number, date of patent and title of patent:

2. **Compensation:** Have you or your immediate family members received or expect to receive salary, anything of value (gifts, favors or gratuities), or economic benefit in return for services rendered, including consulting fees from any one entity that does business with UAMS? This includes immediate family.

No     Yes

3. **Office:** Do you or immediate family members hold a position or office of director, officer, associate, partner, or proprietor in any outside entity in which you or your family have ownership interest or compensation per year? Disclosure is required regardless of financial ownership or compensation.

No     Yes

4. **Fees and Commissions:** Do you or does a member of your family receive fees or commissions from one or more outside entities that could appear to conflict with UAMS assignment? This includes immediate family members.

No Yes

5. **Commitment:** Do you have any other relationships, commitments, or activities in which an independent observer could conclude present a conflict of commitment with your UAMS appointment? Such interests may include financial or fiduciary interests or uncompensated activities. (See examples in Policy)

No Yes

6. **Employment of UAMS Staff:** Do you have non-university professional or income producing activities involving UAMS students or staff, or do you employ for any outside activities any UAMS students or staff?

No Yes

7. **UAMS vendors:** Do you or immediate family members contract with, serve on a board for, or own any financial interest in any entity engaged in business with or seeking to do business with UAMS?

No Yes

8. **Healthcare industries:** Do you or immediate family members contract with, serve on a board for, or own any financial interest in any entity in the healthcare industry engaged in business with or seeking to do business with UAMS?

No Yes

Complete and sign the remainder of this page. If you have answered "Yes" to any of the questions above, you must complete Disclosure Statement Form B.

DECLARATION:

I, \_\_\_\_\_, declare that this report of financial and commitment interest and potential conflict of interest and commitment has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement. I have read the Board policy on Conflict of Commitment and Conflict of Interest and I have complied with policies and procedures of the University of Arkansas for Medical Sciences. I have complied with Federal conflict of interest policies and regulations. Also, I understand that UA Board's policy states that failure to file this statement as required or intentionally filing a false statement may result in disciplinary action. Any changes to this statement will be reported prior to proposal submission.

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Signature

Date

*ACCEPTED: As the Chair and/or Immediate Supervisor for this Academic Staff Member, I hereby declare I have reviewed this information and it is correct to the best of my knowledge.*

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Chair/Director/Unit Head

Date

**FORM B**

UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES  
CONFIDENTIAL

(ONLY TO BE COMPLETED IF REQUIRED BY ANSWERS TO QUESTIONS IN FORM A)

DISCLOSURE STATEMENT OF SIGNIFICANT FINANCIAL

COMMITMENT INTERESTS

SECTION I - CONFLICT OF INTEREST

In compliance with Federal, Board, and University of Arkansas for Medical Sciences policies, disclosure of relevant significant financial interest is required of all full-time faculty and unclassified staff and all other members of the UAMS community who are responsible for the design, conduct, or reporting of research or educational activities. The disclosure of interests includes those of the UAMS employee, his or her spouse, immediate family members, and other members of the personal household. "Significant Financial Interest" means anything of monetary value including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria), equity interests (e.g., stocks, stock options, or other ownership interests), and intellectual property rights (e.g., patents, copyrights, and royalties from such rights). The term does not include salary, royalties, or other remuneration from the UAMS including funds and holdings acquired through the Board retirement programs.

**A. EMPLOYEE IDENTIFICATION**

Name: \_\_\_\_\_  
Last, First MI

**B. IDENTIFICATION OF POSSIBLE CONFLICT**

Identify the relevant research and educational activities that may be affected by the financial or ownership interest that you, your spouse, immediate family members or other members of your personal household may have. Complete the remainder of this section with this possible conflict in mind.

**C. OWNERSHIP INTERESTS**

List any corporation, partnership, proprietorship, trust, joint venture, and other business interest, including land used for income in which either you or other members of your household own or have owned within the preceding 12 months a legal or equitable interest. Please insert additional pages if necessary to complete this section.

If you have nothing to report in Section "C," check here \_\_\_\_\_

Business Name and Address Type of Business Description of Interest Held by Whom  
Percent of Ownership

Interests

1. You \_\_\_\_\_  
Spouse \_\_\_\_\_  
Other\* \_\_\_\_\_
2. You \_\_\_\_\_

- Spouse \_\_\_\_\_  
 Other\* \_\_\_\_\_
3. You \_\_\_\_\_  
 Spouse \_\_\_\_\_  
 Other\* \_\_\_\_\_
4. You \_\_\_\_\_  
 Spouse \_\_\_\_\_  
 Other\* \_\_\_\_\_

\* "Other" refers to immediate family members and other members of your household.

**D. RECEIPT OF COMPENSATION** List all places of employment and other business from which you or any member of your household expect to receive compensation.

**D.1 YOUR** place(s) of employment or other business in the preceding calendar year.

If same as section "A" (current employment), check here \_\_\_\_\_

If you have nothing to report in Section "D.1," check here \_\_\_\_\_

Name of Business Address Type of Business

1. \_\_\_\_\_
2. \_\_\_\_\_

**D.2 SPOUSE'S** place(s) of employment or other business in the preceding calendar year.

If you have nothing to report in Section "D.2," check here \_\_\_\_\_

Name of Business Address Type of Business

1. \_\_\_\_\_
2. \_\_\_\_\_

**D.3 OTHER HOUSEHOLD MEMBER(S)** place(s) of employment or other business in the preceding calendar year.

If you have nothing to report in Section "D.3," check here \_\_\_\_\_

Name of Business Address Type of Business

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**E. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS**

List any organization or business in which you, your spouse, or any other member of your household, hold a position of officer, director, associate, partner, or proprietor. Please insert additional pages if necessary to complete this section.

If you have nothing to report in Section "E," check here \_\_\_\_\_

Name and Address of Business Position Held by Whom

1. \_\_\_\_\_
2. \_\_\_\_\_

- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

**F. RECEIPT OF FEES AND COMMISSIONS**

List each client or customer from which you, your spouse, or any household member receives any payment which could present a potential conflict of interest with any of your research/educational activities. In the case of partnership, it is your proportionate share of the business or fee that is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision, but may be required to report under Section D. above.

Please insert additional pages if necessary to complete this section.

If you have nothing to report in Section "F," check here \_\_\_\_\_

Name and Address of Client or \_\_\_\_\_

Customer \_\_\_\_\_

Position Held by Whom \_\_\_\_\_

**G. HEALTHCARE INDUSTRIES AND VENDORS**

List each UAMS and healthcare entity which you or immediate family member contract with, have a financial interest in, or provide board service.

Please insert additional pages if necessary to complete this section.

If you have nothing to report in Section "G," check here \_\_\_\_\_

Name and Address of vendor or healthcare entity \_\_\_\_\_

Nature of interest (by whom) \_\_\_\_\_

**H. IDENTIFICATION**

List external activities such as consulting, external employment, public service, holding of office or pro bono, even if not compensated, that represent significant time commitment efforts which may be or appear to be a conflict of time commitment situation. An example would be serving as national president of the Boy Scouts of America which requires your out-of-state presence three days a week. Another example might be that you are an unpaid consultant to a private entity at a significant level of effort.

External Entity Projected level of effort per year Purpose

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**I. DECLARATION:**

I, \_\_\_\_\_, declare that this statement of significant financial interest and time commitments (including accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all my significant interests and other matters required by law. I have read and agree to abide by Federal and UA Board Conflict of Interest policies and University of Arkansas for Medical Sciences procedures. Also, I understand that Board’s policy states that failure to file this statement as required by law or intentionally filing a false statement may result in disciplinary action. Any changes to this statement will be reported when the information becomes known to me.

\_\_\_\_\_  
Signature Date

Number of additional pages: \_\_\_\_\_

Return this form to your chair, director or unit head.

**J. VERIFICATION:**

I have reviewed the (potential) conflicts of interest and/or conflicts of time commitment with the above named individual, and procedures have been implemented to manage the (potential) conflicts. As implemented, these management practices should ensure that none of the above referenced conflicts or potential conflicts will interfere with the performance of the individual’s teaching, research, and/or professional service activities.

There is no conflict \_\_\_\_\_

A potential conflict exists and a plan has been developed to manage it. A copy of the plan is attached.

ACCEPTED: \_\_\_\_\_  
Chair/Director/Unit Head Date

ACCEPTED: \_\_\_\_\_  
Dean Date

ACCEPTED: \_\_\_\_\_  
Vice Chancellor for Academic Affairs (if applicable) Date

\*\*\*Please note that this form appears in a slightly different format on the UAMS website.\*\*\*