UNITED ACADEMICS PROPOSAL
7-30-13

ARTICLE 50
Conflict of Interest and Commitment

Section 1. Definitions.

Interest
“Conflict of Interest” or “potential conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person’s relative, or a business with which the person or the person’s relative is associated, unless the pecuniary benefit or detriment arises out of the following:

a. An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

b. Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged.

c. Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

Commitment
"Conflict of Commitment" refers to situations where a bargaining unit faculty member’s outside activities related to his or her university responsibilities impinge on his or her ability to adequately perform his or her professional responsibilities to the university.

Except for outside activities disallowed by University or unit policy, a 1.0 FTE faculty member may engage in outside activities that contribute to the University’s mission of teaching, research and public service one day per week apart from personal time. A bargaining unit faculty member at less than 1.0FTE is allowed to devote to such outside activities a proportionate amount of the faculty member’s FTE. Averaging the time allowance over the quarters of an academic year is permissible, provided that it does not unduly interfere with the faculty member’s primary responsibilities to the University. Some outside activities require prior approval, see Section 3. Individual units should define in their unit policies how the “one day per week apart from personal time” will be applied given the norms in their field or discipline.
Section 2. Activities Not Requiring Approval. The following describe types of outside activities in which bargaining unit faculty members may engage without prior review and approval by the University Administration.

A. Professional Affiliations
Bargaining unit faculty members may, without prior approval, accept invitations to serve on advisory bodies or public commissions related to their academic or professional work, as well as to travel to other institutions or conferences for the purpose of presenting lectures, leading seminars or workshops, or visiting the laboratories of colleagues.

B. Limited Consulting
Bargaining unit faculty members may engage in limited outside consulting work without prior approval with the following limitations.

1. Bargaining unit faculty members shall not engage in outside consulting work to the detriment of their university obligations.
2. The time devoted to consulting work shall not exceed the one day per week apart from personal time standard as defined above.
3. No engagement that involves a conflict of interest as defined by applicable state law or university policies shall be accepted without review and prior approval.
4. To aid the state in the development of its resources, industries and quality of life, bargaining unit faculty members, as part of their official duties, may consult and cooperate with public officials on matters of mutual interest or of public benefit.
5. Official university stationery shall not be used in private outside work. A bargaining unit faculty member may, however, use personal stationery or other letterheads carrying his or her university title and may sign reports and letters pertaining to outside work over an official title, so long as it is clear that the university title is used for identification only.
6. The work does not involve the use of more than de minimis university resources, except as provided in a current agreement signed by the Provost or designee.
7. Each client is informed by the faculty member that her or she is acting as a private person and that the university is not a party to the contract, nor liable, nor responsible for performance of the contract.
8. The work is not under a grant or contract to which the university is a party.
(9) The work will not result in the unauthorized disclosure of confidential information or the unapproved transfer of university intellectual property.

C. Outside Activities Unrelated to University Responsibilities

Outside activities unrelated to university responsibilities and undertaken by faculty on personal time, regardless of whether compensated, are not subject to this Article, unless they create a “potential conflict of interest” as defined in Section 1.

Section 3. Activities Requiring Prior Approval. The following describe types of outside activities in which bargaining unit faculty members may engage if the University Administration has granted approval.

a. Acceptance of compensation from, or ownership of substantial equity in, an enterprise that carries on activities closely related to the bargaining unit faculty member's professional responsibilities;

b. Service in a line management position in such a commercial enterprise or participation in the day-to-day operations of such a commercial enterprise;

c. Service in a key, continuing role in a private or outside public entity.

d. Principal investigators and other key personnel (those directly involved in the conduct and reporting of results) must declare the following in proposals submitted on behalf of the University of Oregon:

(1) Anything of monetary value including, but not limited to, salaries, payments (e.g. consulting fees or honoraria), equity (e.g. shares of ownership) or intellectual property rights (e.g. receipt of royalties from patents and licenses) exceeding $10,000 a year where that interest may compromise, or have the appearance of compromising, an investigators' professional judgment in conducting or reporting research. Included are the financial interests of researchers' spouses and dependent children.

(2) Anything of monetary value including, but not limited to, gifts, favors, consulting relationships or other personal considerations exceeding $10,000 a year where that interest may compromise, or have the appearance of compromising, an investigators' professional judgment in conducting or reporting research. Also included are personal interests of researchers' spouses and dependent children.

Section 4. Procedure for Approval. A bargaining unit faculty member wanting to engage in an activity requiring approval shall submit to his or her department or unit head, dean, or vice president a written disclosure and request for approval of the activity.
The department or unit head, dean, or vice president shall recommend approval or disapproval of
the request, and within 10 days of the submission, forward his or her recommendation to the
Provost or designee, along with a written rationale for the recommendation.

All principal investigators or key personnel submitting proposals through the Office of Research
Services and Administration will be required to declare (at proposal submission) whether
activities defined in that proposal implicate a significant financial or personal interest, as defined
in Section 3.4 of this Article. Bargaining unit faculty members declaring a significant financial or
personal interest will be required to file a disclosure to the Vice-President for Research and
Graduate Studies.

The Vice-President for Research and Graduate Studies, in consultation with faculty and
administrative officers of the University (as appropriate), will determine whether the significant
financial or personal interest represents a potential conflict.

Where a potential conflict of interest is determined, the Vice-President for Research and
Graduate Studies will recommend one of the following:

a. That no action be taken when disclosed interests are determined to implicate no risk to
   the research; or
b. That the research be monitored by independent reviewers or research plans be modified
   when disclosed interests are determined to implicate manageable risk to the research; or

c. That no proposal be submitted unless affected principal investigators and key personnel
   withdraw from the proposal or elect to divest themselves of interests in potential conflict
   when those interests are determined to implicate unmanageable risk to the research.

Section 5. Requirements for Written Disclosure and Request for Approval. Bargaining unit
faculty members who are required to submit a written disclosure and request for approval, as per
Section 3 of this Article, shall fully describe the:

a. Type of work or consulting to be provided;
b. Nature of the relationship;
c. Potential conflicts of interest;
d. Short- or long-term commitment of time and effort including the amount of time, if any,
   in excess of the one day per week apart from personal time standard as defined in Section
   1;
e. Expected benefits to the outside entity, bargaining unit faculty member, and university;

f. Use of university facilities and support personnel, if any, and the method of reimbursing the university for both direct and indirect costs, if the university approves such use; and

g. Nature of any financial arrangements pertaining to compensation, including equity ownership and other forms of economic value provided to the bargaining unit faculty member or any immediate member of the bargaining unit faculty member's family.

h. Measures proposed to manage potential conflicts and reduce their risk to the research, sponsor and university.

Section 6. Criteria for Reviewing Requests for Approval. The outside activity must be appropriate to the mission of the university and promise significant contributions to scholarship and knowledge and, when possible, provide appropriate opportunities for students. In judging the appropriateness of a contemplated outside activity, the department or unit head, dean, or vice president should be satisfied that the activity meets the specific criteria listed below. The written disclosure provided under Section 4 shall be the basis of this determination.

a. The facts and circumstances indicate that the bargaining unit faculty member's financial involvement with the sponsoring organization will not affect the conduct of research in accordance with university policies and the highest professional standards.

b. The university's interests will be maintained despite any interest of the university employee in the sponsor.

c. The outside activity will lead to the advancement of knowledge and is not of a routine nature or solely of benefit to the sponsor.

d. The outside activity will contribute to the university's mission of teaching, research, and public service.

e. If commercial privileges are to be granted to a particular sponsor, it is clear that the best interests of the university and the public will in fact be served by this arrangement.

f. A bargaining unit faculty member's total average time commitment to outside activities should not exceed the limit of one day per week apart from personal time, unless the department or unit head, dean, or vice president determines that the activity will provide extraordinary benefit to both the university and the bargaining unit faculty member. The department or unit head, dean, or vice president shall document in writing the rationale for approving any request to exceed the one day per week apart from personal time standard.
g. There must be no anticipated distortion of academic programs. Involvement with external enterprises must in no way undermine the morale or academic integrity of the university.

h. Care must be taken to insure the intellectual freedom and intellectual property rights of any member of the university community. To this end, consistent with prudent and diligent steps to protect intellectual property through the patent or copyright process, there must be free access to the results of all research conducted at the university. Moreover, the intellectual property of students must be protected.

i. There must be no excessive or inappropriate use of university facilities or support personnel, and the bargaining unit faculty member must provide written assurance that the full cost of any approved use of such facilities or personnel will be reimbursed to the university.

j. Except under extraordinary circumstances, holding of a line management position or participation in day-to-day operations within an external enterprise should not be approved for full-time employees. Usually, the only condition under which the employee might remain at the university while carrying out such activities is if his or her appointment is reduced by a fraction consistent with the level of activities. This restriction, however, should not discourage the early, exploratory phases of entrepreneurial activity. For instance, management of a fledgling commercial enterprise might be judged consistent with full-time university employment.

Section 7. Appeal by Bargaining Unit Faculty Member. A bargaining unit faculty member dissatisfied with the decision of the Provost or designee regarding her or his own request for approval of an outside activity may file a grievance in accordance with Article 15.

Section 8. Confidentiality. A bargaining unit faculty member’s request for approval and the written disposition of that request shall be made a part of the bargaining unit faculty member’s confidential personnel record.

Section 9. Research Activities Undertaken in Collaboration with the Private Sector. If collaborative research is undertaken with the private sector, it must be appropriate to the mission of the university. The research must promise significant contributions to scholarship and knowledge and, when possible, provide educational opportunities for students. An appropriate research project is one in which:

a. The principal investigator's financial involvement with the sponsoring organization will not affect the conduct of research in accordance with university policies and the highest professional standards; and
b. The university's interests will be maintained despite any interest of the principal investigator in the sponsor; and

c. The research project will lead to the advancement of knowledge rather than to routine testing that is of primary benefit to the sponsor; and

d. The research project will contribute to the university's mission of teaching, research, and public service; and

e. If commercial privileges are to be granted to a particular sponsor, it is clear that the best interests of the university and the public will in fact be served by this arrangement.

Section 10. Failure of a bargaining unit faculty member to comply with these provisions may be disciplined in accordance with Article 18.