

## **UNIVERSITY PROPOSAL**

**9-12-13**

### **ARTICLE 54**

#### **CONFLICT OF INTEREST AND COMMITMENT**

##### **Section 1.**

a. Conflict of Interest refers to situations in which financial or other personal considerations may affect, or have the appearance of affecting, a bargaining unit faculty member's professional judgment in exercising any university responsibility. Individuals are expected to avoid conflicts of interest unless such conflicts are declared and reduced, managed or eliminated in accordance with applicable law, University policies, and this Agreement.

b. Conflict of Commitment refers to situations where an individual's distribution of effort between his or her university responsibilities and his or her non-University activities may affect, or have the appearance of affecting, his or her ability to perform university responsibilities in teaching; research, scholarship and creative activity; and service. The first obligation of bargaining unit faculty members is the proper performance of University responsibilities.

c. Apparent conflict refers to an individual's involvement in outside professional activities, outside employment, personal direct or indirect financial or other interests, or acceptance of benefits from third parties that create a real or perceived conflict between their responsibilities to the University and their private interests, whether or not there is an actual conflict of commitment or interest. An appearance of conflict exists when a reasonable person would conclude from the circumstances that the individual's ability to act in the University's best interests or perform the individual's obligations may be affected by private interests.

d. Bargaining unit faculty members shall declare and work with the University to manage or avoid situations that may result in a conflict of interest or commitment with the potential to affect the University's interests or affect or appear to affect the proper carrying out of University responsibilities. Bargaining unit faculty members who have apparent conflicts are expected to declare them as provided in this Article. In all matters, individuals are expected to take appropriate steps, including consultation with university officials, to manage and, as appropriate, avoid both conflicts of interest and commitment and the appearance of such conflicts.

##### **Section 2.**

a. Activities that are routinely allowable and are not required to be declared pursuant to this Article include:

- (1) Membership in and service to professional associations and learned societies; membership on professional review or advisory panels, presentations, participation in conferences, reviewing or editing scholarly publications, and service to accreditation bodies as long as they do not conflict or interfere with the performance of University duties. These activities are permitted even if they are performed for nominal honoraria

- or reimbursement of expenses, provided that payment or reimbursement is not in conflict with any other applicable University, State, or federal policy, rule or regulation.
- (2) Receiving royalties for published scholarly works and other materials or for inventions pursuant to duly adopted University policies.

b. Activities that may be allowable following declaration and development of a university-approved management plan include but are not limited to:

(1) Research Activities.

- i. Participating in University research involving technology owned by or contractually obligated (by license, option, etc.) to a business in which the individual or a household member has a consulting relationship that meets the definition of significant financial interest.
- ii. Receiving through contract or gift University-sponsored research support (whether in dollars or in kind) for research from a business in which the individual or a household member has a consulting relationship that meets the definition of significant financial interest.
- iii. Participating in University research involving a technology owned by or contractually obligated (by license, option, etc.) to a business in which the individual or a household member holds a significant financial interest, excluding a consulting relationship.
- iv. Receiving, through contract or grant, research support under University auspices (whether in dollars or in kind) for research from a business in which the individual or a household member has a significant financial interest, excluding a consulting relationship.
- v. Assigning students, postdoctoral fellows, or other trainees to University projects sponsored by a business in which the individual or a household member has a significant financial interest.
- vi. Serving on the board of directors or scientific advisory board of a business from which that individual or a household member receives research support under University auspices or with which the University has a substantial contractual relationship known to the individual.
- vii. Assuming an executive position in a not-for-profit business engaged in commercial or research activities in a field related to the individual's University responsibilities.

(2) Other Activities.

- i. Possessing a significant financial interest in a business that competes with the services provided by the University.
- ii. Assuming an executive position having a significant financial interest in a for-profit business engaged in activities in an area related to one's University responsibilities.
- iii. Possessing a significant financial interest in a business that is in a field related to one's University responsibilities.
- iv. Engaging in any other activity that has the potential for creating a conflict of interest or commitment as defined above.

- v. Ownership of or equity in a corporation used solely for one's consulting activities.
  - vi. Requiring or recommending one's own or a household member's textbook or other teaching aids, materials, software, equipment, or the like to be used in connection with University instructional programs from which the person receives income.
- c. Activities that are presumptively not allowable include but are not limited to:
- 1. Unauthorized use of privileged information acquired in connection with one's University responsibilities.
  - 2. Taking action in the course and scope of University responsibilities that is beneficial to a business in which the individual or a household member has a significant financial interest.
  - 3. Influencing the negotiation of contracts between the University and an outside organization with which the individual or a household member has a significant financial interest.
  - 4. Assigning or allowing the participation of students in any consulting relationship of the individual that meets the definition of significant financial interest.
  - 5. Making referrals of University work to an external business or professional office in which such individual or household member has a significant financial interest.
  - 6. To the extent prohibited by ORS Chapter 244, accepting or soliciting any gift, favor, or service that might influence or appear to influence the employee in the discharge of his or her official duties, or that the employee knows or has reasonable cause to believe is being offered with the intent to influence their conduct.
  - 7. Activities that may result in the unauthorized disclosure of proprietary information or transfer University intellectual property to another party.

**Section 3.** All bargaining unit faculty members are required to complete and submit a Declaration of Conflicts of Interest and Commitment form on an annual basis, whether or not the individual has any situation that presents an actual or potential conflict. An updated declaration must be submitted throughout the year within 30 days of any change that arises that may either create a potential conflict or eliminate a potential conflict previously declared.

**Section 4.** A bargaining unit faculty member who has an actual or apparent conflict of interest or commitment to declare must complete the Declaration of Potential Conflicts of Interest and Commitment form and include a proposed management plan, using the required template, with the submission of his or her completed disclosure form to their dean, director or designee. The proposed management plan must be reviewed and approved on by the dean, director or designee, as well as the Provost or designee.