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Conflict of Interest, Conflict of Commitment, and Outside Activities

[Formerly called “Conflicts of Interest, Potential”]

FINAL DRAFT – 12/3/2018 mod. 2/6/19

Reason for Policy

If *employees* are to be permitted to engage in *outside activities* that may or will include *conflicts of interest* or *conflicts of commitment*, state law requires a university policy to govern such *outside activities*.

Responsible Office

Office of the President or other office designated by the President.

Scope

This policy applies to all University of Oregon *employees*, officials, and agents. It does not in any way alter the requirements contained in the [Financial Conflict of Interest in Research Policy](#) (II.06.01) or the [Inventions, License Agreements, Educational & Professional Materials Development, Patents & Copyrights Policy](#) (II.07.02).

Policy

I. OVERVIEW

Teaching, research, administration, and public service are essential to the mission of the University of Oregon. The function of the University is enhanced by ethical relationships between *employees* and outside *entities*. The University encourages *employees* to engage in *outside activities* that advance the mission of the University with the expectation that those activities be proactively disclosed, when required by this policy, if they would or could present a *conflict of interest* (defined below) so they can be managed in a manner that protects integrity, ensures legal compliance, and promotes good stewardship of public resources.

This policy should be read as protecting the academic and personal freedoms of those choosing to engage in *outside activities*. This policy recognizes the importance of those activities and the value of the application of knowledge outside the institution by authorizing *employees’ outside activities*.

According to Oregon Statute, in order for *employees* to be able to receive outside compensation, the University must authorize *employees* to receive outside compensation ([ORS 352.232](#)). Further, the University is prohibited from authorizing outside compensation that “does not

36 comport with the mission of the public university or substantially interferes with an officer’s or
37 employee’s duties to the university.” ([ORS 352.232\(2\)](#))

38 This policy does not ban *outside activities*. Rather, it provides a path to authorizing such
39 activities while also complying with applicable state laws. This policy also provides an appeal
40 process and a process for reporting concerns regarding potential *conflicts of interest* of
41 *employees*.

42

43 **II. DEFINITIONS**

44 *Conflict of commitment*: A situation where an individual engages in *outside activities*, either paid
45 or unpaid, that substantially interfere with the individual’s *duties* to the University of Oregon.

46 *Conflict of interest*: Any action, decision, or recommendation by a person acting in their capacity
47 as a University *employee* that would (for actual conflicts) or could (for potential conflicts) have a
48 private financial impact on the person or their relative, or any business with which either is
49 associated. [ORS 244.020\(1\), \(13\)](#).

50 *Consulting*: Providing expert knowledge or advice to an *entity* or person. It does not include
51 conducting research and development or the creation of technological improvements, inventions,
52 or software.

53 *Consulting entity*: Any business, company, or other organization, including (but not limited to)
54 any partnership, corporation, limited liability corporation, or other institution whether public,
55 for-profit, or not-for-profit that provides expert knowledge or advice to an *entity* or person.

56 *Employee*: Any employee, official, or agent as defined by state law.

57 *Entity*: Any business, company, or other organization, including (but not limited to) any
58 partnership, corporation, limited liability corporation, foreign government or agent, or other
59 institution whether public, for-profit, or not-for-profit.

60 *Duties*: Responsibilities expected and performed on behalf of the University for which people
61 are employed by the University, as described in a position description, unit-level workload
62 policy, assigned by a supervisor, or otherwise required of an *employee* by the University.

63 *Outside activities*: Things that an *employee* does which are not *duties* and are not performed on
64 behalf of the University.

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66 **III. GENERAL GUIDELINES**

67 A. *Employees* are encouraged to engage in *outside activities* that comport with the mission of
68 the University, including but not limited to dissemination, translation, application, and
69 commercialization of research, scholarship, and creative activity beyond the University.

70 B. *Employees* generally may not:

71 1. Make private, commercial use, without permission, of University supplies, facilities,
72 equipment, *employees*, records, intellectual property, or any other University resources.

- 73 2. Use non-public information accessed as a University *employee* to obtain a private
74 financial benefit for the *employee*.
- 75 3. Engage in activities that substantially interfere with the *employee's duties* to the
76 University (*conflict of commitment*). The following are examples of instances in which
77 *outside activities* are presumed not to substantially interfere with an *employee's duties*:
- 78 a. For all *employees*, time commitments while *employees* are on leave and during
79 University holidays are presumed not to substantially interfere with the
80 *employee's duties* to the University.
- 81 b. For all hourly and part-time *employees*, *outside activities* that are performed
82 outside of that ~~part-time~~ employment are presumed not to substantially interfere
83 with the *employee's duties* to the University.
- 84 c. For full-time 9-month faculty, time commitments that do not exceed one day in
85 each seven-day week, generally averaged over a quarter, are presumed not to
86 substantially interfere with the *employee's duties* to the University. For part-time
87 9-month faculty, the same principle applies but is prorated by FTE.
- 88 d. For both full- and part-time 9-month faculty, any time commitments during the
89 summer months are presumed not to substantially interfere with the *employee's*
90 *duties* to the University unless they have a paid appointment during the summer,
91 in which case the one-day-in-seven principle in 3.c applies during the period of
92 their appointment.
- 93 e. For all sabbatical-eligible faculty, *outside activities* conducted during a
94 sabbatical are presumed not to substantially interfere with an *employee's duties*
95 to the University if they are included as part of sabbatical plan approved by the
96 Provost.

97

98 **IV. OUTSIDE ACTIVITIES**

99 Some *outside activities* can be conducted without prior approval, while other *outside activities*
100 require approval before an *employee* can engage in the *outside activity* because of the risk that
101 the *outside activity* might present a *conflict of interest* and may need to be actively managed. The
102 President or designee(s) is charged with deciding whether *outside activities* constitute a *conflict*
103 *of interest* and need to be actively managed.

104 **A. Exempt *Outside Activities* for Which Disclosure and Approval Are Not Required**

105 Prior approval is generally not required for *outside activities* identified below. However, if
106 any of these *outside activities* create an actual or potential conflict of interest or conflict of
107 commitment, the employee must disclose the outside activity in accordance with IV.B below.

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108 **1. Exempt *Outside Activities* Unrelated to University Employment**

109 As long as they follow the general guidelines (Section III), *employees* are generally not
110 expected to disclose *outside activities* unrelated to their University employment. If
111 there is any doubt whether the *outside activity* may interfere with the *employee's duties*

112 to the University, or may be related to the *employee's* University employment, the
113 *employee* must disclose the *outside activity* pursuant to this policy.

114 **2. Exempt Outside Activities Related to University Employment**

115 As long as they follow the general guidelines (Section III), *employees* are not expected
116 to disclose:

- 117 a. Reimbursement for travel. Such activity remains subject to [ORS 244.025](#)
118 regarding gifts and [ORS 244.042](#) regarding honoraria.
- 119 b. Appearances, performances, exhibits, publications, and uncompensated activities
120 for not-for-profit organizations related to University employment.
- 121 c. *Outside activities* of “student employees” or “graduate employees.”
- 122 ~~d. *Consulting as an individual or sole proprietor.* Uncompensated outside activity~~
123 ~~that does not substantially interfere with the employee’s duties to the University.~~
- 124 ~~e. Employment that does not fall under IV.B below.~~

125 *Employees* must ensure that when they are engaging in *outside activities* that do not require
126 prior approval, they comply with other University policies, including but not limited to the
127 [Policy on Inventions, License Agreements, Educational & Professional Materials](#)
128 [Development, Patents & Copyrights](#) (II.07.02).

129 **B. Outside Activities for Which Prior Disclosure and Approval are Required**

130 An *employee* must seek prior approval pursuant to Section V for all *outside activities* that
131 may give rise to actual or potential *conflicts of interest*. Even when the general guidelines
132 (Section III) are followed, *employees* must seek prior approval for the following (~~unless~~
133 ~~exempt under section IV.A.~~):

- 134 ~~1. Employment by or o~~wnership of equity in an *entity*, including a *consulting entity*, that
135 carries on activities closely related to the University *employee's duties* and/or field of
136 expertise. ~~This excludes consulting as an individual or sole proprietor.~~
- 137 ~~2. or o~~ *Outside activities* performed in exchange for equity in an *entity* that carries on
138 activities closely related to the University *employee's duties* and/or field of expertise.
139 This excludes publicly-traded equity unless the *employee* has a majority ownership in
140 that *entity*.
- 141 ~~3.~~ *Outside activities* closely related to the University *employee's duties* and/or field of
142 expertise that involve research and development and/or the creation of technological
143 improvements, inventions, or software.
- 144 ~~4.~~ Managing or significant participation in the day-to-day operations of an *entity* that
145 carries on activity closely related to the *employee's* University *duties* and/or field of
146 expertise.
- 147 ~~5.~~ Employment of University of Oregon students whom the *employee* currently teaches,
148 directly supervises, or formally advises in the execution of *outside activities*.

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150 **V. OUTSIDE ACTIVITY DISCLOSURE AND APPROVAL PROCESS**

151 **A. *Outside Activity Disclosure***

- 152 1. If they have something to disclose, *employees* must submit a written disclosure each
153 calendar year. When completing the disclosure, *employees* should err on the side of
154 caution and provide advance disclosure when they are unsure whether an *outside*
155 *activity* is exempt or requires prior approval.
- 156 2. *Employees* are not expected to disclose exempt activities.
- 157 3. In addition, if an *employee* would like to engage in an *outside activity* that requires
158 prior approval during the year (such as those outlined in Section IV.B), the *employee*
159 must amend their written disclosure and seek approval prior to engaging in the *outside*
160 *activity*.
- 161 4. The President or designee(s) will ensure a reminder is sent at least annually to all
162 *employees*.

163 **B. *Review and Approval***

- 164 1. The President or designee(s) will create procedures for the review of disclosures,
165 decisions about whether an *outside activity* is approved, and for the review and
166 approval of management plans.
- 167 2. *Outside activity* that creates an actual or potential *conflict of interest* is subject to a
168 management plan and/or a decision that the *outside activity* may not be authorized.
- 169 3. In approving or denying requests, the President or designee(s) will:
- 170 a. Determine whether the *outside activity* constitutes a *conflict of interest* (actual or
171 potential) or *conflict of commitment*;
- 172 b. Notify the *employee* of the determination; and
- 173 c. If warranted, develop a management plan, in consultation with the *employee* and
174 their supervisor, to mitigate the actual or potential conflict(s).
- 175 4. Approval may occur for individual or categories of activities.

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177 **VI. REPORTING CONCERNS ABOUT ANOTHER EMPLOYEE**

178 Any University *employee* who has concerns about the permissibility of an activity on the part of
179 another *employee* should discuss those concerns with their supervisor or the President's
180 designee(s). Reports can also be made to the Office of Internal Audit using its [Fraud & Ethics](#)
181 [Hotline](#). The President or designee(s) will create procedures for addressing concerns regarding
182 the permissibility of any activity under this policy.

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184 **VII. APPEALS**

185 Decisions under this policy may be appealed in writing to the President or designee(s). The
186 President or designee(s) will create procedures and timelines associated with appeals.

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188 **VIII. ACCOUNTABILITY**

189 This policy has the force of law pursuant to [ORS 352.087](#). Failure of a University *employee* to
190 comply with this policy and its associated procedures will subject the *employee* to discipline up
191 to and including termination. Discipline will be imposed consistent with applicable University
192 policies and/or applicable collective bargaining agreements.

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194 **Related Resources**

195 Policies related to this policy:

- 196 • [Academic Freedom](#)
- 197 • [Employment of More than One Member of Household](#)
- 198 • [Faculty: Overload Compensation](#)
- 199 • [Family Relationships and Employment](#)
- 200 • [Financial Conflict of Interest in Research](#)
- 201 • [Financial Irregularities](#)
- 202 • [Freedom of Inquiry and Free Speech](#)
- 203 • [Inventions, License Agreements, Educational & Professional Materials Development,](#)
204 [Patents & Copyrights](#)

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206 **Enactment and Revision History**

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208 Supersedes all previous issues

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210	12/21/1991	Original effective date
211	8/7/1991	Reviewed and approval recommended by President's Staff
212	11/13/1991	Reissued by President Brand
213	5/1995	Revised and approval recommended by President's Staff
214	10/1/1995	Revisions to be effective
215	2001	Edited and approval recommended by President's Staff
216	2/8/2010	Policy number revised from 3.095 to 09.00.05