

### 3.0 PERSONS TO WHOM THE POLICY IS APPLICABLE

This *conflict of interest* policy applies to full-time and part-time *persons* holding unclassified appointments *as* Officers of Instruction, Research, and Administration.

The conflict of interest provisions of this policy are also applicable to classified staff *involved in purchasing and contracting*. *Such persons* have an obligation to become familiar with, and abide by, the *relevant provisions* of this policy.

### 4.0 POLICY

Federal regulations require that, when federal agencies fund University research or other sponsored activities through a grant or contract, the University must examine conflicts and, where appropriate, report them to the federal agency involved. Oregon has several state statutes that also require disclosure, monitoring, and management of conflicts of interest and/or commitment. For a full list of the Federal and State regulations implemented through and incorporated in this policy, see Section 9.0 of this policy. The University extends this policy to *all* University research and scholarly activities regardless of the source of funding.

A conflict of interest occurs when there is a divergence or a simultaneous engagement between an individual's private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. The fact that an individual has a conflict does not imply that the conflict is unethical or impermissible; it means simply that the relation of the conflict to the individual's University activities must be carefully examined because conflicts – real or perceived – may impair performance of the University's missions of teaching, research, administration and public service, as well as jeopardize public trust and support. This examination must take place prior to the initiation of the outside activity that may potentially cause a conflict, except as otherwise detailed in this policy.

Conflicts of commitment usually involve issues of allocation of time and effort, whether internal through overload activities or external, through outside activities such as consulting, public service or pro bono work. Whenever an individual's overload or outside activities exceed the permitted limits, or whenever a faculty or other UO

- 1/11/09 23:30  
**Comment:** As previously noted, "conflict of commitment" should be in a separate policy, so I have deleted it here.
- 1/11/09 23:30  
**Comment:** This sentence about "internal and external" activities does not state an "objective" of the policy. It is a statement of no particular value in this location.
- 1/9/09 17:03  
**Deleted:** President or Vice Provost as appropriate, per the requirements of this policy. Conflict of commitment activities
- 1/9/09 18:51  
**Deleted:** that may impede one's primary professional allegiance can be both internal and external in nature.
- 1/9/09 18:51  
**Deleted:**
- 1/11/09 23:30  
**Comment:** Since I am eliminating conflict of commitment from this policy, I can leave part-time employees in the conflict of interest policy. In a conflict of commitment policy, it would not be appropriate to cover part-time employees in the same manner as full-time employees.
- 1/11/09 23:30  
**Comment:** There is no reason to use a word like "individual" when the more common term "person" is easily understandable.
- 1/11/09 6:10  
**Deleted:** individuals
- 1/9/09 23:29  
**Deleted:** including
- 1/9/09 23:29  
**Deleted:**
- 1/11/09 6:41  
**Deleted:** The
- 1/10/09 22:59  
**Deleted:** conflict of interest provisions of this policy also apply to all consultants, graduate
- 1/11/09 23:30  
**Comment:** This is a dramatic expansion in the categories of persons covered by University of Oregon conflict of interest requirements. **UO Policy Statement 3.095** talks only of "University employees," not "other UO paid individuals." It is rather apparent from the context that Policy Statement 3.095 does not apply to student employees and I doubt that GTFs are included in it. The massive increase in reporting and monitoring in this new draft policy will result in thousands of submissions, leaving an overwhelmed staff the time to perform only cursory reviews for the vast majority. As a consequence, there is substant[... [1]
- 1/11/09 6:38  
**Deleted:** teaching or research fellows, student employees and other UO paid individuals involved
- 1/11/09 6:38  
**Deleted:** in academic, research, and other professional activities
- 1/11/09 6:42  
**Deleted:** In certain circumstances, such as purchasing and contracting, t
- 1/11/09 6:39  
**Deleted:** All these groups
- 1/11/09 6:39  
**Deleted:** respectively

### 3.0 PERSONS TO WHOM THE POLICY IS APPLICABLE

This policy applies to full-time and part-time individuals holding unclassified appointments including Officers of Instruction, Research, and Administration. The conflict of interest provisions of this policy also apply to all consultants, graduate teaching or research fellows, student employees and other UO paid individuals involved in academic, research, and other professional activities.

In certain circumstances, such as purchasing and contracting, the conflict of interest provisions of this policy are also applicable to classified staff. All these groups have an obligation to become familiar with, and abide by, the respectively relevant provisions of this policy.

### 4.0 POLICY

Federal regulations require that, when federal agencies fund University research or other sponsored activities through a grant or contract, the University must examine some conflicts and, where appropriate, prohibit them or report them to the federal agency involved. The Oregon University System's Internal Management Directive 4.015 requires disclosure, monitoring, and management of conflicts of interest. For a full list of the Federal and State regulations implemented through this policy, see Section 9.0 of this policy.

A conflict of interest occurs when an employee's exercise of University duties could benefit or harm the pecuniary interests of the employee, relative, or his or her business. The fact that a person has a potential conflict does not imply that an outside activity or interest is unethical or impermissible; it means simply that the potential conflict must be carefully examined because actual conflicts may impair performance of the University's missions of teaching, research, administration and public service, as well as jeopardize public trust and support. Internal Management Directive 4.015 provides that some outside activities are to be approved as a class by each school or department, while others require prior approval on a case-by-case basis.

- Comment: Despite this broad generalization ... [2]
- 1/11/09 23:30
- Comment: Requiring the University only t ... [3]
- 1/11/09 21:58
- Deleted: Oregon has several state statute ... [4]
- 1/11/09 23:30
- Comment: This broad assertion about "sev ... [5]
- 1/11/09 23:30
- Comment: Conflicts of commitment shoul ... [6]
- 1/11/09 21:58
- Deleted:
- 1/10/09 23:01
- Deleted: and/or commitment
- 1/11/09 23:30
- Comment: The previous sentence refers to ... [7]
- 1/11/09 23:30
- Comment: It is not necessary to "incorpora ... [8]
- 1/11/09 22:00
- Deleted: and incorporated in
- 1/11/09 23:30
- Comment: The social cost in the university ... [9]
- 1/10/09 23:00
- Deleted: The University extends this pol ... [10]
- 1/10/09 23:00
- Deleted: activities regardless of the sour ... [11]
- 1/11/09 23:30
- Comment: ORS 244.020(1) defines confl ... [12]
- 1/11/09 23:30
- Comment: This terminology is not in stat ... [13]
- 1/11/09 23:30
- Comment: What is the source of this "ind ... [14]
- 1/11/09 23:30
- Comment: Non-financial gain is not cover ... [15]
- 1/11/09 22:54
- Deleted: when there is a divergence or a ... [16]
- 1/11/09 22:54
- Deleted: between an individual's private ... [17]
- 1/11/09 6:46
- Deleted: an
- 1/11/09 6:46
- Deleted: individual
- 1/11/09 23:19
- Deleted: the conflict
- 1/11/09 23:30
- Comment: Aren't "actual" conflicts prohi ... [18]
- 1/11/09 22:31
- Deleted: the relation of
- 1/11/09 23:30
- Comment: It is not self-evident that such ... [19]
- 1/11/09 23:30
- Comment: What is the regulatory basis fo ... [20]
- 1/11/09 22:31
- Deleted: to the individual's University activities
- 1/11/09 22:44
- Deleted: – real or perceived –
- 1/11/09 22:44
- Deleted:
- 1/11/09 23:30
- Comment: IMD 4.015 explicitly requires ... [21]
- 1/11/09 22:33
- Deleted: This examination must take pla ... [22]
- 1/11/09 23:30
- ... [23]
- 1/10/09 23:12
- ... [24]

### **3.0 PERSONS TO WHOM THE POLICY IS APPLICABLE**

This conflict of interest policy applies to full-time and part-time persons holding unclassified appointments as Officers of Instruction Research, and Administration.

The conflict of interest provisions of this policy are also applicable to classified staff involved in purchasing and contracting. Such persons have an obligation to become familiar with, and abide by, the relevant provisions of this policy.

### **4.0 POLICY**

Federal regulations require that, when federal agencies fund University research or other sponsored activities through a grant or contract, the University must examine some conflicts and, where appropriate, prohibit them or report them to the federal agency involved. The Oregon University System's Internal Management Directive 4.015 requires disclosure, monitoring, and management of conflicts of interest. For a full list of the Federal and State regulations implemented through this policy, see [Section 9.0](#) of this policy.

A **conflict of interest** occurs when an employee's exercise of University duties could benefit or harm the pecuniary interests of the employee, relative, or his or her business. The fact that a person has a potential conflict does not imply that an outside activity or interest is unethical or impermissible; it means simply that the potential conflict must be carefully examined because actual conflicts may impair performance of the University's missions of teaching, research, administration and public service, as well as jeopardize public trust and support. Internal Management Directive 4.015 provides that some outside activities are to be approved as a class by each school or department, while others require prior approval on a case-by-case basis.

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Page 1: [1] Comment

1/11/09 23:30

This is a dramatic expansion in the categories of persons covered by University of Oregon conflict of interest requirements. **UO Policy Statement 3.095** talks only of “University employees,” not “other UO paid individuals.” It is rather apparent from the context that Policy Statement 3.095 does not apply to student employees and I doubt that GTFs are included in it. The massive increase in reporting and monitoring in this new draft policy will result in thousands of submissions, leaving an overwhelmed staff the time to perform only cursory reviews for the vast majority. As a consequence, there is substantial danger that the persons who *are* singled out for restriction could be those who have offended someone outside or inside the university.

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Page 2: [2] Comment

1/11/09 23:30

Despite this broad generalization about what “federal regulations require,” the 18 pages of draft policy do not quote or cite the requirements of a single federal regulation. Furthermore, the list of federal regulations in part 9.0 has numerous errors. One result of the lack of specificity is that the generalization here is not accurately stated. See the next comment.

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Page 2: [3] Comment

1/11/09 23:30

Requiring the University only to “examine” and “report” is **an understatement of the requirements of federal regulations. 34 C.F.R. § 75.525** (which is erroneously listed in part 10.0 of this draft policy as § 75E.525) imposes requirements not just of examination and reporting, but of *prohibiting* certain conflicts. The same is true of **34 C.F.R. § 74.42** (erroneously listed as § 74.C42), which requires codes of conduct that include prohibitions and disciplinary actions. The same is true of **34 C.F.R. § 80.36** (erroneously listed as § 80.C36).

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Page 2: [4] Deleted

1/11/09 21:58

Oregon has several state statutes that also

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Page 2: [5] Comment

1/11/09 23:30

This broad assertion about “several state statutes” is not backed up by specifics anywhere in this 18-page draft policy. The laundry list of state laws in part 9.0 is less than helpful—for example, broadly listing “ORS Chapter 244” although most of that chapter of Oregon law has nothing to do with University employees. Sections of law that are *actually* relevant are **ORS 244.020(1) and (11), 244.025, 244.040, 244.042, 351.067, and 351.070**. Only 351.067(4) covers “disclosure, monitoring, and management.” It requires the state board to adopt rules. IMD 4.015 is a better citation.

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Page 2: [6] Comment

1/11/09 23:30

Conflicts of commitment should be handled separately for purposes of clarity.

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Page 2: [7] Comment

1/11/09 23:30

The previous sentence refers to “state statutes” and this one to “State regulations” as if the two were equivalent. They are not.

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Page 2: [8] Comment

1/11/09 23:30

It is not necessary to “incorporate” superior regulations in the policy.

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Page 2: [9] Comment

1/11/09 23:30

The social cost in the university of extending a complex policy to “all” research and activities regardless of the source of funding is immense. It is not at all apparent that we should impose such a cost.

Page 2: [10] Deleted	1/10/09 23:00
The University extends this policy to <i>all</i> University research and scholarly	
Page 2: [11] Deleted	1/10/09 23:00
activities regardless of the source of funding.	
Page 2: [12] Comment	1/11/09 23:30
ORS 244.020(1) defines conflict in terms of pecuniary interests.	
Page 2: [13] Comment	1/11/09 23:30
This terminology is not in state law.	
Page 2: [14] Comment	1/11/09 23:30
What is the source of this “independent observer might reasonably question” test? It is not found in state law.	
Page 2: [15] Comment	1/11/09 23:30
Non-financial gain is not covered in ORS 244.020(1)’s definition of conflict.	
Page 2: [16] Deleted	1/11/09 22:54
when there is a divergence or a simultaneous engagement	
Page 2: [17] Deleted	1/11/09 22:54
between an individual’s private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the individual’s professional actions or decisions are determined by considerations of personal gain, financial or otherwise	
Page 2: [18] Comment	1/11/09 23:30
Aren’t “actual” conflicts prohibited, as opposed to potential conflicts?	
Page 2: [19] Comment	1/11/09 23:30
It is not self-evident that such examination must be done by a supervisor or research office. Furthermore, Oregon state law often treats conflicts as issues that must be disclosed but <i>need not</i> be managed (for example, in city councils).	
Page 2: [20] Comment	1/11/09 23:30
What is the regulatory basis for including “perceived” conflicts? Including “perceived” conflicts creates a tool that can be used to limit the academic freedom of a faculty member.	
Page 2: [21] Comment	1/11/09 23:30
IMD 4.015 explicitly requires UO to exempt some classes of activities as exempt from prior approval.	
Page 2: [22] Deleted	1/11/09 22:33
This examination must take place prior to the initiation of the <b>outside activity</b> that may potentially cause a conflict, except as otherwise detailed in this policy.	
Page 2: [23] Comment	1/11/09 23:30
Conflicts of commitment should be handled in a separate policy document.	

**Conflicts of commitment** usually involve issues of allocation of time and effort, whether internal through **overload activities** or external, through outside activities such as consulting, public service or pro bono work. Whenever an individual's **overload** or **outside activities** exceed the permitted limits, or whenever a faculty or other UO

