



DRAFT DOCUMENT – WORK IN PROGRESS AS OF NOVEMBER 2008

Definitions for words in red are located in section 5.0 of this policy.

UNIVERSITY OF OREGON POLICY – [INSERT POLICY NUMBER]: DISCLOSURE & MANAGEMENT OF INDIVIDUAL CONFLICTS OF INTEREST AND COMMITMENT¹

1.0 OVERVIEW

Every day, the University of Oregon touches the lives of citizens in our community, our state, our nation, and our world. Oregon's external engagement arises not out of serendipity, but rather through active outreach as members of the University community strive to connect their scholarship to the questions and issues that confront modern society. The University's outreach manifests itself in a myriad of activities, including research, education, technology transfer, and community service.

The disclosure of extra-University relationships, and the subsequent management of **conflicts of interest** (COI) and **conflicts of commitment** (COC) (COI-C), is a natural outgrowth and necessary corollary of external engagement. Thoughtful, responsible management of COI-C promotes public trust in the objectivity of University research and education. In addition, open disclosure and diligent management of COI-C are crucially important for compliance with the complex body of state and federal laws, regulations, and guidelines that relate to University activities.

2.0 OBJECTIVE

The University of Oregon, its faculty and other employees are committed to the principle of free, open, and objective inquiry in the conduct of its teaching, research, service and administrative activities. For the purpose of protecting both the integrity and objectivity of its faculty and other employees in the performance of their University activities, it is the policy of the University that conflicts of interest and commitments should be avoided where possible, disclosed annually (or more frequently as needed), and that actual conflicts are managed appropriately.

University faculty and other employees owe their primary professional allegiance to the University, and their primary commitment of time and intellectual energies should be to the education, research, administrative, and service programs of the institution. The specific responsibilities and professional activities that constitute an appropriate and primary commitment will differ across Colleges, Schools, Departments, Centers and Institutes, but should be based on a general understanding between the faculty member or other UO employee and his or her Supervisor, Department Chair, Dean, Vice

¹ Portions of this policy have been adapted from and are used with the permission of Stanford University.

President or Vice Provost as appropriate, per the requirements of this policy. Conflict of commitment activities that may impede one's primary professional allegiance can be both internal and external in nature.

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 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

employee's primary professional loyalty is not to the UO or to their UO obligations, a **conflict of commitment** exists. Even part-time faculty or other UO employees may have **overload** or **outside activities** that are in conflict or appear to be in conflict with their University activities. While conflict of commitment/interest concerns may diminish as the faculty or staff's percent of full-time equivalency (FTE) lowers, they do not disappear entirely.

4.1 Presence on UO Campuses and Management of Conflicts of Commitment through use of One-Day-In-Seven Time: Appointment as faculty or other employee of the University of Oregon confers the privilege and obligation to pursue teaching, research, scholarship, and service. In addition, faculty and other UO employees are expected to participate in the administrative duties required by their department, center, institute, school or college. Fulfillment of these obligations requires and presumes a 100% commitment of expertise, time, and energy.

Individuals holding 9 month appointments do not accrue vacation time and technically must be available during breaks, holidays, and spring break but are granted legal holidays off. Individuals holding 12 month appointments do accrue vacation time and can use that according to rules that govern that leave. **One-day-in-seven time** is neither a broad license nor an entitlement to engage in unlimited **overload** or **outside activities**. Rather, it permits: (a) individuals to participate in additional, paid services for campus sponsored activities above their salaried compensation; (b) participation in scholarly, professional and philanthropic activities outside UO; (c) service on advisory bodies or public commissions related to the individual's academic or professional work; (d) travel to other institutions or conferences for the purpose of presenting lectures, leading seminars or workshops or visiting the laboratories of colleagues; and (e) limited consulting that is not to the detriment of UO obligations and does not involve prohibited compensation.

Full-time Appointments: A full-time appointment obligates faculty to have a significant physical presence on campus, to be accessible to students and staff, and to be available to interact with UO colleagues throughout every quarter/semester during which he or she is on active duty, unless the Department Chair and/or Dean and/or Director has granted specific prior approval for extended or frequent absences from campus. Required absences for field research and other sponsored activities are considered part of one's **University activities**, and as such, are not considered **outside activities** for the purposes of this policy.

In general, a full-time appointee may engage in **overload** or **outside activities** related to his or her University responsibilities one day in each seven-day week (**one-day-in-seven time**) during periods of full-time employment and during which they are meeting 100% of their **University commitments and** requirements as determined by their Department Chair, Dean, and/or Director. Chairs, Deans, and Directors will use objective criteria for determining this, such as tenure track requirements and other evaluation criteria.

For a nine month appointee one day in each seven-day week equates to 13 days per academic quarter or 39 days per academic year. For a 12 month appointee this equates to 52 days per year. Use of this time is not an entitlement and most activities will require review and approval, as these activities are not to be undertaken without permission. Saturdays and Sundays should be counted when using one-day-in-seven time. A reasonable amount of averaging the time allowance over the quarters or semesters of the period of an individual's appointment is permissible, provided that it does not unduly interfere with the individual's primary commitment to their **University responsibilities**.

Part-time Appointments: The **one-day-in-seven time** allowed is reduced to correspond with a reduction of UO FTE. Thus, if an individual is a .5 FTE, their **one-day-in-seven time** becomes one day in seven during the period under contract with the UO (for 9 month employees this would be 19.5 days; for 12 month employees, 26 days). Use of this time is not an entitlement and most activities will require review and approval, as these activities are not to be undertaken without permission. Saturdays and Sundays should be counted when using one-day-in-seven time. A reasonable amount of averaging the time allowance over the quarters or semesters of the period of an individual's appointment is permissible, provided that it does not unduly interfere with the individual's primary commitment to their **University responsibilities**.

Classified Staff: State law does not extend the **one-day-in-seven time** privilege to classified staff.

4.2 Conduct of Overload and/or Outside Activities: An implicit assumption underlying the **one-day-in-seven** principle is that **the activities** engaged in are a privilege, not a right and must not detract from a faculty or other UO employee's full- or part-time obligation to his or her **University activities**. When an **overload** or **outside activity** is engaged that detracts from the conduct of **University activities**, a **conflict of commitment** results. For example, an individual subject to tenure track requirements to publish two papers annually who forgoes that in order to teach an additional paid course as an **overload activity** has both a conflict of commitment and interest. Even activities such as pro bono work, government service in the public interest, must be managed so they do not take precedence over a faculty or other UO employee's primary commitment to the University.

Outside activities can also generate **conflicts of interest** regardless of the time involved. For example, direction of a program of research or scholarship at another institution that could be conducted appropriately at the University as part of the individual's normal duties can deprive UO students and colleagues of the benefits of the individual's primary intellectual energies, and the use of UO resources in the course of that work is often unavoidable.

Whenever an individual is involved in research as part of their **outside activities**, they must establish clear boundaries that separate their University and **outside activities**, so

as to avoid questions about their appropriate use of resources and attributions of products of their work.

4.3 Intellectual Property: The University of Oregon encourages individuals to become involved in the transfer of knowledge and **inventions** from the University into the commercial marketplace. It is an appropriate role for the University to facilitate the transfer of the knowledge and **inventions** gained through academic research to applications that can benefit the general population. Moreover, experience gained by the individual in the course of **outside activities** can enhance their teaching and research or scholarship within the University. The process of technology transfer however, can create the potential for conflicts of interest and/or commitment, particularly when there is opportunity for personal gain on the part of the faculty member or other UO employee. The intent of this policy is to minimize these conflicts and provide mechanisms for managing them when they arise.

4.4 Activities Requiring Prior Approval: Nearly all **outside activities** require the approval of one's Supervisor, Department Chair, Director, and/or Dean **prior to initiating the activity**.

In the absence of other conflict of interest or commitment concerns, two activities that do not require prior approval are work with **professional organizations** and other academic institutions. University faculty and other employees are encouraged to participate in scholarly, professional, and philanthropic activities outside the University. In the absence of other conflict of interest or commitment concerns, it is thus appropriate for individuals to 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.

All other **outside activities** require prior approval as necessary by the appropriate Supervisor, Chair, Director, Dean, Vice Provost and/or Vice President as, including but not limited to:

(a) Acceptance of compensation from (other than standard honoraria in one's field of expertise for scholarly speaking engagements) or ownership of equity in, an **external entity** that carries on activities closely related to the individual's area of work.

(b) Service in a line management position in such an **external entity** or participation in the day-to-day operations of the same. Significant management roles (those that involve supervision of the work of others and/or day-to-day responsibility for operating decisions) in private business typically are demanding both in terms of time and energy. It is unlikely that such roles can be fulfilled within allowable use of **one-day-in-seven time**. Depending on the circumstances of the request it may be necessary for faculty to take a leave of absence from

their **University activities** in order to take on a significant management role in an outside entity; doing so while on sabbatical is not generally appropriate.

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

4.5 Use of UO Students, Staff or Faculty in Outside Activities: The integrity of the University as a community of scholars requires the free and open exchange of ideas and the results of scholarly activities. Faculty and other UO employees are obligated to maintain an atmosphere free from unwarranted external influences. Students and collaborators must be able to pursue topics of interest, have access to available information and facilities, and be able to communicate the results of their work to other scholars and the public. Therefore, faculty and other UO employees must ensure that:

(a) The results of research or scholarship undertaken at the UO are disseminated on an open and timely basis to the broader scholarly community and public.

(b) The academic activities of students and postdoctoral scholars are not compromised by the personal commercial interests of the faculty member; and the work of students, staff, postdoctoral scholars and collaborators is not exploited in the course of an individual's outside obligations.

4.6 Inappropriate Use of University Resources, Including Facilities, Personnel, Equipment, and Information: Faculty and other UO employees may not use University resources, including facilities, personnel, equipment, or confidential information, except in a nominal way as part of their **outside activities** or for any other non-University purposes.

Inappropriate use of University resources includes but is not limited to:

(a) Assigning the individual's students, staff or postdoctoral scholars University tasks for purposes of potential or real financial gain of the individual rather than the advancement of the scholarly field or the students' educational needs.

(b) Involvement of the individual's students or staff in his or her outside consulting or business activities without prior approval of the appropriate Department Chair, Director, Dean, Vice Provost and/or Vice President.

(c) Use of an individual's UO office, computers, internet access, copy machines, facilities, laboratories, students or staff when authoring textbooks, textbook materials, or other publications when those publications are not specifically required by the individual's University employment.

(d) Granting **external entities** access to University resources or services for purposes outside the University's missions, or otherwise favoring **external entities** in an attempt to unduly influence them in their dealings with the University.

4.7 Involvement In Procurement and Other Transactions Between External Entities And The University: Faculty or other UO employee involvement in gifts, sponsored projects, **invention** licensing, or certain procurement arrangements between the University and **external entities**, where the involved faculty or other UO employee (or members of their immediate family, which includes a spouse or dependent children as determined by the Internal Revenue Service, or a domestic partner) has any consulting or employment relationships with, and/or significant financial interests in that **external entity**, raises particular questions of potential or apparent **conflicts of interest**. **Situations such as these** require annual disclosure, review, and approval, and may require more frequent disclosure, review, and approval, or reduction or elimination dependent on the given circumstance.

For this purposes of disclosure, "significant financial interests" in an **external entity** means:

- (a) any current or pending ownership interests (including shares, partnership stake, or derivative interests such as stock options) in a privately-held entity (e.g., in a **"start up" company**);
- (b) any current or pending ownership interests (including shares, partnership stake, or derivative interests such as stock options) in either a non- or publicly-traded entity, amounting to at least five percent (5%) of that entity's equity or at least \$10,000 in ownership interests (except when the ownership interest is managed by a third party such as a mutual fund); or
- (c) any income amounting to at least \$10,000 per year (other than from employment, consulting, or ownership interests as covered above) – including but not limited to gifts, favors, consulting relationships, honoraria, licensing or royalty income or other personal considerations.

Where an individual is conducting or participating in **human subject research**, and has **any** financial interest in the research or education sponsor (or a member of the immediate family has such an interest), that interest must be disclosed annually as well as updated at the time of research proposal, modification and renewal, regardless of its value (see [Section 4.8](#), below).

Common sense must prevail in the interpretation of these provisions. That is – no matter what dollar amounts are involved – if an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, the relationship should be disclosed and approval sought for the proposed transaction.

4.8 Situations Raising Questions of Scientific Objectivity: In cases where the University has approved arrangements as described in [Section 4.7](#) above, or in **human subject research** in which the faculty member or other UO employee has any personal

financial interests (including consulting or employment relationships), the scientific objectivity of the individual's activities may be called into question.

To address these situations, oversight may be established by the Conflict of Interest and Commitment Committee (COICC) in conjunction with the Committee for Protection of Human Subjects (CPHS), as needed. Such oversight may consist of (but is not limited to): review of the appropriateness of the proposed activity, monitoring the conduct of the activity (including use of students and postdoctoral scholars), and periodic, random as well as for-cause monitoring conducted by the Office for Responsible Conduct of Research (ORCR). Randomized, not-for-cause monitoring will be undertaken by the ORCR separate from or in addition to any other requirements an oversight committee may deem necessary. Under appropriate circumstances, the University may require that the individual divest any financial interest or not perform the work, either at the University or with the **external entity**, as appropriate.

4.9 Training and Education: All faculty and other UO employees engaged in overload and/or **outside activities**, or having a relationship with one or more **external entities** as defined in this policy will attend a COI-C training session. Training sessions will be facilitated by colleges, schools, departments, institutes and centers, and will be conducted by the ORCR and Academic Affairs.

All persons to whom this policy is applicable will complete tri-annual refresher COI-C training, or as policy/procedures are revised. This training may or may not be web-based. Faculty and other UO employee completion of the tri-annual or as required COI-C training will be certified by the ORCR.

5.0 DEFINITIONS

Conflicts of Commitment – are those overload or outside activities which conflict or appear to conflict with a faculty member or other UO employee's University activities of teaching, research, service and administration.

Conflicts of Interest – according to ORS 244.020(8) conflicts of interest or potential conflicts of interest are any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or a member of the person's household, or a business with which the person or a member of the person's household 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 a member of the person's household or business with which the person is associated, is a member or is engaged.

Disclosures – are the annual or periodically updated, written description of outside activities that constitute (or appear to constitute) conflicts of interest or commitment. Disclosures are required more frequently than annually if an individual's activities materially change in between annual disclosure dates.

External Entities – can be any or all of the following: a natural person capable of being legally bound, sole proprietorship, corporation, partnership, limited liability company or partnership, limited partnership, for-profit or nonprofit corporation, unincorporated association, business trust, two or more persons having a joint or common economic interest, or any other person with legal capacity to contract, or a governmental agency or governmental subdivision.

Faculty and other UO employees – are individuals holding unclassified appointments, generally identified as Officers of Instruction, Officers of Research and Officers of Administration.

Human Subject Research – at the UO includes all activities that are "research," and involve, "human participants" according to The Common Rule, and includes all activities that are "research" according to FDA regulations. According to The Common Rule, "research" is a systematic investigation, including clinical investigations, research development, testing and evaluation, designed to develop or contribute to generalizable knowledge and "human participants" are living individuals about whom the investigator conducting research obtains a) data through intervention or interaction with the individual or b) identifiable private information (45 CFR Part 46). According to FDA regulations "research" is any experiment that involves a "test article," that is any drug or biological product for human use, a medical device for human use, a food additive or color additive intended for human use, an electronic products or any other article subject to regulation by the Food, Drug, and Cosmetic Act; and one or more individuals who are either recipients of the test article or controls; and that either involves a drug or medical device (other than the use of an approved drug or device in the course of medical practice) or the results of the research are intended to be later submitted to, or held for inspection by, the Food and Drug Administration as part of an application for a research or marketing permit.

Inventions – or technological improvements include any new and useful process, machine, device, manufacture, or composition of matter, and any new and useful improvement; Writings, lectures, study guides, books, textbooks, journal articles, glossaries, laboratory manuals, proposals, musical or dramatic compositions, listings, tables, charts, graphs, figures, manuals, codes, software, unpublished scripts, and programmed instructional materials; video and audio recordings, live video and audio broadcasts, CD's, DVD's, cassettes, tapes, films, filmstrips, slides, transparencies, and other reproductions and visual aids; and, computer programs and computer-assisted courseware. These are listed in [IMD's 6.205 – 6.255](#): Licensing, Patent, Educational, and Professional Materials Development, and Copyright Policies and Procedures.

Material Change – is a substantive change in the information disclosed annually. Examples of material changes include but are not limited to: a single consulting job that results in pecuniary benefit equal to or exceeding \$25,000, the offer to take on a line management role in an external entity not previously disclosed or approved, ownership of an external entity greater than 5% not previously disclosed or approved.

One-day-in-seven Time – is a privilege granted through [ORS 351.067](#) permitting individuals holding an unclassified appointment to engage in overload and/or outside activities one day in each seven day week that are related to the area of expertise for which the individual was hired. A limited amount of averaging or aggregating of days is permitted so long as it is not to the detriment of an individual's UO obligations and does not involve prohibited compensation. The number of allowed days is prorated for appointments that are less than 1.0 FTE.

Outside Activities – are those activities engaged in by UO faculty and other UO employees, whether or not compensated, that are not specifically a part of their University activities. Such activities include (a) participation in scholarly, professional and philanthropic activities outside UO; (b) service on advisory bodies or public commissions related to the individual's academic or professional work; (c) travel to other institutions or conferences for the purpose of presenting lectures, leading seminars or workshops or visiting the laboratories of colleagues; and (d) limited consulting. See [ORS 351.070](#) for more specific details.

Overload Activities – are additional, (non-stipend) paid services for campus sponsored activities above an individual's salaried compensation. Typical overload activities include: continuing education, extension services, internal consulting, non-emergency paid teaching overloads, and similar services.

Professional Organizations – are those scholarly and professional entities which promote knowledge in one's area of expertise.

Start-up Company – is a for- or not-for-profit entity founded in whole or in part upon University generated knowledge or inventions.

Written Management Plans – are the annually or more frequently updated, detailed plans for resolution/mitigation of a conflict of interest, upon which the faculty member and/or other UO employee as well as his or her supervisor, Department Head, Director, Dean Vice Provost and Vice President (as appropriate), have agreed.

University Activities – Those teaching, research, administration, and service activities that are a part of a faculty member or other UO employee's obligations.

6.0 ROLES AND RESPONSIBILITIES

The Business Affairs Office will review, manage, and approve those disclosures or portions of disclosures submitted by faculty or other UO employees who are authorized to contract or purchase on behalf of the University.

The Conflict of Interest and Commitment Committee (COICC) is a UO committee comprised of faculty members and staffed by ORCR personnel. The COICC reviews COI-C disclosures deemed highly complex, and may recommend disclosure, mitigation or elimination strategies as appropriate. The COICC also reviews faculty appeals of management plans and/or compliance and enforcement sanctions of this policy, and makes recommendations to University administration based on their review. The composition of and charge to the COICC are detailed in its charter.

Faculty and other required UO Employees must disclose on an annual basis (or as needed), certifying that they are following the University's policies related to conflict of interest and commitment. Faculty and other UO employees must disclose information about their (and their immediate family members') interests in **external entities** that are sponsors of their teaching or research programs, or that are otherwise involved in current, proposed or pending transactions with the University in which they are involved. In addition, faculty and other UO employees must disclose if they have served as principal investigators or managers of outside research or business activities in their professional fields, or if they have involved their students or staff in their outside consulting or business activities. Faculty and other UO employees supply this information for review by the University and for such other purposes as are required by law, contract or regulation. The disclosure form and instructions are available online at <http://orcr.uoregon.edu>. In addition to annual disclosure, faculty and other UO employees must disclose more frequently should the circumstances which they disclosed materially change prior to their next annual disclosure.

The Office of General Counsel advises the Conflict of Interest and Commitment Committee and the UO administration in the conflict of interest and commitment review and management processes. In conjunction with the appropriate Dean, Director, Vice President and Vice Provost as well as the ORCR, the Office of General Counsel facilitates compliance and enforcement of this policy.

The Office for Protection of Human Subjects (OPHS) is responsible for including conflict of interest and commitment certification questions and statements in all new, modifying and continuing protocol applications; as well as forwarding faculty or other UO employee's responses to the ORCR for review as warranted.

The Office for Research Services and Administration (ORSA) is responsible for including conflict of interest and commitment certification questions and statements in all new and renewal grant and contract submissions; as well as forwarding faculty or other UO employee's responses to the ORCR for review as warranted.

The Office for Responsible Conduct of Research (ORCR) provides assistance and guidance to faculty and other UO employees, Supervisors, Department Chairs,

Directors, Deans, Vice Provosts, Vice Presidents, and the Conflict of Interest and Commitment Committee throughout the conflict of interest/commitment disclosure, review, approval and management processes. The ORCR provides unit, departmental and college level training as well as training and guidance materials in conflict of interest/commitment regulations, requirements, and obligations. The office also serves as the primary reviewer of annual and periodic disclosures and has delegated authority to approve those disclosures that reveal no activities or relationships that appear to create COI-C as well as those disclosures revealing COI-C that can be managed by disclosure alone. The ORCR triages those disclosures that require management or mitigation to the appropriate Supervisor, Director, and/or Department Chair for their review, creation of Written Management Plans and approval. The ORCR holds the institutional copy of all **written management plans**, and administratively supports the COICC. The ORCR conducts random and for cause monitoring of COI-C management activities and prepares the annual report to the OUS as well as any other reports required by state or federal oversight agencies. In conjunction with the appropriate Dean, Director, Vice President, and Vice Provost as well as General Counsel, the ORCR facilitates compliance and enforcement of this policy.

The Office of Technology Transfer is responsible for including conflict of interest and commitment certification questions and statements in all invention disclosures; as well as forwarding faculty or other UO employee's responses to the ORCR for review as warranted.

The Office of Veterinary Services and Animal Care is responsible for including conflict of interest and commitment certification questions and statements in all new, modifying and continuing protocol applications; as well as forwarding faculty or other UO employee's responses to the ORCR for review as warranted.

The Oregon University System receives the annual conflict of interest/commitment report from the UO President, promulgates relevant policy at the system level, and investigates appeals of the UO Conflict of Interest and Commitment Committee review and management processes as needed.

The UO President presents the annual conflict of interest/commitment report to the OUS Board.

Supervisors, Department Chairs, Directors and Deans are responsible to have their faculty and other UO employees disclose potential conflicts of interest/commitment on an annual basis, or more frequently should circumstances warrant. They are also responsible for the timely review and approval of annual (or periodic) disclosures identified by the ORCR as requiring some form of monitoring, management mitigation or elimination plans (in consultation with the appropriate Vice Provost and or Vice President). They are also responsible to facilitate training and education efforts for their respective units. Directors and Deans in conjunction with the appropriate Vice President and Vice Provost as well as the Office of General Counsel and the ORCR facilitate compliance and enforcement of this policy.

Vice Provosts and Vice Presidents are responsible for final review and approval of all conflict of interest/commitment disclosures within their areas of authority requiring any kind of monitoring, management, mitigation or elimination plans. Vice Presidents and Vice Provosts in conjunction with the appropriate Dean and/or Director, as well as General Counsel and the ORCR facilitate compliance and enforcement of this policy. The Offices of the Senior **Vice Provost for Academic Affairs** (SVPAA) and the **Vice President for Research and Graduate Studies** (VPRGS) will have the most conflict of interest/commitment concerns for faculty and other employees both within and overlapping their respective areas of authority.

7.0 PROCEDURES

7.1 Annual Conflict of Interest/Commitment Disclosure Submissions – At the beginning of each calendar year, all faculty and other required UO employees will submit a [Conflict of Interest and Commitment Disclosure Form](#). Faculty members and other UO employees have a 30 day period in which to submit the form. Deans and/or their designee are responsible for ensuring annual disclosure by all faculty and other UO employees that report to them. For those faculty that do not have an academic appointment but belong to a UO Center or Institute, their Directors are responsible to ensure their annual disclosure. Administrative Directors, Assistant/Associate Vice Presidents, and Vice Presidents are responsible to ensure annual disclosure by all other UO employees holding unclassified appointments that report to them.

7.2 Material Change and Prior Approval Disclosure Submissions – Faculty and other required UO employees may need to submit disclosures of activity more frequently than annually, should the information disclosed materially or substantively change throughout the year or if they desire to enter into an activity or relationship that requires prior approval. See [Section 4.4](#), [4.5](#), [4.7](#) and [4.8](#) for examples of activities require prior approval. Faculty members and other UO employees sign (physically or electronically) their disclosures prior to submission.

7.3 Review and Triage of COI-C Disclosure – The ORCR is responsible for preliminary review and triage of all periodic and annual disclosures. Disclosures will be triaged into five categories:

- a) Level 1: Those confirmed disclosures with no overload, outside activities, or income derived from external entities which therefore have no conflicts of interest or commitment to report. The ORCR will approve these and then send a list of these faculty/personnel to the relevant Supervisor, Department Chair, Director, and/or Dean and to the Vice President for Research and the Senior Vice Provost for Academic Affairs confirming completion of annual disclosure requirements for those faculty/personnel.

b) Level 2: Those confirmed disclosures for which the act of disclosure is deemed by the ORCR to be sufficient to manage the potential or actual conflict of interest and/or commitment. Examples of this include but are not limited to, textbook royalties received from published materials whose creation utilized no more than nominal UO resources; total income from overload or outside activities that does not exceed \$10,000; and total equity from relationships with external entities that does not exceed .5%. The ORCR will approve these and then send a list of these faculty/personnel to the relevant Supervisor, Department Chair, Director, and/or Dean and to the Vice President for Research and the Senior Vice Provost for Academic Affairs confirming completion of annual disclosure and management requirements for those faculty/personnel.

c) Level 3: Those disclosures for which the ORCR deems a written management plan is necessary. Examples include but are not limited to receipt of total income from outside activities that exceeds \$10,000; receipt of total equity from relationships with external entities that exceeds 5%; line management for, ownership in, significant relationship with, an external entity; employment of students that the individual teaches or advises; employment of faculty or staff that the individual supervises. These disclosures will be forwarded back to the individual as well as to the relevant Department Head, Director or Dean for development of a written management plan. Disclosures submitted by Deans will be sent back to them as well as to the relevant Vice President and/or Senior Vice Provost for development and approval of a written management plan.

d) Level 4: Those disclosures whose potential conflict of interest or commitment is deemed so complex that a Dean, the ORCR, a Vice President or a Senior Vice Provost desires the disclosed information to be reviewed by the Conflict of Interest and Commitment Committee.

e) Purchasing and Contracting COI-C Review: Those disclosures submitted by faculty or other UO employees authorized to engage in contracting or purchasing on behalf of the University of Oregon. The ORCR will forward these disclosures to the Business Affairs Office for review, management, and approval.

7.4 Supervisor, Department Chair, Director and Dean COI-C Review and Written Management Plans – Those disclosed activities that require management beyond the act of disclosure are forwarded back to the faculty member or other UO employee and their relevant supervisor, who are responsible to create a Written Management Plan. Management plans may include monitoring, reduction and elimination. Some situations may be deemed too conflicted and the proposed activity may be disallowed. Once a management plan has been developed and approved, the Supervisor, Department Chair, Director and/or Dean sign it (physically or electronically) and the faculty member or other UO employee resubmits the disclosure and proposed management plan to the ORCR.

7.5 Vice Provost/Vice President COI-C Disclosure and Management Plan Review –

The ORCR works with the appropriate Vice President/Vice Provost and/or Senior Vice Provost to review and approve submitted disclosures that require a management plan. Some situations may be deemed too conflicted and the proposed activity may be disallowed. The ORCR notifies the individual, relevant Supervisor, Department Chair, Director, and/or Dean of approval or disapproval of the annual disclosure and management plans.

7.6 Business Affairs Office Review – The BAO will review, approve, and require written management plans (including management, reduction, or elimination of the activities and/or relationships causing conflict of interest or commitment) for those faculty or other UO employees authorized to engage in contracting or purchasing on behalf of the University of Oregon.

7.7 Involvement of the Conflict of Interest and Commitment Committee in Management Plan Determinations – Occasionally a disclosed situation of such complexity may arise that the approving Dean, Director, Vice President and/or Vice Provost and/or the ORCR will determine that further consideration is required. Via the ORCR, they will forward such disclosure to the COICC. The COICC may recommend further refinement to the proposed management plan. Some situations may be deemed too conflicted and the recommendation may be to disallow the proposed activity. COICC recommendations will be forwarded to the disclosing individual and the Dean, Director, Vice President and/or Vice Provost who requested the review.

7.8 Appeal Process – Should a faculty member or other UO employee feel their disclosed COI-C or proposed management plan has not been fairly reviewed, they may submit a [COI-C Review Appeal form](#) to the COICC via the ORCR. The COICC will have 60 days to review and make a recommendation on the appeal. Should the faculty member or other UO employee disagree with the results of the appeal, per Oregon Administrative Rule 580-021-0025, they may appeal their case to Oregon University System Chancellor or Director of Internal Audit, who will investigate the case.

7.9 Compliance and Enforcement – The Office for Responsible Conduct of Research in conjunction with the Office of General Counsel is responsible for overseeing the implementation and enforcement of this policy. The ORCR and the Office of General Counsel will review all violations of this policy, including: (a) failure to comply with the disclosure process (by refusal to respond, by deliberately responding with incomplete, inaccurate, or misleading information, or otherwise); (b) failure to remedy conflicts of interest; and (c) failure to comply with a prescribed management or monitoring plans. Such cases may be forwarded to the COICC for review and recommendation.

Penalties for deliberate violations of this policy will be adjudicated in accordance with applicable disciplinary policies and procedures of the University in the Faculty Handbook and/or any body of documents that represents or replaces it or the SEIU Labor Agreements. Possible penalties may include but are not limited to: reimbursement to the University for misused resources; formal admonition; inclusion in

a faculty member or other UO employee's personnel file a copy of a reprimand or warning letter from the appropriate dean or director reflecting unsatisfactory performance; ineligibility of a faculty member or other UO employee to apply for outside funding; revocation of the ability to seek approval from the Committee for Protection of Human Subjects and/or the Institutional Animal Care and Use Committee; revocation of the ability to supervise graduate students; non-renewal of appointment; and up to dismissal from employment.

7.10 Annual COI-C Report to OUS – [Internal Management Directive 4.015\(9\)](#) provides that the institutional president report to the Chancellor's Office by August 31 of each year any change in institutional policy on outside activities and evidence of procedures followed in monitoring faculty and family acceptance of compensation and equity for outside activities of faculty members. The ORCR will prepare this report on behalf of the President's office.

7. 11 Other Reporting Requirements – The ORCR will be responsible for compiling and reporting any COI-C related reports that may be required by any federal or other oversight agencies. The ORCR will do this in conjunction with the appropriate Vice President , Vice Provost and/or Senior Vice Provost, the Chief Financial Officer, the Provost, President and the Office of General Counsel.

8.0 RELATED POLICIES AND DOCUMENTS

Policies

- [Licensing, Patent, Educational, and Professional Materials \(IMD's 6.205 - 6.255\)](#)
- [3.000 Personnel Practices: Guidelines for Overload Compensation for Faculty](#)

9.0 REFERENCES

Federal References

- [48 CFR § 1 \(Federal Acquisition Regulations\)](#)
- [34 CFR § 74C.42, Codes on Conduct](#)
- [34 CFR § 75E.525, Conflict of Interest: Participation in a project](#)
- [34 CFR § 80C.36, Procurement](#)
- [21 CFR § 54, Financial Disclosure by Clinical Investigators](#)
- [42 CFR § 50.603 Public Health Service "Objectivity in Research"](#)
- [NSF "Investigator Financial Disclosure Policy"](#)
- [NSF "Frequently Asked Questions Concerning the DHHS Objectivity in Research Regulations and the NSF Investigator Financial Disclosure Policy"](#)

- [US Department of Education “Conflict of Interest” EDGAR Part 75 Subpart E \(What Conditions Must Be Met by a Grantee?\)](#)
- [US Department of Education “Organizational Conflict of Interest \(3452.209-70\)”
http://www.ed.gov/policy/fund/reg/clubrary/edar.html](http://www.ed.gov/policy/fund/reg/clubrary/edar.html)

State References

- [ORS Chapter 244, Government Ethics](#)
- [ORS 351.067 and 070](#)
- [OAR 580-021-0025, Outside Employment and Activities; Conflict of Interest](#)
- [IMD 4.111 and 4.015](#)
- [IMD 6.205 through 6.255, Licensing, Patent, Educational, and Professional](#)
- [Materials Development, and Copyright Policies and Procedures](#)

10.0 CONTACTS

Please direct any questions you may have regarding this policy to the Office for Responsible Conduct of Research at orcr@uoregon.edu.

11.0 APPROVALS

| University Policy # __ Disclosure and Management of Individual Conflicts of Interest and Commitment | |
|--|---|
| Responsible Executive | Assistant Vice President, Responsible Conduct of Research |
| Responsible Office | Office for Responsible Conduct of Research |
| Approval by | _____ Vice President, Research & Graduate Studies |
| Approval by | _____ Provost |
| Originally Issued | December 21, 1991 |
| Updated | N/A |
| Revised | October 1, 1995; ?? 2001; TBA |

12.0 APPENDIX

Related Documents

- [Conflict of Interest and Commitment Disclosure Form](#)
- [Written Management Plan Guidance](#)
- [Written Management Plan Form \(Template\)](#)
- [COI-C Review Appeal form](#)
- [COI-C Disclosure Review Process](#)
- [COI-C FAQ's](#)