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2 **DISCUSSION DRAFT – 4/2/18**3
4 **Reason for Policy**

5 To set forth the University's standards, as required by ORS 352.232, governing outside
6 employment and activities, including actual and potential conflicts of interest, and procedures
7 for reporting and managing conflicts of interest.

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9 **Responsible Office**

10 For questions about this policy, please contact the Office of the Provost.

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12 **Enactment & Revision History**

13 Approved by University President Michael Schill on _____, 2018.

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15 **Scope**

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17 This policy applies to all University of Oregon employees, officials, and agents. It does not in
18 any way alter the requirements contained in the [Financial Conflict of Interest in Research](#)
19 [Policy](#).

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21 **Policy**22
23 **OVERVIEW**

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25 Teaching, research, administration, and public service are essential to the mission of the
26 University of Oregon. This policy recognizes the primary importance of those activities and the
27 value of the application of knowledge outside the institution. The function of the University
28 may be enhanced by ethical relationships between employees and outside entities, and this
29 policy seeks to protect the academic and personal freedoms involved in choosing those outside
30 activities. Prompt disclosure of outside activities, and management of conflicts of interests, are
31 essential to protect the interests of the University and to ensure compliance with state and
32 federal law. To this end, the University encourages employees to engage in outside activities
33 that advance the mission of the University, with the condition that those activities be
34 proactively disclosed, reviewed and, if determined to be a conflict of interest by the University,
35 managed in a manner that protects integrity, ensures legal compliance, and promotes good
36 stewardship of public resources.

38 Employees, officials, and agents of the University have an individual legal obligation to provide
39 advance, written notice to the University that describes the nature of their outside activities so
40 that the University can make a determination of whether a COI exists. This policy describes the
41 outside activities at issue, requires the disclosure and review of such activities, and, if
42 appropriate, provides for appropriate action by the University to manage actual, potential or
43 apparent COIs. This policy also provides an appeal process and a process for reporting
44 complaints about COI.

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47 **APPLICABLE LAW**

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49 Oregon law defines conflicts of interest (“COI”) as any action, decision, or recommendation by a
50 person acting in their capacity as a University employee that would (for actual conflicts) or
51 could (for potential conflicts) have a private financial impact on the person or their relative, or
52 any business with which either is associated. ORS 244.020(1), (13).

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54 The University may authorize employees to receive outside compensation. However, the
55 University is prohibited from authorizing outside compensation that “does not comport with
56 the mission of the public university or substantially interferes with an officer’s or employee’s
57 duties to the university.” ORS 352.232(2).

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60 **GENERAL GUIDELINES**

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62 Employees must generally refrain from having financial interests incompatible with the
63 impartial, objective, and effective performance of duties. University employees, officials, and
64 agents generally may not:

- 65 1. Engage in private business interests or other outside employment activities, whether
66 compensated or not, on University time.
- 67 2. Make use of University supplies, facilities, equipment, employees, records or any other
68 public resources (other than incidental use) to engage in private business interests.
- 69 3. Use information gained as a University employee to obtain a financial benefit for the
70 employee, a relative or member of the University employee’s household or a business
71 with which any are associated.
- 72 4. Subject to the review and approval process described herein, participate in making
73 University recommendations or decisions involving the employment, compensation,
74 promotion, leave of absence, grievance adjustment, termination, or in the supervision
75 of a relative or member of their household.
- 76 5. Undertake any other outside business or employment activities that substantially
77 interferes with the employee’s duties to the University, or other activities related to
78 University employment, for compensation, that do not comport with the mission of the
79 University.

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REPORTING AND APPROVAL

Approval is generally not required for “exempt” activities identified below and described in the Procedures. However, if any these activities does not comport with the mission of the University, substantially interferes with one’s duties to the University, or creates a COI, the employee must disclose the activity in accordance with Sections III and IV below. The Provost or designee(s) is charged with deciding whether the disclosure constitutes a COI. Employees must err on the side of caution and provide advance disclosure of any such activity.

I. Exempt Activities for Which Prior Approval Is Not Required

A. Exempt Activities Unrelated to University Employment

Employees are generally not expected to disclose outside activities unrelated to their University employment, unless the outside activity may interfere with the employee’s duties to the University (e.g., overlapping time commitments). If there is any doubt whether the outside activity may interfere with the employee’s duties to the University, or may be related to the employee’s University employment, the employee must disclose the activity pursuant to this policy.

B. Exempt Activities Related to University Employment

Employees are not expected to disclose reimbursed or sponsored travel for seminars, lectures, teaching engagements, or service on advisory committees or review panels that a) when aggregated, does not exceed \$5,000 per individual entity, or b) is travel reimbursed or sponsored by a federal, state or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institution affiliated with an institution of higher education. In addition, pursuant to this Policy, employees are generally not expected to disclose professional, religious or political associations, appearances and publications related to University employment, and expert witness service related to their academic or professional work. Such activity may be subject to University policies and procedures concerning inventions and educational and professional materials development. This Policy does not in any way alter requirements in those policies.

II. Activities for Which Prior Approval Is Required

An employee must disclose, pursuant to Section III, non-exempt outside activities. This includes, for example:

- Consulting related to employee’s University work
 - Outside consulting undertaken on personal time will generally require disclosure if the value of any remuneration received from any single entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000.
- Closely related enterprises

- 120 ○ Outside compensation from, or ownership of equity in, an entity (including
121 consulting firms) that carries on activities closely related to the University
122 employee’s area of work and/or field of expertise.
 - 123 ■ This excludes publicly-traded equity unless the employee has a majority
124 ownership in that entity.
- 125 ○ Managing, or participation in the day-to-day operations of, an entity that carries
126 on activity related to the employee’s University employment.

127 **III. Reporting Requirements; Reporting Concerns**

128 It is important to record conflicts centrally to assess their impact on the functions of the
129 University.

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131 **A. Annual Outside Activity (“AOA”) Disclosure Requirement for University Employees:**

132 All employees must submit an AOA disclosure each year. The Provost or designee(s)
133 shall ensure a reminder is sent annually to all employees.

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135 **B. Reporting Concerns about Potential or Actual COI of Another:** Any University
136 employee who has concerns about the permissibility of an activity on the part of an
137 employee is encouraged to consult with their unit/department head pursuant to the
138 reporting process set forth in the procedures accompanying this policy. Confidential
139 reports can also be made to the Office of Internal Audit using its [Fraud & Ethics](#)
140 [Hotline](#).

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142 **IV. Approval Process**

143 **A. Review Process:** The Provost or designee(s) will conduct the Initial Review of all AOA
144 disclosures to determine whether the information disclosed presents an actual,
145 apparent, or potential COI.

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147 **B. Requests for Approval:** The Provost or designee(s) shall create procedures for the
148 review and management processes, and for the complaint and appeal processes.
149 Activity that creates an actual or potential COI is subject to a management plan and/or
150 a decision that the activity may not be authorized. The Provost or designee(s) may
151 work with a COI Committee to evaluate AOA disclosures that require further review.

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153 **C. Approval Process:** In approving or denying requests, the Provost or designee will (1)
154 determine whether the activity constitutes a COI (actual, apparent, or potential), (2)
155 notify the employee if the activity constitutes a COI, and (3) if warranted, develop a
156 management plan, in consultation with the employee and their
157 supervisor/department head, to mitigate the conflict.

158 **APPEALS**

159 Decisions under this policy may be appealed in writing to the Provost or designee within 10
160 days of the receipt of the decision.

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ACCOUNTABILITY

This policy has the force of law pursuant to ORS 352.087. Failure of a University employee to comply with this policy and its associated procedures will subject the employee to discipline up to and including termination. Discipline shall be imposed consistent with applicable University policies and/or applicable collective bargaining agreements.

168 **Related Resources**

169 Policies and Procedures Related to this Policy:

- 170 • Conflicts of Interest Procedures
 - 171 • [Financial Conflict of Interest in Research Policy](#)
 - 172 • [Family Relationships and Employment Policy](#)
 - 173 • [Financial Irregularities Policy](#)
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175 **Contacts**

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Topic	Office	Phone
Policy and procedure interpretation; reporting of COI concerns; complaints; appeals; general inquiries	Office of the Provost and Academic Affairs	541-346-3186

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