

Conflict of Interest, Conflict of Commitment, and Outside Activities

Background

- In Spring 2019, UO updated its policy on conflicts of interest (COI), conflicts of commitment (COC), and outside activities
- Updated policy reflects extensive input from the University Senate and stakeholders across campus
- Goal of the updated policy is to better support the engagement of university employees in outside and entrepreneurial activities in a way that is consistent with state laws and regulations
- The policy applies to all university employees as public employees, including faculty, Officers of Administration, and classified staff

Overview of UO's Policy

- Encourages employees to engage in outside activities that advance the mission of the University
- Affirms academic and personal freedoms of those engaging in outside activities
- Protects employee by clarifying what they can/cannot do as UO employees in relation to the outside interest or activity
- Ultimately promotes good stewardship of public resources and public trust in the institution, the education it offers, and the science conducted by UO researchers



Conflict of Interest

- *Conflict of interest*: Any action, decision, or recommendation by a person acting in their capacity as a University employee that would (for actual conflicts) or could (for potential conflicts) have a private financial impact on the person or their relative, or any business with which either is associated [ORS 244.020\(1\), \(13\)](#)
 - In your UO capacity, are you in a position to authorize purchases from any business in which you or a relative have a financial interest?
 - Through your research or teaching roles, are you in a position to direct student labor or non-public information to any business in which you or a relative have a financial interest?
- Situations that may create the **appearance** of a conflict of interest can be damaging to the reputation of individuals and the institution, and should be disclosed/managed



Conflict of Commitment and Outside Activities

- *Conflict of commitment*: A situation where an individual engages in outside activities, either paid or unpaid, that substantially interfere with the individual's duties to the University of Oregon
- In the context of this policy, a conflict of commitment (COC) is most readily identified when an outside activity takes a significant amount of time and/or occurs at times when the employee is expected to be performing their UO duties
- COCs can also emerge when an employee's outside activity otherwise competes with their UO duties
 - Researcher conducts research on the side for other institution

General Guidelines

- Employees are encouraged to engage in outside activities that comport with the mission of the University
- Employees generally may not:
 1. Make private commercial use of university resources without permission
 2. Use non-public information accessed as an employee to obtain private financial benefit
 3. Engage in activities that substantially interfere with the employee's duties to the University (conflict of commitment)

Outside Activities Presumed **NOT** to Substantially Interfere with Duties

All
employees

- On leave or university holidays (including winter & spring break)



Outside Activities Presumed **NOT** to Substantially Interfere with Duties

All hourly and part-time employees

- Activities performed outside of hourly or part-time employment



Outside Activities Presumed **NOT** to Substantially Interfere with Duties

Faculty

- Activities that do not exceed one day in each 7-day week (13 days/term), prorated by FTE
- Activities during summer, when you have no summer appointment
- Activities conducted during a sabbatical (if included in approved sabbatical plan)



Outside Activities



Some outside activities are considered *exempt* and can be conducted without disclosure and prior approval



Other outside activities require disclosure and approval before an employee can engage in the activity, given the risk that the activity might present a conflict of interest or commitment

Exempt Outside Activities: No Disclosure or Approval Required



- If general guidelines apply, then no need to obtain prior approval for
 - Activities unrelated to University employment
 - Outside activities related to University employment such as
 - Reimbursement for travel (but such activity still subject to [ORS 244.025](#) & [ORS 244.042](#))
 - Appearances, performances, exhibits, and publications
 - Outside activities of student employees or GEs
 - Consulting as an individual or sole proprietor
 - Uncompensated outside activities



Examples:

No Disclosure or Approval Required

- Flute instructor who occasionally plays their personally owned flute in a band in pubs on the weekend
- Grants administrator (OA) who does bookkeeping for their church (2 hours/week)
- Faculty delivers a colloquium at another university and gets paid an honorarium
- Faculty (9-month appointment) who teaches a college course for another US-based institution during the summer
- GE who edits manuscripts on the side



Non-Exempt Outside Activities: Disclosure and Approval Required



- Even if general guidelines apply, prior approval required for non-exempt outside activities that involve:
 - Ownership of equity in an entity, including a consulting entity, that conducts closely related activities
 - Outside activities performed in exchange for equity in an entity that conducts closely related activities
 - Closely related outside activities that involve R&D or the creation of technological improvements, inventions, or software
 - Significant participation in day-to-day operations of an entity that conducts closely related activities
 - Employment of UO students whom you teach, supervise, or formally advise
 - Any other activity of the employee that could create a COI or COC

Examples:

Disclosure and Prior Approval Likely Required

- Psychology professor who sees therapy clients at a mental health agency
- Full time outdoor program employee (OA) who owns small outdoor guide business through which they occasionally lead local trips
- Software developer (classified staff) who owns equity in UO start-up established to develop and sell transportation applications
- Marketing instructor who establishes an LLC through which they consult about advertising

Overview of Disclosure and Approval Process

- UO to send an annual reminder about the policy to all employees
- Disclosure is not required for exempt activities
- For activities/interests that require approval
 - Approval is required prior to engaging in the outside activity
 - Employee must redisclose once per calendar year
- If employees have something to disclose, or are unsure about whether something must be disclosed and approved, they should submit a brief description of their UO role and duties and the activity/interest to coi@uoregon.edu

Disclosure and Approval Process

- To disclose, email coi@uoregon.edu and describe the nature of the proposed outside activity
 - Staff member will respond and set up time to ask clarifying questions (if needed)
 - If no conflict exists and no approval is needed, no additional action needed
 - If a potential conflict exists, we will work with you, your supervisor, and other relevant leadership

Management of Conflicts

- Conflicts are often a good thing (they are not inherently bad!)
- Management plans are intended to support employees who are having a positive impact on society through their outside activities
- Management plans protect the employee and the institution, and facilitate public trust

Management of Conflicts

- Common management plan steps include:
 - Requirement that researchers disclose their interest or activity when it relates to their UO research
 - Requirement that employees disclose their interest of outside activity to UO students and employees, when their UO duties could appear to relate to their outside activity
 - Third party oversight of UO purchases from employee's outside entity
 - Appointment of third party to oversee work of UO students or employees who are advised by the managed employee at the UO and their outside entity
 - Affirmation that employee will not share or use UO confidential information when working with outside entity
 - Affirmation that employee will not use any UO resources to benefit the outside entity

Special Notes for Researchers

- The COI-COC-Outside Activities Policy is distinct from the UO's Financial Conflict of Interest in Research Policy
 - The disclosure requirements under each policy are different
 - The disclosure processes under each policy remain separate for AY 2020-2021; sponsored researchers must still complete the FCOI training and SFI disclosure through EPCS

Special Notes for Researchers

- UO sponsored researchers are also required to notify sponsor of foreign support
 - Monetary or non-monetary support
 - Work at foreign institutions (paid or unpaid)
 - Contact Sponsored Project Services: sponsoredprojects@uoregon.edu
- Researchers should conduct due diligence and seek assistance before considering foreign contracts, payments, or participation in any foreign talent programs
 - Contact Office of the General Counsel for inquiries about foreign talent programs: gcounsel@uoregon.edu
 - Contact the UO's Export Controls Officer for inquiries about export control regulations: exportcontrols@uoregon.edu



Frequently Asked Questions

I submitted a Significant Financial Interest (SFI) declaration for my sponsored research. Aren't I covered?

No. This is a separate disclosure, required for different reasons. The SFI declaration is required by federal regulation and is used to determine whether you have a financial conflict of interest (FCOI) with any of your sponsored research.

Frequently Asked Questions

My supervisor said my outside activity is ok and they approve it. Do I still need to submit a disclosure?

Yes, if the activity is not clearly exempt. Any activity or interest that requires disclosure and approval under this policy must be disclosed to Research Compliance Services, who will facilitate any necessary review and approvals by the supervisor and other relevant leadership.

Frequently Asked Questions

Does this policy apply to only newly acquired equity ownership and outside activities going forward, or do I have to disclose equity ownership or activities from the past?

If you are currently engaged in something that is described above as requiring prior approval, you should disclose it at this time.

Frequently Asked Questions

How often do I need to disclose?

Disclosures are required whenever there is a change to your circumstance that needs disclosure and approval. Once something is disclosed and approved, it will be reviewed annually.

Frequently Asked Questions

How long does the disclosure and approval process take?

The process will vary based on each individual situation.

Frequently Asked Questions

Are employee disclosures and management plans made public?

Disclosures of actual and potential conflicts are not posted publicly. Disclosures of actual and potential conflicts, and their associated management plans, may be subject to disclosure under a public records request.

Frequently Asked Questions

Do I have any say in what goes into the management plan?

Yes. Staff charged with the disclosure review process and development of the management plan will work closely with the employee, their supervisor, and relevant leadership to explore all options for managing conflicts.

Resources

Conflict of Interest, Conflict of Commitment, and Outside Activities Policy

<https://provost.uoregon.edu/coicoc>

Financial Conflict of Interest in Research Policy

<https://policies.uoregon.edu/vol-2-academics-instruction-research/ch-6-research-general/research-financial-conflict-interest>

Family Relationships and Employment

<https://policies.uoregon.edu/family-relationships-and-employment>

Foreign Engagement and Export Controls

<https://research.uoregon.edu/manage/export-controls/foreign-engagement>

Ethics of Public Employment

<https://ethics.uoregon.edu/>

Inventions, License Agreements, Educational & Professional Materials Development, Patents & Copyrights

<https://policies.uoregon.edu/vol-2-academics-instruction-research/ch-7-innovation-tech-transfer-economic-development/inventions>

Office of the Vice President for Research and Innovation

<https://research.uoregon.edu/manage/integrity-compliance/conflicts-interest-and-commitment>

Don't know where to go? coi@uoregon.edu



Definitions

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

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

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

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

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

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

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

Outside Activities: Things that an employee does which are not duties and are not performed on behalf of the University.

Relative: (a) the spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the employee or official; (b) the parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the employee or official; (c) any individual for whom the employee or official has a legal support obligation; (d) any individual for whom the employee or official provides benefits arising from the employee's public employment or from whom the employee or official receives benefits arising from that individual's employment.



For more information, email
coi@uoregon.edu