

PROPOSED CHANGES TO CHAPTER 4 OF THE UNIVERSITY HANDBOOK REGARDING CONFLICT OF INTEREST

4.9 Research

In order to encourage faculty involvement in research, a faculty member may negotiate with the proper administrator to engage in research for up to one-third of his or her total duties during the academic year, without changing the nature of the position from a primary emphasis on teaching. A faculty member may negotiate a greater percentage of time to be spent in research if the faculty member has external funding support for a portion of their salary. Such salary support is provided back to the College. The University may enter into such arrangements as funds allow but is under no obligation to enter into any specific arrangement with any faculty member.

4.10 Consulting; other Professional, Off-campus Work; and Conflicts of Interest

Pacific University is committed to providing high quality instruction, research, and service that meet the needs of the communities it serves. Faculty members may therefore engage in outside professional activities, such as consulting, continuing education, and service activities that lie beyond their normal university responsibilities. However, university guidelines and procedures, as described below, must be followed.

The provisions of section 4.10 also apply to other university employees, including staff members and administrators.

A conflict of interest exists if financial interests or other opportunities for personal benefit can be reasonably perceived to exert a substantial or improper influence on a faculty member's professional judgment in exercising any university duty or responsibility, including teaching or designing, conducting, or reporting research. The existence of a perceived conflict of interest does not imply that a faculty member's judgment has been compromised. Conflicts of interest must have an agreed plan for management or the source of conflict must be removed.

4.10.1 Under some circumstances, faculty members must notify the dean or director about engagement in outside activities.

4.10.1.a Activities that do not Require Notification of the University

Activities considered to lie within the regular work duties of faculty members do not require notification of the University by the faculty member. Such activities include: teaching; conducting research and applying research findings; preparing, publishing, and reviewing articles and books (whether for royalty or not); participating in artistic performances or activities (whether compensation is received or not); preparing and delivering lectures; consulting for government agencies, serving on advisory bodies, and maintaining memberships and activities in professional societies; teaching continuing education courses at professional societies; and participating in artistic performances or activities. In each of

these, the following must apply: 1) the activities are related to the faculty member's professional field; and 2) no compensation is received other than royalties from publications or small honoraria. Providing services explicitly authorized by approved university practice plans also do not require notification.

4.10.1.b Activities that Require Notification of the University

Activities that lie outside of faculty members' regular duties and that require notification of the University include: 1) consulting for additional remuneration (e.g., providing services to individuals, firms, educational programs, outside clinical practice, and the like); and 2) involvement with commercial enterprises more substantive than consulting (e.g., ownership of or holding a management position in a commercial enterprise). Notification requirements apply to all regular faculty members, even those who hold less than five-eighths-time appointments.

It is university policy to allow faculty members to undertake outside activities that will increase their effectiveness and will broaden their experience in relation to their functions at the University or that will be of service to the community, private sector, non-profit sector, or public sector, provided that:

1. Outside activities do not substantially interfere with performance of faculty members' university duties.
2. Outside activities do not involve use of university property, facilities, equipment, or services including the Institutional Review Board, except when approved by the dean or director and the Provost. In instances where university resources are used, the University may choose to assess a charge for the use of those resources.
3. Faculty members may identify themselves as a member of the Pacific University faculty but shall make it clear to any outside employers or contractors that they are acting as individuals and do not speak, write, or act in the name of, or directly represent the University.
4. Faculty members do not list university telephone numbers in commercial listings or other public documents, if the purpose is to draw attention to their availability for compensatory service. Further, use of the university name, logo, and stationery is prohibited.
5. Outside employment is consistent with policies of faculty members' academic units.

6. The University owns any intellectual property that is a product of University research, as defined in the Intellectual Property document approved by the Board of Trustees. Faculty members may not assign to other entities the rights to a product of university research. Before signing a consulting agreement that requires assignment of intellectual property rights, a faculty member must obtain approval of the college dean and Provost.

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7. Faculty members are responsible for any damages or claims for damages that might arise in connection with their consulting activities.

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4.10.2 Reporting Requirements

4.10.2.a Conflict of Interest Disclosure Form

A Conflict of Interest Disclosure Form must be submitted annually by:

- All regular faculty members
- Any employees designated by principal investigators as having a significant decision-making role in proposing, conducting, or reporting of externally funded research.
- Administrators designated by the Provost as having a significant role in supervision of externally funded research.

For the purpose of these procedures, externally funded research shall mean any research funded by a public or private entity separate from the University, through a gift, grant, award, contract, cooperative agreement or similar arrangement and administered through the University.

Conflict of Interest Disclosure Forms must be submitted no later than September 15 of each academic year. After the annual submission, a new disclosure form must be submitted for consulting activities with potential conflict of interest or business or financial transactions that were previously unreported or if significant changes occur in the circumstances of a previously reported transaction or activity. Faculty members must submit a disclosure form to the department chair or director and to the dean. Other employees must submit forms to the dean.

Conflict of Interest Disclosure Forms are filed in the Open Personnel File.

4.10.2.b Disclosure of Paid External Consulting

Paid external consulting related to one's areas of expertise requires disclosure using the External Consulting Disclosure Form. Faculty members submit forms for each consulting arrangement to the department chair or director and to the college dean for agreement regarding potential conflict of interest. Any potential conflict of interest must have an agreed management plan or the source of the conflict must be removed. If the chair or director does not agree that the source of conflict has been properly managed, the faculty member may appeal to the college dean and then to the Provost. The Provost's decision is final. The Provost may also disallow previously agreed upon activities.

If a proposed consulting arrangement causes or could be perceived to cause a conflict of interest, the faculty member or other employee must file a Conflict of Interest Disclosure Form, along with the External Consulting Disclosure Form.

For on-going activities, a faculty member or other employee may complete a single External Consulting Disclosure Form for that activity for the fiscal year. A new form is required if the activity continues into another fiscal year. Each one-time activity during a fiscal year requires

a separate form. These forms must be submitted in advance of the planned activity. Any conflict of interest or other legal issues posed by the proposed activity need to be managed

External Consulting Disclosure Forms are filed in the Open Personnel File.

Pacific University
Annual Conflict of Interest Disclosure Form*

Employee Name _____

Research Role

1. Do you anticipate seeking external research funding during the next twelve months?
Yes No If Yes, please explain

2. Do you currently serve as principal investigator for a funded research project?
Yes No If Yes, please explain

3. Do you have a role in the design, conduct or reporting of funded research?
Yes No If Yes, please explain

Financial Disclosure

4. Will you receive or anticipate receiving within the next twelve months personal income from a company or organization whose activities could possibly relate in any way to your teaching or research? Personal income includes: consulting; speaking or other fees; honoraria; gifts; licensing revenues (royalty income); equity interests (including stocks, stock options, warrants, partnership and other equitable ownership interests).
Yes No If Yes, please explain

5. Do you, your spouse, your domestic partner, or your dependents have any type of financial ownership interests (including stocks or other equity interest) or receive remuneration or compensation in any entity related to your teaching or a current or proposed research project or that does business with Pacific University? An entity related to teaching or a current or proposed research project means any:
 - A. supplier of equipment, materials, or services
 - B. business commercializing a product within your teaching area or that your research is intended to evaluate or further develop
 - C. party whose financial interests would seem to be directly and significantly affected by your teaching or research
 - D. sponsor of your researchYes No If Yes, please explain

Intellectual Property

6. Are you the inventor, co-inventor, or creator of intellectual property that has been licensed through Pacific University?
Yes No If Yes, please explain
7. Is this intellectual property the subject matter of or related to any sponsored research project with which you are involved?
Yes No If Yes, please explain
8. Do you receive royalties from the sponsor of any of your research projects?
Yes No If Yes, please explain

Management Planning

9. Do you have an agreed upon or proposed plan for management or elimination of potential conflict of interest? If so please attach a copy of the relevant documents.
Yes No If Yes, please explain

Affirmation

In submitting this form, I affirm that the above information is true and complete to the best of my knowledge; I accept responsibility for complying with university policies on conflict of interest and paid external consulting; and I assume responsibility for updating this disclosure as necessary.

Employee _____ Date: _____

Potential conflicts of interest have been properly managed.

____ Yes

____ No

Department Chair/Director _____ Date: _____

Dean/Supervisor _____ Date: _____

[* This form was modified from a form used by the Ohio State University](#)

Pacific University
External Consulting Disclosure Form*

Professional Activities Requiring Disclosure On This Form

- All compensated external consulting arrangements related to professional expertise, including those undertaken during those periods when the faculty member is not on contract with the University.

Professional Activities *Not* Requiring Disclosure On This Form

- Providing services explicitly authorized by approved university practice plans.
- External professional activities reflecting normal and expected public and professional service by faculty members.

Name _____ Department _____

College _____ Campus _____

Person, firm or agency receiving services

Describe services to be provided:

Date(s) on which service will be provided _____
(do not cross fiscal years)

Hours to be spent: Weekly _____ **Annual total** _____

The proportion of professional effort devoted to consulting should not exceed 20% of a faculty member's contract time. Consulting during off-contract periods is not subject to time limitations. Employees should avoid any conflict, or appearance of conflict, between such activities and university responsibilities.

Intellectual Property. Consulting agreements sometimes require assigning intellectual property rights to the firm receiving consulting services. These provisions should be narrowly drawn to apply only to the specific question, issue, or problem that is the subject of the consulting agreement.

The university Intellectual Property Policy requires employees to report inventions or discoveries made in the course of their university employment to the University. This policy applies to all research conducted by employees in their areas of expertise, including research performed during non-contract time.

Does your consulting agreement require you to assign intellectual property to the entity for which you are providing services? Yes No

If yes, please attach a copy of the intellectual property provision in the agreement.

Use of University Facilities

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Will university facilities (beyond university provided computer) be used in connection with consulting services? Yes No

If yes, describe required space, services, equipment and supplies

Fees to be paid to the University for the use of:

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Space \$ _____ Equipment \$ _____ Services \$ _____
Supplies \$ _____

CONFLICTS OF INTEREST

The university Conflict of Interest Policy (University Handbook, section 4.10) applies to all outside professional arrangements, including those performed during non-contract time.

A conflict of interest exists if financial interests or other opportunities for personal benefit can be reasonably perceived to exert a substantial or improper influence on a faculty member's professional judgment in exercising any university duty or responsibility, including teaching or designing, conducting, or reporting research. The existence of a perceived conflict of interest does not imply that a faculty member's judgment has been compromised.

Is there a potential conflict of interest in this consulting relationship?

Yes
 No

If there is a potential conflict, then a Conflict of Interest Disclosure Form must be attached to this form, unless one has already been filed within this fiscal year that covers this proposed activity.

A Conflict of Interest Disclosure Form is attached: Yes No

I understand that, while providing authorized external consulting services, I remain responsible for the performance of all of my assigned duties and responsibilities within the University. In submitting this form, I affirm that the above information is true and complete to the best of my knowledge; I accept responsibility for complying with university policies on conflict of interest and paid external consulting

Signature _____ Date _____

The department chair/director and College Dean must be notified before employees undertake outside consulting activity related to their area of professional expertise. Their signature indicates whether further consideration of potential conflict of interest is required.

Further consideration required?

Yes

No

Department Chair/Director _____ Date _____

Further consideration required?

Yes

No

College Dean/Supervisor _____ Date _____

Provost action, if any.

Provost _____ Date _____

It is the responsibility of the dean or supervisor to:

- notify the employee in writing if further consideration of conflict of interest is required.
- place the original in the employee's open personnel file

[* This form was modified from a form used by the Ohio State University](#)