

Chapter 4.9 and 4.10 Proposed Revisions

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. 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.~~ College deans may reduce the teaching responsibilities of faculty members by up to one-third in order to conduct scholarly activities, with no salary penalty. If faculty members have outside salary support for scholarly activities, then they may negotiate with the college dean a reduction of teaching responsibilities of up to one-half, with a concomitant reduction of the Pacific salary.

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

Pacific University is committed to ~~providing~~ high quality instruction, ~~research~~ scholarship, 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.

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

4.10.1 Conflicts of Interest

A conflict of interest exists if financial interests or other opportunities for personal benefit can reasonably be perceived to exert a substantial or improper influence on a faculty member's or other employee'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 person's judgment has been compromised. Conflicts of interest must have an agreed-upon management plan, or the source of conflict must be removed (see 4.10.3.a).

4.10.2 Under some circumstances, faculty members ~~and other employees~~ must notify the ~~appropriate dean or program director~~ University about engagement in outside activities.

4.10.2.a Activities that Do Not Require Notification of the University

Activities ~~considered to that~~ lie within the regular work duties of ~~university~~ faculty members ~~and other employees~~ 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); preparing and

delivering lectures; consulting for government agencies, serving on advisory bodies, and maintaining memberships and activities in 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 **or other employee's** professional field; and 2. no compensation is received other than royalties from publications or small honoraria. **Providing services authorized by approved university practice plans also do not require notification.**

4.10.2.b Activities that Require Notification of the University

Notification requirements apply to all faculty members who hold appointments of 0.5 FTE or greater and to all other employees. Activities ~~considered to lie outside of the faculty members' regular duties and~~ that require University notification ~~by the faculty member are~~ **include:**

1. consulting for additional remuneration (e.g., providing services to individuals, firms, educational programs, and the like)
2. ~~involvement with~~ **participating in** commercial enterprises more substantive than consulting (e.g., ownership of or holding a management position in a commercial enterprise).

4.10.2.c Requirements for Outside Activities that Require Notification

~~It is~~ University policy ~~to~~ **allows** faculty members ~~and other employees~~ to undertake outside activities that ~~will~~ **would** increase their effectiveness, ~~and that would~~ broaden their experience ~~in relation~~ **related** to their university functions, ~~or and~~ that ~~will~~ **would** be of service to the community, private-~~sector~~, non-profit-~~sector~~, or public sectors, provided that:

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

5. ~~The~~ Outside employment is consistent with policies of the ~~faculty member's~~ academic or administrative unit.
6. Faculty members and other employees, whether full-time or part-time, may not engage in outside work that would bring their total workload to more than 120% of a full-time contract. College deans may waive this limitation, if they believe doing so would be in the best interests of the University. The deans may also allow faculty members to increase their outside work by reducing their university workload and compensation. Outside work during off-contract periods is not subject to time limitations.
7. 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 and other employees 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, faculty members and college employees must obtain approval of the college dean and Provost. Other employees must obtain approval of the Provost.
8. Faculty members and other employees are responsible for any damages or claims for damages that might arise in connection with their outside work activities.

4.10.3 Reporting Requirements

4.10.3.a Conflict of Interest Disclosure Form

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

- Faculty members with appointments of 0.5 FTE or greater
- 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
- Employees who have perceived conflicts of interest (see 4.10.1 and 4.10.2.b).

Externally funded research includes 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 year. Forms are filed in the Open Personnel File. After the annual submission, a new disclosure form must be submitted for:

- new consulting or other outside activities with potential conflict of interest
- business or financial transactions that were previously unreported
- significant changes in the circumstances of items previously reported.

Faculty members must submit disclosure forms to the department chair or director and to the college dean. Other college employees must submit forms to the dean. Other employees must submit forms to the Provost.

Any potential conflict of interest must have an agreed management plan, or the source of the conflict must be removed. If the department chair or director does not agree that the source of conflict has been properly managed, faculty members may appeal to the college dean and then to the Provost. College employees may appeal a college dean's decision to the Provost. The Provost's decision is final. The Provost may also disallow previously agreed-upon activities.

4.10.3.b Disclosure of Paid External Consulting

Paid external consulting requires disclosure using the External Consulting Disclosure Form. Faculty members must submit forms for each consulting arrangement to the department chair or director and to the college dean. External Consulting Disclosure Forms are filed in the Open Personnel File. College employees submit forms to the college dean. Other employees submit forms to the Provost.

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

For on-going activities, faculty members or other employees 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 (see 4.10.3.b).