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## Policy Information

**Effective Date:**

May 21, 2014

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**Policy Number:**

Res-100

**Responsible Unit:**

Conflict of Interest Program

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## Purpose and Summary

The University of Arizona (the “University”) encourages its faculty and appointed professionals to use their professional expertise to advance and communicate knowledge through interaction with the public, the community, and external entities. The University feels that such activities enhance performance of University teaching, advance University research and public service missions, and bring credit to the University.

At the same time, the University has a fiduciary responsibility to ensure that inappropriate external influences outside the course and scope of one’s University employment do not affect the performance of one’s primary duties to the University. Outside Employment and Outside Professional Commitments<sup>1</sup> raise important questions related to time and energy allocation, University resource allocation, intellectual property protection and potential for financial conflicts of interest.

As used in this Policy, “Conflict of Commitment” relates to an individual’s distribution of time and effort between his/her full-time duties as a University Employee, and his/her responsibilities

resulting from Outside Employment and Outside Professional Commitments.

The purpose of this Policy is to

- provide guidance on the University's requirements related to possible Conflicts of Commitment resulting from Outside Employment and Outside Professional Commitments;
- outline Conflict of Commitment disclosure requirements; and
- provide guidance to assist Supervisors, Department Heads and Deans in their review of such disclosures for approval or rejection.

While every full-time University employee is considered to have a primary commitment of time and intellectual energies to his/her work for the University, this Policy is not intended to deter the cultivation of outside interest in University expertise. Both the individual employee and the University may benefit from approved interactions with external scholars and organizations and from commitments to professional societies, journals, etc. Administrative Departments and individual colleges may establish their own Conflict of Commitment conventions within the parameters outlined in this Policy and based upon the Department Head or Dean's determination of the unit's and University's best interests.

1. All capitalized terms used in this Policy that are not otherwise defined in the text have the meanings set forth in the "Definitions" below.

## Scope

This Policy applies to all Covered Individuals (as defined below). Covered Individuals have a primary commitment of time and intellectual energies to their work for the University. Outside Employment and Outside Professional Commitments must not detract in time or content from their obligations to these responsibilities.

## Definitions

**Conflict of Commitment** relates to an individual's distribution of time and effort between his/her full-time duties as a University Employee, and his/her responsibilities resulting from Outside Employment and Outside Professional Commitments.

**Covered Individual** refers to Full-time University Employees (as each of those terms is defined below), including faculty members, administrators, and academic and service professionals who are appointed to serve in the area of teaching, research, and administrative services pursuant to notices of appointment issued by the University's Human Resources Department.

**Full-time** is a status determined by the University's Division of Human Resources. For tenured/tenure-eligible faculty, full-time is generally defined as 50% or more full-time equivalent, which employment is expected to continue for six (6) months or more. Please consult with your department's hiring manager or business office if you are unsure whether you have full-time status.

**Institutional Responsibilities** means activities in the course and scope of an individual's performance as a University employee related to the individual's professional expertise, such as teaching, administrative duties, clinical activities, research (sponsored or unsponsored), service on University committees, professional participation on panels and review boards, creation and

presentation of scholarly work, and duties and responsibilities outlined in an individual's University employment agreement, etc., regardless of when and where the activities occur.

**Outside Employment** refers to any employment relationship of a Covered Individual outside of the University. For purposes of this Policy, Outside Employment or Outside Professional Commitments may or may not be a professional activity and may or may not be compensated but does require a time commitment from the Covered Individual.

**Outside Professional Commitments** are professional activities undertaken by a Covered Individual that are related to the individual's professional expertise, outside of the individual's Institutional Responsibilities, for the benefit of an external entity or individual and/or not covered by a fully executed written agreement between the University and the external entity.

**Significant Use of University Resources** has the meaning set forth in the ABOR Intellectual Property Policy, No. 6-908, Section F(9). By way of example only, Significant Use of University Resources may include

- Use of University research funding;
- Use of funding allocated for asynchronous or distance learning programs;
- Use of University-paid time within the employment period (other than during sabbaticals, under approved consulting arrangements, or otherwise as permitted under ABOR and University policies);
- Assistance of University-employed support staff;
- Use of University telecommunication services (beyond ordinary telephone services);
- Use of University central computing resources;
- Use of University instructional design or media production services; and
- Access to and use of University research equipment and facilities, or production facilities.

Any inconsistency between this Policy and the ABOR IP Policy definition of "Significant Use of University Resources" shall be resolved by reference to the ABOR IP Policy definition.

**Supervisor**, in relation to an Appointed Professional, refers to the individual who is directly responsible for day-to-day oversight, performance evaluations, and promotion recommendations related to such Appointed Professional.

**University Employee**, for the purposes of this Policy, refers to all University Appointed Personnel, as defined by the University Division of Human Resources in the University Handbook for Appointed Personnel (UHAP) Definitions Section. Such appointments may be tenure eligible, tenured, career-track, adjunct, or visiting, and are subject to ABOR Personnel Policies as follows:

- 6-101. Conditions of Administrative Service [2]
- 6-201. Conditions of Faculty Service [3]
- 6-301. Conditions of Service for Academic and Service Professionals [4]

## Policy

### A. Request and Approval Responsibilities

1. **Covered Individuals' Responsibilities:** Covered Individuals must request written approval as provided in this Policy prior to engaging in Outside Employment or Outside Professional Commitments that occur at any time during the calendar year while the individual's status is that of a Full-time University Employee. Prior approval is not required to participate in

professional commitments that are (a) required as a condition of employment or tenure eligibility, (b) are a part of a Covered Individual's duties on behalf the University, or (c) are encouraged by the University as part of the Covered Individual's academic or professional development (such as professional societies, committee memberships, journal editorships, service to the discipline, service to the University, routine scholarly collaboration, etc.).

The requestor must complete a Request for Approval of External Professional Commitment or Outside Employment form ("Request form"), available on the Conflict of Interest Program Office website, and submit it for written approval as follows:

- For Faculty Members: the Request form must be submitted to and approved by the requestor's Department Head and Dean.
- For all other University Employees, including Deans, Vice Presidents, Assistant and Associate Vice Presidents, Senior Vice Presidents and above (but excluding the University President<sup>2</sup>: the Request form must be submitted to and approved by the requestor's Supervisor.

It is recommended that the Request form be submitted four (4) weeks prior to beginning the outside activity to allow a reasonable time for consideration of the Request.

2. **Responsibility for Review and Approval or Denial:** The Covered Individual's Department Head and Dean (with respect to faculty members), or Supervisor (with respect to all other University Employees), are responsible for reviewing the requestor's Request form and providing approval or denial. Approval or denial will be based upon the information provided in the Request form and an assessment of the requestor's time commitments relative to the request. To avoid denial and facilitate approval, the individual(s) responsible for reviewing the requestor's Request form (as provided in paragraph A(1) of this section, above) may make recommendations for adjustment of commitments to allow appropriate time allocation.
3. **Responsibility for Maintaining Request Form Records:** The primary administrative unit, department, or college of the individual is responsible for the review and approval or denial of a Request form (see paragraphs A(1-2) of this section) is the "Office of Record" and is responsible for maintaining the original documentation of the Request form and response as a personnel record in accord with the University's Records Retention Policy for personnel records. The Office of Record is responsible for providing a copy of each approved Request form to the Conflict of Interest Program Office.

## **B. Contracts, Liabilities, etc.**

1. When a Covered Individual enters into a personal consulting, non-disclosure, fee-for-service, or other type of agreement with an external entity relative to an approved Outside Employment or Outside Professional Commitment, the University shall not be a party to the agreement, and shall have no obligations whatsoever under such agreement.
2. Covered Individuals who enter into a personal consulting, non-disclosure, fee-for-service, or other type of agreements relative to an approved Outside Employment or Outside Professional Commitment are solely responsible for the negotiation of such agreements and for ensuring that the terms and conditions are consistent with this Policy and all other applicable ABOR and University policies, including but not limited to Intellectual Property Policies (see Section F below).
3. The University will not provide indemnity nor any other form of guarantee or insurance coverage for activities or obligations pursuant to Outside Employment or Outside Professional Commitment agreements executed between any Covered Individuals and external third parties.
4. Use of the University's name, logo, or other identifiers for the promotion or endorsement of an

outside entity generally is not permitted.

## **C. External Faculty, Administrative, Managerial, and Operational Responsibilities**

1. **Outside Employment with Postsecondary Institutions:** Covered Individuals may not be employed as faculty members, professional staff, or administrators at any other postsecondary educational institution while they are Full-time University Employees unless approved under this Policy; however, consulting and collaborative research relationships with other postsecondary institutions may be permitted, subject to the review and approval process set forth in paragraph A(1) under "Compliance and Responsibilities."
2. **External Managerial Responsibilities:**
  - a. Covered Individuals, including individuals on approved sabbatical leave, must file a Request form and obtain prior written approval (as described in paragraphs A(1-2) under "Compliance and Responsibilities") prior to assuming significant managerial responsibilities with an outside entity (e.g. as an officer or director). If a Covered Individual believes it to be essential for the success of an outside entity that he/she provide significant managerial responsibilities to the entity, he or she may be required to take a full or partial leave of absence from the University, or a revised appointment at the University, for a specified period of time, consistent with relevant leave of absence policies. The Covered Individual in such case should work with the individual responsible for reviewing his/her Request form (i.e., Supervisor, Department Head or Dean) to explore the best course of action, and must also fulfill the disclosure and other obligations under the University's applicable Conflict of Interest policies.<sup>3</sup>
  - b. It is not unusual for Covered Individuals to be asked to serve on the boards of commercial enterprises or nonprofit entities. The following guidelines apply to board memberships (excluding those situations where prior approval is not required as outlined in paragraph A(1) under "Compliance and Responsibilities"). Before joining any board of a for-profit or nonprofit entity related to one's professional expertise, and regardless of whether the board membership is paid or unpaid, a Covered Individual must receive advance written approval in addition to fulfilling the disclosure and other obligations under the University's applicable Conflict of Interest policies.
3. **Involvement in Certain Sponsored Projects:** Faculty Members are normally prohibited from serving as Principal Investigator at the University on sponsored projects that are funded by an organization in which the Faculty Member has an Outside Employment or Outside Professional Commitment arrangement. In such cases, the Faculty Member must fulfill the disclosure and other obligations under the University's applicable Conflict of Interest policies. Exceptions may be approved by the Senior Vice President for Research in special circumstances such as (but not limited to) an SBIR/STTR arrangement or for ongoing research of a Faculty Member newly arriving at the University from another research institution. This stipulation is not intended to limit Faculty Members from participating in multi-site training or research programs, nor is it intended to apply to circumstances in which the Faculty Member's research requires access to facilities not available at the University.

## **D. Faculty and the Protection of University Students, Postdoctoral Scholars, and Trainees**

1. The academic activities of students, graduate students, postdoctoral researchers, and other University trainees (together referred to as "Trainees"), including but not limited to those activities described in Section F, below) must be directed in accord with the best interests of the academic progress of these individuals and without regard for the external interests of a

Covered Individual. While Covered Individuals who have external interests in companies often see opportunities for Trainees to obtain valuable practical experience through those companies, issues can arise when the Covered Individual has an interest in a successful outcome that is related to his/her Outside Employment or Outside Professional Commitment with the company involved. A Trainee may not feel that he/she is in a position to decline the opportunity when it is offered by a Covered Individual on whom the Trainee is dependent for academic guidance or recommendations. Additionally, after becoming involved with a project supported by the entity with which the Covered Individual has an Outside Employment or Outside Professional Commitment, the Trainee may become concerned about the effects on his or her academic career caused by unanticipated issues in the external relationship.

2. Certain steps are necessary to ensure that Trainees are informed and properly advised in these situations:
  - a. Where the matter relates to research or research-related activities, the University requires that such activities adhere to the Policy on Individual Conflict of Interest in Research. [5]
  - b. For non-research-related matters, the Covered Individual's Outside Employment or Outside Professional Commitment arrangements must be presented to the Trainee in a context that (a) protects the Trainee from feeling any potential coercion in accepting an offer of employment, internship, or project experience; and (b) includes a mechanism for handling any issues that may emerge in the employment, internship, or project experience separately and independently from evaluation and guidance on academic progress. The Conflict of Interest Officer, in coordination with the Faculty Member's Department Head and Dean (or Administrative Professional's Supervisor) is available to assist and provide guidance in such arrangements.

## **E. Requirements for Significant Use of University Resources and Proprietary Confidential Information**

1. Significant Use of University Resources or the University's proprietary confidential information may not occur in connection with a Covered Individual's Outside Employment or Outside Professional Commitments unless
  - a. Such use is approved by the head(s) of all unit(s) with authority over the resources and by the Dean and the relevant Vice President; and
  - b. The use does not interfere with the University's performance of its missions; and
  - c. The use is covered by a fully executed written agreement signed by a duly authorized signatory on behalf of the University in which all such uses of University resources are compensated in accord with fair market value or actual costs, pursuant to the relevant University research, business, and finance policies; and
  - d. The Office of Record provides a copy of the Facilities Use Agreement Form [6] or other agreement authorizing the use of University resources to the University's Conflict of Interest Officer, along with the approved Outside Employment or Outside Professional Commitment form.
2. Resources purchased by the University through sponsored project grants or other contractual arrangements may be used only in accordance with the terms and conditions of the grant or contract and may not be used to fulfill an individual's Outside Employment or Outside Professional Commitments.
3. Covered Individuals may not provide, as part of any approved Outside Employment or Outside Professional Commitment, access to or use of research results, patentable inventions, copyright-protected materials, confidential information, materials or products, or other intellectual property in which ABOR claims an ownership interest under ABOR Intellectual Property Policy No. 6-908, without first obtaining a University license agreement,

nondisclosure agreement, material transfer agreement or other appropriate contract authorizing such access and use, signed by a duly authorized signatory on behalf of the University.

4. The University's or any University Sponsor's confidential Information may not be used as part of an Outside Employment or Outside Professional Commitment, without first obtaining the written consent of the owner of such confidential information (i.e., the University or University Sponsor) for such use, signed by a duly authorized signatory. (See also the University's policy on [Misuse of University Assets](#) [7].)

## **F. Publication Rights and Protection of Open Exchange of Scholarship**

Free and open exchange of ideas and the results of scholarly activities are of the utmost importance to the University. As such, University scholars, including Faculty and Trainees, 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, Covered Individuals must ensure that their Outside Employment or Outside Professional Commitment arrangements do not restrict the rights of the University and University scholars to undertake research and scholarly work, and to publish, present, and disseminate the results of University research and scholarship in an open and timely manner to the broader scholarly community and public in keeping with University and ABOR policies.

## **G. Ownership of Intellectual Property**

Covered Individuals do not have the authority to license, assign, or otherwise transfer rights in any intellectual property in which ABOR and/or University claims ownership under ABOR Intellectual Property Policy, and should not enter into any agreements in connection with an approved Outside Employment or Outside Professional Commitment that purport to confer rights to such intellectual property in conflict with the ABOR and University Intellectual Property Policies. Information related to the ABOR and University Intellectual Property Policies and assistance in obtaining a license or other grant of rights to ABOR-owned intellectual property rights are available through [Tech Launch Arizona](#) [8] or the [Office of the General Counsel](#). [9]

## **H. Authorship, Speaking, and Marketing/Promotional Activities**

1. Where a Covered Individual is listed as an author on any publication or presentation that is based on his/her performance of an Outside Employment or Outside Professional Commitment (and not as the result of work performed under a University agreement with the external entity), the Covered Individual should clearly identify the entity under which the performance occurred. In such cases, the Covered Individual may list the University in his or her affiliation, but each such publication or presentation should include a disclosure of funding and must not state or imply that project funding was provided by the University, nor that the Covered Individual's contribution to such publication or presentation was part of his/her Institutional Responsibilities.
2. Covered Individuals are prohibited from publishing under their own names articles related to their professional activities or Institutional Responsibilities that are written in whole or in part by employees of external entities who are not identified as authors and project collaborators (i.e., "Ghost Written"). This is intended to address situations such as those in which articles essentially are drafted by employees of an external commercial entity (such as, but not limited to, a pharmaceutical company) for publication under the Covered Individual's name. This section does not apply to publications from multi-site programs, including training, clinical trial, and other research programs that are drafted on behalf of the group by a subset of the multi-site collaborators.

## I. Noncompliance

In cases of noncompliance with this Policy, the University, the Faculty Member's Department Head and/or Dean, or the Appointed Professional's Supervisor may apply personnel sanctions or administrative actions in accordance with relevant University administrative, academic, and employment policies.

2. The University President's accountability relative to Conflict of Commitment is to ABOR and is not addressed in this Policy.

3. See the Office for the Responsible Conduct of Research [Conflict of Interest web page](#) [10] for further guidance.

## Related Information\*

[Electronic Conflict of Commitment Form](#) [11] (i.e., Request for Approval of External Professional Commitment or Outside Employment).

[Product Licensing and Trademark Usage Policy](#) [12]

[Individual Conflict of Interest in Research](#) [5]

[Misuse of University Assets](#) [7]

[Arizona Board of Regents Policy 6-908. Intellectual Property Policy](#) [13]

[Arizona Board of Regents Policy 3-901. Conflict of Interest](#) [14]

## Revision History\*

Revisions to sections B(1) and B(4) April 4, 2018

Reference to nontenure-eligible removed June 21, 2017.

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**Source URL:** <http://policy.web.arizona.edu/research/conflict-commitment-policy>

### Links

[1] <mailto:ORCR-COI@email.arizona.edu>

[2] <https://public.azregents.edu/Policy%20Manual/6-101-Conditions%20of%20Administrative%20Service.pdf>

[3] <https://public.azregents.edu/Policy%20Manual/6-201-Conditions%20of%20Faculty%20Service.pdf>

[4] <https://public.azregents.edu/Policy%20Manual/6-301%20General%20Provisions%20and%20Definitions%20for%20Conditions%20of%20Service%20for%20Academic%20and%20Service%20Professionals.pdf>

[5] <http://policy.arizona.edu/research/individual-conflict-interest-research>

- [6] <http://www.pdc.arizona.edu/space/policy.html>
- [7] <http://policy.arizona.edu/business-and-finance/misuse-university-assets>
- [8] <http://ott.arizona.edu/>
- [9] <http://ogc.arizona.edu/>
- [10] <http://rgw.arizona.edu/compliance/conflict-interest-program>
- [11] <https://rgw.arizona.edu/compliance/conflict-interest-program/information-university-employees-and-affiliates/conflict-commitment>
- [12] <http://policy.arizona.edu/university-relations/product-licensing-and-trademark-usage>
- [13] <https://public.azregents.edu/Policy%20Manual/6-908-Intellectual%20Property%20Policy.pdf>
- [14] <https://public.azregents.edu/Policy%20Manual/3-901-Conflict%20of%20Interest.pdf>