
University of Iowa Operations Manual
PART II. Community Policies
Division I Human Rights, Affirmative Action, and Equal Employment Opportunity

CHAPTER 18: CONFLICT OF INTEREST

18.1 DEALING WITH CONFLICTS OF INTEREST.

a. Preamble. The University of Iowa and its employees are committed to the principle of free, open, and objective inquiry in the conduct of its teaching, research, and service missions. Accordingly, it is crucial that University activities be conducted in an atmosphere that is free of conflicts of interest compromising this principle. For the purpose of protecting both the integrity and objectivity of its employees in the performance of their University obligations, it is the policy of the University that conflicts of interest should be avoided where possible, or otherwise disclosed and managed.

University employees have many opportunities to engage in a wide variety of activities that benefit the University, enhance its reputation, and advance the employees' professional skills. Employees, however, must be alert to potential conflicts of interest, including conflicts of commitment, arising from their activities that may affect the objectivity of their performance of their professional responsibilities at the University or unduly interfere with the time they devote to their University obligations.

Conflicts of interest can take many forms. They can arise when an employee is (or may be) in a position to influence University business, research, or other decisions in ways that could lead to any form of personal gain for the employee or members of the employee's immediate family, or give improper advantage to others to the University's detriment. They can also arise in the course of research where the objectivity of investigators is (or could be perceived to be) compromised by their financial interests. They also arise when the performance of outside activities by an employee interferes, or appears to interfere, with the employee's responsibilities to the University.

The professional expertise of both faculty and professional and scientific staff employees is expected to be devoted principally to the performance of their teaching, research and service obligations to the University. However, historic custom and practice within this and other universities has shown that it is beneficial to the University, the employee and the external community for employees to devote some of their professional expertise to outside activities. Faculty and professional and scientific staff employees, through their outside activities, can render valuable service to the outside community and provide an important ongoing link between the University and business, industry, professional groups, government and other public or private organizations.

Employees of the University are expected to structure their outside activities in such a way that they do not compromise or interfere with the employees' commitment and duties to the University. Where, however, unavoidable conflicts of interest arise, they shall be disclosed and managed as provided in these rules to assure that the employees' integrity and objectivity in the performance of University responsibilities are not compromised and that their conflicts of commitment not unduly interfere with the time they devote to their University obligations.

The following policies and procedures are intended to provide guidance to employees so that conflicts of interest may be minimized and, if they do arise, may be resolved fairly and expeditiously through appropriate disclosure and management. (1) They are also intended to insure that all employees are aware of and comply with state and federal laws relating to disclosure and management of conflicts of interest and to assist employees in assessing circumstances under which their outside activities or interests may inappropriately conflict with their responsibilities to the University. In some cases these rules are limited to faculty and professional and scientific staff because of contractual provisions that can apply to other University employees.

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b. Definitions. For purposes of these rules and unless otherwise provided herein, the words or phrases set forth below are defined as follows:

(1) "Business entities" means a sole proprietorship, partnership, association, joint venture, corporation, partnership, trust, foundation, or other organization or entity used in carrying on a trade or business, including parent organizations of such entities or any other arrangement in which an equity interest operates through a subsidiary.

(2) "Competitor" means a nongovernmental entity that tests, manufactures, markets, or otherwise conducts business of a similar nature to that of the sponsor funding a grant or contract.

(3) A "conflict of commitment" involves situations in which an employee devotes time to an outside professional or non-professional activity that unduly interferes, or appears to unduly interfere, with the employee's paramount obligations to students, colleagues, and the University, even if the outside activity is valuable to the University or contributes to the employee's professional development and competence. For example, a conflict of commitment may arise from such activities as outside consulting, the authorship of textbooks, involvement in professional societies or review panels, or the operation of a business.

(4) A "conflict of interest" includes:

(a) a conflict of commitment;

(b) situations in which employees may have the opportunity to influence the University's business decisions in ways that could lead to personal gain or give improper advantage or gain to a member of an employee's immediate family; or

(c) situations in which financial or other personal considerations may compromise, or have the appearance of compromising, an employee's professional judgment in conducting or reporting research, teaching, or performing the employee's other University obligations. For example, these conflicts may involve the manner in which data are collected, analyzed, or interpreted; the hiring or supervision of staff; the procurement of materials; the sharing of research results; choices of protocol; and the use of statistical methods. Conflicts may also arise in the teaching and evaluation of students, supervision of extracurricular activities or a broad range of other activities in support of the University's mission.

(5) "Conflict of Interest in Sponsored Programs Committee (CISPC)" means the committee appointed by the Vice President for Research in the manner provided by II-18j for the purpose of reviewing conflicts of interest arising from significant financial interests and recommending management strategies for such interests to the Vice President for Research.

(6) "Conflict of Interest Officer (COIO)" means the person designated by the Vice President for Research to receive conflict of interest disclosure information from The University of Iowa Statement of Financial Interest form and to recommend to the Vice President for Research management strategies as provided by II-18j.

(7) "Departmental executive officer (or the equivalent)" means, in the case of faculty, the departmental executive officer or divisional head, or if none, the Dean of the College in which the faculty member has his or her primary appointment, and, in the case of other employees, the director, departmental executive officer, Dean of the College in which the employee is employed, or Provost or Vice President having charge of the department, college, or unit in which the employee is employed, as appropriate.

- (8) "Employee" means any person who is a University administrator, a member of the faculty, professional or scientific staff, the merit staff, or is a student employee.
- (9) "Immediate family" includes the employee's spouse and dependent children, any person who has registered as the employee's domestic partner in the Iowa City domestic partner register, or any person with whom the employee has a similar relationship.
- (10) "Immediate supervisor of the departmental executive officer (or the equivalent)" means the Dean, Provost or Vice President, or President, as contextually appropriate.⁽²⁾
- (11) "Intellectual property" includes ideas, inventions, technologies, creative expressions, and embodiments thereof, in which a proprietary interest may be claimed, including but not limited to, patents, copyrights, trademarks, know-how, and biological materials.
- (12) "Investigator" means any faculty, staff, or student who is responsible for the design, conduct, or reporting of research or educational activities.
- (13) "Obligations" with respect to any particular employee of the University means in the case of any particular employee, the responsibilities of that employee with respect to his or her position at the University.
- (14) "Outside activities" include both outside professional activities and outside non-professional activities defined as:
- (a) "Outside professional activities" mean work for a non-University entity or for oneself, whether or not compensated, involving the use of the employee's expertise, the practice of the employee's profession, or other activity that similarly contributes to the employee's professional competence and development and thereby increases, or has the potential to increase, the employee's value to the University. For purposes of these rules, work for the Veterans' Administration at its hospital in Iowa City by employees of the University receiving any portion of their compensation from the Veterans' Administration is not deemed to be work for a non-University entity.
 - (b) "Outside non-professional activities" are those activities undertaken for a non-University entity or for oneself, that do not involve the use of the employee's expertise, the practice of the employee's profession, or other activity that does not directly contribute to the employee's professional competence and development.
- (15) " Significant financial interest" means anything of monetary value, which the employee or a member of the employee's immediate family currently owns or to which any of them is entitled, or may be entitled to in the future, under an existing oral or written agreement, including, but not limited to: salary or other payments for services (e.g., consulting fees or honoraria); equity interests in any publicly traded or closely held business entities (e.g., stocks, stock options, or other ownership interests); or intellectual property rights (e.g., patents, copyrights, and royalties from such rights). However, the term does not include:
- (a) salary, royalties, or other remuneration from the University;
 - (b) income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
 - (c) income from service on advisory committees or review panels for public or nonprofit entities;
 - (d) other salaries, royalties or other payments of \$10,000 or less that are expected to be paid to the employee during the calendar year;

(e) in the case of an investigator on a grant or contract application filed with the Office of Sponsored Programs, the aggregate salaries, royalties or other payments of the investigator and his or her immediate family of \$10,000 or less that are expected to be paid to them over the next twelve month period immediately following the submission of the grant or contract application;

(f) financial interests, whether legal or equitable, in publicly traded corporations or business entities, if their value does not exceed \$10,000 or represent more than a five-percent ownership interest for any one corporation or business entity when aggregated for the employee and members of the employee's immediate family.

(16) "Sponsor" means the organization or other entity funding a grant or contract.

(17) "Teaching day" means every Monday through Friday for all faculty, and additionally, the time on any Saturday or any Sunday when a faculty member is actually scheduled to teach on those days, (3) other than any Sunday through Saturday that falls on a University holiday or on which the faculty member takes a vacation day. (4)

c. Disclosure and Management of Potential or Actual Conflicts of Interest. General Rule: Whenever required by these rules, potential or actual conflicts of interest must be disclosed and managed in accordance with the provisions of II-18.1e-n. (5) Disclosure forms for faculty are available from the Office of the Provost. Disclosure forms for Professional and Scientific Staff are available from the Office of the Vice President for Finance and University Services.

d. Specific Applications. The identification of potential or actual conflicts of interest can be difficult in many situations. The following subdivisions, while not exhaustive, illustrate activities, some of which are merely illustrations of potential conflicts, that 1) generally require no disclosure; 2) require disclosure and management in the manner set forth in II-18.1e-n; and 3) are prohibited. Nothing in these rules, however, shall be construed to permit, even with disclosure, any conflict of interest that otherwise is prohibited by law.

Whenever an employee has doubt whether an outside activity might involve a conflict of interest, the employee should consult informally with the employee's departmental executive officer (or the equivalent) and seek advice whether disclosure for the purpose of management is necessary.

(1) Activities Generally Requiring No Disclosure For Faculty.

Faculty at The University of Iowa are academic professionals whose relationship to the University has largely evolved through customs and practices common to all communities of higher education. As professionals at a major research university, full-time faculty at the University for the period of their appointment are committed to the University's teaching, research and service mission. Therefore, they implicitly commit to devote their reasonable efforts to fulfilling that mission.

Because full-time faculty are academic professionals, it is understood that they ordinarily are in the best position to determine the focus of their energies for any particular period. In recognition of the fact that many external relationships and outside activities of faculty contribute to the fulfillment of the University's mission, it is also customary that faculty have considerable flexibility in structuring their time in such ways that they can both perform their professional obligations to the University as well as engage in outside activities.

This section and II-18.1d(2)-(5) are intended to provide faculty with guidance derived from the collective wisdom of the University community regarding circumstances when outside activities should be viewed as fully consistent with the performance of their professional obligations to

the University as well as when the level of commitment to the performance of outside activities may rise, or appear to rise, to the level where it would be appropriate to disclose and manage, and possibly to prohibit, those activities.

(a) Outside professional activities that are a normal expectation for faculty at a research university do not usually create a conflict of commitment. These activities need not be disclosed because they are expected to enhance and not interfere with those obligations. These activities include but are not limited to:

(i) holding office in, or undertaking an editorial office or duties for, a scholarly or learned journal, academic press, or a professional organization;

(ii) serving as a referee for a scholarly or learned journal or an academic press;

(iii) serving on a professional review board or peer review bodies;

(iv) attending professional meetings, workshops, colloquia, symposia, seminars, or training programs;

(v) visiting other sites in connection with accreditation, audits, sponsored project reviews, or like activities;

(vi) ad hoc refereeing of manuscripts or grant proposals;

(vii) presentation of scholarly papers and other research at professional meetings, workshops, colloquia, fora, symposia, or seminars; and

(viii) writing or producing academically related books, articles, software and similar materials, subject to the provisions of [III-17.17\(3\)](#) (relating to royalties from course materials) or other creative works, ordinarily taken into account in considering decisions relating to the employee's tenure, promotion and merit pay increase.

Notwithstanding the foregoing, a faculty member must disclose outside professional activities that the faculty member should reasonably believe [\(6\)](#) involves a commitment of time that unduly interferes with the performance of the faculty member's teaching, research, or clinical service obligations. [\(7\)](#)

(b) Outside non-professional activities are not deemed to create a conflict of commitment and need not be disclosed unless the time devoted to them would unduly interfere with the faculty member's University obligations. These activities usually include but are not limited to:

(i) serving on civic boards;

(ii) engaging in governmental, community, or charitable activities; or

(iii) engaging in family, religious, or other personal activities. [\(8\)](#)

(c) Notwithstanding the foregoing, a faculty member must disclose outside non-professional activities that the faculty member should reasonably believe involve a commitment of time that unduly interferes with the performance of the faculty member's University obligations. [\(9\)](#)

(d) The preceding rules governing outside professional activities do not

apply to the intramural practice of medicine and dentistry conducted in the Colleges of Medicine and Dentistry by members of those faculties according to the plan approved and regulated by the State Board of Regents and specific provisions of the *Iowa Code*.

(2) Special Rule for Faculty on Nine-Month, Twelve-Month and Other Appointments.

(a) Nine-month Appointments. Faculty with a full-time nine-month faculty appointment who engage in compensated outside professional activities shall disclose those activities for the purpose of management under these rules if they require a commitment of time exceeding either three teaching days or more than two consecutive teaching days in any fall or spring semester during which the faculty member is employed by the University (not including intersession or spring break). Nothing in these rules shall be construed to require the disclosure of outside professional activities for any period during which the faculty is not on a University appointment.[\(10\)](#)

(b) Twelve-Month Appointments. Faculty with a full-time twelve-month faculty appointment who engage in compensated outside professional activities shall disclose those activities for the purpose of management under these rules if they require a commitment of time exceeding either nine teaching days or more than two consecutive teaching days over the period of the twelve-month appointment.

(c) One, Two, or Three Months Appointments. Faculty with a one-, two-, or three-month faculty appointment who engage in compensated outside professional activities shall disclose those activities for the purpose of management under these rules if they require a commitment of time exceeding an aggregate of one teaching day per month over the period of the appointment.

(d) Other Appointments. In the case of other appointments, the number of teaching days devoted to outside activities which need not be disclosed and managed shall be adjusted proportionately.

(e) Exclusions.

(i) This section is inapplicable to the activities described in II-18.1d(1) that need not be disclosed.

(ii) Nothing contained in II-18.1d(1) and (2) shall be construed to excuse the need to disclose and manage potential or actual conflicts of interest otherwise required to be disclosed and managed under any other provision of these rules.

(3) Illustrative Activities Generally Requiring No Disclosure For Professional and Scientific Staff Members Under this Policy.

(a) Outside professional activities that are a normal expectation for professional and scientific staff at a research university do not usually create a conflict of commitment. These activities need not be disclosed because they are expected to enhance and not interfere with University obligations. They include but are not limited to:

(i) holding office in, or undertaking an editorial office or duties for a scholarly or learned journal, academic press, or a professional organization;

(ii) serving as a referee for a scholarly or learned journal or an academic press;

(iii) serving on a professional review board or peer review bodies;

(iv) attending professional meetings, workshops, colloquia, symposia, seminars, or training programs;

(v) visiting other sites in connection with accreditation, audits, sponsored project reviews, or like activities;

(vi) ad hoc refereeing of manuscripts or grant proposals;

(vii) presentation of scholarly papers and other research at professional meetings, workshops, colloquia, fora, symposia, or seminars; and

(viii) writing or producing academically related books, articles, software, and similar materials, subject to the provisions of [III-17.17\(3\)](#) (relating to royalties from course materials) or other creative works ordinarily taken into account in considering decisions relating to the employee's merit pay increase.

Notwithstanding the foregoing, a member of the professional and scientific staff must disclose outside professional activities that he or she should reasonably believe involve a commitment of time that unduly interferes with the performance of his or her University obligations, including activities that would require the staff member to be physically absent from his or her place of employment during scheduled work hours.

(b) A member of the professional and scientific staff with a full-time twelve-month appointment who engages in compensated outside professional activities, other than a member of the professional and scientific staff having regularly scheduled work hours, shall disclose those activities for the purpose of management under these rules if they require a commitment of time exceeding either nine business days or more than two consecutive business days over the period of the twelve-month appointment.[\(11\)](#) A member of the professional and scientific staff who takes time off from work to engage in compensated outside professional activities can do so only by taking vacation or time off without pay. This section is inapplicable to the activities described in II-18.1d(3)(a) that need not be disclosed.[\(12\)](#)

(c) Outside non-professional activities are not deemed to create a conflict of commitment and need not be disclosed unless the time devoted to them would unduly interfere with the professional and scientific staff member's University obligations. These activities usually include but are not limited, serving on civic boards, engaging in governmental, community, or charitable activities, and engaging in family, religious, or other personal activities. Notwithstanding the foregoing, a member of the professional and scientific staff must disclose outside non-professional activities that he or she should reasonably believe involve a commitment of time that unduly interferes with the performance of his or her University obligations.

(d) Outside professional activities are not deemed to create an impermissible conflict of commitment when performed by professional and scientific staff outside of their normal working hours. Notwithstanding the foregoing, individual units within the University may adopt rules, after consultation with the employees of that unit, that are approved by the Vice President of the University responsible for that unit requiring disclosure of compensated outside professional activities.[\(13\)](#)

(e) A member of the professional and scientific staff on regularly scheduled work hours who takes time off from work to engage in outside activities can do so only by taking vacation or time off without pay unless he or she complies with the provisions of [III-21.4](#) relating to "off campus assignments."

(f) Nothing contained in the foregoing provisions of this II-18.1d(3) shall be construed to excuse the need to disclose and manage potential or actual conflicts of interest otherwise required to be disclosed and managed under any other provision of these rules.

(4) Activities Requiring Disclosure for Employees:

(a) Owning or acquiring a significant financial interest in, or having a consulting or other relationship with, any business entity, which the employee knows or should know supplies goods, services, or finances to the University. For this purpose, a significant financial interest, if limited to income, includes income of the employee and a member of the employee's immediate family exceeding the amount of \$10,000 in any year;(14)

(b) Owning or acquiring a significant financial interest, or having a consulting or other relationship with any entity other than the University, which the employee knows or should know funds or otherwise supports the employee's research;

(c) Owning or acquiring a significant financial interest, or having a consulting or other relationship, with any entity other than the University, that is a competitor with another entity which funds or otherwise supports the employee's teaching or research;

(d) Assuming a consulting position or employment with a state agency or other public body;

(e) Assuming a consulting position or employment with, or becoming an officer, director, partner, trustee, or owner of, another educational institution, corporation, business, or other organization, unless disclosure would not be required by II-18.1d(1)-(3);(15)

(f) Assuming or accepting any duties requiring, or appearing to require, that an employee use proprietary or confidential information, data, processes, procedures, or methods of the University, if not otherwise in compliance with University policies relating to intellectual property;

(g) Conducting research for any entity other than the University, if the research is of the type ordinarily conducted by the University;

(h) Using any student who is enrolled in a course being taught by an employee or whose academic work (including work as a teaching assistant) is being supervised by an employee, or using staff over whom the employee has any supervisory responsibilities, for any of the employee's outside activities;

i) Participating in research on a technology, service, or product owned by or contractually linked with any entity in which the employee or a member of the employee's immediate family has a significant financial interest, or any consulting relationship, other than the receipt of research support through the University or royalties under any royalty-sharing agreements involving the University;

(j) Participating in research on a technology, service, or product developed, in whole or in part, by an employee or by any member of the employee's immediate family;

(k) Assigning students, staff, other trainees, or other University employees to projects sponsored by any entity in which the employee or any member of the employee's immediate family has a significant financial interest;

(l) Running for, or holding, political office when otherwise permitted by law;

(m) Engaging in intra-university activities for extra compensation within the meaning of [III-17.13](#) and [III-17.16](#);

(n) Employing relatives within the meaning of [III-8](#); and

(o) Consensual relationships between employees and students not otherwise prohibited but which create a conflict of interest or a potential conflict of interest.

(5) Prohibited Activities for Employees:

(a) Receiving any gift from a supplier, contractor, institution, organization, corporation, or person who has dealings with the University when the receipt of the gift is prohibited by law;

(b) Using University property or facilities that may result in pecuniary gain to an employee in any manner that violates [III-17.17\(1\)](#) (relating to the use of University supplies);

(c) Using University stationery or letterhead in connection with outside activities, other than activities having a legitimate relationship to the performance of the employee's University obligations;

(d) Receiving compensation without the approval of the President or the Board of Regents for serving on the board of directors of business entities when the employee is appointed to that position by the University or is representing the University;

(e) Using University facilities, or the employee's position at the University, for the purpose of advocating, endorsing, or marketing the sale of an item of commerce, be it a product or a service, other than an item produced in conjunction with the employee's University obligations or at the request or with the approval of the employee's departmental executive officer (or the equivalent);

(f) Using the University's name in a manner inconsistent with the provisions of [II-14](#) (relating to use of University name);

(g) Usurping a University opportunity as provided in [III-17.17\(2\)](#);

(h) Selling, either directly or indirectly, any goods or services to the University, other than in the manner provided under *Iowa Code* Chapters 68B and 68B.4 and all interpretative policies;

(i) Receiving, directly or indirectly, or entering into any express or implied agreement for, any compensation in whatever form, for the appearance or rendition of services by the employee or another against the interest of the University in relation to any case, proceeding, application, or other matter before any state agency, any court of the State of Iowa, any federal court, or any federal bureau, agency, commission, or department to the extent prohibited by law;[\(16\)](#)

(j) Receiving any gift or honorarium, including the receipt of honorarium from any person or business entity who is a party to any sale, purchase, lease or contract with the University, in violation of state law;[\(17\)](#)

(k) Engaging in a consensual relationship prohibited by [II-4](#); and

(l) Being an expert witness in any judicial, administrative, or other proceeding, when prohibited by law.
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e. Procedures for Disclosure of Conflicts of Interest in Non-Sponsored Programs.

(1) All activities creating potential or actual conflicts of interest that are required to be disclosed under these rules, other than those to be disclosed and managed under II-18.1h-l, shall be disclosed by an employee to the employee's departmental executive officer (or the equivalent).[\(18\)](#)

(2) Unless the employee and the departmental executive officer (or the equivalent) mutually agree that an oral disclosure is sufficient, disclosure of potential or actual conflicts of interest shall be made on The University of Iowa Disclosure ("Disclosure") form and submitted to the employee's departmental executive officer (or the equivalent) whenever a potential or actual conflict arises, or whenever the employee anticipates a conflict is about to arise. The form shall include a brief statement of the nature and extent of any potential or actual conflict of interest and such other information as the employee believes will assist the departmental executive officer (or the equivalent) in developing an appropriate management strategy.[\(19\)](#)

(3) All information shown on the Disclosure form shall be reviewed and a management strategy implemented in accordance with II-18.1f and g.

f. Procedures for Managing Conflicts of Interest in Non-Sponsored Programs.

(1) Except in extraordinary circumstances as determined by the employee's departmental executive officer (or the equivalent), the employee's departmental executive officer (or the equivalent) shall manage:

(a) Conflicts of commitment, and

(b) Other conflicts of interest if they do not exceed \$25,000 of salary or other payment for services or an interest in any publicly owned entity having a value that does not exceed \$25,000 or represent more than a 10-percent ownership interest in the entity when aggregated for the employee and any member of the employee's immediate family.

(2) Prior to determining an appropriate management strategy, the departmental executive officer (or the equivalent) may request additional information from and/or an interview with the employee whose conflict of interest is under review.

(3) If the departmental executive officer (or the equivalent) has any conflict of interest in the matter under review, or, if for any other reason the departmental executive officer (or the equivalent) believes that it would be inappropriate for him or her to develop a management strategy, the matter shall be immediately referred to his or her immediate supervisor having no conflict of interest. The employee's departmental executive officer (or the equivalent) shall have the same rights and restrictions afforded other employees as provided for by University rule.

(4) All other conflicts of interest (and those conflicts that the employee's departmental executive officer (or the equivalent) determines should not be managed by him or her) shall be promptly referred to the immediate supervisor of the departmental executive officer (or the equivalent) who has no conflict of interest for the purpose of determining an appropriate management strategy. This immediate supervisor may request additional information from and/or an interview with the employee whose conflict of interest is under review.

(5) Any employee whose conflict of interest is under review may appeal a management strategy decision to the Provost or Vice President having charge of the college, department or unit of the employee (or to the Provost or Vice President's designate). Further appeals may then be made to the President and, thereafter, to the Board of Regents of the State of Iowa.

(6) Any faculty member's failure to comply with the prescribed management strategy shall be deemed to be unethical behavior and a violation of the policy on Professional Ethics and Academic Responsibility found in [III-15](#). A staff member's failure to comply with a prescribed management strategy shall be deemed to be a violation of this Conflict of Interest policy that is subject to appropriate disciplinary action.

g. Principles of Management Strategies in Non-Sponsored Programs.

(1) When an employee has, or appears to have, a conflict of interest, concerns of bias and divided loyalties to the University can arise. These concerns can be addressed through disclosure and management. The development of management strategies requires dialogue and collaboration by all parties involved, including the employee and the person charged with developing an appropriate management strategy. The purpose of a management strategy is to assure that the employee can objectively fulfill his or her obligations to the University, will have sufficient time to devote to the performance of his or her University obligations, and does not engage in outside activities that unduly interfere with the performance of the employee's University obligations.

(2) All units of the University are encouraged to develop appropriate guidelines for the management of conflicts of commitment and other conflicts of interest. These guidelines should take into account the differing characteristics and customs of the various units within the University. At minimum a person charged with implementing a management strategy for a conflict of interest may require one or more of the following in the case of:

(a) For conflicts of commitment:

(i) No action, other than disclosure, because the person charged with developing an appropriate management strategy believes there is no conflict, or that the conflict creates no inappropriate interference with the employee's University obligations, unless other University policies would require more than mere disclosure.[\(20\)](#)

(ii) In the case of conflicts of commitment that involve the cancellation of classes, the making up of those classes in a manner which minimizes disruption for students, or if that is not possible, then the prohibition of the activity creating the conflict of commitment.

(iii) In the case of other conflicts of commitment, the rescheduling of work hours or loss of pay for the actual time off or the prohibition of the activity creating the conflict of commitment if a partial leave as provided for in paragraph (iv) or (v) cannot be arranged.

(iv) In the case of a faculty member on a full-time appointment who wishes to engage in outside activities for a period not otherwise permitted under these rules, the faculty member may request a partial leave of absence without pay for the entire percentage of time to be devoted to such activities during the period of the appointment.

If a request for a partial leave of absence is made by a faculty member, the person charged with developing an appropriate management strategy will make a recommendation to his or her immediate supervisor who, in turn, will make a

recommendation concerning such leave to the Provost or Vice President having charge of the college, department, or unit of the employee who will then decide whether or not to grant the requested leave. Criteria in determining whether a partial leave shall be granted include: 1) the long-term value of the activities that the faculty member wishes to engage in to the University's goals of teaching, research and service; 2) the duration of the requested leave; and 3) how the faculty member's services will be replaced.[\(21\)](#)

(v) In the case of a member of the professional or scientific staff on a full-time appointment who wishes to engage in outside activities for a period not otherwise permitted under these rules, the staff member shall request a partial leave of absence without pay for the entire percentage of time to be devoted to such activities during the period of the appointment. If a request for a partial leave of absence is made, the person charged with developing an appropriate management strategy will make a recommendation to his or her immediate supervisor who, in turn, will make a recommendation concerning such leave to the Office of the Vice President for Finance and University Services who will decide whether to grant the requested leave.

(vi) A management strategy involving more than mere disclosure or the rescheduling of classes should be in writing and should include provisions relating to the reporting back to the person charged with creating the management strategy of all steps taken to implement the management strategy.

(vii) The Provost or Vice Presidents of the University (or their designates) shall maintain records of actions taken in response to requests for partial leaves of absences made on behalf of faculty or members of the professional and scientific staff.

(b) For other conflicts:

(i) The adoption of one or more of the strategies in II-18.1k.

(ii) The provisions of this subparagraph (ii) are inapplicable to conflicts involving a significant financial interest that are otherwise managed under the provisions of II-18.1h-1.

h. Disclosure and Management of Significant Financial Interests in Sponsored Programs, General Rule. Disclosure of significant financial interests which reasonably appear to represent a conflict of interest for externally sponsored programs performed at The University of Iowa must be made prior to submission of a grant or contract application and must be updated during the period of the award at least annually. If a new reportable significant financial interest is obtained or if a new investigator with a significant financial interest is hired to work on the grant or contract, that significant financial interest must be reported within 60 days. Failure to disclose or update significant financial interests as defined by University policy constitutes a violation of The University of Iowa Policy on Ethics in Research ([II-27.6](#)), and in some cases a violation of federal law. The process of disclosure, review, and management is made in accordance with the provisions of II-18.1h-1.

i. Procedures for Disclosure of Significant Financial Interests in Sponsored Programs.

(1) All direct or indirect significant financial interests of each investigator that could reasonably appear to be affected by the research or educational activities, including significant financial interests in a sponsor or a sponsor's competitor shall be disclosed when a grant or contract proposal is submitted to the Division of Sponsored Programs, and again during the period of the award at least annually. If a new reportable significant financial interest is obtained or if a new investigator with a significant financial interest is hired to work on the grant or contract, that significant financial interest must be reported within 60 days.

(2) The existence of each investigator's significant financial interest, if any, or the absence of a significant financial interest, shall be disclosed on The University of Iowa Proposal Summary ("Proposal Summary") form whenever a grant or contract proposal is submitted to the Division of Sponsored Programs. If the investigator states on that form that a significant financial interest exists, The University of Iowa Statement of Financial Interest ("Statement of Financial Interest") form also must be completed and attached to the Proposal Summary form when it is submitted to the Division of Sponsored Programs.

(3) All subsequent disclosures of a significant financial interest of each investigator shall be made to the Division of Sponsored Programs on a Statement of Financial Interest form.

(4) Upon receipt of a Notice of Award from a sponsor, the Division of Sponsored Programs shall require all investigators (meaning employees who are responsible for the design, conduct, or reporting of research or educational activities) participating in the project to sign the University's Administrative/Invention Agreement ("Administrative/Invention Agreement") form. This form includes a statement by each signatory that significant financial interest information disclosed on the Proposal Summary form and Statement of Financial Interest form is still current. It also provides that if such information is not current, the signatory shall submit an updated Statement of Financial Interest form.

(5) Prior to any expenditure of any funds on the award, all conflict of interest arising from a significant financial interest disclosed on the Proposal Summary form, Statement of Financial Interest form, and Administrative/Invention Agreement form shall be reviewed and a management strategy implemented in accordance with II-18.1j and k.

(6) Official records of disclosure will be held in the Division of Sponsored Programs as a part of the grant or contract file for at least three years beyond the termination or completion of the grant or contract and shall be considered to be part of the investigator's personnel file.

(7) No funds on an award may be expended until all of the forms required to be completed under this rule have been submitted.

j. Procedures for Managing Significant Financial Interests in Sponsored Programs.

(1) The Vice President for Research shall appoint a Conflict of Interest Officer (COIO) and a nine-person Conflict of Interest in Sponsored Programs Committee (CISPC). This committee will meet on a regular basis to review cases of significant financial interests referred to it by the COIO and make recommendations of management strategies for such interests as it deems advisable to the Vice President for Research.

(2) The members of CISPC shall be representative of the diversity of disciplines and personnel functions on campus. Members shall be appointed for staggered three-year terms with one-third of the membership appointed each year. A member may be appointed for no more than two consecutive terms. The Vice President for Research shall appoint annually the chair of CISPC. The COIO shall serve as a non-voting ex officio member of CISPC in addition to the nine appointed members of CISPC.

(3) Copies of all disclosures of significant financial interests received by the Division of Sponsored Programs will be forwarded to the COIO.

(4) The COIO will review significant financial interests that do not exceed \$25,000 of salary or other payment for services. The COIO will also review those interests representing an interest in any publicly owned entity having a value that does not exceed \$25,000 or represent more than a 10-percent ownership interest in such entity when aggregated for an investigator and any member of the investigator's immediate family. In these cases, the COIO will recommend a

management strategy for these interests to the Vice President for Research. Prior to making any recommendations to the Vice President for Research, the COIO may request additional information from and/or an interview with the investigator whose significant financial interest is under review.(22)

The Vice President for Research shall review the recommendations of the COIO and decide which management strategies to adopt.

If the COIO has any significant financial interest in the project under review, the matter shall be immediately referred by the COIO to the CISPC. The COIO shall have the same rights and restrictions afforded other investigators as provided for by University rule.

(5) All other significant financial interests shall be immediately forwarded by the COIO to the CISPC which will review them and then recommend a management strategy for these interests to the Vice President for Research.(23)

(6) Because discussions of the CISPC will focus on matters relating to personnel files, all CISPC meetings shall be closed to the public and its deliberations shall be confidential.

(7) At its discretion, the CISPC may request additional information from and/or an interview with the investigator whose significant financial interest is under review.

(8) Investigators shall not be present for final deliberations and voting on recommended actions by the CISPC.

(9) CISPC members having a significant financial interest in the sponsor of the proposal or the sponsor's competitor shall recuse themselves from CISPC's review and deliberations. Any such member shall have the same rights and restrictions afforded other investigators as provided for by University rule.

(10) Recommendations of management strategies of CISPC shall be forwarded to the Vice President for Research for review and a decision on which management strategies to adopt.

(11) Any investigator whose significant financial interest is under review may appeal the decision of the Vice President for Research to the President of the University, and thereafter to the Board of Regents of the State of Iowa.

(12) The University shall withdraw applications for funding in all cases where the investigator chooses not to comply with the management strategy adopted in accordance with these rules if the project cannot otherwise be completed without the services of that investigator.

(13) Once an account is activated, an investigator's failure to comply with the prescribed management strategy constitutes a violation of The University of Iowa Policy on Ethics in Research (see [II-27.6](#)) and may subject the investigator to sanction from the sponsor.

k. Principles of Management Strategies in Sponsored Programs.

(1) When an investigator holds a significant financial interest, conflicts of interest or the appearance of conflicts of interest may arise. While these situations may lead to concerns of bias in the project, they can be addressed through management and resolution. The purpose of a management strategy is to assure that the employee can objectively fulfill his or her research obligations.

(2) The development of management strategies requires dialogue and collaboration by all parties involved, including the investigator, the COIO, and the CISPC.

(3) The COIO or the CISPC may require as a management strategy one or more of the following:

(a) No action beyond disclosure to the University, sponsor and/or competitor, when required;

(b) Disclosure of significant financial interests to:

1) the academic and professional communities in presentations and publications; 2) the sponsor through written notification; and 3) the participants through informed consent documents when human subjects are involved. As a general rule, this would be the primary management strategy for cases reviewed by the COIO, as these involve lesser levels of financial interest. In determining an appropriate means of disclosure, consideration should be given to whether it should be written and/or oral and to the level of detail. For example, it may be adequate to simply state that an investigator has an interest in a sponsor as a paid consultant but the amount is less than \$1,000 per year. In other situations, the COIO may wish to leave disclosure of an amount or range to the discretion of the investigator;

(c) Monitoring of research by independent reviewers - either through an in-house quality assurance program or through an outside referee or coordinating center. Independent reviewers are qualified individuals who are not associated with the project other than to review the work product for compliance with the protocol. This option is closely linked with II-18.1k(3)(b)(i) as outside monitoring may already be in place and the management strategy is simply to disclose the financial interest to the monitor. Independent internal monitoring might require the implementation of an internal quality assurance program even though not otherwise in place within the University;

(d) Modification of the research plan by developing a means to manage concerns of bias through establishing protocols that include actions such as blinding, modifying the scope of the project, and setting timetables for the delivery of the product. These modifications would require the approval and cooperation of the sponsor and perhaps collaborating investigators at the University and elsewhere;

(e) Disqualification of the investigator from participation in all or a portion of the research where no other resolution is acceptable to the investigator and the Vice President for Research;

(f) Designation of a co-investigator (peer or superior) who has no significant financial interest in the project to assume the lead role on the project;

(g) The sale or other divestiture of the significant financial interest in a sponsor or competitor and restrictions on re-investment after the project is completed for an appropriate period to provide for publication and critique of the project;

(h) Placing interests in escrow for the term of the project and perhaps a period beyond the end of the project to provide for publication and critique of the project; or

(i) Severance of other relationships with the sponsor or competitor that create actual or potential conflicts of interests.

(j) The preceding options are not intended to be comprehensive but are provided to serve as guidance to the person charged with the responsibility of developing a management strategy. Actual management strategies may include variations of the options presented, combinations of the options, and/or other management strategies. The suggested management strategies are not presented in any particular order.

l. Predeterminations of Ability to Manage Significant Financial Interests in Sponsored Programs. Prior to the submission of the Proposal Summary form, a prospective investigator may submit information to the COIO regarding a significant financial interest that would be disclosed on this form and any accompanying Statement of Financial Interest form for the purpose of ascertaining whether such interest could be sufficiently managed to the satisfaction of the prospective investigator. Upon receipt of such information, the COIO shall comply with the provisions of II-18.1h-k of these rules. In the event the Vice President for Research would adopt a management strategy that is unsatisfactory to the potential investigator, he or she may decide not to apply for the proposed grant.

m. Effect on Salary. A management strategy for a conflict of interest shall not include any reduction in an employee's salary unless the management strategy also includes a leave of absence from the University. Furthermore, in setting the salary of an employee, no account shall be taken of any payments received by any employee from outside sources that are disclosed in connection with the employee's disclosure of any conflict of interest.[\(24\)](#)

n. Confidentiality. All information disclosed by an employee for the purpose of disclosure and management, and all official records of disclosure and management, shall be considered a part of the employee's personnel file or student file and shall be deemed confidential. Any information disclosed by an employee as required by this policy shall be used solely for the purpose of administering this policy and may not be used for any other purpose unless required by law. Unauthorized disclosure of any such information by a faculty member shall be deemed to be unethical behavior and a violation of the Policy on Professional Ethics and Academic Responsibility found in [III-15](#). Unauthorized disclosure of any such information by a staff member shall be deemed a violation of this Conflict of Interest policy and subject to appropriate disciplinary action.

FOOTNOTES

1. The concept of disclosure and management is critical. Under these rules few conflicts are actually prohibited. Rather, these rules require conflicts to be disclosed and appropriately managed. Management of conflicts is designed to assure that unavoidable conflicts not interfere with the integrity of the employee's performance of University obligations. Thus, the disclosure of conflicts is designed to insure that the employee and the appropriate administrator can devise a management strategy assuring that University obligations will not be adversely affected. [\[back\]](#)

2. The intent of the phrase "contextually appropriate" is to assure that the determination of who is the immediate supervisor is dependent on who the employee's departmental executive officer (or the equivalent) is. For faculty, it is likely to be the Dean but for employees working directly under a Provost. [\[back\]](#)

3. Every Monday through Friday is a teaching day even if for a particular member of the faculty he or she is not assigned to teach on any one of those days. [\[back\]](#)

4. By virtue of this definition, faculty on twelve month appointments who consult on their vacation day or on official University holidays would not count those days for the purpose of II-18.1d(2). [\[back\]](#)

5. Conflicts of interest include both financial conflicts and conflicts of commitments. [\[back\]](#)

6. This language (and the comparable language in subsequent sections of this policy) reflects the fact that the judgement of what should be reported lies with the employee; but at the same time it also reflects the fact that the faculty member's judgment cannot be entirely subjective since what must be reported is determined by a "reasonableness" standard. For example, a faculty member who writes a play and then spends two weeks out of state during his or her appointment period working on the play's production should disclose the employment relationship because a two week

absence reasonably could be construed to unduly interfere with the faculty member's teaching. [\[back\]](#)

7. The reference to books and articles in II-18.1d(3)(a)(viii) is merely intended as a reminder of existing University policy that royalties or other remuneration received by a faculty member from books or other materials he or she requires students to purchase must be refunded to students, donated to the University of Iowa Foundation, or disposed of in some similar way so as to avoid profiting.

Under this rule, even serving as a referee or attending a seminar would have to be disclosed if the time devoted to that activity (as well as the other illustrated activities) would unduly interfere with the faculty member's teaching, research or clinical service obligations.

The illustrative activities listed in this rule are not subject to the special rule in II-18.1d(2). Thus, so long as they do not unduly interfere with the faculty member's teaching, research or clinical service obligations, they can be undertaken without regard to the teaching day limits set forth in that special rule.

The phrase "unduly interfere" in the last paragraph of 18.1d(1)(a) is a recognition that all of the illustrated activities are entirely consistent with faculty teaching, research and clinical service obligations and, thus, do not interfere with University obligations. In other words, undertaking some or all of those activities to some extent is an expectation of the job and benefits the University community. The emphasis on "undue," however, recognizes that time commitments to some of the activities (particularly those that have a more "service" than either "teaching or research or clinical service" orientation) could be so great as to interfere unduly with the more important obligations of teaching, research and clinical service. [\[back\]](#)

8. An important difference between (d)(1)(b) and (d)(1)(a) is that (d)(1)(b) applies to time spent on non-professional activities that unduly interfere with the faculty member's "University obligations" while (d)(1)(a) applies to time spent on professional activities that are normally expected of faculty and do not unduly interfere with a faculty's teaching, research or clinical service obligations. Thus, activities described in (d)(1)(b) while ordinarily not subject to disclosure, would be if time spent on those activities unduly interfered with faculty teaching, research or service obligations. The activities in (d)(1)(a), on the other hand, are not subject to disclosure because they generally are consistent with the faculty member's teaching, research and clinical service obligations. [\[back\]](#)

9. At some level time spent on outside non-professional activities, in common with time spent on outside professional activities, can unduly interfere with the performance of University obligations. This rule, in common with (d)(1) imposes a self-reporting obligation on faculty. This obligation is to report time spent on outside professional and non-professional activities, otherwise exempt from reporting under (d)(1)(a) and (d)(1)(b) that the faculty member should reasonably believe to unduly interfere with the performance of the faculty member's University obligations. For example, a faculty member who spends most afternoons conducting a business in Iowa City unrelated to the faculty member's academic expertise presumably would report that activity because it could be construed as an activity that unduly interferes with the performance of the faculty member's university obligations. On the other hand, a faculty member in the sciences who spends some evening sculpturing could reasonably believe that such activity does not unduly interfere with the performance of University obligations. [\[back\]](#)

10. Under this rule, faculty on nine-month appointment in the aggregate could engage in up to six days of compensated outside professional activities without disclosure so long as no more than three days or two consecutive days occurred in any fall or spring semester. [\[back\]](#)

11. The purpose of this rule is to equate P&S and faculty on a twelve month appointment for purposes of the three day/nine day rule. However, because many P&S, unlike faculty, have

regularly scheduled work hours, for such P&S staff, disclosure and management would be required. This rule broadens the existing rule which applies only to P&S on a research assignment. [\[back\]](#)

12. If a P&S staff member on regularly scheduled work hours wanted to attend a professional meeting, that person would need to comply with [III-21.4](#) relating to "off campus assignments." Generally, this rule would require the P&S person to obtain permission from a superior. [\[back\]](#)

13. This provision is subject to the provision of d(3)(e) immediately below, which would: 1) require disclosure of outside activities that are performed outside of normal working hours if those activities are illustrated in d(4) below; or 2) be prohibited in d(5).

This provision can be illustrated as follows: Suppose a P&S employee on regularly scheduled work hours, Monday through Friday, seeks to use his or her professional expertise on Saturday being employed by a business in Iowa City. No disclosure would be required unless this employee worked in a unit that adopted a rule requiring disclosure or the activity is one requiring disclosure under d(4). Of course, employees could not engage in prohibited activities described in d(5) even if they were to be performed "off hours." [\[back\]](#)

14. Under this rule, if an employee or a member of the employee's immediate family receives more than \$10,000 of income from a corporation that the employee knows does business with the University, the employee must disclose even if the employee does not participate in the University's business decisions with that entity. If the employee does participate in such decisions, the provisions of *Iowa Code* Chapter 68B and other provisions of these rules and the rules of the Board of Regents may apply. [\[back\]](#)

15. This provision should be read in tandem with the provisions of d(2) requiring disclosure of outside activities that exceed the teaching or business day limits referred to in that section. Thus, faculty who consult more than three teaching days in a semester would be required to disclose that fact both under d(2) and d(4)(e). On the other hand, faculty who consult no more than three teaching days or less than two consecutive teaching days need not disclose under either rule. It bears emphasis that outside consulting for faculty and professional and scientific staff may be entirely consistent with their University obligations and these policies, while requiring disclosure in some cases, should not be construed as suggesting that any outside consulting is inconsistent with those obligations.

Obviously this provision would require disclosure whenever an employee being paid by the University accepts any employment with another university. For example, disclosure would be required if a faculty member teaches a course at another university while on the University's payroll. [\[back\]](#)

16. This section is based upon *Iowa Code* Chapter 68B.6 prohibiting a state employee from receiving direct or indirect compensation for the rendition of services "against the interest of the state in relation to any case, proceeding, application, or other matter" before courts, agencies, etc. Subdivision (k) also reflects that law. [\[back\]](#)

17. This section mirrors existing state law. See *Iowa Code* Chapter 68B.22 and 68B.2(7). [\[back\]](#)

18. These rules neither require nor prohibit the deans of individual colleges from developing procedures for departmental executive officers to file annual reports with their deans respecting how departmental executive officers are administering this policy, including the reporting of how individual cases involving conflicts of commitment are being managed. [\[back\]](#)

19. Ordinarily disclosure is made in writing, but by mutual agreement it may be oral. However, a management strategy involving more than mere disclosure must be in writing. [\[back\]](#)

20. For example, mere disclosure would not be enough under the University's nepotism policy. [\[back\]](#)

21. Partial leaves would be used as a management strategy in most cases as a last resort and presumably only in those cases where the amount of time a faculty member sought to devote to an outside activity was significant. [\[back\]](#)

22. All of the above thresholds exceed the amounts which federal law requires to be disclosed. The bulk of reported cases involving a significant financial interest are likely to fall below these thresholds, thus enabling the COIO to propose management strategies without the further need to refer the matter to CISPC. This reduces the number of other persons on campus who will need to be apprised of an investigator's significant financial interest and thus maximizes confidentiality. [\[back\]](#)

23. Only CISPC shall make recommendations of management strategies for interests in non-publicly held entities. [\[back\]](#)

24. No published University rule in the University's *Operations Manual* would prohibit the person setting an employee's salary from taking outside income into account. Presumably, in the absence of any rule, this would be inappropriate for employees whose salaries are to be determined by merit. Nonetheless, inclusion of this provision in this policy is deemed important because of the potential cost (or risk) imposed upon employees who are required to make disclosure of outside income in certain cases under these policies. [\[back\]](#)

REVIEW

1. What is the purpose of the disclosure requirements under this policy?

Disclosure of any activity is required in two instances under the Conflict of Interest Policy. First, disclosure is required whenever there is an actual conflict of interest so that a management strategy can be developed to assure that an actual conflict does not interfere with the employee's performance of his or her University obligations. Second, disclosure can be required when there is an appearance of a conflict even though in fact there is no actual conflict. In this case, disclosure can be beneficial to both the University and the employee in order to protect them against unfounded claims of impropriety. Disclosure in no sense means that the employee may not engage in the disclosed activity.

2. What right does the University have to control what I do on my own time - whether I get paid for it or not?

The Conflict of Interest Policy is not designed or intended to interfere with or control an individual's use of his/her own time. Thus most activities engaged in by employees on their own time need not be disclosed or managed. However, to the extent that an activity does or has the potential for creating a conflict of interest, e.g. your spouse has a business that is providing supplies or services to your department, then the University does have an interest in making sure that the conflict or potential conflict is disclosed and appropriately managed.

3. I believe that I may have a conflict of interest. To whom do I disclose this?

Conflicts of interest can take several forms. If the conflict results in time commitments that overlap with your University employment, these must be disclosed to and managed by your DEO. The same is true for conflicts that result in the perception that you cannot provide unbiased advice or service in the performance of your regular University duties. Conflicts that relate specifically to research activities must be reported to the Conflict of Interest Officer in the Office of the Vice President for Research.

4. I am a full-time faculty member who does not teach on Fridays. I provide professional consulting services in my area of expertise to a non-University entity only on Fridays and

only if I have no other research or service commitments. I only consult on Fridays during the week, sometimes on Saturdays, and I have no other outside activities.

a. Does my consulting arrangement create a conflict of interest?

Consulting arrangements can, but do not necessarily, create a conflict of commitment (which is one type of conflict of interest). They may create a conflict of commitment if they exceed the number of allowable days per year or if they otherwise interfere with the performance of your University duties. They may also create a conflict of interest with your research depending on the nature of the consulting, form and amount of compensation, and the relationship to your research program.

b. Must I disclose this consulting arrangement?

You must disclose if you exceed any of the thresholds referenced above related to your University commitments, compensation or the relationship to your research activities.

5. I am a research scientist who is employed by the University. I have been offered a one-day consulting arrangement with a state agency. Since my consulting activity is for only one day, must I disclose?

Yes, every employee must disclose to his or her DEO any consulting or other employment arrangement with a state agency.

6. I want to conduct contractual research for a company in which I own \$10,000 in stock. Am I prohibited from doing this?

The Conflict of Interest policy does not specifically prohibit any activities unless already prohibited by state or federal law. The policy does require disclosure, review and management prior to initiating the research. Specific conflict management strategies will be determined for your individual situation after disclosure and review.

7. I am a faculty member at the University. On two Tuesdays of each month, I review and evaluate manuscripts for a professional journal in my field of expertise. Must I disclose this activity to my DEO?

Reviewing manuscripts for your professional journal is a professional activity that enhances the performance of your University obligations. Therefore, that activity need not be disclosed under this policy unless it would unduly interfere with the performance of your teaching, research, or clinical service obligations.

8. I am currently employed at one of the units on campus that accepts work from outsiders who need the kind of expertise that employees at the University are uniquely able to provide. One company has called and asked me whether I would be willing to do the work that it ordinarily would have asked the University to do. Can I do the work if I do it on weekends on my "own time"?

It appears that the work you would like to do could have been done by the University, in fact, possibly by you while working at the University. Thus, for you to do the work on your "own time" would be tantamount to your depriving the University of work that it might otherwise have had an opportunity to do. This would be a prohibited activity because it violated the University's policy on usurpation of a University opportunity.

9. I am a faculty member in the College of Law. I am also a shareholder and officer in my family's farm corporation. I have a student research assistant who is a CPA. She has been researching a corporate tax issue for me for a scholarly article I am writing. I would like her to review the corporate documents for my family farm and compute the likely tax due if the farm were liquidated. This task will require her to apply the results of her research. May I do this?

First, because you employ this student as your research assistant, at a minimum you must disclose any use of this student for an outside activity to your DEO. Doing work for your family's business is an outside activity. Second, if the time spent by the student on your family's business is paid for

by the University, you will be engaging in a "prohibited activity" because the salary you should be paying the student for this work is being paid by the University.

POLICY SUMMARY: FACULTY

A "conflict of commitment" involves situations in which an employee devotes time to an outside professional or non-professional activity that unduly interferes, or appears to unduly interfere, with the employee's paramount obligations to students, colleagues, and the University, even if the outside activity is valuable to the University or contributes to the employee's professional development and competence. Under this rule, the following actual or potential conflict of commitment situations should be disclosed:

- a. Uncompensated outside professional activities and outside non-professional activities that the faculty member should reasonably believe involve a commitment of time that unduly interferes with the performance of the faculty member's teaching, research, or service obligations.
- b. For nine-month faculty, compensated outside professional activities requiring a commitment of time exceeding either three teaching days or more than two consecutive teaching days in any fall or spring semester during which the faculty member is employed by the University (not including intersession or spring break).
- c. For 12-month faculty, compensated outside professional activities requiring a commitment of time exceeding either nine teaching days or more than two consecutive teaching days over the period of the 12-month appointment.

Other actual or potential conflict of commitment situations which may have to be disclosed can include, but are not limited to:

- d. Owning or acquiring a significant financial interest in, or having a consulting or other relationship with, any business entity, which the employee knows or should know supplies goods, services, or finances to the University. For this purpose, a significant financial interest, if limited to income, includes income of the employee and a member of the employee's immediate family exceeding the amount of \$10,000 in any year.
- e. Owning or acquiring a significant financial interest, or having a consulting or other relationship with any entity other than the University, which the employee knows or should know funds or otherwise supports the employee's research.
- f. Owning or acquiring a significant financial interest, or having a consulting or other relationship with any entity other than the University, that is a competitor with another entity which funds or otherwise supports the employee's teaching or research.
- g. Assuming a consulting position or employment with a state agency or other public body.
- h. Assuming a consulting position or employment with, or becoming an officer, director, partner, trustee, or owner of, another educational institution, corporation, business, or other organizations, unless disclosure would not be required by II-18.1d(1)-(3).
- i. Assuming or accepting any duties requiring, or appearing to require, that an employee use proprietary or confidential information, data, processes, procedures, or methods of the University, if not otherwise in compliance with University policies relating to intellectual property.
- j. Conducting research for any entity other than the University, if the research is of the type ordinarily conducted by the University.

k. Using any student who is enrolled in a course being taught by an employee or whose academic work (including work as a teaching assistant) is being supervised by an employee, or using staff over whom the employee has any supervisory responsibilities, for any of the employee's outside activities.

l. Participating in research on a technology, service, or product owned by or contractually lined with any entity in which the employee or a member of the employee's immediate family has a significant financial interest, or any consulting relationship, other than the receipt of research support through the University or royalties under any royalty-sharing agreements involving the University.

POLICY SUMMARY: PROFESSIONAL AND SCIENTIFIC STAFF

A "conflict of commitment" involves situations in which an employee devotes time to an outside professional or non-professional activity that unduly interferes, or appears to unduly interfere, with the employee's paramount obligations to students, colleagues, and the University, even if the outside activity is valuable to the University or contributes to the employee's professional development and competence.

A member of the professional and scientific staff with a full-time twelve-month appointment who engages in compensated outside professional activities, other than a member of the professional and scientific staff having regularly scheduled work hours, shall disclose those activities for the purpose of management under these rules if they require a commitment of time exceeding either nine business days or more than two consecutive business days over the period of the twelve-month appointment. A member of the professional and scientific staff who takes time off from work to engage in compensated outside professional activities can do so only by taking vacation or time off without pay. (This section is inapplicable to the activities described in II-18.1d(3)(a) that need not be disclosed.) Under this rule, the following actual or potential conflict of commitment situations should be disclosed:

- a. Owning or acquiring a significant financial interest in, or having a consulting or other relationship with, any business entity, which the employee knows or should know supplies goods, services, or finances to the University. for this purpose, a significant financial interest, if limited to income, includes income of the employee and a member of the employee's immediate family exceeding the amount of \$10,000 in any year.
- b. Owning or acquiring a significant financial interest, or having a consulting or other relationship with any entity other than the University, which the employee knows or should know funds or otherwise supports the employee's research.
- c. Owning or acquiring a significant financial interest, or having a consulting or other relationship, with any entity other than the University, that is a competitor with another entity which funds or otherwise supports the employee's teaching or research.
- d. Assuming a consulting position or employment with a state agency or other public body.
- e. Assuming a consulting position or employment with, or becoming an officer, director, partner, trustee, or owner of, another educational institution, corporation, business, or other organizations, unless disclosure would not be required by II-18.1d(1)-(3).
- f. Assuming or accepting any duties requiring, or appearing to require, that an employee use proprietary or confidential information, data, processes, procedures, or methods of the University, if not otherwise in compliance with University policies relating to intellectual property.

g. Conducting research for any entity other than the University, if the research is of the type ordinarily conducted by the University.

h. Using any student who is enrolled in a course being taught by an employee or whose academic work (including work as a teaching assistant) is being supervised by an employee, or using staff over whom the employee has any supervisory responsibilities, for any of the employee's outside activities.

i. Participating in research on a technology, service, or product owned by or contractually linked with any entity in which the employee or a member of the employee's immediate family has a significant financial interest, or any consulting relationship, other than the receipt of research support through the University or royalties under any royalty-sharing agreements involving the University.