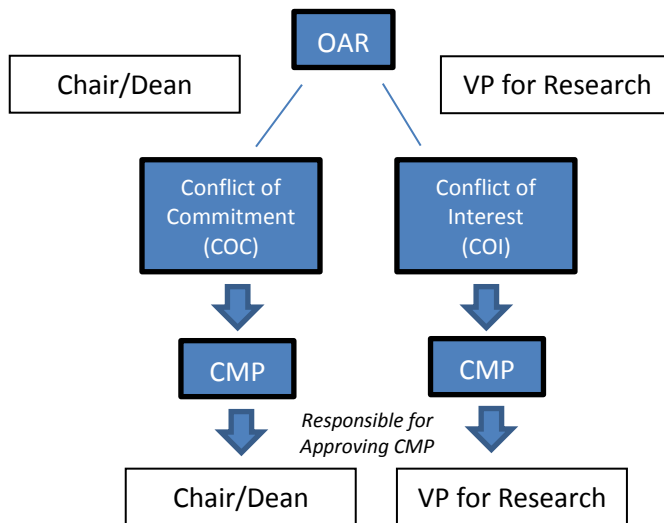


## OAR Guidance

This document is intended to provide guidance to department chairs and deans regarding the Outside Activity Report (“OAR”) process, when a conflict of commitment or conflict of interest may exist, and when a Conflict Management Plan (“CMP”) may be required.

### Overview:

Below is an illustration demonstrating how OARs are reviewed and who is responsible for reviewing and approving outside activity *when a conflict management plan (CMP) is required*.



### Who is Responsible for Approving the CMP?

**Conflicts of Commitment:** The employee’s direct report is responsible for reviewing and approving the CMP as it relates to their University employment and responsibilities. The respective Dean should review the CMP. **Any conflict of commitment issue must be resolved within the department (direct report) or by the Dean.**

**Conflicts of Interest:** The Office of Research will help the employee develop and implement a CMP if it’s determined that a potential individual conflict of interest exists or if an employee is the creator of a discovery or invention that is owned by the University of Cincinnati and the employee intends to acquire equity and/or develop a startup company. The Institution’s designated official along with the Conflict of Interest Committee will help the employee create and implement a CMP that satisfies current federal and state regulations as well as university policies. The Conflict of Interest Committee will review the CMP to ensure adequate protection for both the employee and the institution. **The Vice President for Research will provide final review and approval of the CMP.** The CMP will be valid for one year unless otherwise indicated.

## **Definitions:**

*“Collateral Employment or Outside Activities”* means any effort (to include employment or service), whether within the university or with an external entity, including consulting work, that is in addition to an employee’s existing “UC” employment responsibilities (Board Rules 30-21-02 and 30-21-03).

*“Conflict of Commitment”* means time or effort that an employee devotes to external activities that interferes with his assigned University responsibilities, or unauthorized use of university resources in the course of external activity.

*“Conflicts of Interest”* are circumstances that create a risk that professional judgments or actions regarding a primary interest will be unduly influenced by a secondary interest. Primary interests refer to the principal goals of the profession or activity, such as the health of patients and the integrity of research. Secondary interests include not only financial gain but also such motives as the desire for professional advancement and the wish to do favors for family and friends.

*“Conflict Management Plan” (CMP)* shall refer to a document that entails information regarding an outside activity as it relates to one’s UC employment and/or UC research coupled with specific method(s) to manage the conflict which will be reviewed at least annually by the Employee’s direct report and/or the Conflict of Interest Committee.

*“Employee’s direct report”* shall mean the employee’s supervisor, chair, department head, and/or division director.

*“Financial Interest”* means anything of monetary value except salary, royalties or other remuneration from the University.

*“Immediate Family”* shall mean an employee’s spouse, dependent child, domestic partner, children, parents, grandparents, and siblings (42 CFR Part 50, Subpart F).

## **What Should Be Included On OARs:**

The OAR should be completed by all faculty and staff, and includes **all** Collateral Employment and Outside Activities. This means any employment or service performed by the faculty and staff member whether outside of the University, or within the University, but outside of the normal scope of employment. Within the University, such activities would necessarily include additional compensation received for extra services such as teaching/lecturing a class, hosting a conference at the University, consultant to another program/department, director of a summer program or overload/summer teaching, etc. Outside of the University, activities related to one’s professional life would necessarily include any payments the employee receives for consulting work, participation on advisory boards, honoraria for lectures or presentations/speakers bureaus, for opinion letters, expert testimony, membership on a board of directors, etc.

Outside activities that may be unrelated to one's professional life may include coaching a team, running a private business, employment with another entity, etc. All of these activities should be reported on the OAR.

### **Who Will Review the OAR?**

The employee's direct report, whether that is a Supervisor, Chair, or Department Head will review OAR disclosures for potential conflicts of commitment and conflicts of interest. The Dean or their designee of the respective college will review the OAR upon certification of the employee's direct report.

The Institution's designated official in the Office of Research will review OARs as they relate to potential conflicts of interest in research. However, an employee's direct report can also indicate on the OAR approval section when further review may be required regarding a potential conflict of interest.

### **Considerations For Those Who Review and Sign the OARs**

***Conflict of Commitment:*** Before signing, the direct report must ensure there is no conflict of commitment with the employee's University duties. Each situation will be different, based on the needs and functions of the individual departments or colleges. Consideration of a Conflict of Commitment, as defined above, would necessarily include the volume or amount of time an employee is spending on their outside commitment as well as whether the specific work schedule for that outside commitment interferes with the employee's UC duties. **Any conflict of commitment issue must be resolved within the department (direct report) or by the Dean.**

For example: Generally staff members are not permitted to engage in outside activities during their normal 40 hour work week. The actual work hours of the Department would determine what would be the "normal 40 hour work week".

For example: Faculty have varying schedules based on teaching loads, research activities, recess terms, etc. During non-recess terms, faculty are permitted to engage in approved outside activities as long as such activities do not interfere with their work schedules. Faculty are also permitted to engage in outside activities during a recess term, as long as they are not being paid by the University. If they are being paid by the University to teach or (using EXC) perform research during a recess term, then the outside activity may not interfere with their teaching or research.

***Conflicts of Interest:*** The direct report (Chair, supervisor, division director, etc.) shall review outside activities to determine if any activity could appear to influence any UC research of which the employee is participating. If the direct report identifies a potential overlap with an outside activity(s) and an employee's research, then the direct report should indicate that further review may be required as part of the approval certification in that individual's OAR form. The Office of Research will be notified of this determination and the Institution's

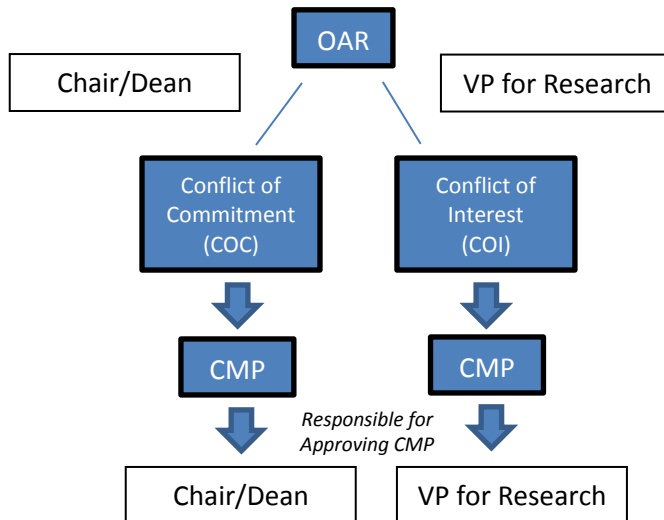
designated official will review the employee’s outside activities and his/her ongoing research to decide if review by the Conflict of Interest Committee is required.

It is the responsibility of the Institution’s designated official in the Office of Research to review all disclosures of employees who participate in research, to identify potential conflicts of interest, and assist with managing conflicts of interest. Upon review by the Conflict of Interest Committee and/or the designated official, a conflict management plan (CMP) may be required. See *Conflict of Interest on Externally Funded Projects* policy.

### **When is a Conflict Management Plan (“CMP”) Required?**

There are three general areas in which a conflict management plan (CMP) may be required:

- 1) Conflict of Commitment
- 2) Individual Conflict of Interest in Research
- 3) Commercializing University discoveries, inventions, or patents (including startup companies)



A conflict of commitment will be identified and managed by the employee’s direct report. The Office of Research will be involved in the development and implementation of CMPs as they relate to research and/or startup companies where appropriate.

### **Conflict of Commitment and CMP**

If employees are consulting on projects **unrelated** to their University employment, there is likely no conflict of commitment and no CMP is required. The department head and dean, however, still must ensure that there is no conflict of commitment with their UC duties. Any conflict of commitment issue must be resolved by the employee’s direct report or the respective Dean.

## **Conflicts of Interest in Research and CMPs in the Office of Research**

**a. Individual Conflict of Interest:** A CMP may be required by the Institution's designated official in the Office of Research and/or the Conflict of Interest Committee if it is determined that a conflict of interest is identified (real or perceived) that relates to any outside activity(s) and the employee's university research. A potential conflict of interest may be identified by the employee's direct report or the Office of Research. The Institution's designated official will assist employees in the development of a CMP. The Conflict of Interest Committee will review the CMP and it must be reviewed and approved by the Vice President for Research. Once approved by the VP for Research, the CMP is valid for one year unless otherwise indicated. See *Conflict of Interest on Externally Funded Projects* policy of the Office of Research for additional information.

**b. Commercializing of discoveries, inventions, patents, startup companies:** Any faculty, staff, or student employee who is the creator of a discovery or invention that is owned by the University of Cincinnati and who desires to acquire equity or other financial interest in a firm, corporation, or other association to which the University of Cincinnati has or will have assigned, licensed, transferred or sold its interests in the discovery or invention made or created by that employee or in a patent issued to that employee, is required to create and submit a CMP per board rule 10-17-09. This board rule creates an exception to Chapter 102 and sections 2921.42 and 2921.43 of the Revised Code. The Conflict of Interest Committee will review the CMP and it must be reviewed and approved by the Vice President for Research. Once approved by the VP for Research, the CMP is valid for one year unless otherwise indicated.

### **Who is Responsible for Approving the CMP?**

**Conflicts of Commitment:** The employee's direct report is responsible for reviewing and approving the CMP as it relates to their University employment and responsibilities. The respective Dean should review the CMP. **Any conflict of commitment issue must be resolved within the department (direct report) or by the Dean.**

**Conflicts of Interest:** The Office of Research will help the employee develop and implement a CMP if it's determined that a potential individual conflict of interest exists or if an employee is the creator of a discovery or invention that is owned by the University of Cincinnati and the employee intends to acquire equity and/or develop a startup company. The Institution's designated official along with the Conflict of Interest Committee will help the employee create and implement a CMP that satisfies current federal and state regulations as well as university policies. The Conflict of Interest Committee will review the CMP to ensure adequate protection for both the employee and the institution. **The Vice President for Research will provide final review and approval of the CMP.** The CMP will be valid for one year unless otherwise indicated.