

ATTACHMENT A

Compendium of Specialized University Policies, Guidelines, and Regulations Related to Conflict of Interest*

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*Full copies of the material can be obtained from the Office of the Vice President-Academic and Staff Personnel Relations if not readily located through other University sources.

1. Standing Order of The Regents of the University of California 103.1(b), Special Provisions Concerning Officers, Faculty Members, and Employees of the University-Service Obligations, (January 22, 1971).

Summary: No portion of time due the University shall be devoted to private purposes and no outside employment shall interfere with performance of University duties.

2. University Regulation No. 3, Privileges and Duties of Members of the Faculty, Section 3a, (February 15, 1935).

Summary: Faculty are assumed to devote full “working” time to the University. Service includes classroom teaching, conference with students, studying and writing, research, committee work, administration, and public service, with time devoted to each varying and dependent upon involvement with each type of activity.

3. University Regulation No. 4, Special Services to Individuals and Organizations, (June 23, 1958) and Principles Underlying Regulation No. 4, (June 23, 1958).

Summary: Faculty may render professional or scholarly services for compensation and may engage in the practice of their professions to maintain professional competency if such service does not interfere with University commitments and if it gives experience and knowledge of value to his or her teaching or research; is suitable research through which he or she may make worthy contributions to knowledge; or is appropriate public service. When consultants or outside services are such as to interfere with recognized University duties, they may be undertaken only on the basis of a leave of absence. University laboratories, bureaus, and facilities are not to be used for work of a purely commercial character except when it can be shown conclusively that satisfactory facilities for such services do not exist elsewhere.

4. University Regulation No. 5, Academic Freedom, (June 15, 1944).

Summary: The function of the University is to train students in processes whereby truth is to be made known. Its obligation is to see that conditions under which questions are examined are those which give play to intellect. To convert or make converts is alien and hostile to this dispassionate duty. When considering political, social, or sectarian movements, they are to be dissected and examined not taught and the conclusion left to the logic of the facts.

5. University Policy on Faculty Conduct and Administration of Discipline, (June, 1974), including The Faculty Code of Conduct, (May, 1974).

Summary: The policy includes in its statement on ethical principles that the professor “determines the amount and character of the work he does outside his institution with due regard to his paramount responsibilities within it...” The policy also lists as one type of unacceptable conduct the “unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes” and contains sanctions where abuse is demonstrated.

6. Policy on Outside Professional Activities of Faculty Members, (April 13, 1979).

Summary: Amplifies previously issued policies on expected duties of a faculty member and clarifies expectations of performance of compensated or uncompensated outside professional activities which relate to a faculty member's academic specialty. Requires annual reports on such activities to departmental chairpersons.

7. Policy on Additional Compensation for Services as Faculty Consultant, Academic Personnel Manual Section 154, (December 1, 1979).

Summary: If not regularly engaged on the project concerned, a member of the faculty may, on occasion, receive additional compensation for consultant services on projects conducted under the auspices of the University.

8. Statement of Conflict of Interest (issued by the President, October 5, 1967 and October 12, 1967).

Summary: The Statement recognizes the potential conflict of interest from research, consulting contracts, and staff involvement in the management of private companies and illustrates for guidance the kinds of situations which may give rise to conflicts of interest (excerpted from a 1964 joint statement of the American Council on Education and the American Association of University Professors).

9. Instructions to Review and Appraisal Committees, Academic Personnel Manual, Section 51 (1977).

Summary: The instructions state that "Superior intellectual attainment, as evidenced both in teaching and in research or other creative achievement, is an indispensable qualification for appointment or promotion to tenure positions. "Creative work includes recognized artistic production in architectural or engineering designs; professional competence; demonstrated distinction in the profession; and public service, service to the community, state, and nation.

10. University Policy Regarding Patents, (April 1, 1980).

Summary: In order to equitably administer intellectual property, the discoveries and inventions of members of the faculties, employees, and others associated with the University are subject to the patent policy. The use of University facilities or services, particular assignments of duties, possible claims of a cooperating agency where research is supported from extramural funds, and other situations may give rise to a complex of interrelated equities or rights. Specific requirements of the policy are set forth, including No. 4, which states: "An agreement to assign inventions and patents to the Regents, except those resulting from permissible consulting activities without use of University facilities, shall be mandatory for all employees." By letters of March 13, 1980, January 14, 1976, and July 14, 1976 and their attachments, President Saxon extended patent policy regulations to non-compensated researchers, certain visiting scholars and consultants and graduate students.

11. Policies on Appointment of Near Relatives, Academic Personnel Manual, Section 113, revised 1971, and Staff Personnel Policy 211.26, (January 1, 1980).

Summary: Appointment of near relatives in the same department is permitted, subject to reasonable safeguards against conflict of interest.

12. Policy on Acceptance or Offering of Gifts and Gratuities by University Employees, (February 6, 1980).

Summary: No officer or employee should accept any gift or gratuity from any source which is offered or appears to be offered because of the University position held by the officer or employee. Also prohibits offers of a gift or gratuity by University officers or employees. Defines gifts and gratuities.

13. Policies Applying to Campus Activities, Organizations, and Students, (January 3, 1979).

Summary: Included in this document is the policy that University facilities may be used only for University related purposes or in furtherance of such purposes.

14. University of California Conflict of Interest Code (financial), approved by the Fair Political Practices Commission, January 26, 1978, with requirement of April 1, 1980, as the date for initial filing.

Summary: The Code requires public filing of financial disclosure statements by designated officials and disqualification from governmental decision-making of any employee who has a financial interest. Programmatic teaching and research decisions are not considered governmental decisions under the Code.

15. Policy Regarding Employee-Vendor Relationships, (July 28, 1971).

Summary: Goods or services shall not be purchased from a University officer, employee, or near relative unless there is a specific determination that the goods or services are not available otherwise.

16. Materiel Management, Business and Finance, Bulletin BUS-43 (October 22, 1979).

Part 2: Responsibility and Authority, Section X (p. 15), Personal Purchases.

Summary: University credit, purchasing power, and facilities are used for the purchase of goods and services that relate directly to University business and should not be used to purchase material for individual or non-University activities.

Organizations and activities closely allied to or officially associated with the University (such as faculty club or ASUC), with the approval of the Chancellor, may be permitted to purchase materials that are not subject to Federal tax from campus storehouses.

Part 9: Employee--Vendor Relationships (pp. 35-37).

Summary: Separation of Interest: It is the policy of the University to separate an employee's University and private interests and to safeguard the University and its employees against charges of favoritism in acquisition of goods and services.

Conflict of Interest: The State of California Political Reform Act prohibits an employee from making or participating in the making of a decision if there exists a financial conflict of interest. Requirements governing such decision-making are set forth in the University's Conflict of Interest Code and shall be observed in purchases of goods and services by the University.

Determination: No purchase, lease of goods, or contract for service shall be made from any employee or near relative unless there has been a specific determination by the Materiel Manager or designee that the goods or services are not available either from commercial sources or from the University's own facilities.

Inspection: The responsible administrative officer or representative whenever necessary to ensure an understanding of facts presented shall inspect the business premises and records of an employee-vendor or near relative-vendor from whom the University is considering acquiring goods or services.

Exceptions: Each responsible administrative officer is delegated authority, within constraints imposed by the Political Reform Act, for approving exceptions to policy when there are unusual or extenuating circumstances.

Introduction (p. 1) and Appendix B, Principles and Standards of Purchasing Practice Advocated by National Association of Purchasing Management, and Code of Ethics of National Association of Educational Buyers.

Summary: The University is committed to maintaining high standards of performance based upon fair, ethical, and professional business practices. It, therefore, expects each Materiel Manager and anyone else authorized to make purchases to abide by the purchasing codes of conduct attached in Appendix B.

17. Securing the Services of Independent Consultants, Business and Finance, Bulletin BUS-34 (September 28, 1979).

Summary: Proposals from independent consultants shall include the name and University position of any officer, faculty member, or other employee of the University who holds a position of director, officer, partner, trustee, manager, or employee in the consultant organization. Selection of the independent consultant shall be made on the basis of qualifications, resources, experience, needs of the University, and cost to the University. In the selection process, any officer or employee participating in the decision must keep in mind the disqualification requirements for financial conflict of interest of the State of California Political Reform Act of 1974. The University policy regarding employee-vendor relationships applies to services as an independent consultant. If an employee-vendor relationship exists, the reporting requirements of Business and Finance Bulletin BUS-43 shall be followed.

18. Internal Audit Code of Ethics: Ethical Professional Conduct.

Summary: The University subscribes to the Code of Certified Internal Auditors, which subscribes to avoidance of any conflict of interest or manifestation of bribery.

19. University of California Police Rules and Regulations, (March 1, 1974).

Summary: The Regulations include the Law Enforcement Code of Ethics as an introduction and a section on Code of Conduct for University Police employees. Specifically, employees shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon the department or upon themselves and, for example, shall not solicit or accept gratuities, use his or her position to obtain privileges, or permit endorsements for advertising purposes based upon the employee's University position.

20. Policy on Disclosure of Financial Interest in Private Sponsors of Research, (April 8, 1982).

Summary: University Policy on Disclosure of Financial Interest in Private Sponsors of Research issued by President Saxon on April 9, 1982, and State regulations mandated by the Fair Political Practices Commission under the Political Reform Act (2 Cal. Admin. Code Section 18705) require that a principal investigator must disclose whether or not he or she has a direct or indirect financial interest in the sponsor of research which is funded in whole or in part: 1) through a contract or grant of \$250 or more with a non-governmental entity; or 2) by a gift from a non-governmental entity which is earmarked by the donor for a specific research project or a specific principal investigator, provided the amount of the gift, or the aggregate over a 12-month period, from the same donor is \$290 or more. When a principal investigator discloses financial interest in a sponsor, a faculty committee appointed by the Chancellor will review the proposed award and recommend whether or not it should be accepted.