

Outside Activity Report (OAR)

Training PowerPoint

May 2011

These PowerPoint slides are intended for training purposes.

University rules, policies and memos override any potential discrepancies and/or interpretation differences contained in the slides.

OAR Training Agenda

- [Introduction to OAR](#)
- [OAR Completion & Submission, Compliance & Verification](#)
 - Who must complete? When? Timelines? What? How?
 - Consequences of noncompliance
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Introduction to OAR

What is OAR (Outside Activity Report)?

- A web-based system for disclosure, review, approval and management of:
 - Collateral employment and outside activities
 - Relationships or interest in other entities that may involve a conflict of interest
- It replaces numerous forms previously used at UC
- The information reported is confidential; only disclosed/used as required by law

Introduction to OAR

University Rules require employees to:

- Disclose collateral employment and outside activities
- Manage any conflict of financial interest or commitment

When?

- As part of the Onboarding process for new hires
- On an ***annual*** basis ***or*** as circumstances change ***or*** are anticipated to change

Introduction to OAR

University Rules, Policies, Memos

Enabling Acts	Description
University Rule 3361:10-17-03	Conduct and ethics: Code of Conduct
University Rule 3361:10-17-08	Conduct and ethics: Policy on conflicts of interest in the conduct of research at UC
University Rule 3361:10-17-09	Conduct and ethics: Employee financial interest in private companies that are commercializing university discoveries, inventions or patents
University Rule 3361:30-21-02	Employment: Policy on collateral employment for faculty members and librarians
University Rule 3361:30-21-03	Employment: Policy on collateral employment for all employees (excluding faculty and librarians)
College of Medicine – Policy for Industry Relations	College of Medicine policy and guidelines for industry relations
Conflict of Interest Guidance – Intellectual Property	Memo regarding consulting and entrepreneurial activities involving intellectual property
Conflict of Interest on Federally Sponsored Projects	Federal agencies sponsoring research require the university to maintain this policy as a condition for receiving federal grants. The requirements embodied in this policy are applicable to all proposals and subsequent awards submitted to and accepted by these federal agencies.
IRB Conflict of Interest Policy	Conflict of interest policy and statement for the UC IRB, effective December 2010
Outside Activity	A web-based system for preparing, reviewing, and approving Outside Activity Reports of collateral employment and conflict of interest

Introduction to OAR

Relevant definitions:

- Collateral Employment and Activities: employment or service
 - **Outside** of the university **-OR-**
 - Within the university that is **outside of the scope** of the individual's normal employment
- Conflict of Commitment: occurs when
 - **Time or effort** that an employee devotes to external activities interferes with the fulfillment of assigned university responsibilities **-OR-**
 - An employee makes unauthorized use of university **resources** in the course of an external activity

Introduction to OAR

Relevant definitions (cont.):

- Conflict of Interest: may take various forms; arises when an independent observer might reasonably question whether the individual's objectivity in the performance of university responsibilities could be compromised by consideration of personal gain, of any sort, for the individual or the individual's family. *Conflict and potential conflicts of interest must be disclosed and resolved.*
- Family: employee's spouse and the parents, children, brothers and sisters of either the employee or the employee's spouse
- Financial Interest: anything of monetary value except salary, royalties or other remuneration from UC

OAR Completion & Submission

Who must complete an online OAR form?

- **All full time** (i.e., 80% or above FTE) salaried and hourly university employees
- Employees at **50% FTE or more**
- Employees at **less than 50% FTE** if there is a conflict of interest; (for those not sure if there is a conflict, complete and submit an OAR)

Note: Unit heads cannot solely determine if an employee is EXEMPT from OAR completion since employees may have multiple assignments that put their FTE at 50% or more.

OAR Completion & Submission

When should an online OAR form be completed and submitted?

- New Employee: on or before the first day of employment
- Current Employee:
 - **Annually**: by June 1 *-and also-*
 - Within 30 days of a **substantial change** in one's outside activity *-or-*
 - When **anticipating a substantial change** in one's outside activity

OAR Completion & Submission

What triggers the annual process?

- UC Compliance Advisory Subcommittee (CAS) sends email
 - To all employees at or above 50% FTE
 - Approximately May 1 of each fiscal year
 - Requests employee to complete/submit for review an online OAR form by **June 1**
 - Link to OAR form contained within the email (<https://webcentral.uc.edu/oar/index.cfm>)
- OAR forms **must** be completed/submitted by **June 1**
 - An employee who has not complied may receive reminders from their unit head and/or the OAR system
 - An employee who has not complied by September 1 *will* have his/her unit head notified of such by CAS
 - An employee who has not complied by September 30 *will* be contacted by the appropriate vice president or senior vice president and disciplinary action may be pursued

OAR Completion & Submission

What period does the OAR cover?

- The OAR disclosure covers the prior 12 months
- However, as noted on a previous slide, an employee's OAR must be *updated*
 - Within 30 days of a **substantial change** in one's outside activity *-or-*
 - When **anticipating a substantial change** in one's outside activity

OAR Completion & Submission

How does an employee access and complete the online OAR form?

1. Click on the link provided in the email from CAS (or go to the OAR URL <https://webcentral.uc.edu/oar/index.cfm>)
2. Enter your central login username (your 6+2) and password (help links are provided if needed)
3. Read the OAR introduction then review the descriptions and examples for collateral employment and conflict of interest
4. Click on the green arrow at the bottom of the page to proceed to the OAR questions
5. Answer each question

OAR Completion & Submission

How does an employee access and complete the online OAR form? (cont.)

6. Continue scrolling down the page to answer questions
7. **All questions must be answered**
8. Click “Save”
9. Once the form is successfully saved, click on “Next” to proceed to the final steps
10. Complete the affirmation, add any comments if desired and click on “Submit”
11. Once the form is successfully submitted, click on “Logout”

OAR Completion & Submission

What happens after an employee submits an online OAR form?

- The OAR form is automatically forwarded for review and approval to:
 - *First:* a unit head in the employee's area
 - *Next:* the employee's dean or division administrator
 - *Finally:* the employee's vice president or the president, as appropriate

OAR Non-Compliance

What are the consequences of non-compliance?

- A university employee who is required to complete an OAR form may be **subject to disciplinary action** for the following:
 - Failure to complete/submit an OAR as required is *in and of itself a violation* of University Rules and policies
 - Failure to complete/submit the annual OAR in a timely manner
 - Failure to update an OAR if activities change or are anticipated to change during the course of the year
 - Failure to accurately provide information on the OAR
 - Beginning or continuing outside activities that have not been approved in the OAR process

OAR Non-Compliance

What discipline will be imposed?

- The discipline imposed depends on:
 - The applicable process
 - Represented employees will be subject to the process contained in the applicable collective bargaining agreement
 - Unrepresented employees will be subject to university rules/policies and civil service laws/regulations governing classified/unclassified and exempt/nonexempt employees
 - The particular facts and circumstances

OAR Non-Compliance

What general factors are considered in the imposed discipline?

- Failure to complete/submit an OAR is a violation *even if the employee has nothing to disclose*
- **Willful or deliberate failure** to complete/submit an OAR is more serious than inadvertence or carelessness
 - However “I forgot” or “I didn’t know” is not a defense
 - Intent *may be inferred* by failure to complete/submit after reminders to do so
- Employees are accountable for ensuring the **accuracy** of the information provided in the OAR
- Some activities (e.g., those occurring on a set schedule or over a number of years) must be more **precise** than an estimate

OAR Verification

Are employees required to submit supporting documentation verifying information contained in the OAR form?

- Supporting documentation is **NOT** routinely required
- UC reserves the right to request such documentation in the following cases:
 - **Random compliance audits** (by the Compliance Board, Internal Audit or other university entity charged with compliance responsibilities related to the OAR process)
 - Situations in which the university receives **credible information that raises a question** whether the OAR form is accurate or complete
 - As part of the OAR review and approval process, where disclosures on a form as submitted **prompt questions about the nature and extent** of outside activities
- In above situations, verification will
 - Be the least intrusive and least burdensome means
 - Maintain the confidentiality and privacy of information

OAR Descriptions: **Collateral Employment**

What is meant by collateral employment?

- **For Faculty and Librarians:**

University Rule 3361:30-21-02 permits faculty and librarians to engage in collateral employment consisting of institutional and/or non-institutional effort provided:

- Such information is provided *in advance* to and approved by the appropriate dean, library administrator or vice president
- Does not interfere with nor is inconsistent with the individual's university duties
- Does not raise questions of conflict of interest

Note: All potential conflicts must be reported when engaged in human subjects' research.

OAR Descriptions: **Collateral Employment**

What is meant by collateral employment?

Faculty and Librarians *(cont.)*

Relevant Definitions

- Institutional effort: service *within the university* or an affiliated institution that is *outside the scope* of the faculty member or librarian's normal employment.

OAR Descriptions: **Collateral Employment**

What is meant by collateral employment?

Faculty and Librarians *(cont.)*

Relevant Definitions

- Non-institutional effort: service faculty members and librarians provide *outside the university* during the normal work week for which they receive non-university compensation.
- If non-institutional effort does not interfere with nor is inconsistent with one's university duties and does not raise questions of conflict of interest, it is normally permitted for full-time faculty and librarians to the extent that such activities do not exceed an average of one day of the normal work week.

OAR Descriptions: **Collateral Employment**

What is reportable?

Faculty and Librarians *(cont.)*

- *Activities for which remuneration, in any form, is received must be reported*
- *Activities for which no remuneration is received may still be reportable under Conflict of Interest*

OAR Descriptions: **Collateral Employment**

What is meant by collateral employment?

- **For All Other Salaried and Hourly Employees (excluding Faculty and Librarians):**

University Rule 3361:30-21-03 permits a university employee to engage in collateral employment only during the time the employee is **not scheduled for work** at the university and provided the appropriate vice president:

- Approves such collateral employment
- Agrees it does not interfere with nor is inconsistent with the individual's university duties
- Agrees it does not raise questions of conflict of interest

OAR Descriptions: **Collateral Employment**

What is reportable?

For All Other Salaried and Hourly Employees (excluding Faculty and Librarians):

- *Employment or activities for which remuneration, in any form, is received must be reported*
- *Employment or activities for which no remuneration is received may still be reportable under Conflict of Interest*

OAR Descriptions: **Conflict of Interest**

Why are conflicts of interest part of OAR?

- **For All Salaried and Hourly Employees:**

University Rule 3361:10-17-03 states that UC faculty and staff owe their primary professional allegiance to the university and its mission. To protect the university's primary mission and to comply with state ethics and laws, faculty and staff with other professional or financial interests shall make timely disclosure of such interests on an OAR form in compliance with conflict of interest/conflict of commitment policies.

- **For Employees Conducting Research:**

University Rule 3361:10-17-08 states that individual researchers must annually review their activities to identify situations that may present a conflict of interest. Unavoidable conflicts must be managed with an approved plan. Public trust requires full disclosure to assure confidence in the judgment of scholars/clinicians and in the dedication of academic institutions to the integrity of the research enterprise.

OAR Descriptions: **Conflict of Interest**

What are examples of activities or financial relationships that are not regarded as conflicts of interest?

- The following are **generally not regarded** as conflicts of interest ***unless*** they pertain to human subjects' research:
 - Receiving royalties for published scholarly works and other writings
 - For faculty whose positions do not involve performance of (or authority to perform) administrative or supervisory functions, accepting honoraria for commissioned papers and occasional lectures
 - Receiving reimbursement for reasonable travel and lodging expenses related to presentations of scholarly work or a person's academic endeavor
 - Earning income from passive investments such as interest or dividends from banks, mutual funds, or stocks and bonds, as long as said investment do not constitute a conflict of interest (note: a stock ownership interest in a company that exceeds 5% is reportable)
 - Participating in a university-approved clinical practice corporation
 - Payments for clinical research to an approved practice corporation or to a department fund for salary or other expenses of conducting clinical trials

Note: Some of the above examples may require reporting as collateral employment.

OAR Descriptions: **Conflict of Interest**

What are examples of activities or financial relationships that are subject to reporting as a conflict of interest?

- **The following are reportable (note: this list is not all-inclusive):**
 - Assigning students, postdoctoral fellows or other trainees to projects sponsored by an entity in which an employee or a member of his/her family has a financial interest
 - Serving on the board of directors or an advisory board of a business from which an employee or a member of his/her family receives sponsored research support or with which the university has a contractual relationship
 - Assuming any position in a not-for-profit business engaged in commercial or research activities
 - Serving as an officer, director, or trustee or having ownerships or management in businesses related to one's professional field
 - Conducting research externally that could be conducted within the university or a university-approved affiliated corporation

OAR Descriptions: **Conflict of Interest**

What are examples of activities or financial relationships that are subject to reporting as a conflict of interest?

- **The following are reportable (note: this list is not all-inclusive):** ***[cont.]***
 - Conducting applied and/or clinical research on a technology developed by the investigator or a member of his/her immediate family or a faculty member or other employee of the institution
 - Receiving, either personally or by a family member, an honoraria exceeding \$5,000 annually, for serving as director or other executive with the sponsor of his/her research or for acting as scientific advisor or consultant
 - Conducting applied or clinical research on a technology owned by a business in which
 - The investigator or a member of his/her immediate family holds stock, stock options or similar interests
 - Another faculty member or other employee of the institution holds stock, stock options or similar interests
 - Another faculty member or other employee of the institution holds a position of senior management officer or director of the company

OAR Descriptions: **Conflict of Interest**

What about activities involving research with human subjects?

- To protect human subjects engaged in research:
 - **ALL** relationships and financial interests that could, or could be perceived by others to, influence the conduct of the study **MUST BE DISCLOSED**
 - Federal regulation is rapidly changing in this area
 - Refer to the [IRB website](#) for current guidance

Conflict Management Plans (CMP)

What can be done if a conflict exists?

- Conflict can exist if it is managed satisfactorily
- Several examples of ways to manage conflict might be:
 - Restricting involvement to specific functions/tasks that do not pose a conflict
 - Restricting conflict of commitment to hours outside of those committed to the university
- Conflict Management Plans (CMPs) must accompany the OAR form if a conflict exists

Conflict Management Plans (CMP)

What should be included in a CMP? How is a CMP submitted?

- See Attachment A in the OAR Manual for a sample CMP
- Questions regarding what to include in the CMP can be directed to
 - OARquestions@uc.edu
- CMPs are submitted through the OAR form
 - At the yearly submission of OAR forms
 - Any time there is a change to an OAR form

Conflict Management Plans (CMP)

What is the review process for CMPs?

- **Non-research related CMPs**
 - Reviewers of the OAR form also determine adequacy of the CMP
 - Unresolved conflicts are referred to the Standing Committee on Conflicts of Interest

Conflict Management Plans (CMP)

What is the review process for CMPs?

- **Research related CMPs**
 - New CMPs
 - Reviewed by academic unit up to the dean through OAR
 - If approved by above, then reviewed by VP for Research and referred to the Standing Committee on Conflicts of Interest
 - Updated CMPs
 - If no significant changes, VP for Research approves
 - If significant changes, VP for Research refers CMP to Standing Committee
 - CMPs referred to the Standing Committee
 - If no recommendations are made, VP for Research approves CMP and notifies the faculty member and Committee of such
 - If recommended changes are made, VP for Research works with faculty member to revise CMP accordingly. If faculty member cannot accept recommended changes, VP for Research, the faculty member and the Standing Committee work together until a satisfactory compromise is identified and implemented. VP of Research approves acceptable revised CMP and notifies faculty member and Committee of such.

Conflict Management Plans (CMP)

What occurs if a current research related CMP is not updated with the yearly OAR?

- VP for Research keeps a current listing of all research related CMPs on file
- If no updated CMP is provided with yearly OAR, VP for Research contacts appropriate faculty member
- If conflict continues without a satisfactory resolution, VP for Research in consultation with the dean, provost and general counsel may pursue disciplinary action

Reviewer Responsibilities and Processes

After an employee submits an online OAR form, who reviews it?

- Most OAR forms will go through a three-level review process:
 - *First:* a unit head in the employee's area
 - *Next:* the employee's dean or division administrator
 - *Finally:* the employee's vice president or the president as appropriate

Reviewer Responsibilities and Processes

What are the unit head's responsibilities?

1. Review the OAR forms submitted
 - Reviewers receive a weekly email alert indicating the number of OARs, if any, pending their review; go to the OAR system to review
2. Ensure employees under their supervision have completed an OAR by the required date
 - Prior to the deadline, go to the OAR system to obtain a detailed listing of OARs completed, in review, not submitted
 - After the deadline, reviewers with outstanding OARs in their area will receive a weekly email alert indicating the number of OARs that are completed, in review, not submitted; go to the OAR system to obtain a detailed listing.

Reviewer Responsibilities and Processes

At a minimum, what should the reviewer be checking?

A reviewer should, at a minimum, answer the following five questions regarding each OAR form reviewed:

1. Is the form complete?

This is more than making sure the submitter has filled in something for each question asked; the reviewer may know of an activity not listed or a description provided may be too vague to determine exactly what is being done.

2. Is it accurate?

Based on personal or professional knowledge, the information provided may raise questions as to its accuracy. If appropriate, the reviewer should request verifying information and/or condition approval.

Reviewer Responsibilities and Processes

A reviewer should, at a minimum, answer the following five questions regarding each OAR form reviewed: **[cont.]**

3. *Is there an unrecognized conflict?*

Most employees submitting an OAR form will check “no” in the box for conflicts. Where reviewers have information that would suggest otherwise, reviewers should not take “no” for an answer.

4. *Is an existing conflict management plan comprehensive enough?*

Even if a conflict management plan (CMP) is attached to the OAR form, it must be up-to-date and address all the conflicts identified.

5. *Aside from any conflicts of interest, would approval create a conflict of commitment?*

Outside activities that materially and adversely affect an employee’s performance at the university should not be approved. Such material adverse effects include reduced productivity and divided loyalties.

Reviewer Responsibilities and Processes

What are examples of allowable activities?

The following examples of reported activities are permitted:

- Uncompensated, volunteer service outside UC that doesn't involve time conflict with UC responsibilities
- Receiving honoraria, stipends and/or royalties for published scholarly works and other writing, creative works, lectures and/or presentations
- Receiving honoraria for serving as a special reviewer or on a review panel for academic, governmental or not-for-profit organizations
- Accepting honoraria for commissioned paper and occasional lectures
- Receiving payment for reasonable travel and lodging expenses related to presentations of scholarly work or to a person's academic endeavor
- Summer employment whether academic or non-academic for faculty with a nine month appointment except when it relates to human subjects' research

Reviewer Responsibilities and Processes

What are examples of allowable activities under collateral employment but which would be deemed a conflict of interest?

- Activities that are allowed for collateral employment but may be regarded as “conflict of interest” include:
 - Receiving honoraria by faculty whose positions involve the performance of (or authority to perform) administrative or supervisory functions
 - Participating in an approved practice plan/corporation as described in University Rule 3361:30-21-02
 - Payment for clinical research to an approved practice corporation or to a department fund for salary or other expenses of conducting clinical trials is not a reportable collateral employment activity unless it relates to potential conflicts in human subjects’ research

Reviewer Responsibilities and Processes

What is the process for reviewing OAR forms that have been submitted?

- In the OAR system, when an OAR form(s) has been submitted for review, a message appears at the top of the reviewer's OAR screen, "You have *n* OAR(s) pending your review. Please click here to review."
- Click on the underlined sentence to obtain a listing of pending OARs.
- From the listing of pending OARs, click on the green "Edit (E)" icon to go to a particular OAR.
- After reviewing that OAR, click on either "Return" or "Certify"
 - "Return" allows reviewer to add comments or ask questions; reviewer then clicks on "Submit" to return the OAR to the sender.
 - "Certify" opens a "Certification" box. Reviewer selects the appropriate button in the "Certification" box, adds any comments then clicks on "Submit" to send the OAR to the next appropriate approval level.

Reviewer Responsibilities and Processes

How does the unit head ensure employees under their supervision have completed an OAR by the required date?

- To obtain a detailed listing of OAR forms completed, in review or not submitted by employees in one's area:
 - In the OAR system, click on “Report Summary” in the upper right hand corner of the reviewer's OAR screen.
- Unit heads should send reminder emails to noncompliant employees in their unit.

(Note: In addition, *after* the deadline, the OAR system will automatically send weekly email alerts to noncompliant employees.)

Reviewer Responsibilities and Processes

What does approval of an OAR form signify?

- Approval by a reviewer (at any level) of an OAR form certifies that to the best of the reviewer's knowledge:
 1. The information is accurate
 2. The reviewer is not aware of any contrary information from any other source that calls into question the information contained in the form
 3. The reviewer believes that the outside activities and relationships identified in the form do not represent a conflict with the submitting employee's university activities or that any conflict that does exist is managed and the reported activities may be engaged in without violating university rules

Where To Go for Help: OAR Resources

- For questions regarding the completion of the OAR form or a Conflict Management Plan (CMP):
 - Email OARquestions@uc.edu
- For technical questions regarding the OAR website:
 - Email web.central@uc.edu -or- call 558-2101
- For additional information on OAR, go to:
 - The OAR Manual
- For questions about specific potential conflict situations, contact:
 - Your supervisor(s)
 - The Compliance Advisory Subcommittee
 - The Office of General Counsel
 - The Vice Provost for Academic Personnel
- To access a sample CMP template:
 - Go to Attachment A of the OAR Manual
 - Contact: OARquestions@uc.edu
- Academic deans with questions about financial relationships reported by their employees can contact:
 - The Staff Administrator for the Standing Committee on Conflict of Interests at 558-2044