

Ethics Act Compliance Guidance Regarding “Works” - United Academics Faculty

(The two documents upon which this guidance is based run to more than 50 pages. Summarizing laws or contracts in an effort to simplify or state something in plain english risks misstating the law or contract. Since the University cannot modify the law or contract and does not intend to do so, it is important to note that the following summary is based on Alaska Law and the Collective Bargaining Agreement (CBA) between the University of Alaska and United Academics. You are responsible for complying with the law itself. The actual terms of the CBA will govern in the event of any dispute.)

Faculty are not prohibited by the Alaska Executive Branch Ethics Commission. This is determined by the extent, if any, of University support provided, which generally falls into one of three categories (see below), but is subject to any overriding obligations of the University.

Supported works – are works which are not specifically commissioned or sponsored by the University, but are created using funds, personnel, facilities, equipment, materials or technological information (resources) provided or arranged for by the University. If a faculty member creates a “work” in the course of supported activities, and this work may be expected to result in additional compensation from sources outside the University, the faculty member must disclose the work. Under the collective bargaining agreement between the University and United Academics, faculty members retain copyright in and receive the first \$10,000 of net proceeds from each supported work, but must share with the University net proceeds above \$10,000 for each supported work. Keep in mind that overriding agreements between the University and external funding sources may vary ownership rights.

Sponsored Works – are works that have been specifically commissioned by the University, or which are supported as a work for hire by such means as a specific release or overpayment. Generally, sponsored works are the sole property of the University, and all proceeds are retained by the University.

Independent Works – the ideas came from the faculty member, work is not based on information obtained during University employment which has not been disseminated to the public, and no University support, including time allocated for creative activity, has been used in the creation of the work. This is