Expert Witness and Political Activity Policy and Procedure

The College of Agricultural Sciences (CAS) is proud of its reputation for providing objective science in diverse fields across the agricultural and natural resources disciplines. CAS faculty members are often asked to serve as expert witnesses before boards, commissions, Legislature and Congress, and often serve as witnesses in legal proceedings. For controversial issues, different CAS faculty may provide opposing expert testimony on a subject. This policy provides guidance to faculty who are asked to serve as expert witnesses in administrative or judicial proceedings, and on participation in political activities, and assists faculty who may be subpoenaed to testify as experts in their faculty roles. This policy applies to all full- or part-time CAS employees as well as faculty holding courtesy and affiliate faculty appointments.

CAS faculty members may serve as expert witnesses in administrative or judicial proceedings in which the Oregon Higher Education Coordinating Commission and Oregon State University are not parties, or engage in political activities, provided they do so in a manner consistent with the OSU Expert Witness Policy and Procedure, OSU Policy on Consulting, overload and outside employment compensation, CAS Policy on Outside Employment, and OSU's Policy on Political Activities, and consistent with this policy and any unit, or department restrictions on outside consulting or conflict of interest policies. CAS faculty with formal Extension appointments (i.e., AGES FTE) are prohibited from serving as an expert witness in their area of job responsibility in the state of Oregon under OSU Extension policy on Participation in Judicial Activity, but may serve as an expert witness outside the state. If an Extension faculty member receives an informal request to serve as an expert witness in Oregon, the Extension faculty member should inform the requesting party that OSU policy prohibits them from serving as an expert witness, and recommend that the party contact someone who is able to serve as an expert witness.

Political Activities

Faculty may participate in various political activities under the following conditions: (1) does not interfere with job duties; (2) no OSU resources (e.g., email, computer, phone, vehicle, etc.) are used; (3) unless authorized by the President shall not take action or make statements that might commit the university, CAS or Board to a position on an issue; (4) no university employee may support or oppose a ballot measure, a referendum or a candidate for office in their university capacity or with university resources. Faculty may present scientific information related to a ballot measure or referendum in classes or Extension and outreach programs, but are prohibited from opposing or supporting the measure. Faculty may be requested by the dean’s office to assist with advocacy regarding AES or Extension budgets or individual bills that impact college programs; in those cases, advocacy activities will be coordinated by the dean’s office.
Faculty members are encouraged, in their individual faculty capacity and without committing OSU or the CAS to a particular political position unless authorized, to provide expertise to state and federal agencies and elected officials, including the Oregon Legislature, its members or committees, or staff. It should be stated that you are an employee of CAS and that your testimony represents your professional expertise and does not represent a position of CAS or OSU. **CAS employees should notify their unit leader and the dean’s office before responding to requests for opinion or engaging in regulatory, political or other legislative positions.**

Faculty may engage in political issues in their personal capacity, not using OSU resources, including the support or opposition of ballot measures, referenda and candidates. Faculty should not use their OSU title while engaging in community and political affairs in a personal capacity.

**Procedures for Responding to Requests for Expert Testimony:**

CAS faculty members who wish to appear as expert witnesses in a consulting capacity must:

1. Complete a request for [Approval of Outside Activities form](#) to ensure there are no conflicts of commitment;
2. Have completed a [Research Conflict of Interest](#) disclosure within the previous year; and
3. At trial or during deposition specifically state that “you are an employee of CAS and that your testimony represents your professional opinion as an individual expert in the field and does not represent the position of CAS or OSU”.

Faculty members may be subpoenaed to appear as witnesses in administrative or judicial proceedings in which they do not want to testify as experts, or are prohibited from testifying by university, Extension or college policy. When this happens, the faculty member should contact the dean and OSU’s Office of the General Counsel. The faculty member should not respond to inquiries regarding the appearance until the legal advisor advises the faculty member otherwise. The OSU legal advisor may attempt to nullify or modify the subpoena so that it complies with policies.