External/Outside Professional Activities Policy Proposal

March, 2021
Government Concerns

• Risks of foreign governments/institutions influence on US academic institutions and their access to U.S. talent, intellectual property, research, data

• Emphasis on foreign use and support of scholar programs, visitors, and faculty collaborations such as talent programs, honorary/academic appointments, research resources to gain access to academia
Government Concerns

- Investigations identified
  - Failures to disclose:
    - financial COIs,
    - conflicts of commitment,
    - other support,
    - external employment,
    - shadow labs
  - Diversion of intellectual property
  - Peer review violations

NIH’s data
- 399 NIH funded scientist of concern were identified as of June 2020
- 189 NIH-funded scientists at 87 institutions investigated
- 70% failed to disclose the receipt of a foreign grant
- 54% failed to disclose participation in a foreign talent recruitment program
- 9% hid ties with a foreign company
- 5% involved violation of NIH’s peer review system
- 54 researchers terminated or resigned

University Concerns

- Faculty may have obligations/commitments to other entities
- Departments/Deans are not aware of these other commitments
- Impacts to the faculty member’s ability to fulfill their duties at WashU
Key Considerations

Federal agencies’ message:
• Faculty’s primary professional commitment of time and intellectual energies should be towards supporting the University’s mission and funding agency obligations
• Outside activities, even those of value to the university or contribute to professional development and competence, should not take precedence

• Revising rules and promoting “clarifications” emphasizing:
  • Institutional responsibilities
    • Knowledge and review of OPAs
    • Ensure reporting and accuracy of grant applications
  • Investigator responsibilities for reporting
    • Disclosures to institution
    • Grant applications – other support and biosketches
Key Considerations

• **WU at a higher risk in this area**
  - Only top US NIH funded private academic institution that does not address external professional activities and/or conflicts of commitment
  - Universities compared included Harvard, Penn, JHU, Columbia, Cornell, Duke, NYU, Pitt, Mount Sinai, Stanford, Yale, Northwestern, Vanderbilt.

• Some schools may be addressing on ad hoc basis; with secondary disclosure process and potentially duplicate effort for faculty; disclosure and reviews vary and may not fully address new expectations

• Institutional awareness of these activities is important in maintaining public trust and illustrating the highest standards of professional, research, educational, and fiscal conduct
Guiding Principles

• Continue to foster appropriate international collaborations and relationships
• Support faculty to proactively comply with changing federal guidance and expectations
• Provide mechanisms for review and guidance; recognize accepted practices of schools/disciplines
• Place value on transparency through reporting
• Minimize faculty administrative burden where possible, including leveraging existing COI systems and processes
• Prevent contradictory requirements with other related institutional policies (e.g. consulting privileges, research conflicts of interest, etc.)
Recommendations

Policy – External/Outside Professional Activities

• Disclosing relevant external activities, regardless of personal financial benefit
  • Currently disclose activities with financial benefit

• Establishing review standards
  • Identify potential for overlap with institutional responsibilities
  • Focus on advising and guiding faculty on best practices
  • Some activities should be addressed proactively
Recommendations

Covered Population:
• All full and part-time faculty (instructor level or higher), plus non-faculty PIs on federally funded research.
  • Part-time is defined as having any effort.
  • Excludes courtesy appointments.

Disclosure Mechanism
• Expand current disclosure process/system
  • Single disclosure form
  • Minimizes redundancies and faculty administrative burden
  • Provides comprehensive picture of an individual’s outside activities
Recommendations

Disclosure Requirements – Includes:

• External professional activities not directly associated with the fulfillment of an individual’s teaching, research, clinical, or administrative commitments to the University. Such activities generally rely on the professional, academic, or scientific expertise of the individual. These activities may or may not involve remuneration.

Examples of Reportable Activities:

• Academic, professional appointments at other institutions – visiting, adjunct, etc.
• Service, position, or role with a fiduciary responsibility to an outside entity
• Some board service (e.g. for a charity or company in same space as the individual’s area of expertise, scientific advisory board)
• Research activities outside of WU (e.g. PI/investigator and/or research support/lab space at another university)
• In kind contributions (e.g. office/laboratory space, equipment, supplies, employees, data)
• Regular mentoring students/teaching at another institution
Recommendations

Disclosure Requirements – Excludes:
• External scholarly and academic responsibilities typically expected as part of an individual’s professional development
  • Presenting at professional meetings or other similar gatherings;
  • Leadership positions in professional societies;
  • Preparation of scholarly publications;
  • Editorial services for educational or professional organizations;
  • Peer review of articles or grant proposals;
  • Service on advisory committees or evaluation panels for US governmental funding agencies, nonprofit foundations, or U.S. educational organizations;
  • Service with accreditation agencies
• “Unrelated” activities (e.g. owning a rental property, volunteer work)

Deviation from exclusions may include instances when the combined activities exceed uncommitted effort (e.g. for sponsored activities or exceeds 20% of total effort)
Recommendations

Prior approvals for certain activities

• Goal:
  • Identify arrangements that could create unintended consequences
  • Facilitate solutions that aligns with institutional and federal expectations
  • Improve awareness for federal agency reporting obligations
• Start with school designee approval, certain activities may be elevated to the VCR and Provost for approval
• Deans may identify additional activities requiring prior approval

Recommendations
1. Any academic or professional appointments at another entity
2. Any executive, managerial, or fiduciary role in an entity, including BOD service
3. Use of University Resources potentially related to an external activity
4. PI of research outside of WU
5. Performing research outside of WU on behalf of a non-US entity (including academic, research, government, or non-profit)
Recommendations

Review Process

• Initial administrative review completed by COI Office, based on approved review thresholds/parameters before elevating disclosures for school review;
  • Help reduce burden on school designees, capitalize on efficiencies, and support consistency

• Discipline specific annual review by school designees
  • Assess for potential overlap of external activities and institutional responsibilities – time, resources, responsibilities, and loyalty (identifying potential conflicts in commitment)
  • Establish prior approvals for subset of activities (see next slide)

• Guidelines and best practices is being developed
Current/Next Steps

• Seek feedback on recommendations
• Develop policy and guidance documents
• Revise disclosure system
• Develop process to provide disclosure data to school designees
• Explore ability for faculty to query data for their various reporting needs
• Goal is to implement after MyDay, end of 2021