



University of Pittsburgh
Conflict of Commitment and Outside Activities of Faculty and Staff Policy Committee
Charter

I. Preamble

This body is called the Conflict of Commitment and Outside Activities of Faculty and Staff Policy Committee (Committee). It is authorized by the Chancellor and will serve at the Chancellor's discretion. The Chancellor has authorized the Senior Vice Chancellor for Research (SVC-R) to direct the operations of this Committee, consistent with the terms of this Charter. This Charter outlines the purpose, relevant background, scope, responsibilities, composition, and operations of the Committee, as well as the review process for any proposals generated by this Committee.

This document should be read in conjunction with Policy AO 01, Establishing University Policies, and all other applicable University policies, protocols, and procedures.

II. Purpose

The Committee is created for the purpose of proposing substantial revisions to the existing University Policy entitled "Outside Employment," Policy CS 09 (formerly 02-06-01), as well as documents that support its implementation, which will govern the conditions under which faculty and staff may perform professional services outside the University and outside their scope of employment. Engagement with external activities is a vital part of our University community. At the same time, it is important that University faculty and staff understand when it is permitted to use University time or facilities for external activities, and their obligations to disclose those activities, so they can be properly managed. The goal of this Policy is to balance these important principles by defining the landscape around conflict of commitment and outside activities, so that University faculty and staff can engage in these activities appropriately, and their supervisors can manage these important activities. This new Policy will update and replace the current University Policy on Outside Employment, Policy CS 09 (formerly 02-06-01).

III. Background

The University's engagement with external activities is integral to the institution's vitality. Robust engagement in scholarship and educational activities necessitates that the University work with diverse communities and populations to form collaborative relationships for the advancement of societal well-being and knowledge. This is true across the full spectrum of scholarship and educational activities at the University. This is seen as artists are creating new work; social scientists are working with diverse communities and populations; legal and business faculty are engaging with policies and partners, governmental, commercial, and non-profit; scientists and engineers are sharing expertise in real-world applications; and health science

professionals and clinicians are working at the frontlines of health and medicine. To successfully engage in these activities, University faculty and staff, at all levels, must understand when it is permitted to use University time and/or facilities for external activities. Additionally, University faculty and staff have an obligation to disclose such external activities to ensure the University complies with relevant federal, state, and local laws and regulations.

The current University Policy on this topic is from August 1988 and no longer reflects the current scope of faculty and staff employment or best practices in higher education. Furthermore, over the past several years, the University has undertaken related efforts, such as the review conducted by a subcommittee on Conflict of Interest and Consulting in 2015, revising Policy RI 01 (formerly 11-01-03), Conflict of Interest Policy for Research, and creating a new University Policy on Intellectual Property. The findings from this work need to be incorporated into a new Policy on conflict of commitment and outside activities, to ensure all relevant authorities are aligned.

IV. Scope and Authority

The Committee will recommend a Conflict of Commitment and Outside Activities of Faculty and Staff Policy, and supplemental documents (e.g., guidelines and procedures), which will replace the current Policy found at CS 09. In doing so, the Committee's deliberations must address the following topics:

- **Scope of Policy.** Clarify and broaden the scope of faculty and staff activities, including consulting, to be more inclusive regarding the types of outside activities permitted while employed at the University.
- **Definitions and Terms.** Ensure consistency with similar definitions and terms used in other relevant University Policies (e.g., Policy RI 01, Conflict of Interest for Research; Policy RI 07, Research Integrity; and a potential new Intellectual Property Policy). Clarity must be the Committee's focus, so the reader understands basic terms such as "conflict of commitment," "outside activities," "consulting," "compensation," and how a "day" is defined.
- **Guidelines.** Develop clear guidelines that identify the types of outside activities that need to be disclosed and what types of outside activities are generally permitted or prohibited or require special approval. The committee must consider if there are specific activities (e.g., political activism or teaching outside the University) that are disallowed or require specific approvals. Relatedly, the Committee should identify limits to the University's liability coverage that faculty and staff must consider. Finally, the development of the guidelines must address obligation and provide principles that describe how faculty and staff owe their primary professional obligation to the University.
- **University Time.** Clarify the limits on spending "University time" on external activities and what categories of University personnel are afforded the privilege of

engaging in outside activities during “University time.” The committee will need to consider all stakeholders, including tenure stream faculty, appointment stream faculty, dual-employed clinical faculty, staff, and, as appropriate, postdoctoral appointments, scholars, and students. In doing so, the Committee will need to consult with other relevant authorities governing employment, including Human Resource regulations and guidelines.

- **Approvals.** Propose a procedure for faculty and staff members to obtain approval from the appropriate supervisor/authority before engaging in an outside activity.
- **Disclosures.** Identify what outside activities and potential conflicts must be disclosed, and who is authorized to manage that disclosure process. The development of a disclosure process must consider and be in harmony with other relevant University disclosure processes.
- **Noncompliance and Grievances.** Identify the consequences of noncompliance as well as an appeal process for University faculty and staff whose conflict of commitment and outside activities request has been disallowed by supervisors or who believe the University Policy has been unfairly applied to them.
- **Protect Interests of the University.** Establish a required, standard addendum to professional services or consultant agreements with outside entities, including foreign entities, in order to protect the interests of the University as well as its faculty and staff.

V. Responsibilities

As provided above, the Committee is created to propose a Conflict of Commitment and Outside Activities of Faculty and Staff Policy. To perform this function, the Committee has the responsibility to:

- Review and consider the current Policy on Outside Employment, Policy CS 09, and its associated procedures;
- Research and discuss best practices that govern outside activities at peer and aspirant institutions, including a benchmarking of their relevant policies;
- Incorporate or address any other relevant University policies, protocols, procedures, etc. in the proposed Policy, and when necessary identify other policies or guidelines that may need to be updated to present a consistent set of rules for conflicts and outside activities. Relevant University Policies include ER 03 Conflict of Interest for University Employees, ER 02 Conflict of Interest for Designated Administrators and Staff, and RI 02 Consultant Conflict of Interest;
- Consider relevant UPMC policies, identifying ways to ensure those policies and the University’s policies are coordinated;

- Consistent with the terms of this Charter, consult with all types of staff and faculty appointments, including tenured, tenure-stream, and non-tenure stream faculty (including those with joint appointments with other employers, such as UPMC and VA);
- Incorporate or address any applicable requirements imposed by local, state, and federal laws and regulations, including reporting obligations that concern foreign influence;
- Recommend a draft Policy for review pursuant to the process described in Section VIII below and consider feedback received during that review; and
- Recommend a draft procedure or other supporting documents for review pursuant to Section VIII below that is needed for the effective and efficient implementation of the proposed Policy.

It is expected that the Committee will work in confidence to have full and frank discussion of all options. Individual members should maintain the deliberations of the Committee confidential and are expected to not discuss the content of the Committee's deliberations outside of the Committee, unless authorized to do so by the Committee. The broader community will have an opportunity to consider the Committee's proposals pursuant to the Process described in Section VIII below.

VI. Composition

This Committee, at the direction of the SVC-R, will be co-chaired by **Amy Wildermuth**, Dean of the School of Law and **Aman Mahajan**, Professor of Anesthesiology and Perioperative Medicine, Bioinformatics, and Pharmacology, and Bioengineering, Swanson School of Engineering; Chair, UPMC Perioperative Services. The Committee will include the following members:

1. **Barbara Barnes**, Associate Vice Chancellor for Industry Relations and Continuing Education, Health Sciences; Associate Dean for Continuing Medical Education, School of Medicine; VP for Sponsored Programs, for Research Support, and for Continuing Medical Education, UPMC
2. **Jeremy Berg**, Associate Senior Vice Chancellor for Science Strategy and Planning, Health Sciences, Professor of Computational and Systems Biology, School of Medicine
3. **Michael Colaresi**, William S. Dietrich II Professor of Political Science, Research and Academic Director for Pitt Cyber
4. **Monica Costlow**, Project Manager, Health Policy and Management; Staff Council committee member
5. **Anmarie Duggan**, Professor and Chair, Department of Theatre Arts
6. **Laura Fink**, Assistant Athletic Director for Compliance
7. **Leslie Hammond**, Senior Lecturer, History, Dietrich School of Arts & Sciences
8. **Chris F. Kemerer**, David M. Roderick Professor of Information Systems, Professor of Business Administration, Katz School of Business
9. **James R. Martin, II**, U.S. Steel Dean of Engineering, Professor of Civil and Environmental Engineering, Swanson School of Engineering

10. **Thomas D. Nolin**, Senior Associate Dean and Associate Professor, School of Pharmacy
11. **Thomas Songer**, Assistant Professor of Epidemiology; Senate Committee on Faculty Affairs
12. **John Wallace**, Vice Provost for Faculty Diversity and Development, David E. Epperson Chair and Professor, School of Social Work
13. **Bill Yates**, Vice Chancellor, Office of Research Protections, Professor of Otolaryngology, Professor of Neuroscience, Professor of Clinical and Translational Science, School of Medicine

Tyler Tenney, Policy Specialist, will help facilitate and support the Committee on behalf of the Office of Policy Development and Management.

N. John Cooper, Deputy Vice Chancellor for Research and Distinguished Professor of Chemistry, Dietrich School of Arts & Sciences, will help facilitate and support the Committee on behalf of the Office of Senior Vice Chancellor for Research.

Aynsley Jimenez, Compliance Specialist, will help support the Committee on behalf of the Office of Human Resources.

Kimberly D. Moses, Senior Associate Legal Counsel, will help support the Committee on behalf of the Office of University of Counsel.

Laurel Gift, Assistant Vice Chancellor for Compliance, Investigations, and Ethics, will help support the Committee on behalf of the Office of Compliance, Investigations, and Ethics.

VII. Operations

The Committee will meet bi-weekly or more frequently as circumstances dictate, until the work set forth above is complete. The Committee's proposed Policy on Conflict of Commitment and Outside Activities for Faculty and Staff to replace Policy CS 09 will be submitted to the SVC-R by early April 2021. The SVC-R may ask for interim status reports.

After the SVC-R's review is complete, the draft Policy will be submitted to the Policy Office to coordinate its review consistent with Policy AO 01.

VIII. Proposed Policy Review Process

The review process for the Committee's recommended Policy is as follows:

- University comment period;
- Council of Deans;
- University Senate Faculty Affairs Committee;
- University Senate Research Committee;
- Faculty Assembly;
- Staff Council;
- University Senate Council; and
- Administration Leadership.

The Committee will coordinate with the Policy Office to consider feedback provided throughout this process.

Once this review process is complete, the proposed Policy will be sent to the Policy Office for review and submission to the Chancellor in accordance with Policy AO 01.

IX. Amendment

Any amendments to this Charter must be made in accordance with Policy AO 01 and receive the approval of the Chancellor or designee.

The Committee shall expire on the publication of a new University Policy that governs Outside Employment and Activities, unless otherwise directed by the Chancellor.