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Retired:

Revised:

Approved by: Senior Vice President for Research & MMC Policy Review Board

Subject: Conflict of Outside Activities for MMC Faculty

PURPOSE:

The Meharry Medical College (MMC) policy on conflict and outside activities of faculty members provides guidelines for identifying and managing outside professional activities in order to avoid conflicts of commitment, while assuring our faculty members may engage in a wide array of outside activities without unnecessary limitations.

POLICY STATEMENT:

Faculty members employed by MMC owe their primary professional allegiance to the College and acknowledge their role and responsibilities to advance and communicate knowledge. Teaching, research, and the cultivation of scholarly or creative competence, are their primary activities and should receive the largest commitment of time and energy.

The College has a goal to advance and communicate knowledge through interaction with the public, and faculty have an obligation to provide, within limits, College-related public service by using their expertise to contribute to the College and/or the professions, business, the community or the public. Such activities also help faculty identify and address community needs and afford practical experience and knowledge valuable to teaching and research or creative activity. This policy seeks to balance these competing College obligations in the context of a faculty member's professional discretion in allocating time and effort across multiple activities.

This policy acknowledges the value of outside professional activities while recognizing the likelihood that some outside activities may cause real or apparent conflicts of commitment. Outside professional activities that interfere with a faculty member's professional obligation to the College represents a conflict of commitment.

The Department Chair must consult with the faculty member and the Dean in resolving all questions related to whether an individual's activity constitutes an outside non-professional activity or an activity within the course and scope of employment. The Dean is responsible for resolving all potential activity conflicts that may arise with a Department Chair.

DEFINITIONS:**a. Outside Professional Activities**

Outside Professional Activities, compensated or uncompensated and regardless of financial interest, are defined as those activities that are within a faculty member's scope of professional and/or academic expertise and that advance or communicate expertise through interaction with industry, the community, or the public. Outside activities are distinct from non-professional activities, i.e., activities that are part of the faculty member's private life and not governed by College regulations. Outside professional activities must not interfere or be in conflict with a faculty member's obligation to the College.

b. Conflict of Commitment

A conflict of commitment occurs when a faculty member's outside activities interfere with the faculty member's professional obligations to the College or from the perspective of the College, is in direct competition with the services provided by the College or funding sought by the College.

c. Outside Consulting

Outside consulting is one type of outside professional activity. It is defined as professional advice or services related to the faculty member's field or discipline, whether compensated or uncompensated, that furthers the interest of an entity outside of Meharry.

d. Compensation

Compensation for outside professional activities includes all types of Payments—direct or indirect, including stock and stock options, that have immediate or potential financial value, excluding customary honoraria, reasonable reimbursements.

PROCEDURE:**Responsibility****a. Department Chairs**

The Department chair is responsible for overseeing compliance with this policy which includes:

- (1) Developing implementing procedures and administrative mechanisms for processing disclosure and prior approval of category activities.
- (2) Developing procedures to identify and resolve conflicts between a faculty member's commitment to the College and his/her outside professional activities; and

- (3) Establishing a deadline for submission of annual reports based on College's fiscal year.

b. Faculty

Faculty are responsible for complying with this policy, including

- (1) Obtaining prior written approval for engagement in Category I activities. (Description provided in policy)
- (2) Submitting annual reports of all Category activities (or lack thereof) to the Department Chair.
- (3) Attesting to adherence with the requirements of this policy in the annual report.
- (4) Disclosing any current or prospective outside professional activity to the Department Chair if in doubt as to whether there is a conflict of commitment; and
- (5) Obtaining prior approval from the Department Chair before involving a student in an outside professional activity.

General Principles

a. Obligations to the College

Outside professional activities must be undertaken in a manner consistent with the faculty member's professional obligations to the College. Outside activities must not conflict with the faculty member's obligations to students, colleagues, or the College as a whole. Faculty member must maintain a significant presence on campus, meet classes, keep office hours hold examinations as scheduled, be accessible to students and staff, be available to interact with College colleagues, and share service responsibilities through the academic year.

b. Time Limits

- (1) Faculty may engage in Category I and II outside professional activities for up to 39 days per year for academic-year faculty and 48 days per year for fiscal-year faculty. It is expected that the use of days will be allocated evenly across service periods.
- (2) For faculty appointed at less than 100 percent time, the number of days allowed for outside professional activities during the faculty member's normal College working hours shall be prorated based on the percentage of appointment time.
- (3) Even distribution of days is encouraged; however, no more than the 39 or 48 days allotted based on appointment.
- (4) Days do not carry over.

c. Students

Involvement of students in the outside professional activities of faculty members may, under certain conditions, offer the student potential educational benefits. However, the relationship between faculty member and student must be protected from influences or activities that may interfere with learning consistent with the goals and ideals of the College. A faculty member involving a student in outside activities has the responsibility to ensure that a student's participation does not interfere with the student's academic obligations.

If the faculty member has or expects to have academic responsibility for the student, the faculty member must obtain prior written approval from the Department Chair before involving the student in an outside professional activity regardless of whether the faculty member is compensated for or has a financial interest in the activity.

d. Use of College Resources

The use of College resources in connection with outside professional activities is subject to limitations. The College's resources may not be used for private gain or for personal purposes except in limited circumstances permitted by the College.

e. Liability Coverage

The College's liability and workers compensation coverage does not extend to activity that is outside of the course and scope of College employment. Some outside professional activities, particularly certain consulting and expert witness testimony, would generally be considered outside the course and scope of one's College employment, depending on the facts and circumstances of any give case. If questions regarding liability coverage arises all matters should be discussed with the Office of General Counsel's Risk Management department.

Guidelines

Professional activities are separated into three categories in the management of this policy. Categories I and II include activities that must be reported and - in the case of Category I – must receive prior approval before the faculty member engages in the activity. Category III activities are those that are within the course and scope of employment at the College and need not be approved or reported. When an activity falls into more than one category, it should be assigned to the category which requires more stringent reporting and prior approval, as applicable.

a. Types of Outside Professional Activity

Outside professional activities are categorized based on the extent to which they are likely to constitute conflict of commitment:

(1) Category I

Category I activities are outside professional activities that are most likely to create a conflict of commitment because:

- i. They are activities related to the training and expertise which is the individual's qualification for College appointment, but performed for a third party, and/ or
- ii. They require significant professional commitment.

Category I activities require prior approval by the Department Chairs, count toward the faculty member's maximum 39/48 days of outside professional activities, and require disclosure in annual reporting. Approvals are generally for one fiscal year but may be granted for a longer term, not to exceed five years.

Category I activities include, but are not limited to:

- a) Teaching, research, or administration of a grant at an educational institution, trust, organization, government agency, foundation, or other entity outside of the College;
- b) Employment outside of the College;
- c) Assuming a founding or a co-founding role of a company;
- d) Assuming an executive or managerial position outside of the College.

(2) Category II

Category II activities are typically shorter-term outside professional activities that are outside the course and scope of College employment. Category II activities have a lesser potential for a conflict of commitment than do Category I activities.

Category II activities require disclosure in annual reporting under this policy, but do not require prior approval. Category II activities count toward the faculty member's maximum 39/48 days of outside professional activities.

Examples of Category II activities include, but are not limited to:

- a) Additional College–compensated teaching, other continuing education programs run by the College, and self-supporting MMC degree programs;
- b) Consulting or testifying as an expert or professional witness;
- c) Providing outside consulting services or referrals or engaging in professional practice as an individual or through a single-member professional corporation or sole proprietorship;
- d) Serving on a board of directors outside of the College;
- e) Providing or presenting a workshop for industry.

(3) Category III

Category III activities are within the course and scope of College employment. As such, they are unlikely to raise conflict of commitment issues.

Category III activities do not require disclosure in annual reporting or prior approval under this policy and do not count toward the faculty member's maximum of 39/48 days of outside professional activities. Nevertheless, these activities must not interfere with a faculty member's obligations to the College.

Examples of Category III activities include, but are not limited to:

- (a) Serving on government or professional panels or committees or as an officer or board member of a professional or scholarly society;
- (b) Reviewing manuscripts; acting in an editorial capacity;
- (c) Attending and presenting talks at college/academic colloquia and conferences;
- (d) Developing scholarly or creative works;
- (e) Accepting honoraria for scholarly, intellectual, educational, outreach work within the course and scope of employment; and,

(f) Receiving prizes, defined as gifts in recognition of personal achievements and not for services rendered.

b) Disclosure requirements

Faculty are responsible for disclosing situations that may raise conflict of commitment issues in the following manner:

(1) Prior approval requirements

All Category I activities and requests to exceed the maximum number of days permitted require prior written approval from the Department Chairs in advance of performing the activity.

(2) Reporting requirements

All faculty must file an annual report of outside professional activities each fiscal year, even if the faculty member did not engage in outside professional activities during the year. Faculty must report annually, all Category I and II outside professional activities conducted during the prior 12 months; including activities that were conducted during normal service periods and during periods of leave with and without pay, and during summer months when receiving College compensation. The requirement for annual reporting begins after the faculty member's first full year of continuous employment.

Eligibility

a. All faculty holding appointments in either 3 schools are subject to this policy; however, faculty holding appointments of less than 50 percent time are not subject to annual reporting and prior approval requirements:

b. Recalled faculty

Faculty who have retired and are recalled to active service for appointments at or less than 43 percent time are not subject to this policy.

c. Faculty on leave

(1) Leave without pay

Faculties on an approved leave without pay are subject to disclosure, prior approval, and annual reporting requirements but are not subject to the time limits.

(2) Sabbatical or other leaves with pay (other than vacation)

Faculties on approved sabbatical or other leaves with pay are subject to the disclosure, prior approval, annual reporting requirements, and time limits regardless of the funding source for salary.

(3) Vacation

Faculties on approved vacation are not subject to the disclosure, prior approval, annual reporting requirements, or the time limits.

(4) Faculty Administrators

Faculty administrators (Deans) are covered by this policy but they are also subject to the provisions.

Restrictions

- a. A faculty member shall not engage in any outside professional activity that creates a conflict of commitment or is in direct competition of the services provided by the College.
- b. Faculty receiving extramural funding may not exceed limitations on outside professional activities imposed by the funding sources, including effort rules.

Authority

The Department Chairs shall issue campus procedures implementing this policy and has the authority to approve Category I, with consultation from the Dean, requests and individual exceptions under this policy.

Non-compliance

a. Monitoring and Compliance

Department Chairs shall monitor compliance with this policy by collecting and reviewing annual reports and shall consult with the Dean about any concerns. The Dean shall review the Department Chairs' annual reports of outside professional activities each year.

b. Consequences for Non-compliance

Situations where faculty will be considered out of compliance include, but are not limited to, failure to obtain prior written approval to engage in Category I activities, to obtain prior written approval for involving a student in outside professional activity, to comply with time limits for Categories I and II activities, and/or to accurately disclose and describe the nature and scope of Categories I and II outside professional activities.

Failure to comply with this policy may subject a faculty member to discipline, corrective action, or administrative dismissal.

c. Grievance Rights

Senate faculty members may grieve pursuant to Senate Bylaw.

EXHIBITS: