

 <p><b>Category:</b> Administration</p> <p><b>Policy applicable for:</b> Faculty/Staff</p>	<p><i>Policy Title:</i></p> <p><b>Faculty Outside Activities and Conflict of Commitment</b></p> <p><b>Effective Date:</b> 09/01/2025</p>	<p><i>Policy Number: 1.3.8</i></p> <p><b>Policy Owner:</b> S.V.P. Academic Affairs &amp; Provost S.V.P. Administration and Finance</p> <p><b>Responsible Office(s):</b> Provost Office Office for Research Security and Ethics</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## I. PURPOSE

The University of Cincinnati recognizes that faculty engaging in activities and relationships with external organizations may further their professional development, foster beneficial collaborations, and provide professional satisfaction. These relationships with academic institutions, industry partners, foundations, and other entities may be domestic or international, and may benefit the educational, clinical, and research enterprises of the University. While the University recognizes the importance and value of these external activities, this recognition does not diminish the expectation for the individuals' primary professional commitment of their time and intellectual energies to be in service of fulfilling their duties and obligations to the University and supporting the University's mission.

This Policy establishes institutional standards for Outside Activities. It prescribes disclosure and review requirements, educates faculty about situations that could generate Conflicts of Commitment, and provides guidance for individuals and the University to manage or eliminate such conflicts. The University affirms its commitment to academic freedom as set forth in Board Rule 50-7-21 and to its mission of creating new knowledge, as well as effectively communicating accumulated knowledge and understanding to students and to the community at large.

The Faculty Outside Activities and Conflict of Commitment Policy ("Policy") has two purposes. The first is to delineate expectations and requirements for faculty conducting Outside Activities per Board Rules 30-21-01 and 30-21-02 while preserving their primary professional duties and responsibilities to the University and remaining consistent with federal regulations and guidelines. The second is to provide a basis for reporting Outside Activities of Faculty to the University. The intent of this Policy is to complement and function in tandem with other University conflict of interest (COI) policies and does not supersede, eliminate, or reduce the requirements under those other policies. Research and Institutional COI policies take precedence over college decisions on outside activities involving research, consistent with applicable state and federal laws, regulations, and orders.

## II. SCOPE

The Policy applies to all full-time faculty and adjunct faculty having a > 0.65 FTE appointment with an academic appointment of instructor or higher, regardless of track (e.g., tenure or non-tenure track titles). The Policy does not apply to adjunct faculty with an appointment of <0.65 FTE, staff,

graduate students, or postdoctoral scholars. These individuals should refer to the applicable contract and/or policies that apply to their employment.

### III. DEFINITIONS

**Appointment Period:** A faculty member's academic appointment period (usually 9- or 12-month appointments), including sabbaticals, paid leave from the University, and periods covered by supplemental University appointments (e.g., 12-week summer appointment), constitute the Appointment Period.

**Conflict of Commitment:** A Conflict of Commitment arises when a faculty member accepts or incurs external obligations, either paid or unpaid, that conflict or appear to conflict with their primary obligation and commitment to the University. A Conflict of Commitment exists when Outside Activities:

- (1) Interfere with a faculty member's ability to fulfill University expectations, obligations, and/or responsibilities; and/or
- (2) Compete with services that the University provides to include educational, research, or service missions; and/or
- (3) Involve obligations to improperly share information with an entity outside the University.

**Foreign Entity:** Any corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments, and any agency or subdivision of foreign governments. Any person or entity who acts as an agent, representative, employee, or servant, or otherwise acts at the order, request, or under the direction or control of a Foreign Entity shall be considered a Foreign Entity for purposes of this policy, including U.S. citizens.

**Foreign Talent Recruitment Program (FTRP):** Any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.<sup>1</sup>

**Immediate Family:** A faculty member's spouse and/or dependent children.

**Institutional Responsibilities:** A faculty member's professional duties and responsibilities on behalf of the University. These activities are generally expected of a faculty member as part of their professional portfolio and/or service, whether compensated or uncompensated, and are often reflected in reappointment, promotion, and tenure criteria. These activities are not Outside Activities as defined by this Policy.

**Malign Foreign Talent Recruitment Program:** A FTRP targeted to an individual, whether directly or indirectly set forth in the arrangement, contract, or other documentation at issue,

---

<sup>1</sup> H.R. 4346 – 117<sup>th</sup> Congress (2021-2022): Chips and Science Act, TITLE VI – MISCELLANEOUS SCIENCE AND TECHNOLOGY PROVISIONS Subtitle D (Section 10631).

in exchange for the individual<sup>2</sup>:

- a. Engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials or data products;
- b. Being required to recruit trainees or researchers to enroll in such program, position or activity;
- c. Establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country when such activities are in violation of the standard terms and conditions of a federal research and development award;
- d. Being unable to terminate the foreign talent recruitment program, contract or agreement;
- e. Through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award;
- f. Being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
- g. Being required to omit acknowledgment by the recipient institution with which the individual is affiliated, or the federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the federal research and development award;
- h. Being required to refrain from disclosing to the federal research agency or employing institution the participation of such individual in such program, position or activity; or
- i. Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the particular federal research and development award;

AND a program that is sponsored by:

- a. a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by a foreign country of concern;
- b. an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232); or
- c. a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232) in the National Defense Authorization Act.<sup>3</sup>

---

<sup>2</sup> H.R. 4346 – 117<sup>th</sup> Congress (2021-2022): Chips and Science Act, TITLE VI – MISCELLANEOUS SCIENCE AND TECHNOLOGY PROVISIONS Subtitle D (Sections 10638(4)).

<sup>3</sup> The full reference for these lists can be found under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; Public Law 115-232).

**Outside Activities:** Any activity, paid or unpaid, that is related or similar to a faculty member's Institutional Responsibilities and is performed outside the University (excluding professional service). This includes, but is not limited to, outside employment, consulting, or advising, personally reimbursed or through a third party.

**Outside Activity Report:** The disclosure form that is required to be submitted at least annually by a faculty member. Faculty members should disclose all personal financial interests and those of their Immediate Family, regardless of value, that appear to be related to the faculty member's Institutional Responsibilities.

**Professional Services:** Service to governmental agencies and other entities such as peer review panels and advisory bodies to other universities and professional organizations; service to academic or professional journals; presentations to either professional or public audiences in such forums as professional societies and organizations, libraries, and other universities; and peer review activities undertaken for either for-profit or nonprofit publishers, including grant reviews and consultation.

**Research:** A systematic investigation, study, or experiment designed to develop or contribute to general knowledge. This includes basic, behavioral, and social sciences research, and encompasses basic and applied research (e.g., a published article, book, or book chapter) as well as product development research (e.g., diagnostic test or drug). As used in this Policy, the term includes, but is not limited to, any such activity for which sponsored funding is available from a federal, state or local government agency, or a public or private entity, through a grant, contract or cooperative agreement (e.g., a research grant, career development award, center grant, individual fellowship award, infrastructure award, institutional training grant, program project, research resources award, training grant, or outreach award), or gift. As used in this Policy, "Research" also includes research activities that are not funded or sponsored, or that are internally funded.

#### IV. POLICY

Faculty must avoid participating in Outside Activities that create a Conflict of Commitment. Any Outside Activities:

- Shall undergo the prior approval process set forth in this Policy;
- Shall not adversely affect services the University provides or violate any University rules or policies;
- Shall not compete with coursework or services provided by the University;
- Shall not interfere with the performance of the faculty member's University duties or other contractual obligations to the University or to Research sponsors (including non-classroom and non-Research responsibilities expected of all faculty members); and
- Shall not involve routing remuneration for such services to the University or any University account (e.g., a gift or educational account), unless it is within the scope of employment and approved by the unit head.
- Shall not create an unmanageable conflict of interest with regard to Institutional Responsibilities or research activities per Board Rule 10-17-08 and Individual Conflicts of Interest on Externally Funded Projects Policy 1.3.2.

For instructional purposes only, and not to serve as an exhaustive list, the following are examples of Outside Activities that create an actual or perceived Conflict of Commitment, absent prior approval:

- Teaching at another university or otherwise presenting yourself as a faculty member of another university.
- Using your professional or clinical expertise during University hours to provide services that compete with those provided by the University.
- Participating in Outside Activities to the detriment of your responsibilities to the University.
- Participating in professional and/or private business activities that interfere with or reduce effort and time committed to awarded federal or other external funds.
- Conducting Research or novel scientific investigation as an employee of, or a private consultant to, an outside entity when such work may be conducted as Research sponsored through the Office of Sponsored Research Services or UCRI.
- Citing a primary affiliation with the Foreign Entity on publications.
- Sharing Intellectual property that would be the sole property of the University with the Foreign Entity.

Outside Activities conducted by a 9-month faculty member during their secondary semester are not subject to this policy; however, to ensure a conflict does not exist, these Outside Activities are still subject to prior approval and disclosure requirements.

In addition to the examples above, faculty involved in Outside Activities with Foreign Entities may raise additional Conflict of Commitment concerns. For instructional purposes only, and not to serve as an exhaustive list, the following are examples of Outside Activities with Foreign Entities that create a Conflict of Commitment:

- Holding a foreign position or professional appointment, including honorary, adjunct, and visiting positions or appointments, at another university with or without remuneration (including titled academic, professional or institutional appointments whether full-time, part-time, or voluntary), other than those solely for the purpose of teaching a course outside of the Appointment Period.
- Participating in programs sponsored by foreign governments, instrumentalities, or entities, including a FTRP that could be identified as malign, from receiving federal research support (see definition of Malign Foreign Talent Recruitment Program<sup>4</sup>). This disqualification includes faculty member engagement with parties on U.S. government restricted entity lists.<sup>56</sup> These kinds of programs are characterized by their activities, features, intents or requirements, and are generally counter to the mission and values of the University. As a result, participation in these programs is prohibited.

### ***Required Prior Approval Process***

Faculty members must obtain approval prior to engaging in an Outside Activity per Board Rules 30-21-01 and 30-21-02 regardless of whether these Outside Activities take place during or outside of the Appointment Period. Please review Board Rules 30-21-01 and 30-21-02 regarding the approval process, and any applicable departmental policies meant to implement the Board Rules.

---

<sup>4</sup> H.R. 4346 – 117<sup>th</sup> Congress (2021-2022): Chips and Science Act, TITLE VI – MISCELLANEOUS SCIENCE AND TECHNOLOGY PROVISIONS Subtitle D (Sections 10638(4)).

<sup>5</sup> [Department of Defense Strengthening Efforts to Counter Unwanted Foreign Influence on DoD-Funded Research at Institutions of Higher Education](#). June 30, 2023.

<sup>6</sup> [International Trade Administration's Restricted Entity Lists Search](#).

The unit heads and Deans should refer to this Policy when considering whether a faculty member's request to engage in an Outside Activity does not violate this Policy and is appropriate in relation to the performance of the faculty member's Institutional Responsibilities. Faculty members in the College of Medicine shall provide supporting documentation for each Outside Activity as part of the Outside Activity Report (OAR), as applicable. It is at the discretion of the Dean and/or unit head to request supporting documentation from faculty in colleges other than the College of Medicine.

### ***Researchers***

Many federal research sponsors require submission of information about senior/key personnel at the proposal stage ("Other Support" also known as "Current and Pending Support"). Other sponsors may collect such information immediately prior to the issuance of an award ("just-in-time") or with the submission of progress reports. Sponsors request this information to evaluate project personnel's current level of activity, to ensure that personnel have sufficient time to perform the project, and to confirm that there is no scientific or other overlap among various commitments.

As a condition of submitting proposals and/or accepting awards at the University, all project personnel must abide by all proposal guidelines and award requirements, including any requirements to disclose and update Other Support.

### ***Institutional Responsibilities***

Faculty members engaging in their Institutional Responsibilities are not required to obtain prior approval under this Policy. For instructional purposes only, and not to serve as an exhaustive list, the following are examples of Institutional Responsibilities that do not require prior approval:

- Peer review of articles and domestic grant proposals;
- Presentations and workshops at professional meetings or other similar gatherings;
- Membership in professional societies;
- Preparation of scholarly publications;
- Unpaid (i.e., neither cash nor In-Kind compensation) scholarly collaboration with an institution of higher education for which there is no agreement or required time commitment;
- Service on advisory committees or evaluation panels for domestic governmental funding agencies, nonprofit foundations, or educational organizations;
- Serving on, but not chairing, master's or doctoral thesis committees at another University;
- Service with accreditation agencies; and
- Musical and other creative performances and exhibitions.

### ***Mitigating Conflicts of Commitment***

If a faculty member has submitted a request for prior approval for an Outside Activity and it is determined that there is a Conflict of Commitment resulting from an Outside Activity, an action

plan shall be implemented in order for the Outside Activity to be approved. The unit/department head shall prescribe actions necessary to manage the conflict, which may include, by way of example, requiring the faculty member to:

- Reduce the amount of effort/time engaged in the Outside Activity;
- Take a leave of absence (e.g., entrepreneurship sabbatical);
- Buyout workload (e.g., course buyout);
- Alter the scope of work affiliated with the Outside Activity;
- Obtain additional bids for services/products/materials or provide sole-source justifications in accordance with University policies and rules;
- Recuse themselves from University roles for decisions involving the entity (e.g. vendor selection); and/or
- Accept other conditions or actions needed to appropriately address and mitigate the Conflict of Commitment as determined by the unit/department head in order for the Outside Activity to be approved.

The Office of Research Security and Ethics can facilitate the development of a written Conflict of Commitment mitigation plan as directed by the unit/department head and in cooperation with the faculty member.

### ***Policy Guidance***

The Office for Research Security and Ethics will serve as a resource to provide guidance on the interpretation and implementation of this Policy to help promote consistency in the Outside Activity approval process and annual reporting process across the University.

### ***Appealing a Denial Decision***

A decision denying a faculty member's request to engage in and/or manage an Outside Activity may be appealed pursuant to their department's policies and procedures or, if applicable, to the Conflict of Interest Committee per Board Rule 10-17-08.

## **V. REQUIRED TRAINING**

The Office of Research and Security Ethics shall identify appropriate training regarding this Policy that shall be completed by all faculty at least once every four years or immediately upon the occurrence of one of the following circumstances:

- When the University makes revisions to this Policy that impact a faculty member's responsibilities under this Policy;
- When a faculty member is new to the University;
- When the University finds that a faculty member is not in compliance with this Policy; or
- As otherwise required by federal or state regulations.

## **VI. PROSPECTIVE FACULTY**

The University recommends that prior to a college hiring a new faculty member, the college discuss the contents of this Policy with the prospective new hire, which could impact their role and responsibilities at the University.

## **VII. USE OF UNIVERSITY RESOURCES AND NAME/OTHER IDENTIFIERS**

Faculty may not use University resources for Outside Activities except when such use is pursuant to a contractual agreement with the University. The use of University resources is subject to [Board Rule 10-17-04](#).

Faculty must ensure that any publicity or advertising relating to authorized Outside Activities is conducted in conformity with University [Board Rule 10-17-01](#).

## **VIII. INTELLECTUAL PROPERTY**

Faculty must comply with the University's [rules and policies on intellectual property](#) during and outside of Appointment Periods. Faculty must also follow applicable federal and state laws regarding intellectual property.

## **IX. RESPONSIBILITY FOR OUTSIDE ACTIVITIES**

Faculty members are solely responsible for their Outside Activities. The University assumes no responsibility for Outside Activities performed by faculty members. Additionally, faculty members may not associate their Outside Activities with the University or give the appearance of association.

## **X. MANAGEMENT AND OVERSIGHT**

In some situations, a plan for managing a faculty member's Outside Activities may be developed by the appropriate unit/department head, Dean, Conflict of Interest Committee and/or Conflict of Interest Office, in collaboration with the faculty member. See mitigation strategies listed in Section IV.

## **XI. NONCOMPLIANCE**

Faculty members who violate this Policy may be subject to corrective or disciplinary action, up to and including termination or dismissal, in accordance with applicable rules, policies, and collective bargaining agreements. Instances of noncompliance with this Policy shall be referred to the respective Dean, Vice President of Faculty Affairs and Academic Personnel, and Conflict of Interest Official for review.