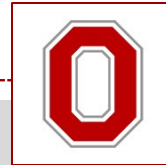# Outside Activities and Conflicts Policy and Processes

University Senate

March 2022

CONFLICTS OF INTEREST IN HIGHER EDUCATION

COI Environment and Internal Operations: Higher education has experienced a rapid increase in regulatory expectations in general and with respect to conflicts of interest. Previously, conflicts of interest management efforts were decentralized and inconsistent.

Overall Improvement Strategy (2014-2022)

Part One	Align and simplify processes to improve the electronic conflict of interest (eCOI) disclosure process
	1. **Combine four COI policies into one** 2. **Revise UTCC Rule**
Part Two	Advocate for well-informed regulations to accommodate changes in higher education and Ohio State's strategic direction.

Values, Principles, Behaviors

Excellence and Impact
Demonstrating leadership in pursuit of our vision and mission

Principle: Advancing sustainable and evidence-based solutions through mutually beneficial partnerships

Behaviors: Together, we
- Stimulate creativity, critical thinking and problem solving
- Proactively collaborate with others and strive for meaningful outcomes
- Are bold in our endeavors and create environments to foster new approaches
- Demonstrate persistence and commitment
- Inspire others to join in and take action
- Champion everyone's potential for success

Diversity and Innovation
Welcoming differences and making connections among people and ideas

Principle: Encouraging open-minded exploration, risk-taking, and freedom of expression

Behaviors: Together, we
- Are curious and open to different experiences
- Recognize everyone's potential to contribute new ideas
- Actively engage others' perspectives as opportunities for individual and institutional growth
- Work toward creative, collaborative solutions
- Use our successes and failures to learn and improve with humility

Inclusion and Equity
Upholding equal rights and advancing institutional fairness

Principle: Advocating for access, affordability, opportunity, and empowerment

Behaviors: Together, we
- Intentionally foster a sense of belonging where all are valued
- Strive to understand and appreciate each other's backgrounds and experiences
- Listen to multiple voices and engage in civil discourse
- Acknowledge and address individual and systemic effects of bias and discrimination

Care and Compassion
Attending to the well-being of individuals and communities

Principle: Putting people at the center of all we do

Behaviors: Together, we
- Are compassionate and meet people where they are
- Support each other's physical and mental health
- Nurture a community of kindness and gratitude
- Foster individual growth and development
- Empower people to overcome obstacles

Integrity and Respect
Acting responsibly and being accountable

Principle: Building trust through honesty, transparency, and authentic engagement

Behaviors: Together, we
- Value our greatest resource, our people, and acknowledge the contributions of every individual
- Allow people to make and learn from mistakes
- Work conscientiously and assume positive intent of others
- Actively listen and engage in open, honest dialogue
- Are good stewards of our and others' resources

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Outside Activities and Conflicts Policy

Incorporated policies

- **Faculty Financial Conflict of Interest (Office of Research).** Governs conflicts related to research; applies to faculty, staff, and students associated with research activities

- **Conflicts of Commitment (Office of Academic Affairs).** Governs conflicts related to all faculty responsibilities; conflicts reviewed by chair/dean

- **Faculty Paid External Consulting (Office of Academic Affairs).** Governs conflicts related to consulting/other paid outside activities; requires approved by chair or supervisor

- **Conflict of Interest and Work Outside the University Policy (Office of Human Resources).** Governs conflicts related to all staff responsibilities. Applies to staff and applicants; requires outside activity requests to be approved by supervisor.

Proposed Policy key elements

- **Integrates university values, four pre-existing policies, and multiple processes**; clarifies expectations and responsibilities regarding conflicts

- **Combines requirements of multiple legal areas**

- **Codifies existing university-wide eCOI disclosure process**

- Implements more consistent process for obtaining outside activity approval

- **Establishes a Conflicts Approval Committee (CAC)** to review/approve outside activities for conflicts meeting certain criteria; allows college/unit participation in approvals, and allows them to set more restrictive requirements

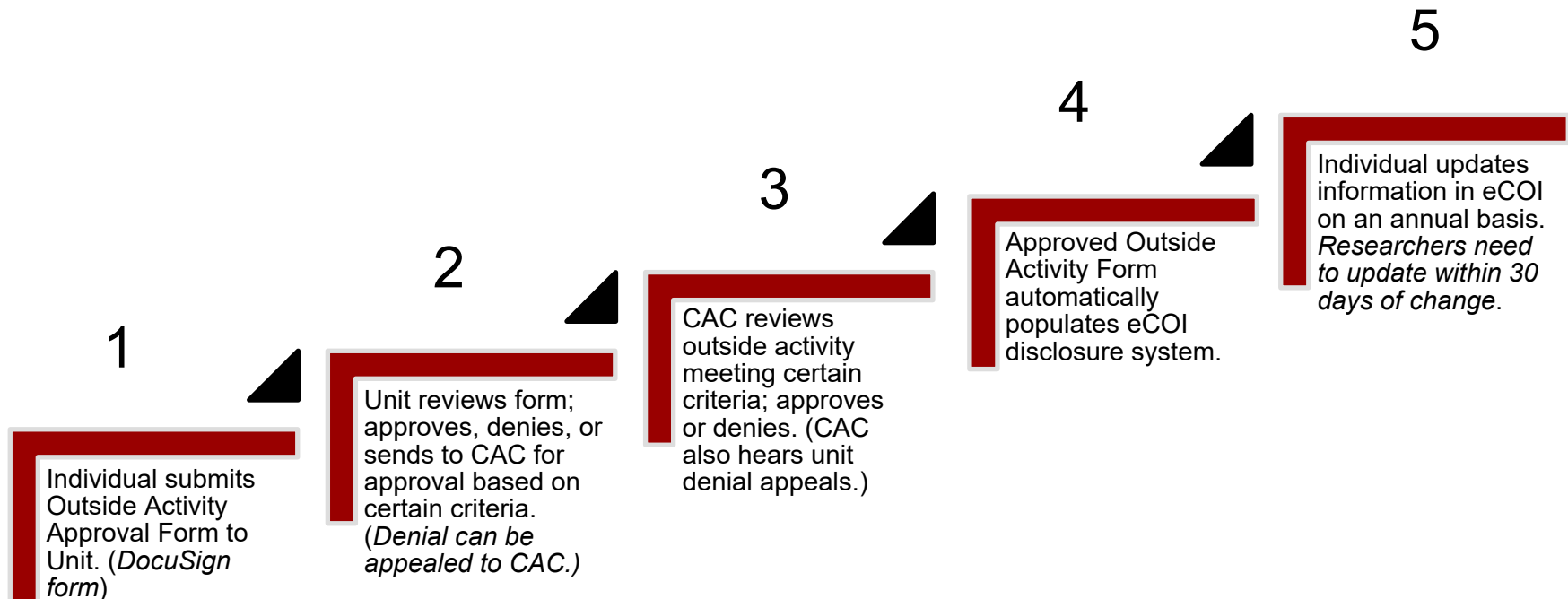- Clarifies accountability for violations

KEY POLICY DEFINITIONS

Activity Definition	Unit Approval	CAC Approval	eCOI Disclosure
Outside Activities: Any activity, paid or unpaid, that is related or similar to an employee's university responsibilities and is performed outside the university (excluding professional service). This includes, but is not limited to, outside employment, consulting, advising, personally reimbursed or sponsored travel, conducting research outside Ohio State, roles on outside boards, financial interests, gifts, foreign government affiliations (any academic, scientific, professional, or institutional affiliation with a foreign government entity, including participation in a Foreign Government Talent Recruitment Program), and other compensated or uncompensated activities or interests.	Yes	Only if the activity meets certain criteria identified in the policy *(Procedure II.E, p.6)*	Yes, if you are required to complete an eCOI disclosure
Professional Service: 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.	No	No	Only if you are required to complete an eCOI disclosure and the professional service is responsive to a question in the eCOI form.

Outside Activities Approval Process in 5 Steps

(5 steps replace 4 separate processes!)

1

Individual submits Outside Activity Approval Form to Unit. (*DocuSign form*)

2

Unit reviews form; approves, denies, or sends to CAC for approval based on certain criteria. (*Denial can be appealed to CAC.*)

3

CAC reviews outside activity meeting certain criteria; approves or denies. (CAC also hears unit denial appeals.)

4

Approved Outside Activity Form automatically populates eCOI disclosure system.

5

Individual updates information in eCOI on an annual basis. *Researchers need to update within 30 days of change*.

Stakeholders

OCTOBER '20 - SEPTEMBER '21
Development of policy

- Office of Research
- Office of Academic Affairs
- Office of Human Resources
- Office of Legal Affairs
- 4 Responsible Executives
- University Faculty Council
- Conflict of Interest Advisory Group (Faculty)
- Ad Hoc Advisory Group (21 Faculty and Staff SMEs)
- Meetings with individuals by request

NOVEMBER '21 - February '22
Additional Discussion

- University Research Committee
- University Faculty Council
- University Policy Review Committee
- ERIK Leadership
- OAA Leadership
- Conflict of Interest Advisory Group (Faculty)
- Ad Hoc Advisory Group (21 Faculty and Staff SMEs)
- Meetings with individuals by request

SEPTEMBER '20
Proposal to Senior Management Council

FEBRUARY - SEPTEMBER '20
Predevelopment of policy

SEPTEMBER '21
University-wide feedback

Summary:

- **Over the past 18 months, the Policy Writing Group engaged multiple stakeholders and incorporated feedback into the policy.**

- **The Writing Group continues to work with stakeholders through the University Policy Process and meetings with individuals by request.**

The Ohio State University

POLICY FEEDBACK HIGHLIGHTS

- **Academic Freedom:** <u>This policy will not be interpreted to interfere with any faculty member's academic freedom, including their freedom to exercise their constitutional rights as citizens without institutional censorship or discipline.</u>

- **Conflicts of Commitment:** "However, any such activities must be clearly related to the <u>mission</u> of the university and the expertise of the faculty member ~~and provide direct or indirect benefits to the university,~~ and must not create an unmanageable conflict."

- **Outside Activities Definition:** Any activity, paid or unpaid, that is related to an employee's university responsibilities and is performed outside the university (excluding professional service). This includes, but is not limited to, outside employment, consulting, advising, ~~speaking activities~~, personally reimbursed or sponsored travel, conducting research outside Ohio State, roles on outside boards, financial interests, gifts, foreign <u>government</u> affiliations (any academic, scientific, professional, or institutional affiliation with a foreign <u>government</u> entity, including participation in a Foreign Government Talent Recruitment Program), and other compensated or uncompensated activities or interests.

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

POLICY FEEDBACK HIGHLIGHTS

- **Expectations and Responsibilities:** This policy conveys university practices and procedures to maintain compliance with laws, regulations and policies while ensuring protection for university employees pursuing outside activities.

- **General Procedure:** Employees do not need prior approval from their unit to engage in professional services within the U.S. However, employees do need prior approval from their unit to engage in professional services involving a foreign government agency or a foreign government institution. Approving units may consult with the Office of Secured Research for additional information.

- **General Procedure:** Unit approvers and employees are encouraged to consult with Conflicts Administrators about complex outside activities requests.

- **CAC Approval Criteria:**
  - Create an FCOI that could affect the design, conduct, or reporting of research
  - Compete with ~~the interests of~~ coursework or services that are or may be provided by the university;

- **Unit Denial Appeal and CAC Annual Review:**
  - Individuals may appeal a unit's denial by submitting an appeal in writing to the CAC Chair. The CAC Chair, in consultation with the CAC, will review the appeal and decide whether to issue an advisory opinion to the unit.
  - The CAC will review information regarding the approval and denial of outside activities on an annual basis.

Outside Activities and Conflicts Policy

Important Dates

- March 24   University Senate
- April 6   Senior Management Council
- April 19   President's Cabinet
- May 19   Board of Trustees
- Early Fall   Effective Date

QUESTIONS?