

Policy Feedback Highlights

The Outside Activities and Conflicts Policy Writing Group compiled feedback received over the past 18 months, including the extended university-wide comment period. The information below outlines how the Writing Group addressed the feedback.

Academic Freedom Comments: Could the policy be interpreted to restrict a faculty member's academic freedom?

- **Added text:** 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. (Opening policy statement, p.1)
- **Added text:** This policy conveys university practices and procedures to maintain compliance with laws, regulations and policies while also protecting university employees pursuing outside activities. (Policy Details I.A, p. 3)
- **Deleted text:** "However, any such activities must be clearly related to the [mission](#) 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." (Policy Details II.B.1, p.3)

Writing Group note: The "provide direct and indirect benefits" language is in the current [Faculty Paid External Consulting policy](#). Once the new policy is adopted, this language will no longer appear in university policy.

International Engagements and Foreign Affiliations Comments: Could the policy be interpreted to limit international engagements?

- **Added text:** 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. (Definitions, p.2)
- **Added text:** Employees do not need prior approval from their unit to engage in professional service within the U.S. However, employees do need prior approval from their unit to engage in professional service involving a foreign government agency or a foreign government institution. Approving units may consult with the Office of Secure Research for additional information. (Procedure II.K, p.6)

Writing Group note: We very much remain committed to a collaborative environment and recognize that international collaborations are critical to the university's success. It is important that this policy not be construed to prohibit foreign engagements. Adding the word government allows the institution to limit the number of activities involving foreign affiliations that will require prior approval while still meeting federal research funding agency expectations. Please note that activities involving foreign government affiliations only require preapproval by the unit; they are not automatically prohibited and do not require prior Conflict Approval Committee (CAC) approval.

Outside Activities Approval Requirement versus Notification Comments: The policy could be confusing as to what activities need to be approved and some units only require employees to inform the unit as opposed to seek approval from the unit.

- **Current proposed text:** ...all employees who wish to engage in outside activities (excluding professional service as defined in the policy) must submit an Outside Activities Approval Form and obtain approval before engaging in any outside activities. (*Opening policy statement, p.1*)

Writing Group note: The Writing Group believes one prior approval process is preferable to the four separate approval/review processes currently in place.

Currently, the [Faculty Paid External Consulting policy](#) and the [Conflict of Interest and Work Outside of the University policy](#) require some form of prior unit approval for activities included in the proposed Outside Activities definition.

The [Faculty Conflict of Commitment policy](#) does not explicitly require prior approval. Instead, it states: “Faculty should disclose and discuss external commitments with their department chairs and/or deans. If an activity cannot be managed by the faculty member and his/her chair or dean to avoid a conflict of commitment or the reasonable appearance of a conflict of commitment, the faculty member must refrain from participating in the activity.” The Writing Group believes this language creates unclear expectations that can be interpreted inconsistently. For example, what types of external commitments are required to be disclosed by this policy, and how should conflicts be managed? There is also inconsistency by subjecting faculty members, but not other employees, to this policy. Unclear expectations can result in unintentional violations of policy, federal regulations, and state laws.

The [Faculty Financial Conflict of Interest policy](#) does not require prior approval. Instead, it requires employees engaged in research to annually disclose outside financial interests from the previous 12 months through the electronic conflict of interest disclosure process, and to disclose updates within 30 days of changes. Certain disclosures are reviewed by the unit and sometimes the Conflict of Interest Advisory Committee. The Writing Group believes that relying on subsequent disclosure alone for certain types of activities puts employees at risk of violating federal research regulations and state laws and makes implementing management plans difficult. Obtaining prior approval under a unified policy allows employees to proactively manage conflicts. Additionally, researchers often proactively seek a management plan prior to engaging in an outside activity to ensure their conflicts are managed. The proposed policy codifies this current practice.

Below is a chart communicating when prior approval and/or disclosure in eCOI is required.

Activity Definition	Unit Approval	Conflict Approval Committee	eCOI Annual Disclosure
<p>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.</p>	Yes	Only if the activity meets certain criteria identified in the policy (<i>Procedure II.E, p.6</i>)	Yes, if you are required to complete an eCOI disclosure
<p>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.</p>	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.

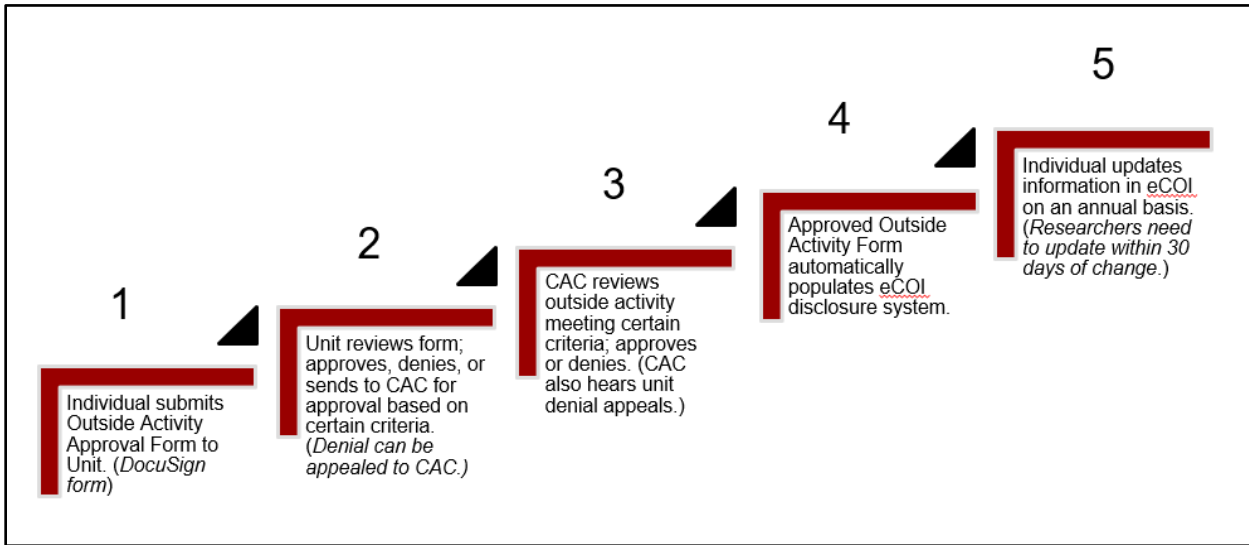
Outside Activities Approval Process Comments: The process could be confusing for employees.

- **Current proposed text:**
 - A. Before participating in outside activities, all employees must submit an Outside Activities Approval Form to their unit, provide the required documentation, and obtain approval from the unit for all outside activities.
 - B. The unit is responsible for reviewing the Outside Activities Approval Form and determining, in consultation with conflict administrators (see Procedure IV below), whether the unit will approve, deny, or obtain required Conflict Approval Committee (CAC) approval of the outside activity.
 - C. If the unit determines that CAC approval is not required, the unit may approve or deny the outside activity using the Outside Activities Approval Form.

- D. 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. (*Procedure II.A-D, p.6*)

Writing Group note: The Outside Activities Approval Process is outlined below.

Outside Activities Approval and Disclosure Process in 5 Steps
(5 steps replace 4 separate processes)



Outside Activities Definition – Overly Broad Comments: A definition of outside activities that includes speaking activities may be too broad.

- **Deleted text:** 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, ~~speaking activities~~, 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. (*Definitions, p.2*)

Professional Service Definition – Confusing and too Narrow Comments: A definition of professional service that references only “other boards” may be confusing and a definition of professional service that does not include professional organizations may be too narrow.

- **Added text:** Professional service: Service to governmental agencies and other ~~boards~~ 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. (*Definitions, p.2*)

Intimidating and Complex Comments: The policy contains complex and dense information about conflicts and could be intimidating to the reader.

- **Added text:** Unit approvers and employees are encouraged to consult with conflict administrators (see Procedure IV below) about complex outside activities requests. (*Procedure II.L, p.6*)

Writing Group note: Reading about the different types of conflicts that may arise in one policy can be overwhelming for anyone. However, we believe it is beneficial to have all this information in one place as opposed to the current situation where the information is spread out over four policies. The policy creates five conflicts administrators as dedicated resources from the Office of Academic Affairs, the Office of Research Compliance, the Office of University Compliance and Integrity (OUCI), the Office of Human Resources, and the Wexner Medical Center Compliance Office and encourages individuals to reach out to them.

CAC Approval Criteria Comments: The criterion regarding research is vague and the criterion regarding competition with the university's interest may be too broad and may raise academic freedom concerns.

- **Deleted and added text:** ~~Relate to research, including an SFI that may~~ Create an FCOI that could affect the design, conduct, or reporting of research (*Procedure II.E.1, p.6*)
- **Deleted and added text:** ~~Compete with the interests of coursework or services that are or may be provided by the university;~~ (*Procedure II.E.3, p.6*)

Unit Denial Appeal and CAC Annual Review Comments: The policy does not provide a process for appealing a unit's denial and there is no transparency into the CAC's decision-making process.

- **Added text:** 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. (*Procedure II.D, p. 6*)
- **Added text:** The CAC will review information regarding the approval and denial of outside activities on an annual basis. (*Procedure II.J, p. 6*)

Writing Group note: OUCI will support the CAC in tracking precedents – clearly defined and categorized decisions applicable to specific cases – in multiple areas of regulatory and policy ambiguity. In addition to guiding the committee itself going forward, these precedents then expedite prioritization and routing of reviews and become scenarios for education and training of broader audiences.

Additionally, OUCI will assist the committee in reporting metrics. Tracking and reporting metrics to leadership and other stakeholders will demonstrate the value and efficiency of the committee, serve as a measure of increased innovation and collaboration, and provide data for one area of regulatory burden. Metrics that might be considered would be volume (# of issues vs completed reviews) and throughput (# of days between approval request and information populating eCOI).