

NYU LANGONE MEDICAL CENTER

POLICY ON FACULTY CONFLICTS OF COMMITMENT

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I. Applicability

This Policy applies to all faculty members of the Medical Center (“Faculty Members”).

II. General Policy

All Faculty Members must avoid Conflicts of Commitment. A “**Conflict of Commitment**” occurs when a Faculty Member’s commitment to external activities - such as consulting, lecturing, acting as an expert witness, public service, service on a professional board or committee, or pro bono work - compromises his or her obligations to NYU and the Medical Center. Full-time Faculty Members owe their primary professional allegiance to NYU and the Medical Center, and their primary commitment of time and intellectual energies should be to the Medical Center’s teaching, research and clinical programs. An external activity which does not comply with this Policy results in a Conflict of Commitment.

III. Disclosure

A. General. As required under the Medical Center’s *Policy on Conflicts of Interest in Business Affairs*, a Faculty Member shall disclose in an annual disclosure form all external activities involving his or her professional competence and shall certify compliance with the Medical Center’s *Policies on Conflicts of Interest, Commitment and Consulting*. Such disclosure shall include all consulting and other external activities, including the entity(ies) for which such activities are to be performed and the nature, scope, duration and compensation for such activities. Disclosure submissions are required upon appointment, upon request of the Office of Compliance and annually thereafter. A Faculty Member must also disclose specific situations giving rise to a potential conflict between their personal interests and their

Medical Center responsibilities. The Medical Center's procedures for the review and evaluation of such disclosures are set forth in the *Policy on Conflicts of Interest in Business Affairs*.

B. Research and Sponsored Programs. In the event a Faculty Member participates in research or sponsored programs, the Faculty Member shall submit an investigator financial interest disclosure form as provided in the Medical Center's *Policy on Conflicts of Interest in Research and Sponsored Programs*. The Medical Center's procedures for the review and evaluation of such disclosures are set forth therein.

C. Confidentiality. All disclosures will be kept confidential and disclosed only on a need-to-know basis as required to perform the reviews and evaluations required by this Policy and the *Policies on Conflicts of Interest, Commitment and Consulting*.

IV. Review and Evaluation

A. The Office of Compliance shall collect all disclosures received from Faculty Members.

B. In cases where the Office of Compliance believes that a potential Conflict of Commitment exists, the Office of Compliance will submit the matter to the Faculty Member's Department Chair and to the Senior Vice President and Vice Dean for Faculty, Education and Academic Affairs of the Medical Center.

C. A Conflict of Commitment may exist whenever a Faculty Member (i) discloses an outside position such as a director, trustee, partner, senior executive, officer or employee or (ii) discloses receipt in the last year, or expectation of receipt in the next year, of compensation from consulting or other external activities (i.e., consulting fees, honoraria, lecture fees, other emoluments, stock, stock options, royalties or "in-kind" compensation directly or indirectly) (a) in excess of \$50,000 from any individual entity or (b) in excess of an aggregate of \$100,000 from all outside entities. Prior to such submission, the Office of Compliance will request the Faculty Member to certify that the external activity(ies) or interest(s) is consistent with this Policy, including specifically that the activities do not exceed an average of one day per seven-day week (or the equivalent of an eight-hour work day) as contemplated below.

D. The Senior Vice President and Vice Dean for Faculty, Education and Academic Affairs, in conference with the Faculty Member's Department Chair, is responsible for reviewing and evaluating each potential Conflict of Commitment involving a Faculty Member submitted by the Office of Compliance. The Vice Dean for Faculty, Education and Academic Affairs may refer Conflict of Commitment matters to the Business Conflict of Interest Committee (BCOIC) or to individual members of the BCOIC for an advisory opinion.

E. Except where this Policy explicitly provides for review by the Provost of NYU or the Senior Vice President for Health of NYU, decisions of the Senior Vice President and Vice Dean for Faculty, Education and Academic Affairs are final.

V. Policy and Discussion

1. *Faculty Members must maintain a significant physical presence on campus throughout each period while they are compensated by the Medical Center.*

A full-time appointment to be a Faculty Member at the Medical Center conveys an obligation for a Faculty Member to have a significant physical presence on campus at the Medical Center, to be accessible to students and staff, and to be available to interact with NYU and Medical Center colleagues throughout every period while he or she is receiving compensation from the Medical Center (i.e., holds a compensated appointment and is not on leave), unless his or her Department Chair and/or the Vice Dean

for Faculty, Education and Academic Affairs has granted specific prior approval for extended or frequent absences from campus. Fulfillment of these obligations requires a primary commitment of expertise, time, and energy.

Requests for field research and other reasons for absence from the Medical Center need to be approved by his or her Department Chair and be in accordance with policies and guidelines promulgated from time to time by the Vice Dean for Faculty, Education and Academic Affairs and the Senior Vice President and Vice Dean for Science of the Medical Center.

2. Faculty Members must not allow other professional or academic activities to detract from their primary allegiance to NYU and the Medical Center and should be guided and governed in their consideration of an offer of ancillary employment by their primary obligation of furthering the Medical Center's essential missions. In particular, outside activities which involve teaching at another institution require special disclosure and review.

Outside Activities Generally.

Outside professional or academic activities may detract from a Faculty Member's obligations to NYU and the Medical Center. For that reason, any outside activities must be consistent with the principles outlined in this Policy and in all of the Medical Center's *Policies on Conflicts of Interest, Commitment and Consulting*. In particular, when judging the appropriateness of such activities outside of NYU and the Medical Center, Faculty Members should consider the time commitment involved and the potential impact of these activities on the fulfillment of NYU's and the Medical Center's institutional goals.

In addition, Faculty Members receiving full-time compensation should not have outside executive or managerial responsibilities in private or public organizations nor act as a principal investigator at another institution (other than institutions in which the Medical Center has a formal affiliation) on sponsored projects that could be conducted at NYU or the Medical Center, without prior approval of his or her Department Chair, the Vice Dean for Faculty, Education and Academic Affairs, and the Provost of NYU or the Senior Vice President for Health of NYU.

Part-time Faculty Members may accept any outside employment that neither creates a conflict of interest nor interferes with any of their obligations to NYU or the Medical Center.

Outside Teaching Activities.

Of all the activities in which a Faculty Member might engage outside NYU or the Medical Center, teaching presents issues that require special attention because it competes most directly with NYU's core educational mission.

A Faculty Member may not accept a concurrent faculty appointment at another academic institution, even while on unpaid leave from the Medical Center, without prior written approval from the Vice Dean for Faculty, Education and Academic Affairs and the Provost of NYU or the Senior Vice President for Health of NYU.

All outside teaching activities require disclosure to and prior approval by the Vice Dean for Faculty, Education and Academic Affairs other than:

- (a) Delivering a limited number of lectures at other academic institutions, at conferences, or at public gatherings (with or without compensation);

- (b) Teaching summer courses, at NYU, the Medical Center or elsewhere, by Faculty Members not receiving other summer compensation for the period in question; and
- (c) Posting of uncompensated, non-interactive educational materials on a website.

The above exceptions are not absolute. For example, a Faculty Member should not teach courses identical to his or her NYU and Medical Center courses at another institution, even during a period when he or she is not compensated by the Medical Center, without prior disclosure, and if necessary, discussion with his or her Department and/or the Vice Dean for Faculty, Education and Academic Affairs.

These rules apply to full-time Faculty Members. Part-time Faculty Members are expected to disclose their teaching activities outside of NYU and the Medical Center when they are appointed and whenever a material change has occurred and to engage in teaching activities outside of NYU and the Medical Center only to the extent they do not interfere with any of their teaching obligations to NYU and the Medical Center. Part-time Faculty Members should also not teach courses designed for NYU or the Medical Center at another institution.

3. Faculty Members must foster an atmosphere of academic freedom by promoting the open and timely exchange of results of scholarly activities, ensuring that their advising of students and postdoctoral scholars is independent of personal commercial interests, and informing students and colleagues about outside obligations that might influence the free exchange of scholarly information between them and the Faculty Member.

Faculty must ensure that:

- (a) the results of research or scholarship undertaken at the Medical Center are disseminated on an open and timely basis to the broader scholarly community and public;
- (b) the academic activities of students and postdoctoral scholars are free from the outside personal interests of the Faculty Member; and
- (c) the work of students, postdoctoral scholars, staff and faculty collaborators is not inappropriately used in the course of a Faculty Member's outside obligations. To this end, Faculty Members should be open about their involvements with and obligations to outside third parties who could benefit from the work or ideas of their students, staff, and colleagues. Similarly, students, associates, and staff should have access to information about the sources of funds that support their research.

For further information see the *NYU Guidelines for Sponsored Research* in the NYU Faculty Handbook.

4. Appropriate use of NYU and Medical Center resources.

Medical Center facilities and other resources are provided to further the Medical Center's educational, administrative, research, clinical, and other goals. These resources may not be used for outside consulting or other commercial activities, except in a purely incidental manner. No personal use may adversely affect work performance nor add more than a negligible amount to the cost of these resources for the Medical Center. All such incidental or other personal use must be in accordance with the *Policies on Conflicts of Interest, Commitment and Consulting* and all other applicable NYU and Medical Center policies. The use of NYU and Medical Center confidential information is never permitted and shall never be considered purely incidental. The Medical Center will not take any special measures to ensure the security or privacy of any Faculty Member's work arising from a purely incidental or other personal use

of Medical Center's resources. If a Faculty Member has a question about whether an activity is permitted under this Policy, the Faculty Member should contact the Office of Compliance or his or her Department Chair.

5. Inventions created or discovered in the course of a Faculty Member's NYU and Medical Center activities or with more than incidental use of NYU or Medical Center resources must be disclosed and assigned to NYU on a timely basis. See NYU Statement of Policy on Intellectual Property.

The NYU Policy on Intellectual Property provides that (i) Faculty Member inventors must disclose on a timely basis the creation or discovery of all potentially patentable inventions created or discovered in the course of their NYU and Medical Center activities or with more than incidental use of NYU or Medical Center resources, (ii) ownership of such inventions must be assigned to NYU regardless of the source of funding, and (iii) Faculty Member inventors will share in royalties earned by NYU.

6. Permitted Time to Engage in External Activities

Full-time Faculty Members are permitted to spend no more than an average of one day per seven-day week (or the equivalent of an eight-hour work day) on outside consulting activities during any semester, or summer month, in which they are receiving full-time compensation from the Medical Center.

7. Outside Consulting

All full-time Faculty Members who engage in consulting and other external activities (including lecturing, acting as an expert witness, public service, service on a professional board or committee) must conduct the activities in accordance with the Medical Center's *Policy on Faculty Consulting*.

VI. **Enforcement**

Violations of this Policy are subject to disciplinary action, up to and including termination of employment or association with the Medical Center, in accordance with the Medical Center disciplinary policies and procedures applicable to the Faculty Member.

VII. **Questions**

Any questions relating to this Policy should be directed to the Office of Legal Counsel or the Office of Compliance.

VIII. **Additional Policies**

This Policy is intended to supplement, but not replace, other policies and guidelines applicable to the Faculty Member, including the conflict policies set forth in the NYU Faculty Handbook and elsewhere in the *Policies on Conflicts of Interest, Commitment and Consulting*.