



# Policy on Faculty Conflicts of Commitment

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Administration

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## I. Applicability

This Policy applies to all faculty members of NYU Grossman School of Medicine and NYU Long Island School of Medicine (“Faculty Members”).

## II. General Policy

All Faculty Members must avoid Conflicts of Commitment. A “**Conflict of Commitment**”, as discussed in greater detail in Section V, 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 or may compromise his or her ability to meet his or her obligations to NYU and NYU Langone Health. Full-time Faculty Members owe their primary professional allegiance to NYU and NYU Langone Health, and their primary commitment of time and intellectual energies should be to NYU Langone Health’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 NYU Langone Health’s *Policy on Conflicts of Interest in Business Affairs*, a Faculty Member shall disclose in their annual disclosure submission all external activities

involving his or her professional competence and shall certify compliance with NYU Langone Health'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, as well as any concurrent faculty appointment at any U.S. or foreign university, institution of higher education, academic teaching hospital, medical center, or research institute (including visiting, guest, or adjunct faculty appointments) other than at NYU. Disclosure submissions are required upon appointment, upon request of the Conflicts of Interest Management Unit (CIMU) of the Office of Internal Audit, Compliance, and Enterprise Risk Management (IACERM) and annually thereafter. A Faculty Member must also disclose specific situations giving rise to a potential conflict between their personal interests and their NYU Langone Health responsibilities. NYU Langone Health'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 NYU Langone Health's *Policy on Conflicts of Interest in Research and Sponsored Programs*. NYU Langone Health'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 CIMU will review all annual disclosures submitted from Faculty Members via the online reporting system in which a financial interest has been disclosed.

B. In cases where the CIMU believes that a potential Conflict of Commitment exists, the CIMU will submit the matter to the Faculty Member's Department Chair and to NYU Langone Health's Chief Academic Officer. 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 CIMU 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.

C. The Chief Academic Officer, 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 CIMU. The Chief Academic Officer 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.

D. Except where this Policy explicitly provides for review by the Dean and CEO of NYU Langone Health or his or her designee, decisions of the Chief Academic Officer are final.

## V. Policy

A. Definition. A Conflict of Commitment occurs when a Faculty Member's external activities compromise or may compromise his or her ability to meet the Faculty Member's obligations to NYU and NYU Langone Health.

Full-time Faculty Members owe their primary professional allegiance to NYU and NYU Langone Health, and their primary commitment of time and intellectual energies should be to NYU's and NYU Langone Health's teaching, research, and clinical programs.

The specific responsibilities and professional activities that constitute an appropriate primary commitment to NYU and NYU Langone Health will differ across NYU Langone Health's departments and units, but they should be based on a general understanding between the Faculty Member and his or her Department Chair and/or the Chief Academic Officer. Even with such understandings in place, however, attempts of Faculty Members to balance NYU Langone Health responsibilities with outside activities can result in conflicts regarding allocation of time and energies.

Normally, it is expected that there will be no Conflict of Commitment between faculty commitment to NYU and NYU Langone Health and other activities in which Faculty Members may engage. Furthermore, to the extent any questions of possible Conflict of Commitment arise, it is anticipated that the Faculty Member will quickly resolve the issues.

Outside activities that do not constitute a Conflict of Commitment are permissible only if they also do not result in an impermissible conflict of interest under NYU Langone Health's *Policy on Conflicts of Interest in Business Affairs*, *Policy on Conflicts of Interest in Research and Other Sponsored Projects*, and other NYU and NYU Langone Health conflict policies.

### B. Policy and Discussion.

1. *Faculty Members must maintain a significant physical presence on NYU Langone Health's campus throughout each period while they are compensated by NYU Langone Health.*

A full-time appointment to be a Faculty Member at NYU Langone Health conveys an obligation for a Faculty Member to have a significant physical presence (30-35 hours per week, excepting holidays, vacation, academic and professional conferences, and approved leave) at NYU Langone Health on his or her assigned campus, to be accessible to students, fellows, trainees, postdoctoral appointees, and staff, and to be available to interact with NYU and NYU Langone Health colleagues throughout every period while he or she is receiving compensation from NYU Langone Health (i.e., holds a compensated appointment and is not on leave). A Faculty Member will not be deemed physically present through use of telecommuting tools like Skype or FaceTime. Fulfillment of these obligations requires a primary commitment of expertise, time, and energy.

Exceptions for extended or frequent absences from campus are rare (and usually time limited where granted) and may be made only with the prior written approval of a Faculty Member's Department Chair and/or the Chief Academic Officer. Exceptions will not be granted if the extended or frequent absence:

1. Requires NYU Langone Health to violate any law, regulation, or contractual obligation applicable to NYU Langone Health (including obligations with respect to employment law, benefits, taxes, and any research or other activities involving the Faculty Member);

2. Creates, or is intended to enable an outside activity or interest that constitutes a Conflict of Interest or a Conflict of Commitment under NYU Langone's *Policies on Conflict of Interest, Commitment and Faculty Consultant* for reasons other than a failure to maintain a significant physical presence on his or her assigned campus at NYU Langone Health; or,
3. Otherwise imposes an undue burden on NYU Langone Health or any of its departments or institutes.

Any permitted extended or frequent absence will be documented reflecting the period of the absence (including beginning and end dates) and any conditions for the absence necessary to ensure that the Faculty Member will perform his or her NYU Langone Health duties during the absence. Any permitted extended or frequent absence plan will be signed by the Department Chair and the Faculty Member, with copies provided to the Chief Academic Officer, and the Conflict of Interest Management Unit. Among other things, the plan will provide that the Faculty Member will perform his or her NYU Langone Health duties at the same level of productivity and subject to all of the same policies during the absence as if he or she were working on-site. In addition, during a permitted absence involving telecommuting activities, the plan will provide that the Faculty Member is subject to all applicable policies and procedures related to telecommuting set forth in Human Resources Policies and Procedures applicable to non-faculty NYU Langone Health employees.

Similarly, a part-time paid appointment to be a Faculty Member at NYU Langone Health conveys an obligation to maintain a significant physical presence at NYU Langone Health on his or her assigned campus for those times at the Faculty Member is compensated by NYU Langone Health.

Requests for field research and other reasons for absence from NYU Langone Health 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 Chief Academic Officer and NYU Langone Health's Chief Scientific Officer.

*2. Faculty Members must not allow other professional or academic activities to detract from their primary allegiance to NYU and NYU Langone Health and should be guided and governed in their consideration of an offer of ancillary employment or other professional or academic activities by their primary obligation of furthering NYU Langone Health's essential missions. In particular, other professional or academic 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 NYU Langone Health. For that reason, any outside activities must be consistent with the principles outlined in this Policy, in all of NYU Langone Health's *Policies on Conflicts of Interest, Commitment and Consulting*, and in all other applicable NYU and NYU Langone Health policies. In particular, when judging the appropriateness of such activities outside of NYU and NYU Langone Health, Faculty Members must consider the time commitment involved and the potential impact of these activities, together with all other outside professional and academic activities, on the fulfillment of NYU's and NYU Langone Health's institutional goals.

In addition, Faculty Members receiving full-time compensation must not have executive or managerial responsibilities in a private or public entities outside of NYU and NYU Langone Health. Exceptions are rare (and usually time-limited where granted) and may be made only with the prior written approval of the Dean and CEO of NYU Langone Health or his or her designee.

Part-time Faculty Members may accept outside employment as long as it does not create a conflict of interest under NYU Langone Health's policies or otherwise interferes with any of their obligations to NYU or NYU Langone Health.

#### *Outside Research Activities.*

Full-time Faculty Members must not act as a principal investigator at or under the auspices of another institution (other than institutions in which NYU Langone Health has a formal affiliation). Exceptions are rare (and usually time limited where granted) and may be made on with the prior written approval of the Dean and CEO of NYU Langone Health or his or her designee. All permissible outside research also must be in accordance with all NYU and NYU Langone Health policies.

#### *Outside Clinical Activities.*

Full-time Faculty Members must not engage in a clinical activity that competes with NYU Langone Health or have a position with any entity that competes with the clinical mission of NYU Langone Health, such as having a position with or providing services to a health care provider which competes with NYU Langone Health or being on the medical staff of another hospital, except with the prior approval of the Dean and CEO of NYU Langone Health or his or her designee.

#### *Outside Teaching Activities.*

Outside teaching by Faculty Members 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 NYU Langone Health, without prior written approval from the Chief Academic Officer and the Dean and CEO of NYU Langone Health and his or her designee.

All outside teaching activities by Faculty Members require disclosure to and prior approval by NYU Langone Health's Chief Academic Officer 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 courses, at NYU, NYU Langone Health, or elsewhere, by Faculty Members not receiving 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 NYU Langone Health courses at another institution or in connection with non-NYU distance learning ventures, even during a period when he or she is not compensated by NYU Langone Health, without prior disclosure and opportunity for comment by his or her Department Chair and/or the Chief Academic Officer.

These rules apply primarily to full-time Faculty Members. Part-time Faculty Members are expected to disclose their teaching activities outside of NYU and NYU Langone Health prior to their appointment and as requested thereafter and whenever a material change has occurred and to engage in teaching activities outside of NYU and NYU Langone Health only to the extent they do not interfere with any of their teaching obligations to NYU and NYU Langone Health. In addition, the provisions cited above regarding concurrent

faculty appointments and teaching courses designed for NYU or NYU Langone Health outside of NYU apply to Faculty Members not receiving full-time compensation from NYU Langone Health as well.

3. *Consistent with NYU Langone Health's mission and its prevailing academic ethos, 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, fellows, trainees, and postdoctoral appointees 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 Members must ensure that:

- (a) The results of research or scholarship undertaken at NYU and NYU Langone Health are disseminated on an open and timely basis to the broader scholarly community and public; and
- (b) The academic activities of students, fellows, trainees, and postdoctoral appointees are free from the outside personal interests of the Faculty Member; and
- (c) The work of students, fellows, trainees, postdoctoral appointees, and others 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, staff, and colleagues should have access to information about the sources of funds that support their research and their contributions to such research should be properly credited; and
- (d) They have made a sufficient contribution under pertinent professional academic standards to warrant the authorship credit to be given them; and they must not permit their identification as an author of a publication that they know or should know was written by sources who are not properly identified and credited (i.e., ghostwritten). See NYU Langone Health's *Policy on Authorship of Scientific and Scholarly Publications*.

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

#### 4. *Appropriate use of NYU and NYU Langone Health resources.*

NYU Langone Health facilities, personnel, and other resources are provided to further NYU Langone Health's educational, administrative, research, clinical, and other goals. These resources may not be used for personal use, including outside consulting or other commercial activities, except in a purely incidental manner. Personal use may not adversely affect work performance nor add more than a negligible amount to the cost of these resources for NYU Langone Health. 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 NYU Langone Health policies. The personal use of NYU and NYU Langone Health funding or intellectual property is never permitted and is never considered purely incidental. Obtaining, using, or disclosing NYU Langone Health confidential information for direct or indirect personal interest, profit or advantage or, for a purpose that may be detrimental to NYU or for a purpose that is not authorized by NYU, is never permitted. NYU Langone Health does not ensure the security or privacy of any Faculty Member work arising from personal use of NYU Langone Health resources. If a Faculty Member has a question about whether an activity is permitted under this Policy, the Faculty Member should contact the CIMU or his or her Department Chair.

For purposes of this policy, NYU Langone Health confidential information includes, but is not limited to: medical, personnel, security, academic, background check, conflict of interest, identifiable biometric records and other non-public information about individuals; business records; contracts and business terms; business and donor relationships; computer system passwords and security codes; proprietary and competitively sensitive information, including non-public information about anticipated material requirements, price actions, programs, and selection of contractors and subcontractors in advance of official announcements; unpublished grant proposals, non-public research data, manuscripts and correspondence; non-public financial, procurement, health-safety, audit, insurance and claims information; and non-public information relating to internal investigations, pre-litigation and litigation and administrative agency charges, audits and inquiries; and other information whose confidentiality is protected by law or NYU's or NYU Langone Health's policies.

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

NYU's Statement of 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 NYU Langone Health activities or with more than incidental use of NYU or NYU Langone Health 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 period in which they are receiving full-time compensation from NYU Langone Health. Exceptions are rare (and usually time limited where granted) and may be made on with the prior written approval of the Chief Academic Officer and the Dean and CEO of NYU Langone Health or his or her designee.

#### 7. *Outside Consulting and Other External Activities*

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 NYU Langone Health's *Policy on Faculty Consulting*.

## VI. **Definitions**

A. A **"Conflict of Commitment"**, as discussed in greater detail in Section V, occurs when a Faculty Member's external activities compromise or may compromise his or her ability to meet the Faculty Member's obligations to NYU.

B. **"Consulting"** refers to any remunerated consulting or other business activities or external professional or academic endeavors, such as public service or *pro bono* work, performed outside of the Faculty Member's appointment to NYU Langone Health and involving a Faculty Member's professional competence.

C. **"Faculty Member"** means faculty members of NYU Grossman School of Medicine and NYU Long Island School of Medicine, including adjunct, clinical, voluntary and visiting faculty.

D. “**NYU Langone Health**” includes NYU Langone Health System, NYU Langone Hospitals (including all inpatient and ambulatory facilities), NYU Grossman School of Medicine, NYU Long Island School of Medicine, and all entities that are controlled by any of them, except where specifically excluded.

## VII. **Enforcement**

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

## VIII. **Questions**

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

## IX. **Relationship to Other Policies**

A. This Policy replaces the *Policy on Conflicts of Commitment* issued on April 1, 2009, as previously updated August 24, 2012 and July 18, 2018.

B. This Policy is intended to implement for NYU Langone Health the applicable provisions of the *NYU Policy on Academic Conflicts of Interest and Conflicts of Commitment* dated August 24, 2012, as it may be updated from time to time, and 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*.