

POLICY ON CONFLICT OF COMMITMENT AND DISCLOSURE

(Revised April, 2009)

I. INTRODUCTION

A conflict of commitment exists when an Individual with the Wake Forest University School of Medicine (WFUSM) has a relationship that requires a commitment of time or effort to outside activities which may potentially result, either obviously or implicitly, in the Individual's failure to meet his or her obligations to the School.

Trust, good faith, and open discussions of controversial issues among colleagues are central to the life of WFUSM. The relevant outside activities of Individuals must be governed by thoughtful and shared consideration of individual circumstances, rather than rigid rules. Reporting and disclosure serve to protect Individuals from potential conflicts and preserve academic freedom in general.

II. PURPOSE

Acceptance of a fulltime appointment entails a commitment to give one's best efforts to furthering the mission of WFUSM and to assign first priority to its needs and goals. At the same time, WFUSM recognizes that participation of individuals as principals or consultants in professional organizations, fiduciaries, government agencies, community organizations, and for-profit companies can serve the interests of WFUSM. The experience and enhanced status that such participation brings to the Individual are shared indirectly by WFUSM, and these outside activities often contribute to the richness and diversity of the academic community. Moreover, as a result of such activities, society will benefit from the dissemination of knowledge and technology developed within WFUSM.

This policy is intended to promote creative and productive working relationships among the Individual and relevant outside entities while protecting WFUSM and its Individuals from the conflicts of commitment that can be created by such affiliations. Relationships with relevant outside entities should not only benefit that entity, but they must also further the mission of WFUSM and maintain the integrity and independence of the Individual, the School, and its students.

III. POLICY

Faculty members and exempt employees of WFUSM, in recognizing that their primary professional responsibility is to WFUSM and the University, will devote their energies to activities that further the mission of WFUSM.

Although working relationships with outside entities may be beneficial, these relationships may

also create risk. It is therefore crucial that before accepting such a commitment the Individual: be discriminating (e.g., examine mission, policies and reputation) in selecting outside entities to avoid compromising WFUSM's reputation; avoid commitments that could compromise the basic scholarly independence and freedom of action that are central to university life; and evaluate the time required by outside commitments and their impact on the Individual's commitment to WFUSM.

The School requires that Individuals disclose any significant conflicts of commitment annually through the online disclosure process and transactionally through submission of grants, contracts, regulatory protocols and purchases. The School will hold final approval of any grant or contract applications, regulatory protocol applications, or purchase orders until all key personnel listed have completed the mandatory online annual significant financial interest and conflict of commitment disclosure.

A. Institutional Threshold for Outside Commitments and Prior Approval:

- ◆ The institutional threshold for outside commitments is 26 days per calendar year. The threshold may vary among individuals and from discipline to discipline. Therefore, based on departmental needs and responsibilities of the individual the Chair may specify a maximum allowable amount of time or threshold for outside activities that is compatible with fulfilling primary responsibilities to WFUSM. (For department chairs and division directors, this determination is made by the Dean/President).
- ◆ Outside time commitments and activities exceeding the 26 day threshold, or departmental established time threshold, requires prior approval by the chair, and in the case of the chair, prior approval by the Dean/President. Thresholds are not intended to put a limit on outside activities.
- ◆ **The regulations and policy are not concerned with the precise timing of the activities, so all outside activities should be reported regardless of when they occur, e.g., including weekends.**
- ◆ Upon request, a complete written report of all outside activities of an individual may be requested by the Chair or supervisor, or the Dean/President in the case of the Chair.

B. Use of Wake Forest University School of Medicine Name:

- ◆ Since an academic relationship can be of great value to a non-university entity, opportunities for outside activities may be offered to an Individual in part because of their association with WFUSM. It must be remembered that there is no way for the Individual to do such activities completely independent of their affiliation with WFUSM.
- ◆ Reporting prior to undertaking a secondary commitment serves to protect the Individual, WFUSM, or both from possible discredit or embarrassment. Thus, faculty and key administrators must be discriminating in the selection of secondary commitments, regardless of whether they are professional or non-professional in character, and regardless of whether the obligation is to be discharged in "off hours" or during vacation.
- ◆ If a non-university entity wishes to use WFUSM's name, symbols or logos, written approval by the Dean/President and General Counsel must be obtained prior to such use. To obtain a copy of WFUSM's statement on the use of its name, symbols or logos or to request approval, contact the Office of Technology Asset Management.

E. Use of facilities or resources:

- ◆ A report must be made if WFUSM will be investing its resources and sharing in the risks of a venture or in any other way subsidizing the activity, whether or not sharing in any revenues generated by the activity.
- ◆ The WFUSM *Organization and Policies Handbook* governs an Individual's participation in any agreement under which an outside entity will profit from the resources (including information) of WFUSM as well as from the Individual's personal involvement.
- ◆ Because consulting arrangements and publication of books involve an Individual's personal effort, contracts for publications and payment of related royalties are not subject to sharing of income with WFUSM, although they still must be reported.

F. Sharing of intellectual or tangible property:

- ◆ Individuals must report any relationship they are considering or are engaged in with another entity when the entity anticipates providing financial or other support for the Individual's work, or when the entity anticipates utilization of intellectual property (e.g., inventions, know-how) or tangible property (e.g., research materials) or original works of authorship (e.g., computer software but not textbooks) of that Individual's academic work or the work of a subordinate Individual. [See Section IV, Inventions and Patent Policy]

G. Clinical Liability Issues:

- ◆ Any faculty clinical practice occurring outside of WFUSM or as otherwise specifically directed by WFUSM is generally not permitted (e.g., moonlighting). Any exception must be reported and approved prior to initiating the activity.
- ◆ Verification of professional liability insurance to non-WFUSM entities will be provided only if the activity is within the scope of employment and after a report is made to, and approved by, the department chair or supervisor and the Dean/President.
- ◆ The existence of malpractice coverage with a carrier other than through WFUSM does not preclude the requirement that the Individual disclose plans for outside clinical practice and obtain permission for such activities in the manner prescribed above.

H. Other Liability Issues:

- ◆ Generally, since consulting is not supervised by WFUSM, WFUSM insurance does not cover consulting.
- ◆ WFUSM does not accept liability for activities that are not under the usual supervision and control of responsible supervisors.
- ◆ Individuals must be aware that they may incur liability through consulting and should seek insurance coverage from the entity requesting the activity.
- ◆ Consulting that is classified specifically by the department chair or supervisor as sufficiently beneficial to the School may, upon request and administrative approval, be eligible for coverage by WFUSM's liability insurance as it applies to employees. Decisions on coverage for these activities will be made by the Dean/President after consultation with General Counsel and Risk Management.