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SECTION: Academic Affairs

SUBJECT: Outside Professional Activities for Faculty

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Policy for: All Campuses

Procedure for: All Campuses

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I. Policy

The faculty of the University will seek prior administrative approval of outside professional activities, and will report these activities annually.

II. Procedure

A. Preamble

The University recognizes its responsibility to provide leadership and share expertise and knowledge with the private sector, government and society in general. It encourages research, teaching, consulting, and service activities by its faculty that are designed to enhance the participant's competence; contribute to and more widely disseminate the store of human knowledge; promote effective and efficient use of society's resources; and help society define ethical standards. In providing a comprehensive range of academic programs and services, the University recognizes research as an indispensable component of undergraduate and graduate education.

As an important part of its research, education, and public service missions, the University actively participates in, and encourages, faculty interactions with the private sector and government. Agreements between the University and these entities provide a valuable source of funds, equipment, consulting arrangements, and other contacts among faculty, government and private entities advancing the University's ability to provide high quality educational experiences, quality services, and enhanced employment opportunities for students. The University considers activities such as licensing by the University, consulting services by faculty, and assistance by faculty in various forms of technology and skills transfer, to be critical in meeting society's needs.

Areas in which either the mission of the University or the professional and ethical conduct of its faculty might be compromised may be divided into two broad categories. The first

regards conventional conflicts of interest situations in which individuals may have the opportunity to influence the University's activities in ways that could lead to inappropriate personal gain or give improper advantage to their associates.

The second regards conflicts of commitment situations in which an individual's external professional activities, often valuable in themselves, interfere with the individual's paramount obligations to students, colleagues, and the University. Faculty, researchers, and scholars are given various degrees of freedom in scheduling their activities with the understanding that their external professional activities will enhance the quality of their direct contributions to the University and its mission. Outside professional activities are allowed and encouraged so long as they do not conflict with the expected performance of duties and obligations to the University.

The University and its faculty have a joint obligation to see that fair and reasonable standards and procedures covering outside professional activities are developed, disseminated and implemented.

Faculty applying for, or participating in, governmental grants or contracts must adhere to and comply with the specific governmental conflict of interest or commitment regulations in addition to those specified in this document.

B. Definitions:

1. Faculty includes all administrators holding academic appointments and all professors, associate professors, assistant professors, full-time academic instructors and full-time lecturers who are not degree candidates at the University of South Carolina. The definition includes faculty holding clinical and research appointments as well.
2. University means the University of South Carolina as an entity and acting through its authorized agents.
3. Local Unit means any part of the University (e.g., school, colleges, department, division, campus) having its own separate promotion and tenure policy.
4. Supervisory Unit means an organizational unit that includes one or more local units (e.g., colleges).
5. Immediate Family means an individual's spouse, children, parents, and/or other members of the individual's household.
6. Financial Interest means any monetary interest which could be construed as having a potential impact on University-related work.
7. University Committee means the University Committee on Conflict of Interest.

C. Developing and Implementing Local Unit Procedures

Each local academic unit will develop and follow its own policy statements on conflicts of interest and conflicts of commitment, within the general guidelines of University policy.

1. Each local unit is to develop and follow a policy on outside professional activities and a reporting format relating to the policy. Either a standing committee within the unit or an outside professional activities committee specially appointed by the unit head may complete the original drafting.
2. Once the local unit faculty approves the proposed policy and reporting format, it shall be forwarded to the unit head for review. Once the unit head approves the proposed policy and reporting format, it shall be forwarded through appropriate channels to the University Committee which shall recommend approval or disapproval to the Vice President for Research and Health Sciences (VPRHS).
3. Should the Vice President for Research and Health Sciences withhold his/her approval of the proposed policy and reporting format for any reason, the draft policy shall be referred to the University Committee which shall arbitrate points of difference between the local unit and the Vice President for Research and Health Sciences.
4. Local units should submit their respective proposed policy on outside professional activities and reporting format to the Office of the Vice President for Research and Health Sciences no later than one semester following the adoption of this process by the unit. Following the Vice President's approval, or resolution of differences via the arbitration process, the particular policy shall become effective at the beginning of the next academic year.
5. The Vice President for Research and Health Sciences will maintain current approved copies of all local units' policies and reporting formats.

D. Unit Policy Guidelines

The following guidelines are to be used by local units in developing their own Outside Professional Activities Policies regarding conflicts of interest and conflicts of commitment. Outside professional activities to be reported should not normally include colloquia, authoring and editing of textbooks, paintings, and performances, but special attention should be given to compensated services, private practice or for-profit activities. Each unit should specify activities which should be reported. A sample reporting form is available from the Office of Research Compliance.

1. **Compensated services:** Local unit policies should address disclosure procedures covering the following areas for review for potential conflict of interest or commitment:

- contract with any private sector entity (individual, business, or corporation), ownership of or equity holding in a business or corporation, management or board position in a business or corporation,
- participation in a contract or proposal through an entity other than the University,
- participation in a service or teaching contract with another college or university, and,
- academic remuneration noted as fees and honoraria.

Faculty applying for or participating in governmental and private sector proposals or contracts are required to fulfill additional reporting requirements stipulated by the given agency or the Office of Sponsored Awards Management (SAM).

2. Additional Circumstances: In addition to the aforementioned instances, the local unit, by virtue of its discipline, etc., may have unique circumstances which require faculty disclosure.
3. Unpaid consulting/pro bono service: The University encourages pro bono work for reasonable time periods and without substantial allocation of University resources, as a normal and desirable activity for faculty. Reporting pro bono work allows the University to properly recognize such work which benefits the University, but which currently may not be reported formally.

E. Reporting Format

1. In conjunction with each full-time faculty member's annual review within the local unit, the faculty member being reviewed will report on outside professional activities over the previous year and known or anticipated activities for the coming year to the reviewing local unit head.
2. The faculty member's report should be in an approved format consistent with applicable legal or professional ethical requirements, if any. Reports should include the following, as appropriate, for a given field or activity.
 - type of activity,
 - whether the activity is compensated,
 - duration/time requirements,
 - whether a potential conflict of interest or commitment exists and, if so, an explanation,
 - whether the activity involves the use of University facilities, resources or personnel,

including students, staff, or fellow faculty, or other commitments, and if so, whether appropriate procedures have been followed. When the faculty member has a supervisory or teaching role with respect to the students, in addition to involvement with them in an outside professional activity, there may be the appearance of a conflict of interest. Faculty, staff and students working together in outside professional activities must be particularly sensitive to the potential for conflict of interest and therefore the faculty members should record any joint activities of this nature.

3. The extent of any reporting requirement for part-time or adjunct faculty is a matter to be dealt with at the local unit level.
4. Reports prepared by individual faculty pursuant to this policy constitute information of a personal nature and shall be treated as confidential and kept for three years in the reporting employee's local unit file.
5. External sponsors, particularly government agencies, require additional information and certification concerning the potential for conflict of interest. SAM shall prepare and submit to the Provost for approval the appropriate procedures and reporting mechanism to meet these requirements.
6. Any material increase in outside professional activity status should be reported immediately.

F. Reporting Procedures

Once a local unit policy and reporting format have been developed and approved, reporting will begin within that unit on an annual basis simultaneously with the individual's annual performance review.

1. An individual faculty member will comply with the local unit's set policy, and will report directly to the local unit head through established forms or reporting mechanisms.
2. The head of the supervisory unit will review local unit reports and respond accordingly. Any appearance of conflict of interest or commitment must be reviewed fully by the head of the supervisory unit, including actions taken by the local unit head. Should a case arise of a perceived "appearance of impropriety," the local unit head will advise the appropriate supervisor to prohibit the faculty member from engaging in the activity, or to modify the proposed activity of the faculty member. A record will be kept of all steps taken leading to the resolution of the issue. The head of the supervisory unit will advise the Vice President for Research and Health Sciences of the nature of the problem, the steps taken in dealing with it, and further suggest any changes in the local unit code which may assist in preventing recurrence.

Additionally, in cases where it is believed that a conflict of interest exists, please consult University Policy BTRU 1.18.

3. The head of the supervisory unit will report annually to the Vice President for Research and Health Sciences, indicating school or division compliance with approved policies and noting instances deserving review and actions taken. A suggested format for the annual report is available from the Office of Research Compliance.
4. The Vice President for Research and Health Sciences will review local unit summary reports, and will investigate any instances deserving review, as well as actions taken by local and supervisory unit heads. If warranted, the Vice President will take appropriate action which may include consultation with the University Committee.
5. If a faculty member disagrees with his/her supervisor's assessment of whether a given activity constitutes an "appearance of impropriety," the faculty member may appeal the supervisor's decision through appropriate administrative channels to the Vice President for Research and Health Sciences. If, after review by the Vice President, the faculty member continues to disagree with the assessment of the activity, he/she may appeal the decision to the University Committee. The University Committee will review the circumstances of the decision and make a recommendation to the Provost. If a faculty member disagrees with the decision of the Provost, he/she may appeal the decision through the faculty grievance procedures outlined in the *Faculty Manual*.

G. Policy Compliance

1. The University of South Carolina expects faculty to be conscientious in their adherence to the provisions of University and unit policies concerning outside professional activities and further expects academic administrators to be vigilant in their oversight and enforcement of these policies.
2. Violations of this Policy and implementing procedures, including the failure to file timely disclosures; filing incomplete, erroneous, or inaccurate disclosures; or failure to comply with prescribed procedures for managing or resolving conflicts of interest, will be dealt with in accordance with applicable University policies and procedures.

H. University Committee on Conflict of Interest

1. The Provost will appoint a University Committee on Conflict of Interest. The University Committee will have as its members two academic deans and six faculty members appointed on staggered three year terms. In addition, the University Committee will include one member each from USC Aiken, USC Upstate, USC Beaufort, and the USC Regional Campuses, selected by the group that each member represents. The University Committee will also have as permanent members: a representative from the University Legal Department; a representative

from the Office of Research Compliance; a representative from the University's Division of Human Resources; and the Vice President for Research and Health Sciences. The chair of the University Committee shall be appointed annually by the Provost.

2. The University Committee shall make recommendations to the Vice President for Research & Health Sciences regarding:
 - a. Local unit policies and reporting formats regarding conflict of interest and conflict of commitment.
 - b. Appeals of faculty members regarding decisions made under the local unit policy.
 - c. Other matters deemed necessary by the University Committee for the proper implementation and functioning of the University policy on outside professional activities.

III. Reasons for Revision

To include reference to BTRU 1.18 in cases where it is believed a conflict of interest exists.