



BROWN

Policy on Outside Professional Activities for Faculty

Effective Date: July 26, 2019

1.0 Policy Purpose

Brown University (the University) recognizes that private consulting and other professional activities that fall outside the scope of an individual's primary academic and/or research appointment can enhance the University's mission and provide individuals with valuable experience within and outside their professional fields. The University therefore encourages faculty (hereafter, *Covered Individuals*) to participate in private consulting activities, serve on non-University advisory boards and engage in entrepreneurial activity, such as establishing and maintaining privately owned businesses. In doing so, *Covered Individuals* may reference their affiliation with the University, but must be careful not to represent *Outside Professional Activities* as those conducted under the auspices of their Brown appointment. *Outside Professional Activities* have the potential to divert time and effort away from the teaching and research responsibilities and administrative duties of the faculty. This policy sets forth guidelines to ensure that *Outside Professional Activities* are conducted in accordance with all applicable University policies and procedures.

2.0 Policy Statement

The authority for administration of this policy rests with the responsible Deans and/or their designees.

2.1 Permission and Limits on Outside Professional Activities

Covered Individuals are permitted to engage in *Outside Professional Activities* provided that these activities do not interfere with their responsibilities at and primary obligations to the University. The limit on *Outside Professional Activities* for full-time faculty is one day per week, on average. If a full-time faculty member fails to meet primary obligations with respect to education, research and service commitments to the University, the permissible time spent on outside professional activities is not applicable.

Regular Faculty members are not permitted to hold positions at another institution other than those clearly marked as visiting or temporary (and then with the permission of their cognizant dean), and are not permitted to teach at other institutions during the academic year without prior written permission of the responsible Dean.

2.2 Outside Professional Activities vs. Academic Activities

Outside Professional Activities are private activities and services related to one's professional expertise for which the following is true:

- Compensation for the activities and services, if any, is received directly by the *Covered Individual* and not through the University; and
- The University is not a party to any contract or agreement related to the activities and services.

Academic Activities are activities and services undertaken as part of one's appointment and/or employment at Brown. *Academic Activities* may present a conflict of commitment or count towards the average of one day per week of *Outside Professional Activities* if they are taken on in addition to the normal workload and are compensated separately. In such an event, these *Academic Activities* should be disclosed just as *Outside Professional Activities* are disclosed. One example of a case where *Academic*

Activities would constitute an additional commitment is teaching modules for the School of Professional Studies while also receiving full salary from the University.

In certain situations, the distinction between *Outside Professional Activities* and *Academic Activities* must be made through disclosure or reporting. The following examples are illustrative of instances where distinguishing *Outside Professional Activities* from *Academic Activities* requires disclosure or reporting in the ways described:

2.2.1 Publication

If *Covered Individuals* are listed as authors on publications resulting from performance of *Outside Professional Activities* (e.g., private consulting services), a disclosure statement must be included on that publication stating that the contribution resulted from the *Covered Individual's* affiliation with the outside organization. If listed as a corresponding author of such a publication, the *Covered Individual* should use a private or non-University email address or phone number.

2.2.2 Speaking Engagements

Speaking engagements are a form of scholarly communication and are, in most instances, considered *Academic Activities*.

Distinguishing between speaking engagements that are academic and those that are not can be challenging. Therefore, all income for speaking engagements, regardless of the type and nature of the engagement, must be reported in accordance with institutional reporting requirements set forth in University Conflict of Interest and Conflict of Commitment policies.

For all speaking engagements, the below guidelines must be followed:

- *Covered Individuals* may not engage in speaker's bureau activities where the content of the speaking engagement or the presentation materials (e.g., slide deck) was developed in whole or material part by another person or entity (e.g., a company provides the content of the slides); this is not intended to preclude a *Covered Individual* from participating in a speaker's series where the *Covered Individual* is presenting collaborative work that is academic in nature.
- If a *Covered Individual* is participating in a speaking engagement regarding data or information resulting from *Outside Professional Activities*, such as consulting or other paid services, a disclosure must be included stating that the work was done as a paid consultant and the disclosure must name the relevant entity.

2.2.3 Other Professional Service

Service on commissions, governmental agencies, peer review panels, professional societies, and advisory groups to other universities and analogous bodies, are normally considered part of one's academic professional duties and are also not typically undertaken for personal financial gain. While these types of activities are normally not considered *Outside Professional Activities*, some must still be reported in accordance with institutional reporting requirements set forth in University Conflict of Interest and Conflict of Commitment policies.

2.2.4 Fellowships

Fellowships that support research or sabbatical time are not considered *Outside Professional Activities*. While a fellowship is typically awarded directly to an individual and not to the University, it is traditionally intended to support *Academic Activities* within the general scope of one's professional field.

2.3 Engaging in Outside Professional Activities While on Sabbatical or Scholarly Leave

The purpose of sabbatical and scholarly leaves is to permit certain faculty time off from other University duties to advance scholarly interests, research, and publications. A faculty member on leave receiving full-time University salary may engage in *Outside Professional Activities* up to the regularly allowed one day per week, on average, during the period of sabbatical.

Faculty members on leave receiving less than their full-time University salary may normally engage in *Outside Professional Activities* to bring their salaries and/or effort to full-time, with the prior written authorization of the cognizant Dean.

A faculty member on unpaid leave from the University may take on full-time employment related to their field of study with the prior written authorization of the cognizant Dean. Faculty on unpaid leave remain employees of the University, continue to receive benefits, and must continue to comply with Conflict of Interest and other relevant University policies.

2.4 Engaging in Outside Professional Activities for Appointments Less Than Twelve Months

Faculty paid for nine or ten months per year are not subject to the one-day-per-week *Outside Professional Activities* rule referenced above during any month for which they are not receiving salary from the University. Faculty remain employees of the University during the months for which they are not receiving salary, and therefore must comply with institutional reporting requirements set forth in University Conflict of Interest and Conflict of Commitment policies.

2.5 Conducting Outside Professional Activities: General Principles

When engaging in *Outside Professional Activities*, the following general principles apply.

- **Written Agreements:** The University strongly recommends that *Covered Individuals* who engage in *Outside Professional Activities* have a written agreement in place that details the scope of work or services to be provided, the agreed upon compensation, and the ownership of any intellectual property generated in the performance of the work or services.
- **Research:** It is *Covered Individuals'* responsibility to ensure that any research they conduct as part of an *Outside Professional Activity* is not substantively similar or identical in scope of work to any sponsored research they are conducting under the auspices of the University.
- **Private Activity:** The University is not a party to any agreements between *Covered Individuals* and external organizations, shall have no obligations or potential liability under any such agreements, and its rights may not be defined or impaired in any way by such agreements. The University does not provide indemnity insurance for *Outside Professional Activities*.
- **Use of University Resources:** *Covered Individuals* must not use University facilities/space and equipment, except in a purely incidental way, as part of *Outside Professional Activities*.
- **Use of University Name:** The University name, likeness, and logo must not be used in any *Outside Professional Activities* or by any external organization without explicit written permission from the University in accordance with the Use of Brown Name or Likeliness Policy.
- **Intellectual Property:** The University has rights to the title to all potentially patentable inventions conceived, or first reduced to practice, in whole or in part, by *Covered Individuals* in

the course of their University responsibilities, or with more than incidental use of University resources. *Covered Individuals* do not have the authority to assign or otherwise transfer rights in any of the inventions to which the University has rights.

- **Restrictive Clauses:** Written agreements with external organizations must not restrict in any way the ability of *Covered Individuals* to conduct research, education, or administrative activities at the University. A written agreement with an external organization must not restrict a *Covered Individual's* right to serve as an advisor to any professional society or to any governmental organization.
- **Preferential Access:** Preferential access to research results, materials or products generated from University teaching or research activities may not be provided to an external organization for personal financial gain.
- **Confidential Information:** *Covered Individuals* must not use confidential information they acquire through conducting University business or research activities for personal gain. Further, *Covered Individuals* must not grant unauthorized individuals access to confidential information. Confidential information includes any information that is not broadly available to the general public and that comes into the possession of *Covered Individuals* as a result of their employment at the University.

3.0 Definitions

For purposes of this policy, the terms below have the following definitions:

- 3.1 Academic Activities:** Activities and services undertaken as part of one's appointment and/or employment at Brown.
- 3.2 Covered Individual:** A faculty member whose primary employment is at the University.
- 3.3 Faculty:** Persons holding a title conferring faculty status as defined in the Handbook of Academic Administration.
- 3.4 Outside Professional Activity:** An *Outside Professional Activity* is generally an engagement in specific work or services for an entity that is not part of, or affiliated with, the University. *Outside Professional Activities* can be compensated or uncompensated, and are generally related to the professional expertise of the faculty member. *Outside Professional Activities* may include private consulting activities, service on non-University advisory boards, and engaging in entrepreneurial activity. Activities for which an authorized University official has signed a contract or agreement are not considered *Outside Professional Activities*.
- 3.5 Regular Faculty:** Faculty who hold the combined rank of Assistant Professor, Associate Professor, or Professor (without prefix or parenthetical suffix, i.e., no parens or modifier values) and who are tenured or tenure-track. It also includes faculty who hold the combined rank of Lecturer, Senior Lecturer, or Distinguished Senior Lecturer and whose primary appointment is not as a staff member (i.e., not a contingent/concurrent appointment).

4.0 To Whom This Policy Applies

This policy applies to all faculty whose primary employment is at the University (“*Covered Individuals*”).

5.0 Responsibilities

Covered Individuals are required to report *Outside Professional Activities* as well as certain types of academic activities in accordance with institutional reporting thresholds, time frames, and procedures, as outlined in the University Policies on Conflict of Interest and Commitment.

All individuals to whom this policy applies are responsible for becoming familiar with and following this policy. Chairs are responsible for promoting the understanding of this policy and for taking appropriate steps to help ensure compliance with it.

6.0 Consequences for Violating this Policy

Violations of this policy are subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with the University’s disciplinary policies and procedures.

Brown’s Ethics and Compliance Reporting System allows anonymous and confidential reporting on matters of concern, including conflict of interest and commitment compliance, through the EthicsPoint platform.

7.0 Related Information

The following information compliments and supplements this document. The information is intended to help explain this policy and is not an all-inclusive list of policies, procedures, laws and requirements.

7.1 Related Policies

- Brown University Conflict of Interest and Conflict of Commitment Policy
- Brown University Conflict of Interest Policy for Officers of Instruction and Research
- Brown University Code of Conduct
- Use of Campus Space by External Third Parties
- Brown University Use of Brown Name or Likeness Policy
- Handbook of Academic Administration (Ch. 7.5 Consulting and Other Incidental Employment Activities)

7.2 Related Procedures: N/A

7.3 Applicable Legal and Regulatory Requirements

- 42 CFR Part 50 Subpart F (“Promoting Objectivity in Research”)
- NSF Grantee Standards (Chapter V–510 COI)

7.4 Related Forms: N/A

7.5 Frequently Asked Questions (FAQs): N/A

7.6 Other Related Information

- COI Review and Management at Brown (Research)

- Electronic COI Reporting (Research)

8.0 Policy Owner and Contact

8.1 Policy Owners: Office of the Provost

8.2 Policy Approved by: Provost

8.3 Contact Information: email: provost@brown.edu

9.0 Policy History

9.1 Policy Effective Date: July 26, 2019

9.2 Policy Last Reviewed: N/A

9.3 Policy Update/Review Summary: N/A