

Conflicts of Commitment Guidance

Examples of Possible Conflicts of Commitment:

Designees/Reviewers should review each reported External Professional Activity (EPA) and assess if there is a potential Conflict of Commitment (COC).

Definition of COC: “A situation caused when an individual undertakes EPAs that may interfere with his or her primary obligations and commitments to the University in terms of time, responsibilities, resources, and dedication, even if the outside activity is valuable to the university or contributes to professional development and competence. This includes situations in which the external commitments create an overlap of resources between WU and the external entity, or actions of the individual indicate a prioritization or dedication to external activities resulting in a potential detriment to the University, including students, patients, or colleagues.”

The table below illustrates common EPAs and issues to consider, which can be used to aid reviewers when evaluating for possible COC.

Areas of Review and Consideration:

- 1. Completeness: The disclosure is complete and provides enough information to describe the activity or interest in sufficient detail for review to be completed.
- 2. Job Performance: The discloser is fulfilling all Institutional responsibilities and the disclosed activity/interest will not negatively affect the discloser’s job performance.
- 3. Time Commitment: The discloser’s total time commitment for all disclosed outside activities/interests appears reasonable given the discloser’s FTE. (Any total time commitment for full-time employees should not exceed an average of one day per week effort)
- 4. Loyalty/Influence: The activity/interest would not inappropriately influence the requester in their WU role in any way (e.g., purchasing decisions, research integrity, clinical care, etc.).
- 5. Resource Overlap/Competition with WU: Appropriate approval and agreements are in place related to use of University resources; the activity or interest would not compete with WU programs or services.
- 6. Appropriate External Activity: The activity or interest would be more appropriate to do within WU as part of the requester’s WU’s role (e.g., research, online teaching, etc.).
- 7. Documentation: Reviewers should document the review. If steps will be taken to mitigate a COC, reviewers must document the steps to be taken, communicate them in writing to individual, and obtain the individual’s written agreement to comply.

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Personal Outside Activity	Potential Impacts				Considerations	Examples (+) Appropriate approach to EPA (~) Questionable (likely needs further evaluation)
	Time	Resp	Resource	Loyalty		
1. Holding an appointment at another academic institution	X	X	X	X	<ul style="list-style-type: none"> -Obligations on a Covered Individual created by accepting appointment impacting WU (accepting trainees, time commitments) -Research support or laboratory services/space being provided to the Covered Individual. 	<ol style="list-style-type: none"> 1. Schedules visits and lectures at outside institution so as to not conflict with WU time commitments and spends less than the average 1 day a week on all EPA. (+) 2. Specific aims of WU research are distinct with no appearance of overlap with activities at the other institution. (+) 3. Agrees to spend a minimum number of days each year teaching at the other institution that exceeds available effort. (~) 4. Written agreement to keep participation and related activities confidential from other organizations, include WU. (~) 5. Agrees to host a number of students or trainees at WU as part of the academic appointment (~) 6. Applies for federal grants through WU with aims similar to research activities being conducted at other institution. (~)
2. Consulting or advisory board service	X	X	X		<ul style="list-style-type: none"> -Impact on clinic or teaching schedules -Other WU agreements with company -Total time commitments for all EPA combined including travel -Subject of consulting overlaps with WU activities 	<ol style="list-style-type: none"> 1. Schedules outside activities to fall outside office or clinical hours and spends less than 1 day a week on all EPA. (+) 2. Actively involved in a professional association related to his/her University duties, including attendance at quarterly meetings. (+) 3. Serving as a consultant on an NIH grant for another University with no overlap to WU research. (+) 4. Serving on a Data Safety Monitoring Board for a clinical trial on a new therapeutic (+) 5. Regularly has teaching assistant cover lectures and reschedules office hours in order to attend board meetings. (~) 6. Uses institutional resources (e.g. administrative services, equipment, or laboratory space) to support of his or her personal consulting. (~) 7. Regularly reschedules patient appointments in order to meet consulting commitments. (~)

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3. Leadership of a Non-Profit Association	X	X	X	X	-Time commitment -Prioritizing association responsibilities -Overlap of activities -Reputation considerations	1. Existing relationship between WU and the association (~) 2. Time commitment has potential to exceed 1 day a week such as extensive travel (~) 3. Potential for association and WU to compete for donations, sponsored funding, talent, or other resources (~) 4. Uses University resources to support the outside activity (~)
4. Serving in Executive Role at a company	X	X		X	-Implications of fiduciary or supervisory responsibilities -Responsibilities that include the ability of the Covered Individual to take administrative action within the University that is beneficial to the entity -WU interactions with company such as purchasing, gifts, research, service	1. Abstains or recuses them self from any decision processes or negotiations between the company and WU (e.g. purchasing, service agreements). (+) 2. Holding a board seat for a local non-profit related to expertise but does not do business with the University. (+) 2. Negotiates on behalf of the company when trying to establish a licensing agreement or contract between WU and the company.(~) 3. Proposes reduced costs for the company to purchase services from the Covered Individual's WU lab (e.g. no charge for their efforts in completing the services). (~)
5. Overlapping WU interests with Covered Individual's external professional activities			X	X	Situations that may negatively impact or do not support the interests of the University	1. Accepting a gift from an Entity in which the Covered Individual has a relationship (e.g., unrestricted funds or loaning of equipment) that supports one or more aspects of the Covered Individual's Institutional Responsibilities. (~) 2. Competing with the University, e.g. for clients, contracts, etc. (~) 3. Promoting or engaging the services of an entity in which the Covered Individual has a relationship. (~) 4. An entity makes a product that is being evaluated in research at WU in which the Covered Individual is directly involved (~)

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6. Forming or has ownership in a company		X	X	X	<p>-Prioritization and use of lab resources in relation to company's aims and goals</p> <p>-Employment of WU personnel at the company and vice versa</p> <p>-Role at company (e.g. executive officer)</p>	<p>1. Obtains temporary facility use agreement in order to transition company related tasks to outside facilities. Staff for company and lab are kept distinct and separate. (+)</p> <p>2. For company sponsored research: salary support and research costs reflect true costs and are generally comparable with other research grants/contracts in the lab. (+)</p> <p>3. Hires company employees to also work part time in WU lab as company is unable to provide full time employment. (~)</p> <p>4. Spends WU discretionary funds to further develop company IP to reduce company expenditures. (~)</p> <p>5. Uses institutional resources (e.g. administrative services, equipment, or laboratory space) without proper approvals/agreements in place. (~)</p> <p>6. Effort on a company sponsored research project is cost shared by WU since the company cannot afford to cover the Covered Individual's salary. (~)</p> <p>7. Referring colleagues to the business and/or sole sources a purchase to the company.(~)</p>
7. Traveling for EPA	X	X			<p>-Impact to WU tasks and responsibilities if traveling for extended period during academic year</p> <p>-Total time commitments for all EPA combined including travel</p>	<p>1. Schedules travel plans around WU schedule and commitments and works with Department Chair for trips lasting more than five consecutive business days. (+)</p> <p>2. Making several multi-day trips throughout the academic year for EPA, totaling over 1 day a week when combining all EPA including travel time. (~)</p>

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8. Participating in foreign state sponsored activities to transfer knowledge and expertise to a <i>foreign</i> country in exchange for personal gain like “cash, research funding, honorific titles, career advancement opportunities, or promised future compensation; often referred to as foreign talent programs.	X	X	X	X	-Ensure there is a clear distinction between activities at the other institution and WU (e.g. research activities where there is no overlap in aims or personnel involvement). -Obligations on Covered Individual included in program agreement (IP rights, research, publication, or time commitments) -Some funding agencies (NASA, DOE) prohibit this activity -Ensure there is clearly established expectations around sharing of proprietary technology or software, unpublished data and methods, and intellectual property.	1. Specific aims of WU research are distinct with no appearance of overlap with activities at the other institution. (+) 2. Prioritizes potential students and trainees from country or institution affiliated with talent program in order to meet talent program requirements or maintain favorable standing. (~) 3. Agrees in writing to spend a minimum number of days each year at the other institution which would exceed allowable effort. (~) 4. Agrees in writing to keep participation and related activities confidential from other organizations, include WU. (~)

Research Specific Examples

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9. Consulting for a company that is sponsoring the Covered Individual’s research at WU	X	X	X		-Impact on the Covered Individual’s ability to be engaged in WU research, especially clinical research	1. Purpose and scope of the consulting is separate and distinct from WU research activities. (+) 2. Provides contact information for OTM to enable company to purchase materials developed by the Covered Individual at WU and then recuses them self from the negotiation process. (+) 3. Provides advice to the company based in part on research results that have yet to be published.(~) 4. Requests OTM waive fees for material transfer agreements for materials developed by the Covered Individual to the company since the company and Covered Individual are ‘collaborating’ together. (~)

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10. Serving as PI on research on behalf of another organization/entity	X	X		X	<ul style="list-style-type: none"> - Activities able to be conducted by/at the University shall be given priority as a University activity over a personal activity -Research activities at WU that could overlap with outside research activities -Impact on available effort for WU research -Use of WU credentials/position on publications/presentations 	<ol style="list-style-type: none"> 1. Does not pursue similar research at WU and time commitment within WU standards. (+) 2. Uses WU position in publications only for identification purposes without suggesting the work was conducted at or endorsed by WU. (+) 3. Provides justification for research needing to be <u>conducted as an EPA and not as an SRA to WU.</u> (+) 4. Already has an active grant at WU with similar aims. (~) 5. Requires a reduction in proposed effort on a grant proposal as total effort would exceed 100%. (~)
11. Serving as a researcher on behalf of another organization/entity	X	X		?	<ul style="list-style-type: none"> - Activities able to be conducted by/at the University shall be given priority as a University activity over a personal activity -Research activities at WU that could overlap with outside research activities -Impact on available effort for WU research -Use of WU credentials/position on publications/presentations 	<ol style="list-style-type: none"> 1. Serving as collaborator providing technical expertise on a project conducted at another University. (+) 2. Continues to serve as co-mentor to post-graduate <u>completing education at another institution.</u> (+) 3. Serves as collaborator on a project outside of WU while using WU lab resources to complete project experiments. (~) 4. Serves as collaborator on a project at another University while simultaneously conducting research with similar aims at WU. (~) 5. Conducts research outside of WU at an overseas facility during summer months however lists WU position and location on publication. (~) 6. Does not list research activities and support from outside WU as current support on WU grant applications (~)

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12. Outside professional activities while involved with student supervision and teaching at WU		X			-Ensuring outside obligations are not influencing the supervision or oversight of students	1. Abstains from interacting with WU students as part of their role at the company (e.g. students in internships, summer employees, or redirecting student inquiries about becoming involved with the company to contact company personnel). (+) 2. A postgraduate research student receiving support from an entity in which his/her academic supervisor has a financial interest or position. (~) 3. Covered Individual is in a position to judge the quality of a student's work or to evaluate a student in any way holds or proposes to take a financial stake or hold a formal position in any student-run, -owned or -controlled commercial venture whilst that student is enrolled at the University. (~)
13. Serving in a paid leadership capacity for a professional society	X	X			-Impact on clinic or teaching schedules -WU interactions with the society (research, service, or political initiatives)	1. Schedules travel plans around WU schedule and commitments and works with Department Chair for trips lasting more than five consecutive business days. (+) 2. Proposes reduced costs for the society to fund research in the Covered Individual's WU lab (e.g. no charge for the Covered Individual's effort). (~)
14. Authorship or editorial activities	X	X			-Implying an endorsement or support by WU for an entity's products or services	1. Serving as editor for a scientific journal. (+) 2. Serving on authorship committee for a clinical trial having served as the WU site PI for the study. (+) 3. Reviewing and editing a manuscript in exchange for an authorship role with no other involvement in the research. (~)