Frequently Asked Questions (FAQs)

For
Policy for the Disclosure of External Activity
By Faculty and Other Research Grant and Contract Eligible Employees
(8/27/2020)

FAQs will be updated frequently and shared with the campus community.

1. **An employee is asked to serve as a grant reviewer for the National Science Foundation. Does the employee need to submit a notice of intent form?**

   **Answer:** No. Serving on a grant review panel is a well-recognized and valued professional “Secondary Responsibility” where the employee legally and professionally represents UA. Secondary Responsibilities are not considered External Activities, and employees engaging in Secondary Responsibilities do not have to complete the Notice of Intent form.

2. **An employee is invited to present a seminar on his/her UA research at another university. The employee’s travel expenses are paid by the other university and the employee receives a honorarium. Does the employee need to submit a notice of intent form?**

   **Answer:** No. An invitation to present research at another university and receiving a honorarium is a well-recognized and valued professional “Secondary Responsibility” where the employee legally and professionally represents UA. Secondary Responsibilities are not considered External Activities, and employees engaging in Secondary Responsibilities do not have to complete the Notice of Intent form.

3. **An employee is asked by a private company to serve as a paid consultant. What are the most important factors for the department head to consider in reviewing the request?**

   **Answer:** There are at least four factors to consider:
   1) Is the employee otherwise meeting their Primary and Secondary Responsibilities?
   2) Is the level of engagement manageable (i.e., will any university assignments or responsibilities be missed, and if so, is there a sufficient plan to address)?
   3) Is a Sponsored Research Project or Service Agreement between the company and UA more appropriate than a consulting agreement between the employee and the company?
   4) Does the proposed consulting engagement present any perceived or real conflict of interest (i.e., financial, intellectual property, etc.)?

4. **An employee is asked by a private company to serve as a paid consultant. The contract the employee is asked to sign by the company requires that any new intellectual property developed under the contract be assigned to and owned by the company. Should the request be approved?**

   **Answer:** No. The request should not be approved without further consideration. Board Rule 509 titled “Patent Policy” states, “Any invention or discovery which is made by an employee of a campus of the University and which relates to the employee's field of work shall be the property of the applicable campus of the University.” [Section II.D.]. However, the policy also states that the President of the respective campus (or their designee) has sole discretion to consider the applicability of this requirement. Therefore, the Office for Research & Economic Development should be consulted on this matter.

5. **Do 9-month faculty have to obtain advance approval for external activities performed during the summer (non-academic appointment months)?**

   **Answer:** Yes. 9-month faculty are considered by the State to be full-time State employees and are expected to obtain approval in advance for external activities performed during those periods. State employees are bound throughout the calendar year by the State’s Code of Ethics and Board Rules referenced in this policy.
6. A faculty member has been invited to have a ‘courtesy’ appointment with another university. However, the policy states that employees requesting “employment” with any other institution of higher education must also get approval by the Provost. Do I need to complete the UA Notice of Intent for External Activity for a courtesy appointment and does the Provost need to approve since I will not be getting paid?

Answer: Yes. The faculty member must complete the disclosure form and the Provost needs to approve the request. Federal agencies now require that “all of the individual's academic, professional, or institutional appointments” be disclosed on biosketches. “All” includes those appointments that are ‘courtesy’ or ‘adjunct’ or ‘special’ and any employment.

7. Does a faculty member have to disclose through the UA Notice of Intent for External Activity when they work with collaborators at other universities or private companies to develop research collaborations and proposals to be submitted to external funding agencies?

Answer: No. This activity is highly encouraged and considered a “Primary Responsibility” of the faculty member, subject to that faculty member following all other applicable policies (i.e., confidentiality agreements, material transfer agreements, etc.). However, if the university or private company further requests that the faculty member engage with them in a contractual manner as an individual (i.e., appointment, employment, consultant, etc.), then the faculty member must disclose through the UA Notice of Intent for External Activity if they are seeking an activity as defined by the policy as an “external activity.”

8. Does an employee have to disclose through the UA Notice of Intent for External Activity if they are already completing the financial conflict of interest forms when submitting a grant through the Office for Sponsored Programs?

Answer: Yes. The Policy for Disclosure of External Activity is separate from the policy titled “UA Policy on Conflict of Interest/Financial Disclosure in Research and Other Sponsored Programs.” The disclosure of an external activity may or may not be associated with any specific grant or contract submission. In contrast, the disclosure through the Office for Research Compliance pertains to a specific grant or contract proposal for which federal agencies require certain questions to be answered at the time of submission to ensure that all potential conflicts of commitment and conflicts of interest have been disclosed, relating to that specific grant or contract proposal.