

## **Conflicts of Interest and Commitment External Professional Activities for Pay Frequently Asked Questions**

These frequently asked questions (FAQ's) are intended to provide information and some guidance to University EPA employees (EPA faculty and EPA non-faculty) for disclosing a conflict of interest (COI) or those EPA employees intending to engage in external professional activities of pay.

The FAQ's are not an exhaustive set of questions for all situations. Your situation may be a variation of these questions and the answer to your situation may be different from the answers provided. [The Office of Research Compliance Administration](#) (ORCA) is available to assist you and your supervisor with guidance for disclosure and management of COI and external activities.

1. [\*\*Are University employees allowed to engage in private consulting?\*\*](#)
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3. [\*\*Do EPA employee's consulting agreements need to be reviewed and approved by the University?\*\*](#)
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10. [\*\*May I consult with a company for which my lab is performing services under an agreement or sponsored program?\*\*](#)

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11. I am a part-time EPA employee. If I elect to engage in an external professional activity for pay when I am not on university time, why should I have to complete a "Notice of Intent to Engage in External Professional Activities for Pay?" I have no conflict of commitment if my external activities occur when I am not scheduled to work for the university.
12. I am invested in a mutual fund that owns shares in a company that conducts business with the University. Do I have to disclose this indirect form of ownership on the Conflict of Interest disclosure statement?
13. I am doing work with a federal agency. The federal agency will not make payment to ECU. They will only make payment directly to a personal bank account, which I must provide to them. I do not intend to keep the funds. I intend to write a personal check to ECU for the amount that I receive from the federal agency. Since I do not plan to retain the funds paid by the federal agency, am I required – by policy – to complete the "Notice of Intent to Engage in External Professional Activities for Pay" form? In this situation, I am really not performing external professional activities for pay."
14. What steps do I take if I am unsure whether an activity is considered professional and governed by the ECU policy on External Professional Activities for Pay?
15. Why should I file a "Notice of Intent" form for activities that are to be performed on MY OWN TIME?
16. A faculty member wants to use the assistance of an ECU support staff person to help with clerical duties associated with the textbook the faculty member is writing. Once the textbook is published, the ECU faculty member would like to require that all of his or her students purchase the textbook for class. Is this ok?
17. A faculty member serves on the faculty of an annual continuing education course for their professional association. As part of this year's continuing education course, the faculty member has been asked to give a presentation, for which they are paid an honorarium and will be reimbursed for their travel expenses. The faculty member is also permitted to attend the remainder of the course free of charge and will earn continuing education credit for doing so, which is required on an annual basis in their field. How should this situation be treated?
18. A faculty member has been asked to prepare a course for a for-profit entity for which the faculty member will be paid \$15,000. The faculty member will do all the work associated with the course during non-business hours (i.e., nights and weekends). How should this situation be treated?

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19. An EPA employee will give a one-day continuing education presentation for a non-profit educational entity, for which the EPA employee will be paid an honorarium. Travel associated with the presentation requires the EPA employee to be away from their duties at ECU for additional business day. How should this situation be treated?
20. An EPA employee is asked to perform a service to another NC state agency that is related to the employee's area of expertise. The NC state agency is willing to pay for the employee's salary for the service. How should this situation be treated?
21. If I perform an approved external professional activity for pay that has been approved in advance by my supervisor, I am not required to exhaust my vacation leave, right?
22. All external professional activities for pay will be approved, right? It is just a formality to complete the paper work.
23. Can I appeal a denial of my External Activities for Pay?
24. Is it correct that as long as the EPA employee turn the money over to their foundation account, it does not matter if the EPA employee performed the activity during the normal workweek? The EPA employee does not have to charge vacation leave for the activities, right?
25. Submitting the money to my foundation account thereby giving me a tax credit and also giving me money to spend on various conferences, lab equipment, etc. is permitted, correct?
26. I own a consulting business that provides me with supplemental income. Do I need to report this?
27. I serve as a grant reviewer for a federal agency that provides a small honorarium to cover travel expenses to the federal agency for meeting. Since these types of professional activity is encouraged and is a service to my profession, no reporting is needed. Right?
28. I serve as a Peer reviewer for journal. Are these types of activities required to be reported and if so, how are they to be reported?
29. My spouse is also employed but not by ECU and/or engaging in external activities for pay. Do I report my spouses' employment and/or consulting?
30. I have ownership in a for profit entity that has not generated any revenue/income. Do I have to treat this as an external professional activity for pay?

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31. If I attend a conference that has a dual purpose such as a professional conference that relates to my University duties but I also present at the conference after 5 pm and my presentation is not related to my University duties, may I keep the honorarium and does this constitute an external professional activities for pay?
32. Do external activities for pay involving a non-profit entity need to be reported?
33. I am thinking about engaging in external activity. What do I need to consider before engaging?
34. What is my responsibility as a University employee related to COI and External Professional Activities for Pay?
35. If an organization pays me directly for my travel expenses to attend a meeting, do I have to report this?
36. I and/or my immediate family (spouse and dependent children) invest in stocks. At what point will investments in stocks be considered a significant financial interest? Do I report these investments and will disclosure of these investments be made available to the public?
37. What significant financial interest information will be made publically available?

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1. **[Are University employees allowed to engage in private consulting?](#)**
  - a. Yes. The Board of Governors Policy on Conflicts of Interest and Commitment, **[UNC Policy Manual, 300.2.2](#)**, encourages faculty and non-faculty EPA employees to engage in external professional activities for pay to enhance their own professional development and to benefit the University and society. That Policy also recognizes that private consulting can create conflicts of interest and commitment and employees must be cognizant of the need to address any conflicts and/or perceived conflicts, which would detract from their employment responsibilities. There is no pre-determined allowed time for consulting. Consulting activities must not interfere with the individual's primary commitment to the University and must be reviewed in advance for approval by your supervisor.
  
2. **[Who signs faculty's consulting agreements?](#)**
  - a. A consulting agreement is a contract between the individual and a private company or other entity. Therefore, the individual signs the agreement and is legally bound by the terms of the agreement. The University does not sign and has no legal obligation to the company. The legal consequence is that the employee risks personal liability for any breach of their contractual obligations and should, therefore, review any proposed consulting agreement with care and should seek legal counsel if they have questions about any provision of the agreement. The Office of the University Attorney (OUA) will answer questions concerning university policies related to consulting, but cannot provide personal legal advice.
  
3. **[Do EPA employee's consulting agreements need to be reviewed and approved by the University?](#)**
  - a. No. University policy does not require that consulting agreements be reviewed and approved by the University. However, system and institutional policies require advance reporting and administrative approval of all external activities for pay. Prior approval of consulting activities should be sought from the head of the appropriate department or unit, who will determine whether (1) the proposed consulting is consistent with the policy of external professional activities for pay, (2) whether there is a conflict of interest and/or a conflict of commitment and, if so, whether the conflict has been appropriately managed; and (3) there are no proposed use of University personnel, facilities or equipment.
  
4. **[What PRRs of the University impact EPA employee consulting?](#)**
  - a. The **[Conflict of Interest and Commitment PRR](#)** and the **[Intellectual Property PRR](#)**, affect EPA employee consulting arrangements. Consulting obligations should not conflict with these policies or any other policy of the University.
  
5. **[What Conflict of Interest issues does consulting raise?](#)**
  - a. Conflicts of Interest issues arise when there is a potential or perception that the consulting activities may conflict or impact, or interfere or affect your

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responsibilities to the University. Before entering into any consulting or other agreement for external activities, it is important that employees read and understand the University's Regulation on Conflict of Interest and Commitment, (ECU REG\_\_\_\_ – Conflict of Interest and Conflicts of Commitment). Consulting obligations should not conflict with this PRR or the employee's normal responsibilities.

An example of an apparent conflict of interest would be acting as principal investigator on a research project sponsored by a company for which the employee also receives remuneration under a consulting agreement. If the research sponsor is compensating the principal investigator personally, there can be a perception of bias in the reporting of the research results, and such activity may be in violation of state law, which prohibits public employees from deriving direct benefit from public contracts. [N.C.G.S. 14-234 \(a\) \(1\)](#).

Even when the investigator's university research is not sponsored by the company for which the investigator consults, if the consulting is related to the specific research for which the individual is employed by the University, there may be a conflict or the appearance of a conflict, which must be managed under the University's Conflict of Interest and Commitment Policy. In addition, if the employee agrees to maintain the confidentiality of proprietary data in a technical area overlapping with his/her university research, he or she may jeopardize the University's ability to obtain future research funding for the subject research.

6. [How can I distinguish between activities related to my university employment and those, which are not related?](#)
  - a. This can be confusing, and it can and should be done with prior discussion with your supervisor. It is to be expected that the outside company will desire the consulting services of the EPA employee that is within the same general area of competence that the University employed him/her for. Care must be taken, however, to define narrowly and precisely the subject matter of the consultancy and the specific services to be provided under the consulting agreement. The subject matter of the consulting should be defined sufficiently to distinguish it from the employee's primary activities for the university. Further, consulting typically involves an advisory (consulting) service rather than the actual conduct of research and generally seeks to resolve a problem posed by the company. Although exceptions may be made through the notice process for external professional activities, research faculty and employees should not contract to perform research under a consulting agreement. Research should be contracted through the Office of Sponsored Programs (OSP). Conflict of interest questions may be directed to the faculty member's Department Head or Associate Dean for Research or ORCA.

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**7. [Who owns the intellectual property that is developed under a faculty consulting agreement?](#)**

- a. The language of the consulting agreement determines ownership of the intellectual property developed by an employee under a consulting agreement. However, employees may not convey rights to intellectual property that they do not own. If the consulting agreement is inconsistent with University policy on ownership of inventions, any purported transfer in a consulting agreement would be without the authority of the University, not binding on the University, in breach of the employee's employment agreement with the University, and in breach of the consulting agreement.

**8. [How can I avoid conflict between my consulting and the University intellectual property policy?](#)**

- a. Because it is in their best business interest, most companies prefer to ensure that consultants employed by universities adhere to university policies. University employees should advise the company that they have intellectual property obligations to the University and provide the company with a copy of the policy or a link to the University website <http://www.ecu.edu/prr>.

In addition, to protect the legal interests of both the University and the employee, the Office of University Attorney and the Office of the Vice-Chancellor for Research and Graduate Studies recommend that the following language be included in faculty consulting agreements:

“This Agreement is made subject to the understanding by Company that Consultant is an employee of East Carolina University (ECU), that Consultant must fulfill certain obligations including teaching, conducting research, and directing a research laboratory, and that, as a result of Consultant's employment, ECU has certain rights to intellectual property developed by Consultant, including the right to receive a disclosure of any inventions of the Consultant. Any rights to intellectual property, which may be conveyed by this Consulting Agreement, shall be subject to the rights of the University as set forth in its Patent and Tangible Research Policy. Any inconsistency between this Agreement and the Policy of ECU shall be resolved in favor of the ECU Policy.”

Under no circumstances should employees enter into an agreement, which purports to convey intellectual property of ECU. If questions arise about whether any provision in a consulting agreement conflicts with the Patent Policy of ECU, faculty may contact the [Office of Technology Transfer](#), the [Office of Sponsored Programs](#), or the [Office the University Attorney](#).

**9. [Can University facilities and/or equipment be used for faculty consulting?](#)**

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- a. No. University facilities, equipment, or employees and state resources cannot be used for faculty consulting or external activities that result in personal gain for the University employee. In cases where university resources or equipment are required, the work should be performed under an agreement between the University and the company that seeks the consulting services. The Office of Sponsored Programs can assist you with such agreements. Note: The institutional provisions related to this item are under review.

**10. May I consult with a company for which my lab is performing services under an agreement or sponsored program?**

- a. It depends upon the nature of your consulting with the company and the nature of the sponsored program that funds your laboratory sponsored by the company. If a University employee, whether acting as consultant or on behalf of the University, provides an analysis of the results or interpretation of data, the project becomes research and should be contracted with the University pursuant to a sponsored research agreement. Consulting by individuals who also supervise staff/students performing the tests, determine use rates, or administer the contract on behalf of the university requires proper management steps to be in place. Such consulting may result in a violation of state law, which prohibits employees from benefiting from public contracts. [N.C.G.S. 14-234 \(a\)\(1\)](#). Consult with your department chairperson or supervisor and the Office of Research Compliance Administration prior to engaging in these activities.

**11. I am a part-time EPA employee. If I elect to engage in an external professional activity for pay when I am not on university time, why should I have to complete a "Notice of Intent to Engage in External Professional Activities for Pay?" I have no conflict of commitment if my external activities occur when I am not scheduled to work for the university.**

- a. UNC Regulations on External Professional Activities for Pay by Faculty and Non-Faculty EPA Employees (UNC Policy 300.2.2.1[R]) requires that all EPA employees who wish to engage in external professional activity for pay must adhere to this regulation to provide satisfactory assurance that such activity will not interfere with University employment obligations.

This regulation is not required of EPA employees serving on academic year contracts, if the external professional activity for pay is wholly performed and completed outside the academic year, provided that the activity does not conflict with the policy statements of the University or Board of Governors and is not conducted concurrently with an employment contact period for teaching, research, or other services to the institution during a summer session.

There are two purposes for providing notice of external professional activities for pay. One is to provide satisfactory assurance that such activities do not interfere with University employment obligations and the other is to document the activity

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is within the regulation. Satisfaction of these two purposes is one reason for completing a notice of intent to engage in professional activities for pay even when the conduct of the activity occurs outside the period the EPA employee is scheduled to work for the University.

If the external professional activity is wholly performed outside the contractual period, there is no requirement to complete a "Notice of intent to engage in external professional activities for pay". For example, if the employment contract is for teaching courses full-time during the fall semester and the external professional activity is wholly performed in the spring semester after the contract has ended, there is no requirement to complete a notice of intent. However, if any part of the external professional activity is performed within the fall semester, then one must complete a notice of intent to engage in external professional activity for pay.

Consulting with your supervisor helps you make a proper determination of the need to complete a notice and to document that activity does not interfere with your obligations to the University and is within regulations. You must also complete or update your COI disclosure. See related question 16 below.

- 12. I am invested in a mutual fund that owns shares in a company that conducts business with the University. Do I have to disclose this indirect form of ownership on the Conflict of Interest disclosure statement?**
- a. No, investments in mutual funds where you do not have control over the funds' activity do not need to be disclosed.
- 13. I am doing work with a federal agency. The federal agency will not make payment to ECU. They will only make payment directly to a personal bank account, which I must provide to them. I do not intend to keep the funds. I intend to write a personal check to ECU for the amount that I receive from the federal agency. Since I do not plan to retain the funds paid by the federal agency, am I required - by policy - to complete the "Notice of Intent to Engage in External Professional Activities for Pay" form? In this situation, I am really not performing external professional activities for pay."**
- a. If you engage in external professional activities for which you receive compensation, you must complete a notice of intent to engage in external professional activity for pay 10 days prior to engaging in the activity. The federal agency is making payments directly to you, thus you are being compensated. A 1099 will be issued to you by the federal agency, which the IRS would consider compensation and you would be responsible for any tax liability from the compensation. Consult your tax accountant for guidance and information on your tax liability in this situation.

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It is suggested that the federal agency enter into an agreement with or issue a funding instrument to the University for the work that you are to perform. If this is done, it is no longer considered an external activity and no notice of intent is needed. The federal agency would not issue you a 1099 and you would not be responsible for any tax liability.

**14. What steps do I take if I am unsure whether an activity is considered professional and governed by the ECU policy on External Professional Activities for Pay?**

- a. Before engaging in the activity, contact your unit administrator and describe the proposed activity, seeking guidance. When in doubt, consult with ORCA or report the activity. There is little or no risk in reporting activities that may not be governed by the policies, but the negative consequences of failing to report, if the activities are deemed to be covered, are significant both personally and to the University.

**15. Why should I file a “Notice of Intent” form for activities that are to be performed on MY OWN TIME?**

- a. Faculty members and EPA Non-faculty employees have a professional commitment to the University at all times, NOT just during the normal working hours of Monday through Friday, 8 am to 5 pm. Therefore, any activities in which employees of the University engage are subject to review by the University to determine whether a conflict of commitment potentially exists. Simply reporting an activity DOES NOT mean that the activity will be considered problematic by the University. It is actually a protection to the employee and the University to have documentation that it has been reviewed to assure that the activity is consistent with University policies. See related question 12 above.

**16. A faculty member wants to use the assistance of an ECU support staff person to help with clerical duties associated with the textbook the faculty member is writing. Once the textbook is published, the ECU faculty member would like to require that all of his or her students purchase the textbook for class. Is this ok?**

- a. There are three policies that affect this situation. The Copyright Policy allows for non-exceptional use of University resources. Once the textbook is published, the copyrights may belong to the faculty member.

The External Professional Activities for Pay policy is invoked if the faculty member is being paid by an external company to develop the textbook or if the faculty member is contracted by a company to author the textbook. In this situation, use of University support personnel or University resources including faculty member's time is not allowed. The faculty member must conduct the work of developing the textbook outside of their University work schedule or use earned leave time to work on the textbook.

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If the faculty member develops the textbook as part of their University responsibilities and is not compensated by an external company then, it is not an external activity for pay situation. Permission to use University support personnel to develop the textbook must be obtained from the appropriate supervisor.

The COI policy is involved only if the authoring faculty member of the textbook is making the requirement of students to purchase for a class. The faculty member must follow the procedures for selection of textbooks that the department may have in place. If there are no departmental procedures in place for textbook selection, the faculty member may make the textbook selection. The faculty member must also follow any departmental procedures for addressing royalties from the book. The faculty member must disclose this activity in their annual COI disclosure process.

**17. A faculty member serves on the faculty of an annual continuing education course for their professional association. As part of this year's continuing education course, the faculty member has been asked to give a presentation, for which they are paid an honorarium and will be reimbursed for their travel expenses. The faculty member is also permitted to attend the remainder of the course free of charge and will earn continuing education credit for doing so, which is required on an annual basis in their field. How should this situation be treated?**

- a. This is an external professional activity for pay because the faculty member is providing a service for which the faculty member is compensated in the form of an honorarium and reimbursement of travel expenses. The faculty member should complete a notice of intent to engage in external professional activities for pay and submit it 10 days prior to the activity to their supervisor for review and approval. The faculty member will likely receive a 1099 from the professional association and will be responsible for any tax liability. The faculty member will need to use their earned leave time when traveling and giving the presentation. No University resources should be used for the activity.

New federal regulations will require disclosure of the travel expenses being reimbursed by for-profit and not-for-profit organizations. Depending upon how the expenses were reimbursed, it may necessary to disclose in the online COI disclosure process the travel expense reimbursement.

Alternatively, the faculty member may have this activity become a University project in which case the payments for the faculty member's time and travel expenses are made and paid directly to the University. If this becomes a University project, it is no longer an external professional activity for pay situation. University resources may be used as needed and approved by the University department head.

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**18. A faculty member has been asked to prepare a course for a for-profit entity for which the faculty member will be paid \$15,000. The faculty member will do all the work associated with the course during non-business hours (i.e., nights and weekends). How should this situation be treated?**

- a. If the faculty member is a 12-month employee, this is an external professional activity for pay because the faculty member is providing a service for which the faculty member is compensated in the form of payment. The faculty member should complete a notice of intent to engage in external professional activities for pay and submit it 10 days prior to the activity to their supervisor for review and approval. The faculty member will likely receive a 1099 from the professional association and will be responsible for any tax liability. No University resources should be used for the activity. The faculty member should update his/her COI disclosure online.

If the faculty member is a 9-month employee and the work is done outside of the contractual 9-month period, then the External Professional Activities for Pay PRR does not apply and no notice of intent is needed.

If the work is done as a University project, payment must be made to the University and the work may be done during normal University hours with University resources as needed and approved by the University department.

**19. An EPA employee will give a one-day continuing education presentation for a non-profit educational entity, for which the EPA employee will be paid an honorarium. Travel associated with the presentation requires the EPA employee to be away from their duties at ECU for additional business day. How should this situation be treated?**

- a. This is an external professional activity for pay because the EPA employee is providing a service for which the employee is compensated in the form of an honorarium. The employee should complete a notice of intent to engage in external professional activities for pay and submit it 10 days prior to the activity to their supervisor for review and approval. The employee may receive a 1099 from the professional association and will be responsible for any tax liability. The employee will need to use their earned leave time when traveling and giving the presentation. No University resources should be used for the activity. Travel expenses are the responsibility of the traveler.

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**20. An EPA employee is asked to perform a service to another NC state agency that is related to the employee's area of expertise. The NC state agency is willing to pay for the employee's salary for the service. How should this situation be treated?**

- a. External professional activities for pay performed for another institution or agency of the State of North Carolina must comply with State policies governing dual employment and compensation, unless the chancellor or the President expressly authorizes an exception to those State policies. The employee should complete the dual employment certification form prior to beginning work for the requesting state agency. Faculty and other EAP employees should consult the respective vice chancellor's office (Health Sciences, Academic Affairs, Research and Graduate Studies or Administration and Finance) and Human Resources for guidance and forms regarding the State's Dual Employment policies and procedures.

**21. If I perform an approved external professional activity for pay that has been approved in advance by my supervisor, I am not required to exhaust my vacation leave, right?**

- a. It is important to avoid the appearance of impropriety in the form of double compensation, that is, extra income earned from outside employment during periods of time that properly should be devoted to satisfaction of our full-time university employment responsibilities. We justifiably would be subject to serious criticism if we used our employment time to pursue such private interests. Accordingly, persons holding University employment positions that entitle them to annual leave must use their annual leave when they intend to pursue such private interests that fall during the workweek or during their scheduled working hours. No external professional activity for which the employee is being compensated by an external non-state entity may entail the use of University resources, which includes an employee's work time. If the employee does not wish to use earned leave or has exhausted earned leave, the proposed activity can only be conducted as a University project -- one that is paid by the entity desiring to retain the University employee under an agreement with the University.

**22. All external professional activities for pay will be approved, right? It is just a formality to complete the paper work.**

- a. There are no automatic approvals of External Professional Activities for Pay. The supervisor needs to determine if the activity is consistent with the Board of Governors Policy on conflicts of commitment and external professional activities. Reasons to deny include but are not limited to:
  - Neglect of university duties,
  - Conflict of commitment of time to adequately perform primary University employment obligations,
  - Unmanaged or unmanageable conflict of interest,

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- Duties missed are vital to University operations and arrangements to cover are inadequate, and
- University or state resources are used.

**23. Can I appeal a denial of my External Activities for Pay?**

- a. Appeals of a department denial of request for approval of external activities are made to the Dean of the College or School for teaching faculty. For administrative units, appeals are made to the next higher organizational level. Appeals to College or School denial of request for approval of external activities are made to the Chancellor.

**24. Is it correct that as long as the EPA employee turn the money over to their foundation account, it does not matter if the EPA employee performed the activity during the normal workweek? The EPA employee does not have to charge vacation leave for the activities, right?**

- a. All external professional activity for pay must not use University or state resources. This includes the EPA employee's time. The EPA employee should use earned leave for their external professional activities for pay. Ultimately, the employee is being compensated by another entity even if the employee should subsequently turn the money over to their foundation account. The EPA employee should complete a notice of intent to engage in external professional activities for pay and submit it 10 days prior to the activity to their supervisor for review and approval.

**25. Submitting the money to my foundation account thereby giving me a tax credit and also giving me money to spend on various conferences, lab equipment, etc. is permitted, correct?**

- a. When submitting money to a foundation account, IRS rules do not permit the donor to benefit from the donation and receive a tax credit. Thus it is not permissible to donate to a foundation account where the EPA employee has control over the use of the funds or may benefit from the donation, even if the use of the funds is to spend on various conferences, or lab equipment.

**26. I own a consulting business that provides me with supplemental income. Do I need to report this?**

- a. This is considered an external activity for pay as it is not part of your University responsibilities and you are receiving compensation. Prior approval from your supervisor is needed using the notice of intent to engage in professional external activities for pay form. No University resources should be used for this activity.

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**27. I serve as a grant reviewer for a federal agency that provides a small honorarium to cover travel expenses to the federal agency for meeting. Since these types of professional activity is encouraged and is a service to my profession, no reporting is needed. Right?**

- a. Serving as a grant reviewer is highly encouraged but it does need to be reported annually as a potential or perceived COI. This COI is permissible with disclosure and a management plan of recusal from reviewing grants from the University.

It may also considered to be an external activity for pay since compensation is received. If the compensation for travel expenses is returned to the University to offset the employee's salary and associated expense, it may be considered a University project and not an external activity for pay. Travel expenses must be approved prior to incurring the travel expense.

If the employee keeps the compensation, then reporting the activity, as an external activity for pay is required and no University resources should be used in the performance of the activity.

**28. I serve as a Peer reviewer for journal. Are these types of activities required to be reported and if so, how are they to be reported?**

- a. Peer reviewing is a service to your profession and is encouraged as it promotes the faculty's professional standing and brings goodwill and recognition to the University and its faculty. If the faculty member engaging in peer review activities is not being compensated, the faculty member should inform their supervisor of their service to the journal. This serves as approval and acknowledgment from the supervisor of the activity. The faculty member should update their COI disclosure by disclosing the activity using the online COI disclosure process. Management of these types of conflicts is generally disclosure and recusal from reviewing articles submitted by other ECU faculty to that journal.

If the faculty member is being compensated for the activity, the activity becomes an external professional activity for pay service. Report this activity using the notice of intent to engage in external professional activity for pay form submitted at least 10 days prior to engaging in peer reviews. In addition, the faculty member should also update their COI disclosure to include this activity. It is important that no University resources be used in the conduct of this activity when the compensation is to the employee. If the faculty member is a nine-month faculty and the peer reviewing is conducted outside the faculty member's contract, then no reporting to the University is needed.

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**29. My spouse is also employed but not by ECU and/or engaging in external activities for pay. Do I report my spouses' employment and/or consulting?**

- a. UNC Policy Manual, 300.2.2, states "All member of the University community are expected to avoid conflicts of financial interest and conflicts of commitment that have the potential to directly and significantly affect the University's interests or compromise their objectivity in carrying out their University responsibilities, including research and teaching activities and administrative service or other compromise performance of University responsibilities, unless such conflicts are disclosed, reviewed and appropriately managed in accordance with the provisions of this Policy." For the purpose of the UNC COI&C policy, members of the University community include the member's spouse and dependent children.

If the faculty member spouse's employment or consulting activities have the potential to directly and significantly affect the University's interest or compromise the faculty member's objectivity in carrying out their University responsibilities, then those activities should be disclosed, reviewed, and appropriately managed.

**30. I have ownership in a for profit entity that has not generated any revenue/income. Do I have to treat this as an external professional activity for pay?**

- a. This is considered an external activity for pay, as it is not part of your University responsibilities. It does not matter if the entity has or has not generated revenue or income but that income was expected. Prior approval from your supervisor is needed using the notice of intent to engage in professional external activities for pay form. No University resources should be used for this activity. Ownership in the entity should be disclosed for the purpose of assessing the potential or perception of a COI.

**31. If I attend a conference that has a dual purpose such as a professional conference that relates to my University duties but I also present at the conference after 5 pm and my presentation is not related to my University duties, may I keep the honorarium and does this constitute an external professional activities for pay?**

- a. If you plan to keep the honorarium, you should:
- i. Complete a notice of external professional activities for pay,
  - ii. Pay your own travel expenses, and
  - iii. Take earned leave.
- b. If you do not plan to keep the honorarium then the University can pay your travel expenses and you do not need to take earned leave. The honorarium should be deposited in the University account that paid your travel and salary expenses.

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**32. Do external activities for pay involving a non-profit entity need to be reported?**

- a. The tax status of an entity has no bearing on the disclosing or reporting requirements for COI or external activities for pay. Activities involving any for-profit or non-profit entities, or government agencies must be disclosed for COI or conflict of commitment determinations. Activities with not-for-profit or government agencies does not mean that you are not receiving compensation and/or some type of benefit.

**33. I am thinking about engaging in external activity. What do I need to consider before engaging?**

- a. If you are on a 9-month contract and your activity is conducted outside of the 9-month period, you do not need to report this activity. If the activity is conducted during your contract period or during the time when you are scheduled or expected to be working for or at the University, you need to consider if you are being paid or not. If you are being paid, you will need to complete the notice of intent to engage in professional activities for pay and update your COI disclosure. You should not use any non-approved University resources in these paid activities.

If you are not being paid, then you should update your COI disclosure and document (for example, via email) informing and receiving approval from your unit supervisor to engage in these activities. There is no need to complete the notice of intent to engage in external activities for pay. While reporting is not required, it is encouraged that you report these activities so that you and your department can receive service credit. If these activities are associated with your profession, these non-paid activities may be considered service activities that are a credit to you on your performance report.

**34. What is my responsibility as a University employee related to COI and External Professional Activities for Pay?**

- a. All ECU EPA employees are responsible for the following:
  - i. Knowing the UNC and ECU COIC and External Professional Activities for Pay policy;
  - ii. Annually and accurately completing the online COI disclosure and updating as changes occur in the employee's situation;
  - iii. Completing COI training every four years or as requested;
  - iv. Disclosing travel paid by non-university or non-governmental organizations;
  - v. Executing any COI management plan developed to manage employee's COI;
  - vi. Submitting to your unit supervisor, s completed notice of intent to engage in external professional activities for pay ten days prior to conducting the activities; and
  - vii. Refraining from using University resources for external activities for pay unless prior approval is given.

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**35. If an organization pays me directly for my travel expenses to attend a meeting, do I have to report this?**

- a. ECU COI regulation requires covered employees receiving reimbursed travel or sponsored travel related to University employment responsibilities to report the purpose of the trip, the name of the sponsor/organizer, destination, and duration. If the sponsor is a federal, state, or local governmental agency, or another institute of higher education, such reimbursed travels are not required to be reported.

**36. I and/or my immediate family (spouse and dependent children) invest in stocks. At what point will investments in stocks be considered a significant financial interest? Do I report these investments and will disclosure of these investments be made available to the public?**

- a. Stock ownership is considered equity in a company and must be reported unless the stock is part of a mutual fund where the employee does not control the investments made by the mutual fund group. ECU COI regulation defines significant financial interest as exceeding \$5,000 in value. All investments in stocks exceeding this threshold are reported to the University and are reportable to the public. The public reporting requirement applies only if both of the following conditions are met: (1) the stock ownership is in a company which is either conducting business with the university or is funding research conducted by the university; and (2) the covered employee is paid with DHHS funds and (3) the value of the stock exceeds \$5,000. All public disclosures are made through the ECU's University Attorney's Office.

**37. What significant financial interest information will be made publically available?**

- a. The elements of the significant financial interest information to be publically available are:
  - i. The covered employee's name;
  - ii. The covered employee's title;
  - iii. The covered employee's role with respect to their University employment responsibilities;
  - iv. The name of the entity in which the significant financial interest is held;
  - v. The nature of the significant interest; and
  - vi. The approximate dollar value of the significant financial interest, or a statement if the interest is one whose value cannot be readily determined through public prices or other reasonable measured of fair market value.