

Official Duty Policy

Attached are two documents (a conflicts assessment sheet and an official duty table) which together lay out the NIH policy on official duty interaction with outside organizations. A conflict may arise with respect to an official duty matter if you have two competing interests in that matter – the interest associated with your NIH duties and your own personal interest. This policy requires you to personally engage in the conflicts review process with respect to your official duty activities. You are responsible for: 1) identifying any real or apparent conflicts that may arise from your official duty interactions with organizations with which you have personal outside interests or relationships; 2) resolving the identified conflict with your Deputy Ethics Counselor (DEC) and/or supervisor; and 3) securing prior approval from the proper source, if necessary.

The first document, the conflicts assessment sheet (Attachment 1), helps you identify real or apparent conflicts that may arise from official duty interactions with outside organizations because you also have a personal outside interest or relationship with that organization. For example, if you wish to collaborate with an industry researcher and you own stock in that company, you must contact your DEC to resolve the conflict – you have a personal financial interest in a matter in which you want to participate – before proceeding with that collaboration. This conflict might be resolved by reducing your stock holding to below the de minimis level (currently, \$15,000). As another example, if you wish to give an official duty speech at a grantee institution even though you were employed by that institution within the last year, you should discuss the matter with your DEC who may issue an authorization to permit you to give that speech. As a final example of when you should consult with your DEC, if you want to help plan a professional society's annual meeting in your official capacity even though you serve as the chair of the society's awards committee in your personal capacity. Again, your DEC may grant you an authorization from your DEC to do so.

Many official duty matters may not give rise to a conflict because you do not have any personal outside interests or relationships with the outside organization involved in that matter. For example, if you wish to collaborate with a researcher from a grantee institution, provided that you are not on a leave of absence from that grantee institution and your spouse, significant other or business partner is not employed by that institution, there is no real or apparent conflict to resolve. Hence, you are free to engage in that collaboration unless prior approval is required as noted in the attached table. Circumstances may arise, however, particularly for extramural employees, where engaging in official duties with outside organizations impacts your other responsibilities at NIH and you must recuse yourself from dealing with individuals and/or organizations with whom you are engaged in your official capacity. The second document, the official duty table (Attachment 2), lists examples of many different official duty activities that you might engage in with an outside organization. You will see that most of these activities only require supervisory approval. Such approval may be given after any self-identified conflicts that would arise from a personal outside interest or relationship has been resolved with the help of your DEC. The attached table, in the comments also indicates when recusals might be necessary. Of course, your DEC is available to help determine if you have a conflict.

In sum, this policy clarifies your responsibilities to carefully consider the parties involved in the activity, and determine whether a conflict (real or apparent) would arise from your involvement in the matter. If you have any questions, contact your DEC. If no conflict is present, then you may proceed to engage in the activity unless prior approval is required as noted in the table. Under all circumstances you and your supervisor will work together to appropriately manage your official duties as assigned.