

OFFICIAL DUTY ACTIVITIES

BEFORE REFERRING TO THIS CHART: Consider if you have any personal outside interests or relationships with the outside organization involved in the proposed official duty. If you do, call your Deputy Ethics Counselor.*

This chart illustrates a variety of professional activities in which NIH extramural and intramural scientists often engage, but which, if considered official duties, may conflict with other official duties. This chart describes whether or not these activities are permitted as official duties, how these activities should be approved, and how any conflicts that might arise should be managed. As noted in the chart, most often these activities can be approved by the supervisor. Thus this chart should be used for guidance to steer the supervisor and employee towards the right decision regarding the approval of official duties and how to set up proper recusals when necessary. While the chart is quite comprehensive, there may be other activities not covered here that the supervisor and employee should manage accordingly.

KEY: E = Extramural Employee; I = Intramural Employee; B = Employees with both Extramural and Intramural Responsibilities

Activity	Not Permitted	No Formal Approval Needed	Supervisory Approval Needed	Other Clearance Needed	Notes
Writing and Editing Activities					
Review of manuscript (book, book chapters, or journal articles) where author is not grantee or collaborator		I	E, B		Consider the likelihood of author becoming a grantee or collaborator, and whether conflict would arise. Use supervisor's discretion on time between grant application and manuscript review but not less than one year.
Review of manuscript (book, book chapters, or journal articles) where author is or likely to be grantee or collaborator		I	E, B		E, B: if author is a grantee, then consider potential conflict if author is within employee's purview. Supervisor's discretion on time between grant application and manuscript review but not less than one year.
Submission of article to journal as author				E, B, I	Clear manuscript before submission to journal pursuant to IC's procedures.
Service on a journal's editorial board or editing a multi-author textbook (duties include publication decisions and scientific policy decisions)	E, I & B if position includes budget, management or personnel responsibilities		E, B, I		E, B: if author is a grantee, then consider potential conflict if author is within employee's purview. Supervisor's discretion on time between grant application and manuscript review but not less than one year.
Press releases and other media contacts				E, B, I	Consult with IC public affairs office after securing supervisory approval.
Materials to be submitted to Congress				E, B, I	Consult with IC legislative contact after securing supervisory approval.
Letters to the Editor/Op Ed articles			E, B, I		If writing in personal capacity (no use of NIH letterhead or title), no approval necessary. Caution not to disclose non-public information.

Activity	Not Permitted	No Formal Approval Needed	Supervisory Approval Needed	Other Clearance Needed	Notes
Clinical Practice					
Clinical Practice (not at NIH CC)			E, B, I		E, B: Disqualify institution from employee's portfolio while employee still in practice and for one year after leaving employment with the institution. When approving this activity, supervisor must balance professional development of employee with programmatic and agency considerations.
Academics Activities					
Adjunct faculty (Clinical, Lecturer or Mentor)			E, B, I		E, B, I: Disqualify institution from employee's portfolio and for one year after leaving employment with the institution. When approving, supervisor must balance professional development of employee with programmatic and agency considerations. Conflict with individual mentee after professional relationship ends for a minimum of three years (but may be much longer - some choose to have a lifetime recusal with former students or mentors)
Membership on thesis committee (not faculty member)		I	E, B		Possible conflict with individual doctoral candidate. Supervisor's discretion on time between thesis and other matter but should be a minimum of three years.
Presenting CME lectures for commercial CME providers	E, B, I				Could seek approval to participate as an outside activity
Presenting CME lectures for not-for-profit CME providers			E, B, I		No recusal necessary.
Presenting Grand Rounds lectures		I	E, B		No recusal necessary.
Speaking					
Programmatic or scientific presentations at grantee or collaborating institutions		I	E, B,	IC Director or Deputy Director	No recusal necessary. Content review or remarks recommended. IC Directors and Deputy Directors should get supervisory and DEC approval.
Speaking at Professional Organization's Events			E, B, I	IC Director or Deputy Director	Content review of remarks recommended. IC Directors and Deputy Directors should get supervisory and DEC approval.
Serving as an expert witness				E, B, I	Seek OGC advice and if permissible, get supervisory approval as well.
Responding to media inquiries				E, B, I	Consult with IC public affairs office, and if permissible get supervisory approval as well.
Responding to congressional inquiries				E, B, I	Consult with IC legislative contact, and if permissible, get supervisory approval as well

Activity	Not Permitted	No Formal Approval Needed	Supervisory Approval Needed	Other Clearance Needed	Notes
Advisory Activities					
Grant review for other government agencies (foreign, U.S. or state) or not-for-profit organizations		I	E, B		Scientific advice on whether the organization should fund or continue to fund an application; no NIH funds involved. Service could be ad hoc or as a committee member. No recusal necessary. Additional approval needed for travel and formal contracts or agreements.
Service on NIH Review Panels including Study Sections			E,B,I		E, B: Service on staff administrative review panels and non-R&D contract panels is permitted with supervisor's approval. For I: NIH study sections also permitted
Seeking or providing advice from Intramural Scientist to Extramural Program Official re: program direction		I, E, B			
Service on scientific review or advisory boards for educational institutions or not-for-profit organizations WHEN PROJECT IS NOT DHHS FUNDED			E, B, I		This activity could include scientific review of a specific program or department, or help with preparation for accreditation. Not-for-profits include patient advocacy groups. Lobbying activities prohibited. Recusal necessary for employees with extramural responsibilities for grants/applications within employees portfolio while on the board and for one year after leaving the board.
Service on scientific review or advisory boards for educational institutions or not-for-profit organizations for DHHS funded project	E, B			I	I: must receive prior approval from supervisory and DEC. This activity could include scientific review of a specific program or department, or help with preparation for accreditation. Not-for-profits include patient advocacy groups. Lobbying activities prohibited. May require coordination with extramural program office.
Service on scientific review or advisory boards for industry	E, B			I	I: must receive prior approval from supervisor and DEC.
Activities with Professional Organizations					
Member of Professional Organization		E, B, I			
Leadership Role in a Professional Organization					
General Leadership e.g. committee or symposium chair			E,B,I		
Officer of Professional Organization	E, I & B if position includes budget, management or personnel responsibilities			E,B,I	E,B,I: Need a section 208 waiver; consult your IC DEC
Attending Professional Organization's Events			E, B, I		Seek DEC advice if gifts (e.g., waiver of registration fees, meals) offered.
Federal Liaison to Professional Organization			E, B, I		

Activity	Not Permitted	No Formal Approval Needed	Supervisory Approval Needed	Other Clearance Needed	Notes
Collaborative Activities					
CRADAs				E,B,I	COIFA review by DEC. For E,B: Potential COI with Institutions involved in the CRADA if future applications are received from those institutions.
MCRADAs				E,B,I	COIFA review by DEC. For E, B: Potential COI with Institutions involved in the CRADA if future applications are received from those institutions.
Cooperative Agreements			E, B, I		E,B: Recused from dealing with collaborator as part of portfolio while collaborating and for three years after collaboration ends.
MTAs			E,B,I		
Collaboration between NIH intramural scientist and NIH extramural scientist		I	E, B		E, B: Recused from dealing with applications or grants where intramural NIH employee, with whom you have a a collaboration, is named as a collaborator or co-Investigator on the application or grant. Recused for three years after collaboration ends.
Collaborations with other U.S. government scientists		I	E, B		E, B: Recused from dealing with applications or grants where government employee, with whom you have a collaboration, is named as a collaborator or co-Investigator on the application or grant. Recused for three years after collaboration ends.
Collaborations with academic and not-for-profit foundation scientists		I	E, B		E,B: Recused from dealing with collaborator as part of portfolio while collaborating and for three years after collaboration ends. For RFA's: if a named collaborator (PI, co-PI, Advisor) submits to an RFA under the employee's purview, employee must recuse themselves from the entire RFA. However the employee is not recused from the entire RFA if other applications are submitted from the collaborator's institution, without the collaborator named on the application. If letter of support is being submitted with grant application, consider whether project should be managed as a cooperative agreement.
Collaborations with industry scientists not as part of a CRADA				E,B,I	All employees must receive prior approval from supervisor and DEC. Potential COIs depending on the size and structure of the industrial partner (single vs. multiple entity - See case study)
Scientific advisor on cooperative agreement				E,B,I	Supervisory, Scientific Director and/or extramural director approval required.

Activity	Not Permitted	No Formal Approval Needed	Supervisory Approval Needed	Other Clearance Needed	Notes
Institutional Relationships					
Entering into Public-Private Partnerships (NIH & an outside organization) (including preliminary discussions)				E, B, I	Requires NIH-level approval and execution of MOU. Conflict may arise if employee has personal or imputed interest in outside organization.
Participating in governance bodies for partnerships between NIH and outside entities				E, B, I	Requires NIH-level approval of partnership. Conflict may arise if employee has personal or imputed interest in outside organization.
Entering into Co-Sponsorship Agreements				E, B, I	Requires NIH-level approval prior to initiation of co-sponsorship. Conflict may arise if employee has personal or imputed interest in outside organization.
Receiving conditional or unconditional gifts				E, B, I	Requires NIH-level approval prior to receipt of gift. Conflict may arise if employee has personal or imputed interest in outside organization.
Reference Letters/Letters of Recommendations					
Reference Letters for colleagues with whom you have or had interactions while at the NIH, or persons who are applying for U.S. government jobs		E, B, I			May use government letterhead and sign letter with official title. However, extramural employee may not write such a letter for an investigator in his/her portfolio
Letters of Recommendation from superior to subordinates		E, B, I			May use government letterhead and sign letter with official title. Can be included in grant applications (K99 and R00)
Letters of support for collaboration on NIH extramural applications	N/A for E			B, I	Approval by SD after consultation with the extramural program director. IC Directors must write letters as intramural scientist on the lab's IC letterhead.
Letters of support for Work Visas or green cards	E, B, I				Prohibition includes representations to other govt agencies. Permissible if part of official request through Division Of International Services, ORS.
Service on DSMBs					
DSMB service for your own IC	E, B, I				DSMB policy being finalized
DSMB service where DSMB members selected by another IC			E, B, I		DSMB policy being finalized
DSMB service where DSMB members selected by employee's IC's grantee	E, B, I				DSMB policy being finalized
DSMB service where DSMB member selected by another IC's grantee			E, B, I		DSMB policy being finalized.
DSMB service for protocol funded by industry				E,B,I	DSMB policy being finalized.
Attending DSMB meeting as a Scientific Coordinator			E, B, I		

Activity	Not Permitted	No Formal Approval Needed	Supervisory Approval Needed	Other Clearance Needed	Notes
Appearing Before Another Government Agency at a Public Meeting or Hearing (Does not include Professional Scientific Meetings)					
At the other agency's request			E, B, I		Ask the agency to confirm in writing its invitation to you to appear before or give testimony as an NIH employee before you make such an appearance or give such testimony.
At a company's request	E,B, I				You are prohibited from being a representative of a company in your official capacity, or as a consultant as an outside activity. You may, however, ask the other agency if it wants an appearance or testimony from an NIH employee and present in that capacity. If you are then invited by the agency to make an appearance or give testimony (ask for written confirmation), you should clarify that you are there as an NIH employee and not a representative of the company.
At NIH's initiative			E, B, I		You may ask the other agency if it wants an appearance or testimony from an NIH employee and present in that capacity. Ask the agency to confirm in writing its invitation to you to make an appearance or give testimony as an NIH employee before you make the such an appearance or give such testimony.
*Note: You may need separate administrative approval for some of these activities, e.g., travel (either government-paid or sponsored (348)). This table does not give guidance on administrative requirements. Employees should consult with their AOs.					