

APPENDIX: CORPORATION STATEMENT ON OUTSIDE ACTIVITIES

The Corporation of Harvard University approved the following “Statement on Outside Activities of Holders of Academic Appointments” in June 2000 which applies to the faculty of the Graduate School of Design:

Faculty members and other academic appointees at Harvard participate in a wide range of outside activities related to their scholarly interests. Such activities can advance the search for knowledge, bring fresh insights into Harvard classrooms, and further the University's broad interest in serving society. At the same time, the University and its members have long recognized that persons holding academic appointments at Harvard should conduct outside professional pursuits in ways that respect their responsibilities to their home institution. Along with status as a full-time Harvard academic appointee comes the expectation that one's primary professional duties are to Harvard, and that outside professional activities will not conflict with obligations to one's students, to colleagues, and to the University as a whole.

Over the decades this understanding has been reflected in a variety of policy statements, some of them University-wide in application, others specific to individual Faculties. The most relevant University-wide policy, the "Stipulations" adopted by the Corporation in 1948, directly addresses the obligations of academic appointees in regard to outside activities.¹ The most important provision of the Stipulations states that anyone holding a full-time academic appointment at Harvard should not, without permission of the Corporation upon recommendation of the appropriate Dean, engage in teaching, research, or salaried consulting at any other educational institution during the academic year.

The circumstances assumed by the Stipulations have evolved over recent decades as faculty and other members of the University have been presented with more opportunities to pursue a wider range of outside activities, as new information technologies have come to the fore, and as the number and kind of relationships with external organizations have expanded. Consequently, questions have been raised about the interpretation of the Stipulations in these changing circumstances, and the need for clarification of the policy on outside activities has become evident.

This Statement on Outside Activities is intended to serve that purpose. A draft of the Statement was reviewed by the Deans of the Faculties, then discussed and revised by an Advisory Committee to the Provost composed of faculty members from each of the Faculties of the University. Further revisions were made in response to comments received from all the Faculties. The version of the Statement presented here now replaces the Stipulations.²

The Statement provides a contemporary interpretation of longstanding principles that offer guidance on the conduct of outside professional activities, emphasizing those undertaken with educational or research enterprises other than Harvard. It is framed in broad terms, both to allow discretion in the application of its provisions to individual cases, and to permit the individual Faculties—consistent with the general guidelines presented here—to maintain and develop more specific policies applicable to their own settings. Although some of the provisions in the Statement refer only to full-time appointees, part-time appointees are expected to stay alert to the underlying concerns it addresses, and seek guidance from their Dean when their outside activities may reasonably appear relevant to any of those concerns.

This Statement does not seek to define who owns the products of teaching and research at Harvard, but rather aims to clarify what obligations academic appointees have to their students, colleagues, and the institution when they engage in teaching, research, and related activities

*outside the University. The Statement thus focuses on use, not ownership. Standards relating to intellectual property and revenue sharing are described in the University's policy on inventions, patents, and copyrights.*³

In the sections that follow, the Statement elaborates on these basic principles: persons holding full-time academic appointments should concentrate their teaching efforts on Harvard students; they should conduct all their research in a manner consistent with University norms; and they should ensure that the nature of their outside professional activities, the time devoted to them, and their actual and perceived association with Harvard do not conflict with obligations to students, colleagues, and the University.

1. Teaching

Persons holding full-time academic appointments at Harvard should devote their teaching efforts primarily to the education of Harvard students. Faculty members may not hold a regular faculty appointment at another institution, except in connection with a Harvard-sponsored joint program with that institution, or similar arrangement as approved by their Dean. They should not teach a course, or a substantial portion of a course, at or for another institution or organization without the advance permission of their Dean and the Corporation. This policy should be followed regardless of whether the activity is conducted in person or through some form of electronic communication.

These standards reflect the traditional understanding that full-time Harvard faculty members and other academic appointees are expected to concentrate their teaching efforts on students enrolled in Harvard's educational programs. This understanding expresses the reasonable expectation that Harvard students will have special access to an education distinctive to the University they attend, and that teaching efforts of Harvard faculty members will be directed primarily toward the benefit of the University and its members. It also affirms the University's interest in ensuring that Harvard teachers not be deflected from their primary commitment to educate Harvard students by assuming competing obligations to teach for other institutions, and the University's interest in discouraging other institutions from drawing inappropriately on the University's reputation and the collective contributions of its members.

A Harvard appointee holding the rank of professor, associate professor, or assistant professor (or other title as may be designated by a particular Faculty) thus may not also hold a regular academic appointment at another institution. (Exceptions may be made in connection with a Harvard-sponsored joint program with another institution, such as the Health Sciences and Technology program conducted by the Harvard Medical School and the Massachusetts Institute of Technology, or similar arrangements approved by the responsible Dean.) When teaching at or for another institution is expressly approved on a temporary basis, the limited nature of the association should be clearly indicated, normally by including "visiting" in the Harvard faculty member's title (as in "visiting professor" or "visiting instructor").

While faculty members are expected to concentrate their teaching efforts on Harvard students, many faculty also make use of opportunities to share their educational and scholarly products with the wider world of higher education and beyond. Such activities are not intended to be discouraged by this Statement. Giving occasional lectures, serving on dissertation committees, and similar activities at other institutions are considered an important aspect of citizenship in the academic community, and require no official permission. Making course materials available on web sites and through other electronic formats can also be a valuable service to many outside the University, and under appropriate conditions does not require official approval. For example, a faculty member does not need permission to distribute curricular materials on a non-exclusive

basis if they were produced without a substantial University contribution and do not constitute a substantial portion of a course.

One reason for the distinction between such activities and those that are like a regular course concerns the amount of time and effort required. Teaching a course at another institution usually entails greater absence from Harvard and greater deflection of energy from Harvard teaching responsibilities than do the activities mentioned above. But broader considerations than the time and energy required are also at stake. It is important not only to avoid conflicting time commitments, but also to abstain from extramural activities inconsistent with one's primary teaching obligation to the University, its Faculties, and its students.

That the considerations extend beyond the element of time is worth emphasizing when new technologies make it possible to teach vast numbers of students dispersed across the country and around the world without leaving one's own campus and with a comparatively modest investment of time. Modern technology enables a faculty member to videotape an entire course in a short period of time, and to make the resulting materials available to an educational organization for its own exclusive purposes or for licensing to other organizations for presentation in classrooms, on-line, or through other media. The fact that the course materials could be produced during a vacation or "after hours" does not allay the concern that such arrangements may conflict with professional obligations to Harvard and its students. A Harvard academic appointee should therefore not participate in teaching courses for another institution or organization in these direct or indirect ways without express permission of the Dean of the Faculty and of the Corporation.

Genuinely difficult questions are likely to arise in the application of this policy, especially as new information technologies expand the range of possibilities. Basic distinctions (for example, between extramural teaching and more limited sharing of course materials) will have to be refined as new cases present themselves. This Statement does not purport to prescribe a set of rigid rules, but rather seeks to maintain an environment in which faculty members and other academic appointees will exercise caution in undertaking activities that could reasonably be perceived as teaching at or for other institutions or organizations. In such cases, academic appointees are expected to consult in advance with their Dean and, if in the Dean's judgment the activity falls within the scope of this Statement, with the Corporation.

In determining the extent to which an activity is appropriate, members of the University should follow this general guideline: the more it reasonably appears that a faculty member is teaching or producing a course or a substantial portion of a course for another institution or organization, the more likely it is that the activity falls outside the range of what is appropriate. (What is to count as a course is to be understood in terms of the curricular offerings in the relevant Faculty at Harvard.) Among the most important factors to consider in applying this guideline are: the terms under which the material is distributed, marketed, or otherwise made available to students and other potential users; the role of the material in the outside organization's curriculum or educational program; the nature of the Harvard teacher's affiliation with the outside organization and how it is characterized; and the other factors relevant to all outside activities (listed in the last paragraph of Section 5).

Some Faculties of the University have policies that govern traditional in-class teaching at other educational institutions during the summer and sabbatical leaves, and teaching in short-term seminars or instructional sessions during the academic year. This Statement is not intended to disturb these traditional practices, or require Corporation approval for them. However, when any such teaching generates materials in electronic format, Corporation approval is required before they may be used as a course or substantial portion of a course at a later time at an

institution other than Harvard. When such teaching is expected to generate course materials to be used in this way, permission should be sought in advance.

2. Research

Persons holding full-time academic appointments should at all times conduct their research in a manner befitting a member of the University. They should observe the applicable policies of their Faculties regarding conflicts of interest and related matters. Research appointments at another university or academic institution may be accepted only with advance permission of the responsible Dean. Projects on which a Harvard academic appointee serves as a principal investigator or in an analogous role should be administered through the University or its affiliated medical institutions, unless the responsible Dean has specifically granted an exception.

The University affirms the broad discretion of scholars to choose the topics of their research, to formulate hypotheses and present conclusions, to express views about the implications of their research, and in general to enjoy the protections of academic freedom. Freedom of inquiry and expression for individual scholars stands at the core of the values of the University.

At the same time, faculty members and other academic appointees are expected to conduct their research in a manner befitting a member of the Harvard community. Various policies have evolved over the years to address such aspects of research conduct as conflicts of interest and commitment, disclosure of data and findings, classified and proprietary work, and the participation of human subjects in research. ⁴ This Statement presupposes these policies, and is intended only to underscore two specific points about the conduct of research.

First, full-time academic appointees should not accept a regular research position with another university or academic enterprise unless permission is obtained from their responsible Dean in advance. The appropriateness of such a position should be determined by considerations similar to those governing teaching appointments (Section 1) and those relevant to all outside activities (Section 5). As in the case of summer school teaching, faculty paid on an academic year basis do not need permission to accept research appointments during the summer if the rules of their Faculty authorize such activity. When an outside research appointment is accepted or permitted, care should be taken to make clear that the relationship with the other organization is limited in scope, time, and title.

Second, when a full-time Harvard faculty member or other academic appointee serves on a research project as principal investigator or in an analogous position, the project should generally be administered through the University (or the affiliated medical institution where the appointee is based.)⁵ This policy is applicable regardless of the type of sponsorship (e.g., grant, contract, or cooperative agreement) or funding source (governmental or private support). Proceeding in this way helps to ensure that the research is carried out in a manner consistent with applicable University and Faculty policies; that colleagues and students have appropriate opportunities directly to participate in, and to learn from, the research activities of Harvard scholars; that comprehensive and up-to-date information can be maintained about sponsored research conducted by all members of the University; and that appropriate financial reimbursements (such as for overhead costs) accrue to the University.

There are circumstances in which it may not be feasible or desirable for the research of faculty members to be administered through Harvard. Major collaborative projects, such as research at CERN (the European Laboratory for Particle Physics), call for somewhat different arrangements. Also, when a Harvard researcher is collaborating with a colleague at another institution, joint institutional administration of the project may be impractical or unwise, and the other institution

may be better situated to manage the project. Furthermore, some longstanding agreements with other research institutions may require special arrangements. In these and other exceptional cases, advance approval for administration of the project outside Harvard should be sought from the appropriate Dean. (Individual Faculties may wish to define categories of exceptional cases to avoid unnecessary case-by-case review.)

3. Consulting and Related Activities

In undertaking consulting and related outside professional activities, faculty members and other academic appointees should take care to observe the limits on the amount of time properly devoted to such activities and to avoid situations in which the activities may create a conflict with their responsibilities as an officer of the University. Academic appointees should not engage in paid consulting at or for another educational institution or educational organization without prior approval from their Dean and the Corporation.

By offering counsel to individuals and organizations outside Harvard, members of the University community can broaden their experience in ways that benefit teaching and research, and can bring academic knowledge to a wider public in ways that contribute to the well-being of society. The University therefore has traditionally authorized faculty members and other academic appointees to devote a portion of their professional effort to outside activities related to their areas of expertise, subject to limits on the amount of time devoted to such activities.

The most prevalent standard for the amount of time that may be spent on professional activities outside Harvard states that no more than 20 percent of one's total professional effort may be directed to outside work. This standard should be regarded as the maximum that should be permitted by any Faculty within the University. Individual faculties may set more stringent limits, and may specify their own interpretations of this standard (such as "one day in seven," or "40 days a year"), subject to review as the Corporation may deem appropriate. However, the rules of each Faculty should clearly state the standard, explain how it is to be interpreted, and describe a procedure for disclosure or consultation to deal with cases in which faculty members may be approaching or exceeding the limit. A summary of the rules and their accompanying commentary should be submitted to the Provost, who will make it available to all the Faculties of the University.

As in the case of teaching, time is not the only consideration determining the appropriateness of consulting and related outside activities. The more general concern is that such activities should not conflict with one's paramount obligations to students, colleagues, and the University. Faculty members and other academic appointees are therefore expected to ensure that any outside professional activities in which they engage are consistent with the general policies of the University and those of their own Faculty. This can require attention not only to the overall time expended but also to the nature of specific activities and the individual's role in them.

Full-time appointees should not engage in paid consulting for another educational institution or educational organization without the permission of their Dean and the Corporation. Customary professional service—such as participation on visiting committees, on boards of trustees of other colleges and universities, or in professional associations—generally poses no serious conflicts and may be undertaken without prior approval. (The acceptance of customary honoraria does not transform such service into paid consulting.) Consulting for primary and secondary schools or other educational institutions as a specific part of one's Harvard research and teaching, as occurs in the School of Education, or consulting as a specific part of research with colleagues elsewhere, as occurs in the Schools of Public Health and Medicine, requires only the permission of the responsible Dean.

Some outside activities, whether paid or not, tend to raise such serious concerns that they are presumptively inappropriate and should rarely be undertaken, and then only after careful review and explicit approval. For example, an academic appointee should not "assume executive responsibilities for an outside organization that might seriously divert his or her attention from University duties, or create other conflicts of loyalty."⁶ Other activities, such as having a financial interest in a company that could reasonably appear to be affected by an individual's research, may be permitted under certain conditions, but require disclosure under sponsored research regulations and University policy.⁷ These examples are illustrative, not exhaustive, and academic appointees are expected to stay alert to all the possible conflicts of interest and commitment as described in the relevant rules of their Faculties.

4. Use of University Identification

Members of the University are expected to take individual responsibility for their participation in any outside activity, and use their best efforts to avoid false or misleading suggestions by others that the activity is an undertaking of Harvard or any of its units. In general, all members should observe the University's policy on the use of the Harvard name, and limit their identification with Harvard to listing their formal titles as appropriate.

The University and its members have a shared interest in the use of the Harvard name and related insignias and images. Over generations, the name has been invested with value through the efforts of innumerable individuals. It is an intellectual as well as a financial asset in which the members of the University have a common stake. To protect that value, individual members are expected in their outside activities to observe the University's policy on the use of its names, insignias, and images.⁸

In general, when pursuing outside activities, members should limit their identification with Harvard to listing their formal titles, and should otherwise aim to make clear that they are acting as individuals and not on behalf of the University. They should also take reasonable precautions to prevent the organizations and individuals with whom they work from using the Harvard name, or making representations about Harvard, in ways that suggest that the University sponsors or endorses their activities. Attaching a Harvard name or symbol to an activity implies a form of institutional accountability that is ordinarily absent from outside activities undertaken by individual members of the University.

5. Procedures

Persons holding academic appointments should inform themselves about University-wide and Faculty-specific policies governing outside activities, and should observe the specific requirements of those policies. They should consult their Dean in cases where the appropriateness of an activity may reasonably be in question.

All members of the University share an interest in protecting the values expressed by the principles that govern outside activities, and may be expected to take personal responsibility for respecting those principles. Elaborate procedures for enforcement at the level of the University are therefore neither necessary nor desirable. In any case, the nature and range of outside activities are too varied to be covered in detail by any succinct and general statement of policy.

Faculty members and other academic appointees are responsible for requesting permission to engage in outside activities when required by this Statement or by other University or Faculty policies. Appointees should consult with their Deans and other appropriate officials of the

University before pursuing activities that might be cause for concern. Appointees affiliated with more than one Faculty must comply with the applicable rules of all Faculties in which they hold appointments. As faculty members, Deans themselves have a similar responsibility with regard to their own outside activities, except that they consult with the President or Provost.

The Faculties have adopted various approaches to the reporting of outside activities by academic appointees. The University does not prescribe a uniform process for reporting such activities, but each Faculty is expected to maintain procedures that provide assurance that its members are acting in accord with the principles set forth in this Statement.

In considering specific cases, University officials should strive to make decisions that are consistent with the general principles this Statement expresses and with other University policies. Because changing circumstances pose new problems, especially in the domain of information technology, no general policy can anticipate all the issues that may arise in specific cases. Accordingly, the Provost should appoint a committee (which may include Deans of the Faculties) to meet periodically to review complex cases as they may arise in the various Faculties. This committee would formulate and document the "case law" as it develops, and when necessary recommend changes in the relevant University policies described in this Statement.

In deciding whether to grant permission for a specified outside activity, the Deans, this committee, and the Corporation will take into account, among other considerations, the extent to which the activity: detracts from the appointee's own work at Harvard; competes with programs offered by the University or inhibits the development of programs the University plans to offer; draws upon special support from the University or makes use of its staff and students; is protected against possible misuse of the Harvard name and misleading representations about Harvard's association with the activity; and is consistent with the academic mission of the University.