

## Guide to How Professional Societies Can Involve NIH Employees as Officers or Board Members

NIH encourages its employees to be actively involved in professional associations and scientific societies. These organizations offer NIH employees the opportunity to:

- Participate in projects and programs that advance the NIH mission;
- Exchange substantive programmatic information with the broader scientific and professional community; and
- enhance their skills.

When service as an officer or member of an organization's Board of Directors or similar body will advance the NIH mission in ways not otherwise possible, NIH employees can be approved to assume such a role in their official capacity. Whether such service is appropriate must be determined on a case-by-case basis. Official duty service as an officer, trustee or director requires the issuance of a waiver before an employee can commit to the position because of conflict of interest issues associated with such service. Waivers are prepared in conjunction with the employee's Ethics Office and must explain how official capacity service of this nature is essential to advance the NIH mission.

When official duty service as an officer, director, trustee or other similar position is not appropriate, an employee may still be permitted to serve as a federal liaison. A federal liaison is neither an officer nor a director of the outside organization but acts solely as an NIH representative to the organization. The liaison presents and receives information and views on behalf of NIH and coordinates joint activities of NIH and the organization. However, the federal liaison generally does not participate in internal business affairs of the organization, and certainly does not exercise any authority on behalf of the organization or have any fiduciary duties to the organization. Because all liaison activities are expressly on behalf of NIH, rather than the outside organization, a federal liaison does not risk violating the criminal conflict of interest statute. The federal liaison role is the preferred option for official involvement in outside organizations, pursuant to longstanding HHS practice.

In some circumstances, however, participation in these organizations in an official capacity may not be appropriate. If this is the case, employees must act exclusively outside the scope of their official NIH positions and must obtain advance approval to do so.

How an employee might participate, as part of their official NIH duties (board member, officer, or Federal Liaison), or as an outside activity, is determined on a case-by-case basis. It is not possible to identify every scenario and type of activity and determine in advance whether that activity would be permitted. Furthermore, the individual job responsibilities of the employee as well as the responsibilities of the position with the outside organization, play heavily into this determination. The attached table gives general guidelines to help you decide which role best fits your individual situation.

For additional information:

- See Official Duty Activities for NIH employees: <http://ethics.od.nih.gov/Topics/official.htm>
- Contact the employee's Ethics Office: <http://ethics.od.nih.gov/coord.pdf>