

# MEETING OF THE FACULTY SENATE

THURSDAY, JUNE 8, 1995

2:00 P.M.

25 Law Building—Twin Cities Campus  
305 Selvig Hall—Crookston Campus  
323 Kirby Student Center—Duluth Campus  
Mocassin Flower Room—Morris Campus

The Senate constitution provides that eligible academic professionals and all members of the faculty who hold regular appointments as defined in the Regulations Concerning Faculty Tenure may be present at Faculty Senate meetings and shall be entitled to speak and to offer motions for Faculty Senate action. Only elected faculty members and academic professionals (or their designated alternates) shall be entitled to vote. For a quorum, a majority of the voting membership (81) must be present. Actions require a simple majority of the members present and voting. Amendments to motions in the printed agenda must be submitted to the Clerk of the Senate at least 48 hours in advance of the meeting to allow for appropriate distribution. Consideration of amendments not received at least 48 hours in advance requires suspension of the rules by a majority of those members present and voting.

## I. FACULTY CONSULTATIVE COMMITTEE FACULTY AFFAIRS COMMITTEE/TENURE SUBCOMMITTEE *Regulations Concerning Faculty Tenure* Action (15 minutes)

### MOTION:

That the Faculty Senate concurs with the following interpretations of the *Regulations Concerning Faculty Tenure* presented by the Faculty Consultative Committee, the Faculty Affairs Committee, and the Tenure Subcommittee:

#### **Proposed Interpretations to the Regulations Concerning Faculty Tenure**

#### I. INTERPRETATION OF SECTIONS 3-9: PROMOTION AND TENURE DECISIONS PERMITTED BY PROVOSTS AND CHANCELLORS DURING 1995-96

To accommodate current restructuring of the central administration, final review and related aspects of the promotion and tenure process may occur at the level of provosts and chancellors during the 1995-96 academic year. Provosts and chancellors will receive consultation regarding proper procedures from the Dean of the Graduate School.

**COMMENT:** The Tenure Subcommittee of the Senate Committee on Faculty Affairs was recently requested by the administration to propose amendments to the *Regulations Concerning Faculty Tenure* (Tenure Regulations) to accommodate current restructuring of central administration. The immediate desire of the administration is that final recommendations for promotion and tenure occur at the level of provosts and chancellors, rather than centrally by the senior vice president for academic affairs (the present procedure). While considering appropriate amendments to the Tenure Regulations, the Tenure Subcommittee concluded that changing aspects of the Tenure Regulations pertaining to promotion and tenure will impact on other aspects of the Regulations (e.g. fiscal emergencies, termination for cause), which are now responsibilities of central administration. Reassigning these administrative responsibilities described in the Tenure Regulations from central administration to provosts and chancellors could have major effects on the academic affairs and freedom of faculty. Without appropriate regulations in place, a lack of system-wide consistency may occur with the undesirable possibility that future faculty will be employed in one of six different universities.

In order to allow time for broad consultation with faculty and administrators and the preparation of carefully considered amendments to the Tenure Regulations, the Tenure Subcommittee proposes the above Interpretation to the Regulations. This Interpretation permits promotion and tenure decisions to occur at the level of the provosts and chancellors for the coming academic year. During this time the Tenure Subcommittee requests all faculty to consider the implications for their units or departments of the requested changes in the Regulations. We welcome your comments and suggestions regarding the development of necessary new procedures and the revision of specific sections of the Tenure Regulations.

#### II. INTERPRETATION OF SECTIONS 14 AND 15: WORKING DAYS

The word "days" is interpreted to imply working days, not calendar days.

**COMMENT:** The use of the word "days" in the Tenure Regulations is unclear and is now defined as working days.

#### III. INTERPRETATION OF AMENDMENTS TO SECTIONS 14.1 AND 14.2: TIMELY RESPONSES IN CASES OF UNREQUESTED LEAVE OF ABSENCE, TERMINATION, OR SUSPENSION

The timelines for responses by either the involved faculty member or the administrator(s) may be extended by agreement of the parties to the proceeding or for extraordinary circumstances. An agreement of the parties to extend the time limit shall be in writing, signed by both parties or their representatives. If the parties do not agree, either party may apply to the chair of the Senate Judicial Committee for an extension of the time in which to take the steps required in this section. If the faculty member has failed to act within the time limits prescribed in these sections, the responsible administrator may request the chair of the Senate Judicial Committee to set a specific date by which the faculty member must take action; if the faculty member fails to do so, the petition for review will be dismissed without further proceedings and the requested disciplinary action (or any lesser sanction) may be taken. If the responsible administrator has failed to act within the time limits prescribed in these sections, the faculty member may request the chair of the Senate Judicial Committee to set a specific date by which the administrator must take action; if the administrator fails to do so, the proceedings shall be dismissed and further action can be taken only by reinitiating the entire proceedings.

**COMMENT:** At the Faculty Senate meeting of May 19, 1994, amendments to the Tenure Regulations providing for a timely response by administrators to reports of Preliminary Proceedings and for sending notices of Formal Actions (Sections 14.1 and 14.2) were approved. The Tenure Regulations currently provide for a timely response by a faculty member to a formal notice of actions to be taken by the administration following the report of a Preliminary Proceeding (Section 14.1). The amendments approved by the Faculty Senate in May 1994 were not presented to the Regents for formal approval. The administration considers the time limits to be difficult to follow under unusual circumstances; for example, when an outside legal counsel for a faculty member has limited availability or when a faculty member on a 9-month appointment wishes to suspend the proceedings during the summer.

### FOR INFORMATION:

Following are the amendments approved by the Faculty Senate May 19, 1994:

1. To amend Section 14.1 of the *Regulations Concerning Faculty Tenure*, as follows: (additions are underlined; deletions are ~~struck-out~~)

#### **Section 14.1 Preliminary Proceedings**

Only a dean . . . .

Both the administrator and the faculty member may submit their views, in person or in writing, to the body making the recommendation, but neither of them may participate in the deliberation or vote. The body making the recommendation makes a written report to the administrator within 40 days of submission of the issue to it, indicating the number of votes for and against the proposed action and the reasons articulated. ~~After considering~~ Within 15 days after receiving the report, the administrator makes a written recommendation to the vice president. The recommendation must include a copy of the report of the panel or of the tenured faculty, as the case may be. A copy of the report must be sent to the faculty member.

2. To amend Section 14.2 of the *Regulations Concerning Faculty Tenure*, as follows: (additions are underlined; deletions are ~~struck-out~~)

#### **Section 14.2 Formal Action**

After receiving the administrator's recommendation, and giving the faculty member an opportunity to comment, the vice president will decide whether to proceed. If the vice president decides does not to proceed within 40 days, the charges are dropped and the faculty member and the academic unit are so notified in writing. If the vice president decides to proceed with formal action, the vice president must give written notice to the faculty member . . . .

If the faculty member does not request a hearing within 30 days, the President may take the action proposed in the vice president's notice, without further right to a hearing.

**JOHN ADAMS, Chair**  
Faculty Consultative Committee

**DANIEL FEENEY, Chair**  
Faculty Affairs Committee

**MARY DEMPSEY, Chair**  
Tenure Subcommittee

## II. FACULTY CONSULTATIVE COMMITTEE FACULTY AFFAIRS COMMITTEE Professional Commitment Policy Action (1 hour)

[Copies of the proposed Professional Commitment Policy are being mailed to Faculty Senate members. The proposed policy is also available on Gopher under: U of M Campus Information→Department and College Information→Office of Research and Technology Transfer→Policies and Guidelines→Professional Commitment Policy.]

**JOHN ADAMS, Chair**  
Faculty Consultative Committee

**DANIEL FEENEY, Chair**  
Faculty Affairs Committee

### III. OLD BUSINESS

### IV. NEW BUSINESS

### V. ADJOURNMENT

MSM  
A-5

# UNIVERSITY OF MINNESOTA

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*University Senate*

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## IMPORTANT NOTICE

June 2, 1995

To: Faculty Senate Members  
From: Martha Kvanbeck, Clerk  
Re: June 8 Faculty Senate Meeting

Enclosed is a copy of the Professional Commitment Policy which is scheduled for discussion and possible action at the June 8 Faculty Senate meeting. Indicated on the document are all changes since the May 8 draft, which was discussed by the Faculty Senate on May 18.

enclosure  
c: Academic Officers

1 **POLICY ON PROFESSIONAL COMMITMENT**  
2 **DRAFT - June 1, 1995 (shows all changes since 5/8/95)**  
3

4 **1 STATEMENT OF GENERAL POLICY**  
5

6 1.1 All ACADEMIC EMPLOYEES<sup>1</sup> are expected to fully and professionally meet  
7 the obligations of their appointments as addressed under the Workload, Conflict  
8 of Interest and Academic Freedom and Responsibility policies of the University,  
9 ~~principal work allegiance is to the University, and~~ Their primary responsibilities  
10 within the University are teaching and learning, scholarship (including research  
11 and artistic creation), service to the University and to the wider community,  
12 and/or administration in support of these activities. Because of their special  
13 capabilities, ACADEMIC EMPLOYEES are often sought to provide professional  
14 expertise for activities beyond the responsibilities of their academic appointment.  
15 ~~These~~ The University encourages EXTRA PROFESSIONAL ACTIVITIES because they  
16 are often complementary and synergistic with the ACADEMIC EMPLOYEE's  
17 primary University responsibilities and thus should be encouraged if they can be  
18 accommodated within the TERM OF APPOINTMENT. ACADEMIC EMPLOYEES may  
19 engage in EXTRA PROFESSIONAL ACTIVITIES within the limitations set forth in  
20 this policy, as long as these activities do not interfere with University teaching,  
21 research, outreach, and administrative responsibilities.  
22

23 1.2 This policy distinguishes EXTRA PROFESSIONAL ACTIVITIES from  
24 BUSINESS activities. ACADEMIC EMPLOYEES may engage in BUSINESS activities  
25 unrelated to their professional expertise insofar as they do not interfere with the  
26 primacy of their University obligations.  
27

28 1.23 The intent of this policy is to: 1) identify professional contributions and  
29 services rendered by ACADEMIC EMPLOYEES to the community; 2) establish  
30 mechanisms for assuring the accountability of the University and its ACADEMIC  
31 EMPLOYEES with respect to EXTRA PROFESSIONAL and BUSINESS ACTIVITIES;  
32 and 3) provide principles to reconcile, as equitably as possible, conflicts between  
33 EXTRA PROFESSIONAL and BUSINESS demands on ACADEMIC EMPLOYEES and  
34 their varied University responsibilities. This policy supersedes and replaces all  
35 prior policies on this subject except for Private Practice Plans adopted by the  
36 Board of Regents.  
37

38 **2 PROFESSIONAL COMMITMENT**  
39

40 2.1 A full-time ACADEMIC EMPLOYEE's devotes primary commitment is to  
41 University teaching, research, outreach, and/or administrative responsibilities, and  
42 where applicable to University patient care. Accordingly, all ACADEMIC  
43 EMPLOYEES should arrange all activities that are not part of their University

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44 <sup>1</sup>Definitions of terms appearing in small capital letters are listed in Appendix A.

45 ~~responsibilities so as not to interfere with the primacy of these commitments.~~  
46 ~~ACADEMIC EMPLOYEES may engage in EXTRA PROFESSIONAL ACTIVITIES.~~  
47 ~~However, such activities must conform to the requirements set forth in this policy.~~  
48 Since demands for the talent and expertise of ACADEMIC EMPLOYEES may on  
49 occasion affect their responsibilities to the University, guidelines are needed to  
50 define these responsibilities. In general, EXTRA PROFESSIONAL ACTIVITIES ~~may~~  
51 ~~be pursued~~ are in accordance with this policy unless they:

- 52
- 53 1) interfere with an ACADEMIC EMPLOYEE's ability to carry out
- 54 his/her responsibilities to the University;
- 55 2) compete inappropriately within the area of the Academic
- 56 Employee's field of appointment with the services or missions of
- 57 the University; or
- 58 3) misuse resources or facilities of the University.
- 59

60 **3 ~~PROFESSIONAL ACTIVITIES THAT MAY BE CONSIDERED PART OF AN ACADEMIC~~**  
61 **~~EMPLOYEE'S WORKLOAD~~**

62

63 3.1 ~~Professional~~ The Activities such as the examples listed below (a-f) ~~are~~  
64 ~~considered service when related to~~ can be integral parts of an Academic  
65 Employee's University responsibilities and are not considered against the time  
66 limitation for EXTRA PROFESSIONAL ACTIVITIES (see Section ~~5 4~~); ~~however,~~  
67 ~~they should not be pursued if they interfere~~ Care should be taken to assure that  
68 activities fit with agreed-upon teaching, research, and outreach activities, or  
69 administrative responsibilities in support of these activities. ~~The specific effort~~  
70 ~~allocated for~~ These activities, when they occur, should be agreed upon with the  
71 ~~ACADEMIC EMPLOYEE'S DEPARTMENT HEAD at least once a year as part of the~~  
72 each ACADEMIC EMPLOYEE's annual workload discussion plan. ~~Before engaging~~  
73 ~~in new activities that would deviate substantially from the annual plan, the~~  
74 ~~employee should discuss the activities with his/her DEPARTMENT HEAD.~~

- 75
- 76 a) Serving as editorial officer or having other duties for a learned journal
- 77 b) Serving on panels for academic, governmental, or not-for-profit entities
- 78 c) Serving on a board of directors or advisory committee of a scholarly or
- 79 professional organization
- 80 d) Serving as an officer of a scholarly or professional organization
- 81 e) Attending professional meetings or professional development programs
- 82 f) Giving occasional public presentations or participating in colloquia
- 83

84 **~~4 LIMITATION ON BUSINESS ACTIVITIES~~**

86 ~~4.1 ACADEMIC EMPLOYEES may engage in BUSINESS activities unrelated to~~  
87 ~~their professional expertise insofar as they do not interfere with the primacy of~~  
88 ~~their University obligations.~~

90 **54 TIME LIMITATION FOR EXTRA PROFESSIONAL ACTIVITIES**

91  
92 54.1 EXTRA PROFESSIONAL ACTIVITIES of a full-time ACADEMIC EMPLOYEE  
93 must not exceed an average of one day per seven-day week for the TERM OF  
94 APPOINTMENT. For those with "B" appointments, this amounts to a maximum of  
95 39 days in the TERM OF APPOINTMENT; for those with "A" appointments, this  
96 amounts to a maximum of 48 days in the 11 months of active service. A day will  
97 be considered approximately 8-10 hours of EXTRA PROFESSIONAL ACTIVITIES  
98 and preparation time regardless of when or where this occurs during the  
99 seven-day week. Preparation time and travel time devoted to EXTRA  
100 PROFESSIONAL ACTIVITIES are counted toward the time limit.

101  
102 ~~5.2 ACADEMIC EMPLOYEES (100%) must comply with the time limitations~~  
103 ~~specified within this policy. The allowable time for EXTRA PROFESSIONAL~~  
104 ~~ACTIVITIES for ACADEMIC EMPLOYEES who hold appointments greater than or~~  
105 ~~equal to 67% time but less than 100% will be proportionately reduced in~~  
106 ~~accordance with their appointment percentage. ACADEMIC EMPLOYEES holding~~  
107 ~~appointments less than 67% time may engage in EXTRA PROFESSIONAL~~  
108 ~~ACTIVITIES only during their noncontractual time. There are no time limitations~~  
109 ~~for EXTRA PROFESSIONAL ACTIVITIES done during noncontractual time.~~  
110 ~~Reporting requirements, however, apply to all ACADEMIC EMPLOYEES with an~~  
111 ~~appointment of 50% time or more.~~

112  
113 4.2 Time limitations for EXTRA PROFESSIONAL ACTIVITIES apply only to  
114 contractual time. For example, ACADEMIC EMPLOYEES with 100% appointments  
115 must comply with the time limitations as specified in Section 4.1. ACADEMIC  
116 EMPLOYEES holding appointments of 67% to 99% have time limitations adjusted  
117 in proportion to their appointments, e.g., for someone with an 80% appointment,  
118 EXTRA PROFESSIONAL ACTIVITIES must not exceed an average of 80% of one day  
119 per seven-day per week for the term of appointment. ACADEMIC EMPLOYEES  
120 holding appointments of less than 67% time may engage in EXTRA PROFESSIONAL  
121 ACTIVITIES ONLY during their noncontractual time. Note that reporting  
122 requirements, however, apply to all ACADEMIC EMPLOYEES with appointments of  
123 more than 50% time. Activities carried out as part of an ACADEMIC EMPLOYEE's  
124 participation within a Regents approved private practice plan are not counted  
125 toward the time limitations defined in this section.  
126

127 **65**    **LIMITATION ON ACTIVITIES THAT MAY COMPETE WITH THE UNIVERSITY**

128  
129    65.1    EXTRA PROFESSIONAL ACTIVITIES often elicit greater visibility and  
130    recognition for the University. However, they may also compete with the missions  
131    of the University. EXTRA PROFESSIONAL ACTIVITIES must not unduly compete  
132    with services or activities that are within the area of the ACADEMIC EMPLOYEE's  
133    field of appointment. Competition is undue if it draws students, clients, or  
134    patients, or substantial resources from University offerings and facilities, or if the  
135    ACADEMIC EMPLOYEE's connection with the University is exploited for the  
136    purposes of the other institution or BUSINESS. Activities carried out as part of an  
137    ACADEMIC EMPLOYEE's responsibilities within a Regents approved private  
138    practice plan are not competitive with the University. To minimize the potential  
139    for competition, Academic units are encouraged to develop and obtain Regents'  
140    approval of private practice plans.

141  
142    65.2    All ACADEMIC EMPLOYEES holding appointments of 50% time or more  
143    and planning to participate in EXTRA PROFESSIONAL or BUSINESS activities that  
144    have the potential to compete with the missions of the University must obtain  
145    written approval before engaging in the activity unless specified under the terms  
146    of their appointment.

147  
148 **76**    **EXTRA PROFESSIONAL COMMITMENTS THAT DO NOT REQUIRE PRIOR APPROVAL**

149  
150    76.1    **External and Internal Consulting**

151  
152            Engaging in external or internal consulting insofar as the activities comply  
153            with Sections 5 4 and 6 5.

154  
155 **87**    **EXTRA PROFESSIONAL OR BUSINESS COMMITMENTS THAT REQUIRE PRIOR**  
156    **APPROVAL**

157  
158    All of the activities listed in this section (87.1 - 87.5) are endeavors that may or  
159    may not be approved depending upon the specific circumstances. ACADEMIC  
160    EMPLOYEES should discuss the proposed activity with their DEPARTMENT HEADS.  
161    Participation in these activities requires prior approval and are subject to the  
162    limitations set forth in Sections 5 4 and 6 5.

163  
164    87.1    **Board Memberships**

165  
166            a)■    Serving as a corporate officer or on a board of directors of a  
167            BUSINESS.

169 **87.2 Competing Business Activities**

- 170  
171 b)■ Being employed by or consulting for a BUSINESS related to his/her  
172 professional responsibilities that competes or has the potential to  
173 compete with services provided by the University that are part of  
174 the employee's University responsibilities.  
175

176 **87.3 Research Activities**

- 177  
178 e)■ Applying for, receiving, and conducting any sponsored research  
179 activities for another organization that ordinarily would be  
180 conducted under the auspices of the University.  
181

182 **87.4 Instructional Activities**

183  
184 All instructional activities outside the agreed-upon workload and related to  
185 the Academic Employee's appointment require prior approval of the  
186 DEPARTMENT HEAD. DEPARTMENT HEADS will determine the amount of  
187 EXTRA PROFESSIONAL time to be calculated for extra teaching, whether  
188 external or internal, credit or non-credit. As a guideline, 8-10 hours of  
189 instructional activities (including preparation, instruction, evaluation, and  
190 consultation) will be considered equivalent to one day of EXTRA  
191 PROFESSIONAL ACTIVITIES (see Section 5 4); however, the ratio may be  
192 adjusted upon agreement with the DEPARTMENT HEAD.  
193

- 194 d)■ Teaching concurrently for another higher educational institution  
195 during the TERM OF APPOINTMENT.

- 196  
197 e)■ Teaching non-credit courses or performing other non-credit  
198 instructional activities for non-University entities during the TERM  
199 OF APPOINTMENT.  
200

- 201 f)■ Teaching for Continuing Education and Extension for extra  
202 compensation during the TERM OF APPOINTMENT.  
203

- 204 g)■ Performing other teaching or teaching-related activities for the unit  
205 in which an ACADEMIC EMPLOYEE holds an appointment or for  
206 another unit within the University for extra compensation during the  
207 TERM OF APPOINTMENT.  
208

209 87.5 International Projects Administered by the University  
210

211 g)■ Participating in certain University-sponsored international activities.  
212 Such activities may be treated in one of four ways, based on  
213 arrangements between the ACADEMIC EMPLOYEE and the  
214 DEPARTMENT HEAD.

215  
216 (1) The activity may be INLOADED as part of the agreed-upon  
217 workload.

218  
219 (2) When participation in a University-sponsored international  
220 activity is done as part of the normal workload but involves special  
221 responsibilities, an ACADEMIC EMPLOYEE may receive a salary  
222 augmentation and the time committed does not affect the time  
223 limitations described in Section 54.1.

224  
225 (3) When the activity involves special (difficult) work environments,  
226 approval may be sought to have the activity considered and  
227 compensated as an EXTRA PROFESSIONAL ACTIVITY and subject to  
228 the time limitations described in Section 54.1, or  
229

230 (4) When the activity involves special (difficult) work environments,  
231 it may be compensated with funds deposited into a departmental  
232 account to be used to subsidize the faculty or academic staff  
233 member's travel, research ~~assistant~~ program, or other professional  
234 development. ACADEMIC EMPLOYEES on nine-month appointments  
235 may, as an alternative, use the compensation available for such an  
236 activity to fund a summer appointment, assuming they intend to  
237 work during the summer period.  
238

239 **98 HOLDING PUBLIC OFFICE OR PUBLIC SERVICE POSITIONS**  
240

241 98.1 ACADEMIC EMPLOYEES share with their fellow citizens the right to  
242 campaign for and to hold public office without their employer's prior approval.  
243 The purpose of this section of the policy is to balance public service of University  
244 ACADEMIC EMPLOYEES with the University's primary obligations to maintain its  
245 teaching programs and foster research and creative activity. At the same time, it  
246 seeks to encourage public service, including the holding of public office and, in  
247 any case, not to interfere with ACADEMIC EMPLOYEES' right to participate freely  
248 in the political process. It is desirable, however, that any ACADEMIC EMPLOYEE  
249 contemplating candidacy for elective political office or appointment to public  
250 office where the duties of a campaign or the holding of the office would interfere



251 with the fulfillment of University responsibilities, consult in advance with the  
252 appropriate collegiate and administrative units of the University. Consultation  
253 should focus on the question of whether or not temporary suspension of some  
254 portion of the ACADEMIC EMPLOYEE's responsibilities can be accommodated  
255 without seriously impairingment of the function of the department or unit  
256 involved.

257  
258 98.2 When an ACADEMIC EMPLOYEE is appointed to or elected to public office,  
259 e.g., to the state legislature, requiring absence from University duties for  
260 continuous periods of time of one year or less, it is anticipated that leave of  
261 absence procedures or other appropriate arrangements such as a special contract  
262 or a reduced teaching load with a commensurate adjustment in salary, for the year  
263 or portions thereof, will be invoked. The ACADEMIC EMPLOYEE must provide to  
264 the unit administrator as much notice as possible to insure that ample time will be  
265 provided the unit to replace or otherwise arrange to meet the absent ACADEMIC  
266 EMPLOYEE's responsibilities. Prior written approval by the Senior Academic Vice  
267 President is required for any full or partial leave of absence.

268  
269 98.3 When an ACADEMIC EMPLOYEE is appointed/reappointed to or elected to  
270 public office requiring continuous full-time service for a specified period of more  
271 than two years, it is expected that ~~a determination will be made by the Senior~~  
272 Vice President will determine if the leave ~~should be extended. is appropriate. In~~  
273 the case of appointments for an indeterminate period of time, full or partial  
274 leaves of absence may be negotiated annually; if requests for leave extend beyond  
275 reasonable limits, resignation may be expected.

276  
277 ~~When an ACADEMIC EMPLOYEE's re-election or reappointment to public office~~  
278 ~~causes continuous absence to exceed two years, it is expected that a determination~~  
279 ~~will be made by the Senior Vice President if the leave should be extended. In the~~  
280 ~~case of appointments for an indeterminate period of time, full or partial leaves of~~  
281 ~~absence may be negotiated annually; if requests for leave extend beyond~~  
282 ~~reasonable limits, resignation may be expected.~~

283  
284 ~~9.4 The purpose of this section of the policy is to balance public service of~~  
285 ~~University ACADEMIC EMPLOYEES with the University's primary obligations to~~  
286 ~~maintain its teaching programs and foster research and creative activity. At the~~  
287 ~~same time, it seeks to encourage public service, including the holding of public~~  
288 ~~office and, in any case, not to interfere with ACADEMIC EMPLOYEES' right to~~  
289 ~~freely to participate in the political process.~~

290  
291 8.4 For certain ACADEMIC EMPLOYEES, the distinction between involvement  
292 in community activities as a citizen and involvement in such activities as a

293 professional is difficult to determine. If community activities are citizen-related  
294 rather than professional activities, they may be exempt from the prior approval  
295 and reporting requirements of this policy.  
296

297 ~~409~~ IMPLEMENTATION - PROFESSIONAL COMMITMENT  
298

299 9.1 Successful implementation of this policy assumes a shared responsibility by  
300 all ACADEMIC EMPLOYEES and the administration of the University. ACADEMIC  
301 EMPLOYEES are expected to comply with all the requirements described within  
302 this policy. Once proposed activities have been administratively approved,  
303 University administration has the responsibility to vigorously defend the activity so  
304 long as the ACADEMIC EMPLOYEE complies with the administrative  
305 recommendations for the EXTRA PROFESSIONAL ACTIVITY, other University  
306 policies, and the law.  
307

308 **Reporting Requirements**  
309

310 **Prior Approval**  
311

312 ~~40.19.2~~ Prior written approval of the DEPARTMENT HEAD must be secured  
313 annually for those activities specified as requiring such approval. The ACADEMIC  
314 EMPLOYEE contemplating such activity must initiate the request for approval. If  
315 the ACADEMIC EMPLOYEE seeking approval for an EXTRA PROFESSIONAL  
316 activity is a DEPARTMENT HEAD or other administrator, the request must be  
317 submitted to the ACADEMIC EMPLOYEE's immediate supervisor.  
318

319 ~~40.29.3~~ The request form for approval must include the following  
320 information: name of ACADEMIC EMPLOYEE; name of entity for which activity  
321 will be performed; type of activity involved; whether it is to be performed on or  
322 off campus; period of time during which such activity is to be performed;  
323 estimated amount and distribution of time, in days or fractions thereof, to be  
324 spent on the activity; whether or not this activity will be compensated (a  
325 "compensated" activity is one for which honoraria, fees, or other benefits over and  
326 above expenses are received; reimbursement for expenses is not to be construed  
327 as compensation); and signature and date. The DEPARTMENT HEAD may require  
328 the ACADEMIC EMPLOYEE to submit additional information about the activity as  
329 it relates to compliance with this policy. This requirement for additional  
330 information may be appealed to the next level of administrator.  
331

332 ~~40.39.4~~ The request for approval must be submitted to the DEPARTMENT  
333 HEAD. The DEPARTMENT HEAD must respond in writing to the request to

334 participate in EXTRA PROFESSIONAL or BUSINESS<sup>2</sup> activities within 10 working  
335 days of receiving a request. An activity may be limited or denied approval if it  
336 competes with University missions or interferes with workload agreements. A  
337 specific written explanation of any limitation or denial must be provided to the  
338 ACADEMIC EMPLOYEE. An ACADEMIC EMPLOYEE may appeal the DEPARTMENT  
339 HEAD's action to the appropriate dean or vice chancellor for academic affairs.  
340 That administrator's decision may be appealed to the appropriate provost or  
341 chancellor if the ACADEMIC EMPLOYEE believes the action violates this policy or  
342 constitutes an abuse of discretion. The provost or chancellor will have final  
343 authority in this matter.  
344

345 **110 ANNUAL REPORTING**

346  
347 **110.1** All ACADEMIC EMPLOYEES with appointment of 50% time or more  
348 must report to their DEPARTMENT HEAD on an annual basis those activities  
349 (specified in Sections 4 ~~and 5~~ as requiring such reporting) that occurred during  
350 the previous year.  
351

352 **110.2** Annual reports on appropriate forms ~~must~~ will be filed in the  
353 ACADEMIC EMPLOYEE's departmental office, ~~which and will be kept~~ keep them  
354 for at least five years. Copies of these annual reports ~~must~~ will be forwarded to  
355 the dean or vice chancellor for academic affairs. The DEPARTMENT HEAD ~~must~~  
356 ~~also~~ will include a written statement of denied requests and the reasons therefor.  
357

358 **110.3** The dean or vice chancellor ~~must~~ will submit these annual reports  
359 and the statement about denials to the appropriate provost or chancellor and to  
360 the Senior Vice President for Academic Affairs. The dean or vice chancellor  
361 ~~must also~~ will include a written statement of the denied requests and the reasons  
362 therefor.  
363

364 **110.4** The Senior Vice President for Academic Affairs will maintain these  
365 records and will make this information public in manners consistent with  
366 University procedures, giving proper attention to rights of privacy of individual  
367 ACADEMIC EMPLOYEES.  
368

369 **110.5** The Senior Vice President for Academic Affairs will present to the  
370 Board of Regents annually aggregate summaries of EXTRA PROFESSIONAL  
371 ACTIVITY with the certification that all requests have been examined and found to

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372 <sup>2</sup> For activities that may compete with the mission of the University.

373 conform to Regents' and appropriate administrative policies relating to EXTRA  
374 PROFESSIONAL ACTIVITIES.

375  
376 **1211 PROCEDURES FOR MONITORING**

377  
378 1211.1 If the University has reason to believe that an ACADEMIC  
379 EMPLOYEE is engaged in BUSINESS or EXTRA PROFESSIONAL ACTIVITIES (even  
380 if consistent with Section 4) to such an extent that it compromises his/her ability  
381 to carry out University responsibilities, appropriate University officials may ask  
382 the ACADEMIC EMPLOYEE to document his/her outside activities and to show  
383 that his/her University duties are being fully met.

384  
385 1211.2 The appropriate provost or chancellor, in cooperation with the  
386 appropriate dean, will periodically review a random sample of individual and unit  
387 reports in order to evaluate the approval and reporting systems, and will make  
388 recommendations regarding the effectiveness of this policy to the president.

389  
390 **1312 COMPLIANCE**

391  
392 1312.1 The University expects that ACADEMIC EMPLOYEES ~~to~~ will comply  
393 fully and promptly with all the requirements of this policy. Breaches of this policy  
394 include, but are not limited to, failing to secure prior written approval for those  
395 activities that require it, intentionally filing an incomplete, erroneous, or  
396 misleading request for approval or annual report, failing to obtain DEPARTMENT  
397 HEAD's written approval to participate in service activities as part of the  
398 workload, or failing to provide additional information as required by the  
399 approving authority. A violation of this policy may be the basis for discipline of an  
400 ACADEMIC EMPLOYEE. If sanctions are necessary, they will be imposed in  
401 accordance with the Regulations Concerning Faculty Tenure and the Academic  
402 Professional and Administrative Staff Policies and Procedures. The potential  
403 sanctions may include, but are not limited to the following:

- 404  
405 \* Letter of admonition;  
406 \* ~~Withdrawing approval~~ Restricting or denying for the ACADEMIC  
407 EMPLOYEE'S ~~to~~ participate in EXTRA PROFESSIONAL and BUSINESS  
408 activities;  
409 \* Reduction of pay or percentage of appointment;  
410 \* Suspension;  
411 \* Nonrenewal of appointment;  
412 \* Dismissal.  
413

414 **1413 APPENDIX A - OPERATING DEFINITIONS**

415  
416 **1413.1** ACADEMIC EMPLOYEE means any person possessing either a full-  
417 time (any employee holding an appointment of at least 67 percent time) or  
418 part-time academic or staff appointment at the University and includes all  
419 persons with the following class numbers: Academic Administrative 93xx; Faculty  
420 94xx; Minnesota Extension Service 96xx; and Academic Professionals 97xx.

421  
422 **1413.2** BUSINESS means any corporation, partnership, sole proprietorship,  
423 firm, franchise, association, organization, holding company, joint stock company,  
424 receivership, business or real estate trust, or any other nongovernmental legal  
425 entity organized for profit, not-for-profit, or charitable purposes.

426  
427 **1413.3** DEPARTMENT HEAD is used as a generic term for the immediate  
428 administrator, which is normally the department head, department chair, division  
429 head, ~~or~~ director, or dean.

430  
431 **1413.4** EXTRA PROFESSIONAL ACTIVITY means any internal or external  
432 activity (beyond workload responsibilities), including BUSINESS activities related to  
433 an ACADEMIC EMPLOYEE's appointment, of a nature requiring the special  
434 training, expertise, and/or certification that qualifies the ACADEMIC EMPLOYEE  
435 for the particular University appointment.

436  
437 ~~For certain ACADEMIC EMPLOYEES, the distinction between involvement in~~  
438 ~~community activities as a citizen and involvement in such activities as a~~  
439 ~~professional is difficult to determine. If community activities are citizen-related~~  
440 ~~rather than professional activities, they may be exempt from the prior approval~~  
441 ~~and reporting requirements of this policy. ACADEMIC EMPLOYEES holding~~  
442 ~~elected positions must comply with Section 9 of this policy.~~

443  
444 **1413.5** TERM OF APPOINTMENT is the contract period for ACADEMIC  
445 EMPLOYEES during the University calendar year (July 1 to June 30). For those  
446 with academic year appointments ("B appointment"), this is a nine-month  
447 appointment (39 weeks with no vacation period). ACADEMIC EMPLOYEES with  
448 "A" appointments have an eleven-month appointment (48 weeks plus 22 vacation  
449 days in a calendar year).

# POLICY ON PROFESSIONAL COMMITMENT

DRAFT - June 7, 1995 (clean version; includes all changes since 5/8/95)

## 1 STATEMENT OF GENERAL POLICY

1.1 All ACADEMIC EMPLOYEES<sup>1,2</sup> are expected to fully and professionally meet the obligations of their appointments as addressed under the Workload, Conflict of Interest and Academic Freedom and Responsibility policies of the University. Their primary responsibilities within the University are teaching and learning, scholarship (including research and artistic creation), service to the University and to the wider community, and/or administration in support of these activities. Because of their special capabilities, academic employees are often sought to provide professional expertise for activities beyond the responsibilities of their academic appointment. The University encourages EXTRA WORK because it is often complementary and synergistic with academic employees' primary University responsibilities if it does not interfere with their University duties. This policy attempts to clarify what is considered reasonable extra work, and establishes mechanisms for assuring the accountability of the University and its academic employees with respect to extra work. The dual purpose is to protect employees from criticism for participating in approved extra work and to give the University a means of addressing instances where employees engage in activities that go beyond acceptable bounds. Since opinions may differ as to what is acceptable, academic employees should discuss questions about extra work with their DEPARTMENT HEADS. This policy supersedes and replaces all prior policies on this subject except for Private Practice Plans adopted by the Board of Regents.

## 2 PROFESSIONAL COMMITMENT

2.1 A full-time academic employee's primary commitment is to University teaching, research, outreach, and/or administrative responsibilities, and where applicable to University patient care. Since demands for the talent and expertise of academic employees may on occasion affect their responsibilities to the University, guidelines are needed to define these responsibilities. In general, extra work is in accordance with this policy unless it:

- 1) interferes with an academic employee's ability to carry out his/her responsibilities to the University;
- 2) competes inappropriately within the area of the academic employee's field of appointment with the services or missions of the University; or

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<sup>1</sup> Words appearing in small capital letters on first use are defined in Appendix A.

<sup>2</sup> Academic employees at UMD covered by contract with the University Education Association shall comply with this policy except to the extent that provisions of the contract specifically modify the application of or supersede this policy.

45                   3)     misuses resources or facilities of the University.  
46

47     **3     PROFESSIONAL ACTIVITIES CONSIDERED PART OF AN ACADEMIC EMPLOYEE'S**  
48     **WORKLOAD**  
49

50     3.1     Professional activities such as the examples listed below (a-f) can be  
51     integral parts of an academic employee's University responsibilities and are not  
52     considered against the time limitation for extra work (see Section 4). Care should  
53     be taken to assure that such activities fit with agreed-upon teaching, research,  
54     outreach, and administrative responsibilities. These activities, when they occur,  
55     should be part of each academic employee's annual workload plan.  
56

- 57     a)     Serving as editorial officer or having other duties for a learned journal
- 58     b)     Serving on panels for academic, governmental, or not-for-profit entities
- 59     c)     Serving on a board of directors or advisory committee of a scholarly or  
60     professional organization
- 61     d)     Serving as an officer of a scholarly or professional organization
- 62     e)     Attending professional meetings or professional development programs
- 63     f)     Giving occasional public presentations or participating in colloquia  
64

65     **4     TIME LIMITATION FOR EXTRA WORK**  
66

67     4.1     The extra work of a full-time academic employee must not exceed an  
68     average of one day per seven-day week for the TERM OF APPOINTMENT. For  
69     those with "B" appointments, this amounts to a maximum of 39 days in the term  
70     of appointment; for those with "A" appointments, this amounts to a maximum of  
71     48 days in the 11 months of active service. A day will be considered  
72     approximately 8-10 hours of extra work and preparation time regardless of when  
73     or where this occurs during the seven-day week. Preparation time and travel time  
74     devoted to extra work are counted toward the time limit.  
75

76     4.2     Time limitations for extra work apply only to contractual time. For  
77     example, academic employees with 100% appointments comply with the time  
78     limitations as specified in Section 4.1. Academic employees holding appointments  
79     of 67% to 99% have time limitations adjusted in proportion to their  
80     appointments, e.g., for someone with an 80% appointment, extra work must not  
81     exceed an average of 80% of one day per seven-day per week for the term of  
82     appointment. Academic employees holding appointments of less than 67% time  
83     may engage in extra work ONLY during their noncontractual time. Reporting  
84     requirements apply to all academic employees with appointments of 67% time or  
85     more. Activities carried out as part of an academic employee's participation within  
86     a Regents approved private practice plan are not counted toward the time  
87     limitations defined in this section.

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**5 LIMITATION ON ACTIVITIES THAT MAY COMPETE WITH THE UNIVERSITY**

5.1 Extra work often elicits greater visibility and recognition for the University. However, it may also compete with the missions of the University. Extra work that is within the area of the academic employee's field of appointment should not draw students, clients, or patients, or substantial resources from University offerings and facilities, and the academic employee's connection with the University should not be exploited for the purposes of another institution or BUSINESS. Activities carried out as part of an academic employee's responsibilities within a Regents approved private practice plan are not competitive with the University. To minimize the potential for competition, academic units are encouraged to develop and obtain Regents' approval of private practice plans.

5.2 All academic employees holding appointments of 67% time or more and planning to participate in extra work or business activities that have the potential to compete with the missions of the University must obtain written approval before engaging in the activity unless specified under the terms of their appointment.

**6 EXTRA WORK COMMITMENTS THAT DO NOT REQUIRE PRIOR APPROVAL**

**6.1 External and Internal Consulting**

Engaging in external or internal consulting insofar as the activities comply with Sections 4 and 5.

**7 EXTRA WORK OR BUSINESS COMMITMENTS THAT REQUIRE PRIOR APPROVAL**

All of the activities listed in this section (7.1 - 7.5) are endeavors that may or may not be approved depending upon the specific circumstances. Academic employees should discuss the proposed activity with their department heads. Participation in these activities requires prior approval and is subject to the limitations set forth in Sections 4 and 5.

**7.1 Board Memberships**

- Serving as a corporate officer or on a board of directors of a business.



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**7.2 Competing Business Activities**

- Being employed by or consulting for a business related to his/her professional responsibilities that competes or has the potential to compete with services provided by the University that are part of the employee's University responsibilities.

**7.3 Research Activities**

- Applying for, receiving, and conducting any sponsored research activities for another organization that ordinarily would be conducted under the auspices of the University.

**7.4 Instructional Activities**

All instructional activities outside the agreed-upon workload and related to the academic employee's appointment require prior approval of the department head. Department heads will determine the amount of extra work time to be calculated for extra teaching, whether external or internal, credit or non-credit. As a guideline, 8-10 hours of instructional activities (including preparation, instruction, evaluation, and consultation) will be considered equivalent to one day of extra work (see Section 4); however, the ratio may be adjusted upon agreement with the department head.

- Teaching concurrently for another higher educational institution during the term of appointment.
- Teaching non-credit courses or performing other non-credit instructional activities for non-University entities during the term of appointment.
- Teaching for Continuing Education and Extension for extra compensation during the term of appointment.
- Performing other teaching or teaching-related activities for the unit in which an academic employee holds an appointment or for another unit within the University for extra compensation during the term of appointment.

**7.5 International Projects Administered by the University**

- Participating in certain University-sponsored international activities. Such activities may be treated in one of four ways, based on

171 arrangements between the academic employee and the department  
172 head.

173  
174 (1) The activity may be inloaded as part of the agreed-upon  
175 workload.

176  
177 (2) When participation in a University-sponsored international  
178 activity is done as part of the normal workload but involves special  
179 responsibilities, an academic employee may receive a salary  
180 augmentation and the time committed does not affect the time  
181 limitations described in Section 4.1.

182  
183 (3) When the activity involves special (difficult) work environments,  
184 approval may be sought to have the activity considered and  
185 compensated as extra work subject to the time limitations described  
186 in Section 4.1, or

187  
188 (4) When the activity involves special (difficult) work environments,  
189 it may be compensated with funds deposited into a departmental  
190 account to be used to subsidize the faculty or academic staff  
191 member's travel, research program, or other professional  
192 development. Academic employees on nine-month appointments  
193 may, as an alternative, use the compensation available for such an  
194 activity to fund a summer appointment, assuming they intend to  
195 work during the summer period.

196  
197 **8 HOLDING PUBLIC OFFICE OR PUBLIC SERVICE POSITIONS**

198  
199 8.1 Academic employees share with their fellow citizens the right to campaign for  
200 and to hold public office without their employer's prior approval. The purpose of  
201 this section of the policy is to balance public service of University academic  
202 employees with the University's primary obligations to maintain its teaching  
203 programs and foster research and creative activity. At the same time, it seeks to  
204 encourage public service, including the holding of public office and, in any case,  
205 not to interfere with academic employees' right to participate freely in the  
206 political process. It is desirable, however, that any academic employee  
207 contemplating candidacy for elective political office or appointment to public  
208 office where the duties of a campaign or the holding of the office would interfere  
209 with the fulfillment of University responsibilities, consult in advance with the  
210 appropriate collegiate and administrative units of the University. Consultation  
211 should focus on the question of whether or not temporary suspension of some  
212 portion of the academic employee's responsibilities can be accommodated without  
213 seriously impairing the function of the department or unit involved.

214 8.2 When an academic employee is appointed to or elected to public office, e.g.,  
215 to the state legislature, requiring absence from University duties for continuous  
216 periods of time of one year or less, it is anticipated that leave of absence  
217 procedures or other appropriate arrangements such as a special contract or a  
218 reduced teaching load with a commensurate adjustment in salary, for the year or  
219 portions thereof, will be invoked. The academic employee must provide to the  
220 unit administrator as much notice as possible to insure that ample time will be  
221 provided the unit to replace or otherwise arrange to meet the absent academic  
222 employee's responsibilities. Prior written approval by the Senior Academic Vice  
223 President is required for any full or partial leave of absence.  
224

225 8.3 When an academic employee is appointed/reappointed to or elected to public  
226 office requiring continuous full-time service for a specified period of more than  
227 two years, it is expected that the Senior Vice President will determine if the leave  
228 is appropriate. In the case of appointments for an indeterminate period of time,  
229 full or partial leaves of absence may be negotiated annually; if requests for leave  
230 extend beyond reasonable limits, resignation may be expected.  
231

232 8.4 For certain academic employees, the distinction between involvement in  
233 community activities as a citizen and involvement in such activities as a  
234 professional is difficult to determine. If community activities are citizen-related  
235 rather than professional activities, they may be exempt from the prior approval  
236 and reporting requirements of this policy.  
237

## 238 9 IMPLEMENTATION - PROFESSIONAL COMMITMENT

239

240 9.1 Successful implementation of this policy assumes a shared responsibility by  
241 all academic employees and the administration of the University. Once proposed  
242 activities have been administratively approved, University administration has the  
243 responsibility to vigorously defend the activity so long as the academic employee  
244 complies with the administrative recommendations for the extra work, other  
245 University policies, and the law.  
246

### 247 **Reporting Requirements**

#### 248 **Prior Approval**

249

250 9.2 Prior written approval of the department head must be obtained annually  
251 for those activities specified as requiring such approval. The academic employee  
252 contemplating such activity must initiate the request for approval. If the academic  
253 employee seeking approval for an extra work activity is a department head or  
254 other administrator, the request must be submitted to the academic employee's  
255 immediate supervisor.  
256

257 9.3 The request form for approval must include the following information:  
258 name of academic employee; name of entity for which activity will be performed;  
259 type of activity involved; whether it is to be performed on or off campus; period  
260 of time during which such activity is to be performed; estimated amount and  
261 distribution of time, in days or fractions thereof, to be spent on the activity;  
262 whether or not this activity will be compensated (a "compensated" activity is one  
263 for which honoraria, fees, or other benefits over and above expenses are received;  
264 reimbursement for expenses is not to be construed as compensation); and  
265 signature and date. The department head may require the academic employee to  
266 submit additional information about the activity as it relates to compliance with  
267 this policy. This requirement for additional information may be appealed to the  
268 next level of administrator.  
269

270 9.4 The request for approval must be submitted to the department head. The  
271 department head must respond in writing to the request to participate in extra  
272 work activities within 10 working days of receiving a request. An activity may be  
273 limited or denied approval if it competes with University missions or interferes  
274 with workload agreements. A specific written explanation of any limitation or  
275 denial must be provided to the academic employee. An academic employee may  
276 appeal the department head's action to the appropriate dean or vice chancellor  
277 for academic affairs. That administrator's decision may be appealed to the  
278 appropriate provost or chancellor if the academic employee believes the action  
279 violates this policy or constitutes an abuse of discretion. The provost or  
280 chancellor will have final authority in this matter.  
281

## 282 10 ANNUAL REPORTING

283

284 10.1 All academic employees with appointments of 67% time or more must  
285 report to their department head on an annual basis those activities (specified in  
286 Section 4 as requiring such reporting) that occurred during the previous year.  
287

288 10.2 Annual reports will be filed in the academic employee's departmental  
289 office or Academic Record File, and will be kept for at least five years. Copies of  
290 these annual reports will be forwarded to the dean or vice chancellor for  
291 academic affairs. The department head will include a written statement of denied  
292 requests and the reasons therefor.  
293

294 10.3 The dean or vice chancellor will submit these annual reports and the  
295 statement about denials to the appropriate provost or chancellor and to the  
296 Senior Vice President for Academic Affairs. The dean or vice chancellor will  
297 include a written statement of the denied requests and the reasons therefor.  
298

299           10.4 The Senior Vice President for Academic Affairs will maintain these  
300 records and will make this information public in manners consistent with  
301 University procedures, giving proper attention to rights of privacy of individual  
302 academic employees.  
303

304           10.5 The Senior Vice President for Academic Affairs annually will present to  
305 the Board of Regents aggregate summaries of extra work with the certification  
306 that all requests have been examined and found to conform to Regents' and  
307 appropriate administrative policies relating to extra work.  
308

309 **11 PROCEDURES FOR MONITORING**  
310

311           11.1 If the University has reason to believe that an academic employee is  
312 engaged in extra work (even if consistent with Section 4) to such an extent that it  
313 compromises his/her ability to carry out University responsibilities, appropriate  
314 University officials may ask the academic employee to document his/her outside  
315 activities and to show that his/her University duties are being fully met.  
316

317           11.2 The appropriate provost or chancellor, in cooperation with the appropriate  
318 dean, will periodically review a random sample of individual and unit reports in  
319 order to evaluate the approval and reporting systems, and will make  
320 recommendations regarding the effectiveness of this policy to the president.  
321

322 **12 COMPLIANCE**  
323

324           12.1 The University expects that academic employees will comply fully and  
325 promptly with all the requirements of this policy. Breaches of this policy include,  
326 but are not limited to, failing to secure prior written approval for those activities  
327 that require it, intentionally filing an incomplete, erroneous, or misleading request  
328 for approval or annual report, failing to obtain department head's written  
329 approval to participate in service activities as part of the workload, or failing to  
330 provide additional information as required by the approving authority. A violation  
331 of this policy may be the basis for discipline of an academic employee. If  
332 sanctions are necessary, they will be imposed in accordance with the Regulations  
333 Concerning Faculty Tenure, the Academic Professional and Administrative Staff  
334 Policies and Procedures, or the UEA contract for UMD academic employees.  
335 The potential sanctions may include, but are not limited to the following:  
336

- 337           \* Letter of admonition;
- 338           \* Restricting or denying the academic employee's participation in extra work;
- 339           \* Reduction of pay or percentage of appointment;
- 340           \* Suspension;
- 341           \* Nonrenewal of appointment;
- 342           \* Dismissal.

343 13 APPENDIX A - OPERATING DEFINITIONS  
344

345 13.1 ACADEMIC EMPLOYEE means any person possessing either a full-time (any  
346 employee holding an appointment of at least 67 percent time) or part-time  
347 academic or staff appointment at the University and includes all persons with the  
348 following class numbers: Academic Administrative 93xx; Faculty 94xx; Minnesota  
349 Extension Service 96xx; and Academic Professionals 97xx.  
350

351 13.2 BUSINESS means any corporation, partnership, sole proprietorship, firm,  
352 franchise, association, organization, holding company, joint stock company,  
353 receivership, business or real estate trust, or any other nongovernmental legal  
354 entity organized for profit, not-for-profit, or charitable purposes.  
355

356 13.3 DEPARTMENT HEAD is used as a generic term for the immediate  
357 administrator, which is normally the department head, department chair, division  
358 head, director, principal administrator, or dean.  
359

360 13.4 EXTRA WORK includes all paid activities that are not part of workload  
361 responsibilities. Not included are income-producing hobby/recreational activities  
362 or managing personal investments (e.g., stocks, mutual funds but not a business)  
363 unless they interfere with carrying out normal University responsibilities.  
364

365 13.5 TERM OF APPOINTMENT is the contract period for academic employees  
366 during the University calendar year (July 1 to June 30). For those with academic  
367 year appointments ("B appointment"), this is a nine-month appointment (39 weeks  
368 with no vacation period). Academic employees with "A" appointments have an  
369 eleven-month appointment (48 weeks plus 22 vacation days in a calendar year).  
370

1 **POLICY ON PROFESSIONAL COMMITMENT**  
2 DRAFT - June 7, 1995 (shows all changes since 5/8/95)  
3

4 **1 STATEMENT OF GENERAL POLICY**  
5

6 1.1 All ACADEMIC EMPLOYEES<sup>1,2</sup> are expected to fully and professionally  
7 meet the obligations of their appointments as addressed under the Workload,  
8 Conflict of Interest and Academic Freedom and Responsibility policies of the  
9 University. ~~principal work allegiance is to the University, and~~ Their primary  
10 responsibilities within the University are teaching and learning, scholarship  
11 (including research and artistic creation), service to the University and to the  
12 wider community, and/or administration in support of these activities. Because of  
13 their special capabilities, academic employees are often sought to provide  
14 professional expertise for activities beyond the responsibilities of their academic  
15 appointment. ~~These~~ The University encourages EXTRA PROFESSIONAL  
16 ACTIVITIES EXTRA WORK because it is often complementary and synergistic with  
17 the academic employee's primary University responsibilities ~~and thus should be~~  
18 encouraged if they can be accommodated within the term of appointment.  
19 Academic employees may engage in EXTRA PROFESSIONAL ACTIVITIES within the  
20 limitations set forth in this policy, as long as these activities do not interfere with  
21 University teaching, research, outreach, and administrative responsibilities. if it  
22 does not interfere with their University duties. This policy attempts to clarify  
23 what is considered reasonable extra work, and establishes mechanisms for assuring  
24 the accountability of the University and its academic employees with respect to  
25 extra work. The dual purpose is to protect employees from criticism for  
26 participating in approved extra work and to give the University a means of  
27 addressing instances where employees engage in activities that go beyond  
28 acceptable bounds. Since opinions may differ as to what is acceptable, academic  
29 employees should discuss questions about extra work with their DEPARTMENT  
30 HEADS. This policy supersedes and replaces all prior policies on this subject  
31 except for Private Practice Plans adopted by the Board of Regents.  
32

33 1.2 This policy distinguishes EXTRA PROFESSIONAL ACTIVITIES from  
34 BUSINESS activities. Academic employees may engage in BUSINESS activities  
35 unrelated to their professional expertise insofar as they do not interfere with the  
36 primacy of their University obligations.  
37

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38 <sup>1</sup>Definitions of terms Words appearing in small capital letters on first use are listed  
39 defined in Appendix A.

40 <sup>2</sup> Academic employees at UMD covered by contract with the University Education  
41 Association shall comply with this policy except to the extent that provisions of the contract  
42 specifically modify the application of or supersede this policy.

43 1.23 The intent of this policy is to: 1) identify professional contributions and  
44 services rendered by academic employees to the community; 2) establish  
45 mechanisms for assuring the accountability of the University and its academic  
46 employees with respect to ~~EXTRA PROFESSIONAL and BUSINESS ACTIVITIES~~; and  
47 3) provide principles to reconcile, as equitably as possible, conflicts between  
48 ~~EXTRA PROFESSIONAL and BUSINESS~~ demands on academic employees and their  
49 varied University responsibilities. This policy supersedes and replaces all prior  
50 policies on this subject except for Private Practice Plans adopted by the Board of  
51 Regents.

52  
53 **2 PROFESSIONAL COMMITMENT**  
54

55 2.1 A full-time academic employee's devotes primary commitment is to  
56 University teaching, research, outreach, and/or administrative responsibilities, and  
57 where applicable, to University patient care. ~~Accordingly, all academic employees~~  
58 ~~should arrange all activities that are not part of their University responsibilities so~~  
59 ~~as not to interfere with the primacy of these commitments. Academic employees~~  
60 ~~may engage in EXTRA PROFESSIONAL ACTIVITIES . However, such activities~~  
61 ~~must conform to the requirements set forth in this policy.~~ Since demands for the  
62 talent and expertise of academic employees may on occasion affect their  
63 responsibilities to the University, guidelines are needed to define these  
64 responsibilities. In general, ~~EXTRA PROFESSIONAL ACTIVITIES~~ extra work may be  
65 pursued are is in accordance with this policy unless they it:

- 66  
67 1) interferes with an academic employee's ability to carry out his/her  
68 responsibilities to the University;  
69 2) competes inappropriately within the area of the Academic  
70 Employee's field of appointment with the services or missions of  
71 the University; or  
72 3) misuses resources or facilities of the University.  
73

74 **3 PROFESSIONAL ACTIVITIES THAT MAY BE CONSIDERED PART OF AN ACADEMIC**  
75 **EMPLOYEE'S WORKLOAD**  
76

77 3.1 Professional The Activities such as the examples listed below (a-f) are  
78 considered service when related to can be integral parts of an academic  
79 employee's University responsibilities and are not considered against the time  
80 limitation for ~~EXTRA PROFESSIONAL ACTIVITIES~~ extra work (see Section 5 4). ;  
81 however, they should not be pursued if they interfere Care should be taken to  
82 assure that such activities fit with agreed-upon teaching, research, and outreach  
83 activities, or administrative responsibilities, in support of these activities. The  
84 specific effort allocated for ~~These activities, when they occur, should be agreed~~



85 upon with the academic employee's ~~DEPARTMENT HEAD~~ at least once a year as  
86 part of the each academic employee's annual workload discussion plan. Before  
87 ~~engaging in new activities that would deviate substantially from the annual plan,~~  
88 ~~the employee should discuss the activities with his/her DEPARTMENT HEAD.~~  
89

- 90 a) Serving as editorial officer or having other duties for a learned journal
- 91 b) Serving on panels for academic, governmental, or not-for-profit entities
- 92 c) Serving on a board of directors or advisory committee of a scholarly or  
93 professional organization
- 94 d) Serving as an officer of a scholarly or professional organization
- 95 e) Attending professional meetings or professional development programs
- 96 f) Giving occasional public presentations or participating in colloquia

97  
98 ~~4~~ ~~LIMITATION ON BUSINESS ACTIVITIES~~

99  
100 ~~4.1~~ ~~academic employees may engage in BUSINESS activities unrelated to their~~  
101 ~~professional expertise insofar as they do not interfere with the primacy of their~~  
102 ~~University obligations.~~  
103

104 **54** **TIME LIMITATION FOR EXTRA WORK PROFESSIONAL ACTIVITIES**

105  
106 **54.1** **EXTRA PROFESSIONAL ACTIVITIES** Extra work of a full-time academic  
107 employee must not exceed an average of one day per seven-day week for the term  
108 of appointment. For those with "B" appointments, this amounts to a maximum of  
109 39 days in the term of appointment; for those with "A" appointments, this amounts  
110 to a maximum of 48 days in the 11 months of active service. A day will be  
111 considered approximately 8-10 hours of **EXTRA PROFESSIONAL ACTIVITIES** extra  
112 work and preparation time regardless of when or where this occurs during the  
113 seven-day week. Preparation time and travel time devoted to **EXTRA**  
114 **PROFESSIONAL ACTIVITIES** extra work are counted toward the time limit.  
115

116 ~~5.2~~ ~~Academic employees (100%) must comply with the time limitations~~  
117 ~~specified within this policy. The allowable time for EXTRA PROFESSIONAL~~  
118 ~~ACTIVITIES for academic employees who hold appointments greater than or equal~~  
119 ~~to 67% time but less than 100% will be proportionately reduced in accordance~~  
120 ~~with their appointment percentage. ACADEMIC EMPLOYEES holding~~  
121 ~~appointments less than 67% time may engage in EXTRA PROFESSIONAL~~  
122 ~~ACTIVITIES only during their noncontractual time. There are no time limitations~~  
123 ~~for EXTRA PROFESSIONAL ACTIVITIES done during noncontractual time.~~  
124 ~~Reporting requirements, however, apply to all academic employees with an~~  
125 ~~appointment of 50% time or more.~~  
126

127 4.2 Time limitations for EXTRA PROFESSIONAL ACTIVITIES extra work apply  
128 only to contractual time. For example, academic employees with 100%  
129 appointments must comply with the time limitations as specified in Section 4.1.  
130 Academic employees holding appointments of 67% to 99% have time limitations  
131 adjusted in proportion to their appointments, e.g., for someone with an 80%  
132 appointment, EXTRA PROFESSIONAL ACTIVITIES extra work must not exceed an  
133 average of 80% of one day per seven-day per week for the term of appointment.  
134 Academic employees holding appointments of less than 67% time may engage in  
135 EXTRA PROFESSIONAL ACTIVITIES extra work ONLY during their noncontractual  
136 time. Reporting requirements apply to all academic employees with appointments  
137 of ~~more than 50~~ 67% time or more. Activities carried out as part of an academic  
138 employee's participation within a Regents approved private practice plan are not  
139 counted toward the time limitations defined in this section.

141 **65 LIMITATION ON ACTIVITIES THAT MAY COMPETE WITH THE UNIVERSITY**

142  
143 65.1 EXTRA PROFESSIONAL ACTIVITIES Extra work often elicits greater  
144 visibility and recognition for the University. However, they it may also compete  
145 with the missions of the University. EXTRA PROFESSIONAL ACTIVITIES Extra  
146 work must not unduly compete with services or activities that are is within the  
147 area of the academic employee's field of appointment. Competition is undue if it  
148 should not draws students, clients, or patients, or substantial resources from  
149 University offerings and facilities, or if and the academic employee's connection  
150 with the University is should not be exploited for the purposes of the another  
151 institution or business. Activities carried out as part of an academic employee's  
152 responsibilities within a Regents approved private practice plan are not  
153 competitive with the University. To minimize the potential for competition,  
154 academic units are encouraged to develop and obtain Regents' approval of private  
155 practice plans.

156  
157 65.2 All academic employees holding appointments of 67% 50% time or more  
158 and planning to participate in EXTRA PROFESSIONAL extra work or business  
159 activities that have the potential to compete with the missions of the University  
160 must obtain written approval before engaging in the activity unless specified under  
161 the terms of their appointment.  
162

163 **76** **EXTRA PROFESSIONAL WORK COMMITMENTS THAT DO NOT REQUIRE PRIOR**  
164 **APPROVAL**

166 **76.1 External and Internal Consulting**

167  
168 Engaging in external or internal consulting insofar as the activities comply  
169 with Sections 5 4 and 6 5.

171 **87** **~~EXTRA PROFESSIONAL~~ EXTRA WORK OR BUSINESS COMMITMENTS THAT REQUIRE**  
172 **PRIOR APPROVAL**

173  
174 All of the activities listed in this section (87.1 - 87.5) are endeavors that may or  
175 may not be approved depending upon the specific circumstances. Academic  
176 employees should discuss the proposed activity with their department heads.  
177 Participation in these activities requires prior approval and are is subject to the  
178 limitations set forth in Sections 5 4 and 6 5.

179  
180 **87.1 Board Memberships**

181  
182 a)■ Serving as a corporate officer or on a board of directors of a  
183 business.

184  
185 **87.2 Competing Business Activities**

186  
187 b)■ Being employed by or consulting for a business related to his/her  
188 professional responsibilities that competes or has the potential to  
189 compete with services provided by the University that are part of  
190 the employee's University responsibilities.

191  
192 **87.3 Research Activities**

193  
194 e)■ Applying for, receiving, and conducting any sponsored research  
195 activities for another organization that ordinarily would be  
196 conducted under the auspices of the University.

197  
198 **87.4 Instructional Activities**

199  
200 All instructional activities outside the agreed-upon workload and related to  
201 the academic employee's appointment require prior approval of the  
202 department head. Department heads will determine the amount of extra  
203 work Professional time to be calculated for extra teaching, whether  
204 external or internal, credit or non-credit. As a guideline, 8-10 hours of

205 instructional activities (including preparation, instruction, evaluation, and  
206 consultation) will be considered equivalent to one day of ~~EXTRA~~  
207 ~~PROFESSIONAL ACTIVITIES~~ extra work (see Section 5 4); however, the ratio  
208 may be adjusted upon agreement with the department head.

209  
210 d) Teaching concurrently for another higher educational institution  
211 during the term of appointment.

212  
213 e) Teaching non-credit courses or performing other non-credit  
214 instructional activities for non-University entities during the term of  
215 appointment.

216  
217 f) Teaching for Continuing Education and Extension for extra  
218 compensation during the term of appointment.

219  
220 g) Performing other teaching or teaching-related activities for the unit  
221 in which an academic employee holds an appointment or for  
222 another unit within the University for extra compensation during the  
223 term of appointment.

224  
225 **87.5 International Projects Administered by the University**

226  
227 g) Participating in certain University-sponsored international activities.  
228 Such activities may be treated in one of four ways, based on  
229 arrangements between the academic employee and the department  
230 head.

231  
232 (1) The activity may be inloaded as part of the agreed-upon  
233 workload.

234  
235 (2) When participation in a University-sponsored international  
236 activity is done as part of the normal workload but involves special  
237 responsibilities, an academic employee may receive a salary  
238 augmentation and the time committed does not affect the time  
239 limitations described in Section 54.1.

240  
241 (3) When the activity involves special (difficult) work environments,  
242 approval may be sought to have the activity considered and  
243 compensated as an extra work ~~EXTRA PROFESSIONAL ACTIVITY~~  
244 and subject to the time limitations described in Section 54.1, or  
245

246 (4) When the activity involves special (difficult) work environments,  
247 it may be compensated with funds deposited into a departmental  
248 account to be used to subsidize the faculty or academic staff  
249 member's travel, research assistant program, or other professional  
250 development. Academic employees on nine-month appointments  
251 may, as an alternative, use the compensation available for such an  
252 activity to fund a summer appointment, assuming they intend to  
253 work during the summer period.  
254

255 **98 HOLDING PUBLIC OFFICE OR PUBLIC SERVICE POSITIONS**  
256

257 98.1 Academic employees share with their fellow citizens the right to campaign  
258 for and to hold public office without their employer's prior approval. The purpose  
259 of this section of the policy is to balance public service of University academic  
260 employees with the University's primary obligations to maintain its teaching  
261 programs and foster research and creative activity. At the same time, it seeks to  
262 encourage public service, including the holding of public office and, in any case,  
263 not to interfere with academic employees' right to participate freely in the  
264 political process. It is desirable, however, that any academic employee  
265 contemplating candidacy for elective political office or appointment to public  
266 office where the duties of a campaign or the holding of the office would interfere  
267 with the fulfillment of University responsibilities, consult in advance with the  
268 appropriate collegiate and administrative units of the University. Consultation  
269 should focus on the question of whether or not temporary suspension of some  
270 portion of the academic employee's responsibilities can be accommodated without  
271 seriously impairing ~~of~~ the function of the department or unit involved.  
272

273 98.2 When an academic employee is appointed to or elected to public office, e.g.,  
274 to the state legislature, requiring absence from University duties for continuous  
275 periods of time of one year or less, it is anticipated that leave of absence  
276 procedures or other appropriate arrangements such as a special contract or a  
277 reduced teaching load with a commensurate adjustment in salary, for the year or  
278 portions thereof, will be invoked. The academic employee must provide to the  
279 unit administrator as much notice as possible to insure that ample time will be  
280 provided the unit to replace or otherwise arrange to meet the absent academic  
281 employee's responsibilities. Prior written approval by the Senior Academic Vice  
282 President is required for any full or partial leave of absence.  
283

284 98.3 When an academic employee is appointed/reappointed to or elected to  
285 public office requiring continuous full-time service for a specified period of more  
286 than two years, it is expected that ~~a determination will be made by~~ the Senior  
287 Vice President will determine if the leave should ~~be extended~~. is appropriate. In

288 the case of appointments for an indeterminate period of time, full or partial  
289 leaves of absence may be negotiated annually; if requests for leave extend beyond  
290 reasonable limits, resignation may be expected.

291  
292 ~~When an academic employee's re-election or reappointment to public office~~  
293 ~~causes continuous absence to exceed two years, it is expected that a determination~~  
294 ~~will be made by the Senior Vice President if the leave should be extended. In the~~  
295 ~~case of appointments for an indeterminate period of time, full or partial leaves of~~  
296 ~~absence may be negotiated annually; if requests for leave extend beyond~~  
297 ~~reasonable limits, resignation may be expected.~~

298  
299 ~~9.4 The purpose of this section of the policy is to balance public service of~~  
300 ~~University academic employees with the University's primary obligations to~~  
301 ~~maintain its teaching programs and foster research and creative activity. At the~~  
302 ~~same time, it seeks to encourage public service, including the holding of public~~  
303 ~~office and, in any case, not to interfere with academic employees' right to freely~~  
304 ~~to participate in the political process.~~

305  
306 8.4 For certain academic employees, the distinction between involvement in  
307 community activities as a citizen and involvement in such activities as a  
308 professional is difficult to determine. If community activities are citizen-related  
309 rather than professional activities, they may be exempt from the prior approval  
310 and reporting requirements of this policy.

311  
312 **109 IMPLEMENTATION - PROFESSIONAL COMMITMENT**

313  
314 9.1 Successful implementation of this policy assumes a shared responsibility by  
315 all academic employees and the administration of the University. ACADEMIC  
316 EMPLOYEES are expected to comply with all the requirements described within  
317 this policy. Once proposed activities have been administratively approved,  
318 University administration has the responsibility to vigorously defend the activity so  
319 long as the Academic Employee complies with the administrative  
320 recommendations for the EXTRA PROFESSIONAL ACTIVITY extra work, other  
321 University policies, and the law.

322  
323 **Reporting Requirements**

324  
325 **Prior Approval**

326  
327 ~~10.19.2~~ Prior written approval of the Department Head must be obtained  
328 annually for those activities specified as requiring such approval. The academic  
329 employee contemplating such activity must initiate the request for approval. If

330 the academic employee seeking approval for an ~~EXTRA PROFESSIONAL~~ extra work  
331 activity is a department head or other administrator, the request must be  
332 submitted to the academic employee's immediate supervisor.  
333

334 ~~10.29.3~~ The request form for approval must include the following  
335 information: name of academic employee; name of entity for which activity will be  
336 performed; type of activity involved; whether it is to be performed on or off  
337 campus; period of time during which such activity is to be performed; estimated  
338 amount and distribution of time, in days or fractions thereof, to be spent on the  
339 activity; whether or not this activity will be compensated (a "compensated" activity  
340 is one for which honoraria, fees, or other benefits over and above expenses are  
341 received; reimbursement for expenses is not to be construed as compensation);  
342 and signature and date. The department head may require the academic employee  
343 to submit additional information about the activity as it relates to compliance with  
344 this policy. This requirement for additional information may be appealed to the  
345 next level of administrator.  
346

347 ~~10.39.4~~ The request for approval must be submitted to the department  
348 head. The department head must respond in writing to the request to participate  
349 in ~~EXTRA PROFESSIONAL OR BUSINESS~~<sup>3</sup> extra work professional activities within  
350 10 working days of receiving a request. An activity may be limited or denied  
351 approval if it competes with University missions or interferes with workload  
352 agreements. A specific written explanation of any limitation or denial must be  
353 provided to the academic employee. An academic employee may appeal the  
354 department head's action to the appropriate dean or vice chancellor for academic  
355 affairs. That administrator's decision may be appealed to the appropriate provost  
356 or chancellor if the academic employee believes the action violates this policy or  
357 constitutes an abuse of discretion. The provost or chancellor will have final  
358 authority in this matter.  
359

360 ~~1110~~ ANNUAL REPORTING

361  
362 ~~1110.1~~ All academic employees with appointments of 67% ~~50%~~ time or  
363 more must report to their department head on an annual basis those activities  
364 (specified in Sections 4 ~~and 5~~ as requiring such reporting) that occurred during  
365 the previous year.  
366

367 ~~1110.2~~ Annual reports ~~on appropriate forms~~ must will be filed in the  
368 academic employee's departmental office or Academic Record File, ~~which and~~

---

369 ~~For activities that may compete with the mission of the University.~~

370 will ~~be kept~~ keep them for at least five years. Copies of these annual reports ~~must~~  
371 will be forwarded to the dean or vice chancellor for academic affairs. The  
372 department head ~~must also~~ will include a written statement of denied requests  
373 and the reasons therefor.

374  
375 ~~4110.3~~ The dean or vice chancellor ~~must~~ will submit these annual reports  
376 and the statement about denials to the appropriate provost or chancellor and to  
377 the Senior Vice President for Academic Affairs. The dean or vice chancellor  
378 ~~must also~~ will include a written statement of the denied requests and the reasons  
379 therefor.

380  
381 ~~4110.4~~ The Senior Vice President for Academic Affairs will maintain these  
382 records and will make this information public in manners consistent with  
383 University procedures, giving proper attention to rights of privacy of individual  
384 academic employees.

385  
386 ~~4110.5~~ The Senior Vice President for Academic Affairs annually will  
387 present to the Board of Regents ~~annually~~ aggregate summaries of ~~EXTRA~~  
388 ~~PROFESSIONAL ACTIVITY~~ extra work with the certification that all requests have  
389 been examined and found to conform to Regents' and appropriate administrative  
390 policies relating to ~~EXTRA PROFESSIONAL ACTIVITIES~~ extra work.

391  
392 ~~4211~~ **PROCEDURES FOR MONITORING**

393  
394 ~~4211.1~~ If the University has reason to believe that an academic employee is  
395 engaged in ~~BUSINESS OF EXTRA PROFESSIONAL ACTIVITIES~~ extra work (even if  
396 consistent with Section 4) to such an extent that it compromises his/her ability to  
397 carry out University responsibilities, appropriate University officials may ask the  
398 academic employee to document his/her outside activities and to show that  
399 his/her University duties are being fully met.

400  
401 ~~4211.2~~ The appropriate provost or chancellor, in cooperation with the  
402 appropriate dean, will periodically review a random sample of individual and unit  
403 reports in order to evaluate the approval and reporting systems, and will make  
404 recommendations regarding the effectiveness of this policy to the president.

405  
406 ~~4312~~ **COMPLIANCE**

407  
408 ~~4312.1~~ The University expects that academic employees ~~to~~ will comply fully  
409 and promptly with all the requirements of this policy. Breaches of this policy  
410 include, but are not limited to, failing to secure prior written approval for those  
411 activities that require it, intentionally filing an incomplete, erroneous, or



misleading request for approval or annual report, failing to obtain department head's written approval to participate in service activities as part of the workload, or failing to provide additional information as required by the approving authority. A violation of this policy may be the basis for discipline of an academic employee. If sanctions are necessary, they will be imposed in accordance with the Regulations Concerning Faculty Tenure, and the Academic Professional and Administrative Staff Policies and Procedures, or the UEA contract for UMD academic employees. The potential sanctions may include, but are not limited to the following:

- \* Letter of admonition;
- \* ~~Withdrawing approval~~ Restricting or denying for the Academic Employee's to participate in EXTRA PROFESSIONAL extra work and BUSINESS activities;
- \* Reduction of pay or percentage of appointment;
- \* Suspension;
- \* Nonrenewal of appointment;
- \* Dismissal.

#### 1413 APPENDIX A - OPERATING DEFINITIONS

1413.1 Academic employee means any person possessing either a full-time (any employee holding an appointment of at least 67 percent time) or part-time academic or staff appointment at the University and includes all persons with the following class numbers: Academic Administrative 93xx; Faculty 94xx; Minnesota Extension Service 96xx; and Academic Professionals 97xx.

1413.2 BUSINESS means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other nongovernmental legal entity organized for profit, not-for-profit, or charitable purposes.

1413.3 DEPARTMENT HEAD is used as a generic term for the immediate administrator, which is normally the department head, department chair, division head, or director, principal administrator, or dean.

1413.4 EXTRA PROFESSIONAL ACTIVITY means any internal or external activity (beyond workload responsibilities), including BUSINESS activities related to an academic employee's appointment, of a nature requiring the special training, expertise, and/or certification that qualifies the academic employee for the particular University appointment.

DRAFT 6/7/95

454 ~~For certain academic employees, the distinction between involvement in~~  
455 ~~community activities as a citizen and involvement in such activities as a~~  
456 ~~professional is difficult to determine. If community activities are citizen-related~~  
457 ~~rather than professional activities, they may be exempt from the prior approval~~  
458 ~~and reporting requirements of this policy. Academic employees holding elected~~  
459 ~~positions must comply with Section 9 of this policy.~~

460  
461 13.4 EXTRA WORK includes all paid activities that are not part of workload  
462 responsibilities. Not included are income-producing hobby/recreational activities  
463 or managing personal investments (e.g. stocks, mutual funds but not a business)  
464 unless they interfere with carrying out normal University responsibilities.  
465

466 ~~14~~13.5 TERM OF APPOINTMENT is the contract period for academic  
467 employees during the University calendar year (July 1 to June 30). For those with  
468 academic year appointments ("B appointment"), this is a nine-month appointment  
469 (39 weeks with no vacation period). Academic employees with "A" appointments  
470 have an eleven-month appointment (48 weeks plus 22 vacation days in a calendar  
471 year).  
472  
473

100-100-100  
100-100-100

Remarks on the 'Commitment' and an Alternative Proposal

JW Halley, Physics

The efforts of Vice President Brenner and others to write a 'commitment' policy for faculty are not leading to a satisfactory document and threaten serious damage to the university. For background, I refer to the draft policies and also to the minutes of the June 1, 1995 debate of the FCC. I have some comments and then a proposed further (and much shorter) draft.

1. The reasons for this discussion at this time are obviously political and arise as a result of the publicity surrounding the Zahavi case, in which behavior which was not expressly forbidden aroused widespread disapproval inside and outside the university.

2. The attempts to forbid faculty from competing with university services are clearly inappropriate and appear to constitute an attempt by the university to establish monopolies. The authors have denied that this was their intent but the revisions continue to be objectionable in these terms. For example, it is now said that if the university has invested in the development of certain expertise, then a faculty member may not use it for profitable advantage outside the university. But the university often offers services at extremely inefficient rates, for example by charging 'overheads' which are vastly in excess of real costs of offering the service. (These overheads are hidden subsidies for some very worthwhile activities but also for some gross inefficiencies in administration and maintenance.) The university may claim that these absurd overheads constitute 'investment' and refuse to allow the faculty member to proceed. The result is that the public is denied a service at a reasonable rate because of a monopolistic rule by the university.

3. A general problem with this rule making exercise is the attempt to anticipate all contingencies. This is the classical error of Roman law. The Anglo-Saxon tradition, as I understand it, has been precisely to avoid this by stating general principles and leaving details to a judicial process. This seems an admirable approach for the present case, which Professor Adams has attempted to follow, while possibly falling into some other problems.

4. For the immediate future and in view of these points and the total lack of consensus on the FCC, the Senate should REJECT the draft policy at the June 8, 1995 Senate meeting.

(over)

5. I offer the following possible alternative for discussion:

'Faculty members are expected, as a minimum, and during the months of their full time appointment, to be productive according to the standards of their field and department (as established by comparison with peer departments) at a level consistent with 40 hours per week from a typical faculty member in those peer departments. This is a minimum requirement. As long as this minimum requirement is met, other business and professional activities by faculty are not restricted. If such activities make use of equipment or copyrighted materials developed by the university or by the faculty member as a part of his university obligations then the university must be compensated for such use at market rates. Enforcement of this policy shall be the responsibility of department heads and chairs in the first instance, with the possibility of appeal to the next administrative level (usually the dean) and for a final appeal to the judicial committee. '

The rationale for this is as follows:

a. The policy requires a level of productivity, not of time spent. A few people may be able to meet the minimum in a couple of days, though this not encouraged. By explicitly stating a number of equivalent hours, we deal in part with the political problem at the legislature.

b. By referring to the standards of peer departments, we avoid the problem of trying to write all the diversity of the university into the rule in any sensible way. The standards of peer departments can be established with reasonable objectivity, and thus can form a basis for judgement and judicial proceedings when these become necessary.

c. The unfairness of using materials developed with university investment for private profit is handled in a straightforward business way. If the university invested inefficiently in the development, then it will not recover its costs at market rates, but there is no reason that it should. The mechanisms should not encourage inefficiency.