

## POLICY ON OUTSIDE CONSULTING, SERVICE ACTIVITIES, AND OTHER OUTSIDE WORK

### PREAMBLE

The primary missions of the University that define the professional activities of the faculty<sup>1</sup> are teaching and learning, scholarship (including research and artistic creation), and service to the University and to the wider community. While these missions are usually complementary, they sometimes generate conflicting demands on faculty time. Faculty responsibilities for teaching, scholarship, and administration, for example, must frequently be met off campus, at odd hours, and often exact commitments of evenings and weekends. Similarly, as faculty members respond to the needs of the wider community, they may be required to spend some time on "outside activities" during the "ordinary" working week.

Since outside demands for the talents and expertise of its faculty may on occasion affect University service, guidelines are needed to regulate the proper degree of response to these demands. In general, it seems proper to restrict service activities if they may: 1) interfere with a faculty member's ability to carry out contractual responsibilities; or 2) make use of University resources or facilities.

The University encourages non-University service so long as University responsibilities are fully met. A faculty member may have a talent or be able to provide a service that can be found nowhere else in the community, and employment by the University should not prevent making these talents or services available to a community that seeks them. Indeed, the provision of this talent or service may enhance the faculty member's capacity or reputation as a teacher or scholar and thus directly contribute to the University's primary missions.

The intent of this policy is to: 1) identify professional contributions and services rendered by the University to the outside community; 2) establish mechanisms for assuring the accountability of the University and its faculty with respect to outside activities; and 3) provide rules which attempt to reconcile, as equitably as possible, conflicts between outside demands on faculty members' time and their varied University responsibilities. This document synthesizes, revises, and extends policies which have grown by accretion since the initial Regents' action of 1914.

### SECTION I. GENERAL POLICY

#### A. Application of Policy

This policy statement applies to individuals holding appointments at the faculty rank of instructor and above, and academic administrative and

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<sup>1</sup>"Faculty" includes academic administrative and professional staff.

professional staff, for the term of appointment. The term of appointment for a B appointee is nine months -- 16 September to 15 June; for an A appointee, the term is effectively eleven months, since one month is officially recognized as vacation. For those on less than 100 percent time, or on any other lettered appointment, the policy shall be applied in a manner consistent with the individual's University commitment.

B. Definition of Outside Activity and Outside Professional Activity

"Outside activity" means work for any non-University entity, whether or not performed on the University campus.

"Outside professional activity" is outside activity of a nature requiring the special training, expertise and/or certification that qualifies the faculty member for the particular University appointment.

For certain faculty members, the distinction between involvement in community activities as a citizen and involvement in such activities as a professional is difficult to determine. Faculty members may judge the nature of their community activities and if they deem them to be citizen-related rather than professional activities, such activities may be exempt from the prior approval and reporting requirements of this policy.

For purposes of this policy, work supported by grant or contract funds awarded to the University and accepted by the Board of Regents does not constitute outside activity. Similarly, teaching Extension courses does not constitute outside activity for the purposes of this policy. For some units, community contract and outreach are part of their University responsibilities and, therefore, are not considered an outside activity under the terms of this policy. All such activities will be governed by departmental, collegiate, and other University policies.

C. Conditions Under Which Outside Professional Activities are Permitted

Faculty members may engage in outside professional consulting or service activity which 1) does not interfere with the discharge of their teaching, research, service, and administrative responsibilities to the University; and 2) does not exceed the time limitation on outside commitments specified in Section E below.

D. Prior Approval and Reporting of Outside Professional Activities

This paragraph specifies those activities for which prior approval and/or annual reporting are necessary. The faculty member shall obtain prior approval, when required, in the manner outlined in Section II, A below. The faculty member shall report in the manner outlined in Section II, B below.

1. Prior Approval

The faculty member shall obtain prior approval for each outside professional activity that is engaged in for more than an average of one day per month in any single term of University appointment.

2. Reporting

The faculty member shall report each outside professional activity that is engaged in for more than three days in any single term of University appointment.

3. Activities Excluded from the Prior Approval Requirement

Under the terms of this policy, the following activities do not require prior approval, as they represent normal forms of professional activity:

- a. holding office in a scholarly or professional organization;
- b. editorial office or duties for a learned journal.

These activities, however, must be reported if they are engaged in for more than three days in any single term and, in any case, shall not interfere with the discharge of faculty members' other teaching, service, research, or administrative responsibilities.

4. Activities Excluded from the Prior Approval and Reporting Requirements

Under the terms of this policy certain outside activities are expected of faculty members as part of their normal scholarly activities and are therefore exempted from the requirements of prior approval and reporting, and from the time limitations of Section I, Subsection E below.

Among such exempted outside activities are the following:

- a. attendance at professional meetings;
- b. the writing of books or articles or the creation of works of art;
- c. the giving of occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings;
- d. ad hoc refereeing of manuscripts.

These activities, however, shall not interfere with the discharge of faculty members' other teaching, service, research, or administrative responsibilities. Such activities will be governed by collegiate or academic unit policies.

E. Time Limitation on Outside Professional Activities

The outside professional activities of the full-time faculty member shall not exceed an average of one day per seven-day week for the term of the appointment.<sup>2</sup>

The activities listed in Section I, D, 4 above are excluded from this limitation as they are from the approval and reporting requirements.

The way in which all outside professional activities are scheduled, including the activities listed in Section I, D, 4, above, shall, in the judgment of the unit administrator, be compatible with the faculty member's obligations to the University. The arrangements may, if judged necessary by the unit administrator, include provisions for a special contract or reduction in University compensation.

F. Appearance Before Public Bodies

Any member of the faculty who testifies either in person or by way of a written communication, before any public body or public official, regarding any issue or matter up for consideration, discussion, or action, and who is identified as a faculty member, shall make known clearly, completely, and candidly whether he or she is, or is not, speaking on the matter as a representative of the University. Where the individual is not speaking for the University, the individual shall either indicate that he or she is speaking for himself or herself, or shall identify the sponsoring individual, corporation, or organization which is supporting or has supported the studies relevant to the testimony, or under whose auspices the individual is appearing or sending the communication. The individual shall also explain the conditions of the association with the sponsor.

G. Use of the University Name

No member of the faculty shall use the University name for advertising purposes. A member of the faculty engaging in outside activity may identify his or her association with the University, but shall take care that the name of the University is not used in any way that implies endorsement or approval of the activity.

H. Use of the Official Stationery or of the University Address

No member of the faculty shall use the official stationery of the University, or give as a business address any building or unit of the institution in connection with: 1) outside non-professional activities, or 2) outside professional activities engaged in primarily for private purposes.

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<sup>2</sup>For those with academic year appointments, this amounts to a maximum of 39 days in the term of appointment; for those with "A" appointments, this amounts to a maximum of 48 days in the eleven months of active service. Faculty members who engage in activities less than a day shall report the fraction of the day devoted to those activities.

I. Use of University Facilities

No member of the faculty shall use University equipment or services for activities not relevant to one's University responsibilities in a way that significantly depletes University resources without first obtaining approval<sup>3</sup> for and arranging for payment of a reasonable fee for such services with the University Administration. Use of certain University equipment or services may not require prior approval when it is understood that such equipment or services are generally available to the University faculty for the payment of a reasonable fee.

J. Holding Public Office

1. Faculty members share with their fellow citizens the right to campaign for and to hold public office without their employer's prior approval. It is desirable, however, that any faculty member contemplating candidacy for elective political office or appointment to public office where the duties of a campaign or the holding of the office would seriously interfere with the fulfillment of University responsibilities, consult in advance with the appropriate collegiate and administrative units of the University. Consultation should focus on the question of whether or not temporary suspension of some portion of the faculty member's responsibilities can be accommodated without serious impairment of the function of the department or unit involved.
2. When a faculty member is appointed to or elected to public office, e.g., to the State Legislature, requiring absence from University duties for continuous periods of time of one year or less, it is anticipated that normal leave of absence procedures, or other appropriate arrangements such as a special contract or a reduced teaching load with a commensurate adjustment in salary, for the year or portions thereof will be invoked. The faculty member shall provide to the unit administrator as much notice as possible to insure that ample time will be provided the unit to replace or otherwise arrange to meet the absent faculty member's responsibilities. Prior approval by the Board of Regents continues to be required for any full or partial leave of absence.
3. When a faculty member is appointed to or elected to public office requiring continuous full-time service for a specified period of more than two years, it is expected that the individual will resign from the University faculty position after such election or appointment.

When a faculty member's re-election or reappointment to public office causes continuous absence to exceed two years, it is expected that the individual will resign from the University faculty position after such re-election or reappointment.

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

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<sup>3</sup>B.A. Form 39, Request for Permit for Outside Work.

The purpose of this section of the policy is to balance public service of University faculty with the University's primary obligations to maintain its teaching programs and foster research and creativity. At the same time, it seeks to encourage public service, including the holding of public office and, in any case, not to interfere with the faculty's right freely to participate in the political process. It is, of course, understood that the faculty member's association with the University should not be misused in campaign activities or campaign literature.

K. Special Requests for Exemption

It is recognized that special circumstances arise from time to time in the personal lives of faculty members or in the nature of their University commitments. Because of such circumstances, faculty members may seek exemption from any of the specific provisions of this policy. Such a request shall be made in writing to the unit administrator. The request will be reviewed by the unit administrator, dean, and Academic Vice President in the same manner as for routine requests for prior approval (Section II, A, below). Any activity approved under this provision shall be reported (Section II, B, below).

**SECTION II. PROCEDURES FOR APPROVAL,  
REPORTING, AND MONITORING OF OUTSIDE ACTIVITIES**

A. Prior Approval

1. Prior approval of the appropriate unit administrator (department, unit, or division chairman) must be secured for those activities specified in Section I as requiring such approval. The faculty member contemplating such activity shall initiate the request for approval. Approval forms may be obtained from the appropriate unit administrator and shall be submitted to that office.
2. The request form for approval shall include the following information: name of faculty member; name of client; type of outside activity involved; period of time during which such activity is to be performed; estimated amount and distribution of time, in days or fractions thereof, to be spent on the activity; whether or not this activity will be compensated;<sup>4</sup> and signature and date.
3. The request shall be approved or denied by the appropriate unit administrator, within a reasonable time, normally not to exceed two weeks. Failure of the unit administrator to respond within two weeks shall be construed as approval. The request shall then be reviewed by the collegiate dean or campus administrator for academic affairs, and by the Academic Vice President for consistency with the Regents' policy and may be approved or denied at these levels. The faculty

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<sup>4</sup>A "compensated" activity is one for which honoraria, fees, or other benefits over and above expenses are received; reimbursement for expenses is not to be construed as compensation.

member may proceed on the basis of approval by the unit administrator, but shall cease the activity approved by the unit administrator if a denial has occurred at the higher level unless permitted to continue pending appeal. If denied at any administrative level, the reasons shall be stated in writing. In case of denial, the faculty member may request review at the next higher administrative level, up to the office of the Vice President for Academic Affairs. If the faculty member is not satisfied with the action ultimately taken, he or she may invoke the procedures for resolution of disputes between faculty members and the University. In such a case, the Vice President for Academic Affairs shall have the burden of demonstrating that the proposed activity violates this policy.

B. Procedures for Reporting

All faculty members shall report to their appropriate unit administrator on an annual basis those activities specified in Section I as requiring such reporting.

1. Forms for annual reporting of these activities shall include: name of faculty member; project description; number of days or fractions thereof spent on the project; dates of initiation and termination of the activity; and signature and date. Copies of these reports shall be filed with the unit administrator and kept for at least five years.
2. These annual reports submitted to the appropriate unit administrator shall be forwarded to the dean or academic vice provost. The unit administrator shall also include a statement of the number of denials occurring at that administrative level and the reasons therefor; the statement may identify activities by individual.
3. The dean or academic vice provost shall submit these annual reports and statements about denials to the Academic Vice President. The dean or academic vice provost shall also include a statement of the number of denials occurring at that administrative level and the reasons therefor.
4. The Academic Vice President shall maintain these records and shall make this information public in manners consistent with University procedures, giving proper attention to rights of privacy of individual faculty members.
5. The Academic Vice President shall present to the Board of Regents monthly and quarterly aggregate summaries of noncampus service requests, with the certification that all requests have been examined and conform to Regents' and appropriate administrative policies relating to noncampus service, professional, and consulting activities.

C. Procedures for Monitoring

The Academic Vice President, in cooperation with the appropriate dean, shall periodically review a random selection of individual and unit reports in order to evaluate the approval and reporting systems, and shall make recommendations regarding the effectiveness of this policy to the President.

### SECTION III. DISSEMINATION OF POLICY STATEMENT

- A. The Academic Vice President shall annually advise all faculty members of this policy.
- B. All candidates interviewed for faculty positions shall be informed of the University's policy.
- C. Copies of the current policy shall be available in the Academic Vice President's office for distribution in response to requests for information about the University's policy.

### SECTION IV. VIOLATION OF POLICY

- A. Students, faculty, and staff may report alleged violations of this policy to the appropriate unit administrator. The unit administrator, after consultation with the faculty member involved, shall investigate the complaint. If the unit administrator finds cause to proceed further, the unit administrator shall take action in accordance with established policies and procedures but only after consulting with the faculty of the unit. In any event, the unit administrator shall report the findings and the action taken in writing to the complainant and to the faculty member. If the complainant is not satisfied with the action, the complainant may appeal to the appropriate University grievance committee. The grievance committee shall report its findings in writing to the unit administrator, the faculty member involved, and the complainant. The unit administrator shall take action in accordance with established policies and procedures and shall report the action in writing to the faculty member involved and to the complainant.
- B. Persons who are not members of the University community may report possible violations of this policy to the office of the President.
  - 1. The President shall transmit the complaint to the unit administrator through proper channels.
  - 2. The unit administrator, after consultation with the faculty member involved, shall investigate the complaint. If the unit administrator finds cause to proceed further, the unit administrator shall take action in accordance with established policies and procedures, but only after consulting with the faculty of the unit. In any event, the unit administrator shall report the findings and the action taken in writing to the President through the same channels and to the faculty member.
  - 3. If the President concurs, the President shall report the action taken to the complainant. If the President does not concur, the President shall return the complaint through the same channels to the unit administrator requesting consideration by the unit administrator in consultation with the faculty of the unit or an appropriate faculty committee. After such reconsideration the unit administrator shall report the findings and the action taken in writing to the President through the same channels and to the faculty member.



- C. A faculty member affected by a finding of violation of this policy and/or by an action taken by the administrator may appeal the action through the procedures established for the resolution of disputes between faculty members and the University. In such an appeal, the administrator shall have the responsibility of demonstrating the fact of violation and the appropriateness of the action.

**APPROVED BY THE BOARD OF REGENTS - July 9, 1982**

**Amended February 11, 1983**