

## Outside Consulting and Other Professional Commitments

### Current Administrative Policy Compared with Proposed Administrative Policy

Content	Current Policy	Proposed Revision
Prohibited activities	<ul style="list-style-type: none"> <li>Activities that interfere with performance of regular employment duties</li> <li>Activities that compete with coursework offered by the University</li> <li>Activities that compete with services offered by the employee's unit</li> </ul>	Same
Maximum allowable days – A term	48 days	Same
Maximum allowable days – B term	39 days	Same
Maximum allowable days – less than 75% appointment	None. May only participate in outside commitments during non-work hours	Same
Eligibility for Civil Service and Non-Faculty Union-Represented Employees		Civil service and non-faculty union-represented employees may participate in outside professional commitments only during non-work hours and provided that these commitments do not interfere with the performance of regular employment duties, or compete with coursework offered by the University or services offered by the employee's unit. No time restrictions apply to these individuals.
Threshold for prior approval (ROC)	One or a combination of commitments that exceed one day per month during the term of appointment, and external teaching during the term of the appointment.	<b>[Substance is the Same]</b> Commitments, when aggregated during the terms of the employee's appointment, that exceed 9 days (B term) or 12 days (A term), depending on appointment. <b>(In Procedure)</b>
Expiration of ROC	All prior approvals expire after three years.	<b>[Substance is the Same]</b> All prior approvals expire after three years <b>or at the end of the time period specified in the ROC, whichever comes first. (In Procedure)</b>
Reporting Exclusions	<ul style="list-style-type: none"> <li>Attendance at professional meetings;</li> <li>The writing of books or articles or the creation of works of art;</li> <li>The giving of occasional lectures and</li> </ul>	<b>[Intent is the Same—Language Refinements]</b> <ul style="list-style-type: none"> <li>Attendance and presentations at professional meetings <b>(and other similar gatherings);</b></li> </ul>

	<p>speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings;</p> <ul style="list-style-type: none"> <li>• Ad hoc refereeing of manuscripts;</li> <li>• Outside activities of a personal, family, or social nature; and</li> <li>• Community activities. For certain employees, the distinction between involvement in community activities as a citizen and involvement in such activities as a professional is difficult to determine. Faculty or staff members may judge the nature of their community activities and if they reasonably 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.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Preparing scholarly publications</b> or creating works of art;</li> <li>• Giving occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings <b>sponsored by governmental agencies, non-profit higher education institutions or non-profit entities organized solely for educational, religious, philanthropic, or research purposes (with the exception of non-profit entities created by for-profit corporations)</b>;</li> <li>• <i>Ad hoc</i> refereeing of manuscripts;</li> <li>• <b>[Personal, family and community activity exclusions text deleted]</b></li> <li>• <b>[New]</b> Peer review of articles and grant proposals;</li> <li>• <b>[New]</b> Serving on advisory committees or evaluation panels for governmental agencies, non-profit higher education institutions or nonprofit entities (as defined above)</li> <li>• <b>[New]</b> These activities do not need to be reported unless they are compensated by a business entity beyond expense reimbursement (receipt of royalties for scholarly publications does not constitute “compensation by a business entity” for purposes of this policy).</li> </ul>
	<p>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.</p> <p>Teaching extension courses offered by the University does not constitute outside activity for the purposes of this policy.</p>	<p><b>[Follows current admin policy]</b> The following activities are considered University responsibilities and therefore also are excluded from the scope of this policy:</p> <ul style="list-style-type: none"> <li>• Working on projects supported by grant or contract funds awarded to the University and accepted by the Board of Regents; and</li> <li>• Teaching extension courses offered by the University.</li> </ul>
Private Practice Plans	Governed by other Regents policies	Same
Written Consulting Agreements	Language from Administrative Policy on Individual Conflicts of Interest condensed and added to consulting policy.	Consistent with University policies on individual conflicts of interest, employees who are engaged in one or more “higher risk activities” and receive compensation from a business entity for consulting services related to their University

		<p>expertise or responsibilities, must enter into a signed, written agreement with the business entity prior to providing the consulting service. The written agreement must state the need for the services, describe the services and any deliverables to be provided, state the compensation to be paid and the timeframe covered by the agreement, and make clear that the covered individual is acting solely in his or her individual capacity and is not speaking for or acting on behalf of the University.</p> <p>A copy of any written agreement may be requested for review as part of a conflict of interest review or other oversight process. The employee also must maintain documentation reflecting (a) the remuneration received from and any travel expenses paid for or reimbursed by the business entity and (b) the services provided, including estimates of the time and effort committed to providing the services. This documentation must be retained for the duration of the consulting relationship plus two years and must be available upon request.</p> <p>All other covered individuals are encouraged to enter into such agreements, but are not required to do so, unless directed by a chancellor, dean, or administrative unit head.</p>
Restrictions	Language from Regents Policy on Outside Consulting & Other Commitments repeated in administrative policy	<p>University employees:</p> <p>May not use University personnel or students, equipment or services for outside commitments in a way that depletes University resources without prior approval and payment of a reasonable fee. Prior approval and agreement for payment terms must be obtained from the employee's unit head and dean.</p> <p>May not use the University name, marks, or logos for advertising purposes.</p> <p>May not use the official stationery of the University or give as</p>

		<p>a consulting business address any University building or department name when participating in outside commitments.</p> <p>May identify their University employee status when rendering service to an organization outside the University, but may not speak, act, or make representations on behalf of the University, nor may they express institutional endorsement in relation to the outside professional commitment.</p>
Policy Violations	<p>From the current procedure: Breaches of this policy include, but are not limited to, failing to request prior approval, filing an incomplete, erroneous, or misleading disclosure form, 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 employee. If sanctions are necessary, they will be imposed in accordance with other applicable Board of Regents and administrative policies and procedures. The potential sanctions may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. letter of admonition;</li> <li>2. suspension;</li> <li>3. nonrenewal of appointment; or</li> <li>4. dismissal.</li> </ol>	<p>Violations of this policy include, but are not limited to: failing to file a REPA <b>or request prior approval using a ROC</b>; filing an incomplete, erroneous, or misleading <b>REPA or ROC</b>; failing to provide additional information as required by the approving authority; <b>or non-compliance with any of the Restrictions outlined above</b>. Violations may <b>result in denial of approval for consulting activities and also may be the basis for employee discipline, up to and including termination, depending on the nature and circumstances of the violation..</b> Any discipline imposed will follow the applicable Board of Regents and administrative policies and procedures for the individual's employment classification.</p>
Reason for Policy	<p>This policy implements Board of Regents Policy: <i>Outside Consulting and Other Commitments</i></p>	<p>Full-time faculty and full-time academic professional and administrative (P&amp;A) employees are compensated for full-time professional effort for the University. However, outside professional commitments can be positive contributors to fulfilling University responsibilities. The University recognizes that, through consulting and other relationships with government, industry, not-for-profit organizations, and others outside the University, its employees can make valuable contributions off campus while enhancing their expertise in their discipline.</p>
Definitions		<p><b>[New] Business Entity</b> Any corporation, partnership, sole proprietorship, firm, franchise, association, organization,</p>

		holding company, joint stock company, receivership, business or real estate trust, or any other nongovernmental legal entity organized for profit, nonprofit, or charitable purposes. This definition does not include organizations and entities that are organized solely for educational, religious, philanthropic, or research purposes.
		<b>[New] Professional Commitment</b> A commitment for any outside entity or organization where the individual utilizes the same professional expertise as they employ in their University responsibilities.