

POLICY ON CONSULTING FOR FACULTY AND MEMBERS OF THE FACULTY BARGAINING UNIT

September 25, 2007

1. INTRODUCTION

Consulting is a time honored and frequent activity of faculty throughout U.S. research universities. The ability to consult is important in promoting recruitment and retention of faculty of the highest quality. Often, such consulting activities provide a range of benefits including fostering economic development, enhancing the reputation of the University, promoting faculty development and enhancing the faculty's ability to bring to the classroom current and relevant "real world" experiences, among others.

Consulting is an activity performed by a faculty member for compensation as a result of his/her expertise or prominence in his/her field while not acting in his/her official capacity as a State employee (i.e. in his/her own time.) The University's Laws and Bylaws prohibit faculty from consulting on "time due to the University".

2. PURPOSE

This Policy describes how members of the faculty and members of the faculty bargaining unit (both hereafter referred to as "faculty member(s)") may participate in consulting activities while complying with the State of Connecticut Code of Ethics, the University of Connecticut Ethics Statement, the University's Code of Conduct and the University's Laws and Bylaws.

3. SCOPE

This policy applies to all faculty members paid by the University of Connecticut and University of Connecticut Health Center.

4. DEFINITIONS

- a) consulting - providing services, advice and similar activities for compensation, based on a faculty member's professional expertise or prominence in his or her field, while not acting as a State employee.
- b) contracting entity - The entity engaging and compensating the faculty member for the consulting activity.
- c) 'time due to the University' - Any time necessary for successfully carrying out the duties assigned to and for which a faculty member was hired. This includes both sufficient time to perform assigned duties as well as sufficient opportunity to meet with other faculty, staff and students.

5. POLICY

- a) All faculty members must receive written permission in advance from their supervisor and the Provost or Executive Vice President for Health Affairs, (whoever has jurisdiction over that member), or their designees, in order to engage in consulting activities. Requests for such permission will describe the activity, its contracting entity, dates and times to take place, and an estimate of the total time it will take to complete.
- b) Permission to consult may only be granted when:
 - i. The request to perform the consulting activity occurs due to the faculty member's expertise or prominence in his or her field, not the faculty member's official State position.
 - ii. The faculty member is currently, fully performing his/her State duties.
 - iii. The consulting activity will not interfere with a faculty member's future ability to perform his/her duties and the total amount of consulting in any fiscal year will not exceed an average of one day per week. Time spent on consulting activities performed during any period during which the faculty member is deemed off duty (e.g. faculty members who have 10 or 11 month contracts) will not be considered in determining the maximum of such time allowed.
 - iv. The faculty member is not competing with the University for work that may be perceived as being work the University would choose to perform.
 - v. Those members of a faculty bargaining unit who have specific teaching and/or research responsibilities, the consulting contributes to the continued development of the faculty member's expertise.

- c) Approvals must be obtained for each consulting activity. Any on-going consulting activity must be approved on an annual basis.
- d) The disclosure of proprietary information (i.e. intellectual property owned in part or in total by the University) is prohibited unless specific permission is granted.
- e) The faculty member must inform the contracting entity that s/he is not acting as a State employee while performing the consulting activity and is not covered by any State liability protection.
- f) The faculty member may not inappropriately use his/her association with the University in connection with the consulting activity. That is, members may identify their employee status, but they shall not speak, act, or make representations on behalf of the University or express institutional endorsement in relation to the outside activity. Further, it must be made clear that permission to use the University name, logos, or other identifiable marks may only be granted by the University.
- g) Permission to use State resources while consulting must be provided in writing, in advance, and use of such resources must be fully reimbursed to the University of Connecticut.
- h) When compensation exceeds the threshold established in the Policy on Individual Conflict of Interest in Research, it must be disclosed in any financial statements made under that policy.
- i) All faculty members who were engaged in a consulting activity in a given fiscal year must complete a year end reconciliation report describing all consulting activities they have engaged in including the actual amount of time spent on each activity and the total compensation received for such consulting (including travel expenses.)
- j) The Provost and the Executive Vice President for Health Affairs will submit annual reports of consulting activities for the faculty members under their respective jurisdictions to the Joint Audit and Compliance Committee of the Board of Trustees.
- k) The University's Office of Audit, Compliance and Ethics shall develop and implement a plan of regularly recurring monitoring and audits to ensure the complete and accurate implementation of this policy.
- l) A report or allegation of a violation or noncompliance with this policy shall be reviewed by the Office of Audit, Compliance, and Ethics (OACE). The OACE shall submit its findings to the Provost or Executive Vice President for Health Affairs who may, with provision of due process, withdraw the authorization or appropriately modify the conditions upon which the authorization to consult is granted so as to resolve any conflict.
- m) Failure to comply with the provisions of this policy may result in appropriate disciplinary action, including but not limited to, loss of the privilege to engage in consulting activities or termination from service, in accordance with the applicable provisions of the collective bargaining agreement or the employment agreement of the faculty member.

- n) Any faculty member who does not receive prior approval under this policy is subject both to sanctions for violation of University policy and to the jurisdiction of the Office of State Ethics.