

SANCTIONS FOR NON-COMPLIANCE WITH THE UNIVERSITY'S CONSULTING POLICY AND PROCEDURES

These SANCTIONS have been drafted in response to the provisions of Public Act 07-166 that requires the University to establish “procedures that impose sanctions and penalties on any member for failing to comply with the provisions of the policies”. In addition, the internal auditor’s report, issued November, 2008, states, “Management should develop consistent procedures relating to consulting requests received on or after the activity start date and explicit sanctions and penalties to noncompliance with University faculty consulting policies and procedures. The sanctions and penalties should include progressive levels of action and related procedures to impose such sanctions as required by PA 07-166 and the BOT approved University policy”.

- A. The following sanctions will be taken when a request to consult is submitted late (i.e., either received by the Department Head, Dean or the Faculty Consulting Office (FCO) on or after the start date of the activity, or submitted before the start date, but without sufficient time to process it. Ordinarily, at least one week lead-time is suggested.) Section A applies only to requests to consult that would routinely have been approved and late submission is the only non-compliance issue.
 - 1. First Occurrence – letter to the faculty member and his/her superior explaining the implications of late submission.
 - 2. Second Occurrence – a letter to the faculty member and his/her superior explaining the implications of late submission and advising him/her that sanctions will be imposed the next time this occurs.
 - 3. Third Occurrence – a letter to the faculty member and his/her superior indicating that all requests to consult on time due the University for the remainder of the fiscal year will be denied with a letter to the personnel file.
 - 4. Fourth Occurrence – a letter to the faculty member and his/her superior indicating that permission to consult on time due the University has been indefinitely suspended with a letter to the personnel file.

- B. Occurrences of late submission will be cumulative starting January 1, 2009. The count will be reset to zero occurrences if the faculty member goes a full fiscal year without any new occurrences (e.g. subsequent to the January 1, 2009 implementation, the earliest possible date to reset the count would be July 1, 2010.)

- C. There will be an exceptions process that will affect the sanctions under section A above. (It should be noted that this process has no impact on Office of State Ethics jurisdiction over the activity.) If the requestor provides written documentation to the FCO that the offer to consult was received so close to the

start of the activity that approval was not possible, then it will not be considered an occurrence of non-compliance. If the form is received late because of slow processing in a college/school administrative office, the exception may only be granted upon written request of that Office's Chief Academic Officer. Such exceptions will generally be granted only for activities commonly referred to as "academic activities".

- D. If it is determined that a consulting activity occurred without seeking prior approval, or involved other material non-compliance, sanctions will be determined on a case by case basis. Factors used in determining the level of sanctions will include: a) whether or not the University would have approved the activity if a formal request had been made; b) the level of compensation for the activity; c) the time expended for the activity from the time due the University; d) existence and nature of previous non-compliance with the consulting policy. The progression of sanctions will be consistent with those specified in the AAUP contract and the University By-Laws.
- E. All sanctions will be issued by the Provost and Executive President for Academic Affairs. These sanctions will be effective January 1, 2009.

I.K., 12/23/08