

Update – 1st Anniversary

Policy on Consulting for Faculty and Members of the Faculty Bargaining Unit

Approved by the BoT on 9/25/2007

Operational Guidelines revised and reported to the BOT on 12/4/2007

Agenda

- **Background** (3 slides only)
- **FY 08 Operations**
 - Implementation Issues
 - Usage Data
- **Changes for 1/1/09** (i.e. midway into FY 09)
 - OACE Audit driven
 - Consulting Management Comm. driven
 - Oversight Committee driven

BACKGROUND: Why was a 'New' System Implemented?

- In response to corruption in State government, changes were made to the Office of State Ethics (OSE) that resulted in decisions that seriously threatened and/or limited the faculty's ability to consult.
- In June 2007, legislation was passed that shifted final jurisdiction over the faculty's ability to consult from the OSE to the University. This included the ability to manage Conflicts of Interest.
- This carve-out from the State Code of Ethics is predicated on a set of requirements being met including significant oversight.
- The new system became operational on 12/15/07.

BACKGROUND: What is Consulting?

Definition of Consulting

Providing services, advice or 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.

- "faculty" includes all members of the AAUP bargaining unit
- "compensation" includes direct monetary payment, "honoraria", or non-cash considerations (luxury travel, gifts, equity in a product and/or company)

Must contribute to the professional development of the faculty member.

The following are NOT Consulting (but we have received request forms for them)

- 1) There is no compensation.
- 2) The compensation is paid to the State (ARAs, PSAs, MoUs, etc.)
- 3) The work is done for another State agency (dual employment.)
- 4) The work does not enhance professional development.

FY 08 OPERATIONS - Implementation

- Established the Faculty Consulting Office
 - Reporting lines and staffing
 - Forms & processes (most requests processed within 48 hours)
- Training: >25 group sessions, many individual consultations, web site
- Convened the CMC and clarified right to:
 - Write prescriptions
 - Work on UCHC grant/contracts
 - Participate in purchasing processes

FY 08 OPERATIONS – Performance Qualitative

- Learning curves
 - Unique situations: FCO and CMC: interpretations and 'case law'
- Faculty & staff – persistent topics of confusion
 - ARA vs consulting
 - Correct start date
 - Use of fast track approval system
 - Department heads cannot sign the department head level approval for their own requests.
- Cooperativeness & Attitudes

FY 08 OPERATIONS (new system only, ~ 6 months) Performance - Quantitative

Requests	Total	SoDM	SoM
#	361	67	294
%		19%	81%

Unique faculty	Total	SoDM	SoM
#	123	24	99
%		20%	80%

Requests/faculty	Total	SoDM	SoM
mean	2.93	2.79	2.97
median	2.00	2.00	2.00
10 or more requests	8	1	7

Consulting During Normal Work Time (~ 6 months)

Days/faculty	Total	SoDM	SoM
mean	4.11	4.56	4.00
median	2.00	2.45	2.00
10 or more	14	3	11

No one exceeded the Provost's maximum of an average of one day per week during normal work hours.

Compensation (estimated per person who consulted)

Compensation (bottom of ranges)	Total	SoDM	SoM
Average	\$4,295	\$11,480	\$2,536
median	\$1,001	\$1,093	\$1,000
# with \$10,000+	10	4	6
max	\$149,000	\$149,000	\$37,000

Compensation (top of ranges)	Total	SoDM	SoM
Average	\$8,568	\$11,875	\$7,758
median	\$5,000	\$1,155	\$5,000
# with \$10,000+	30	4	26
max	\$149,000	\$149,000	\$65,000

Variances with Year-end Reconciliation Reports *

Effort During Normal Work Days	
# with extra days	4
min	0.4
max	2.0
# with a material impact	0

* 100% of faculty who consulted submitted reconciliation reports.

Variances with Reconciliation Report

Compensation		
	More \$	Less \$
#	4	11
min	\$100	(\$100)
max	\$2,900	(\$22,325)
# with material impact	0	0

**Changes Effective 1/1/09
OACE Audit Driven**

1. Approval may not be given on or after the activity's start date.

~1/4 requests approved in FY08 were on or after the specified start date. Trend is improving.

2 weeks lead time will be encouraged

Formal non-compliance letters will continue to be sent including notification that the 'carve-out' no longer applies.

**Changes Effective 1/1/09
Audit Driven**

2. Sanctions must be issued for non-compliance (including for not obtaining prior approval).

- A draft policy is under review in the Provost's Office
- This draft recognizes logistical obstacles:
 - Little notice from the contracting entity.
 - Surprise compensation.
 - Delays in the Department & Dean Offices

**Changes Effective 1/1/09
Audit Driven**

3. Increased attention must be placed on being sure that consulting will not impair a faculty member from getting his/her job done, is consistent with Time and Effort reports, and that the faculty member is not competing for work the State would like to perform.

- Department head's role. (Division head in the SoDM)
- Point of emphasis on the next audit.

**Changes Effective 1/1/09
Audit Driven**

4. Changes to the Request Form

- Total effort reported in addition to effort during normal work time.
- Self-report of consulting approved in the same FY.
- Self-report of participating in grant/contracts.
- Denied approvals reported to the FCO.

**Changes Effective 1/1/09
CMC/Provost Driven**

Promotional Presentations Banned
(i.e. Marketing)

- Lack of fair and balanced presentation of alternative treatments.
- Substantial involvement of the CE in determining the content of the presentation, and use of slides developed by the CE

Learning curve: definitions under review by CMC

**Changes Effective 1/1/09
Oversight Committee**

Is in the Process of Being Convened:

- 3 selected by Legislature/Governor
- 1 member of the Citizens Ethics Advisory Board
- 1 member of the UConn Board of Trustees
- 3 selected by President
- The Provost or designee

Annual reports to the BoT and two
Legislative committees

➔ Impact Unknown

Changes Effective 1/1/09
Other

Staffing:

Ms. Sandy Paisley, X1113
AAG's Office

Update Information:

<http://consulting.uconn.edu>