

Consulting Management Committee  
February 11, 2011

**Attendees**

Members: M. Aindow (Co-chair), A. Deblas, , A. Rosman and T. Van Hoof  
Staff: N. Bull and S. Wetstone

The meeting was convened at 1:00 PM.

1. The minutes of the January 14, 2011 meeting were approved unanimously.
2. CY 2010 Annual Report of the Consulting Oversight Committee

The final report of the Oversight Committee was distributed to the Management Committee. The overall program once again was viewed quite positively. Three recommendations were made to the Board of Trustees and Legislature:

- A customized, face to face training program should be developed for department heads that would focus on the attestations they must make when approving a request form. Such training is not mandatory, but attendance should be reported to the deans.
- The proposed elaborations of the definition of activities eligible for the accelerated approval process should be implemented.
- A request should be made to the Legislature to move from twice a year to once a year auditing of the consulting program.

3. Attestations

A revised set of attestations was distributed and discussed. The attestation related to whether a consulting activity will “interfere with any of my assigned duties” was discussed at length. Concerns were raised that this was ambiguous and might be interpreted by some too broadly (i.e. any disruption of the normal course of conducting one’s job is unacceptable). For example, is missing one class or one session of office hours ‘interfering’ even if someone else covers them? Also, the request form represents a best guess about what might happen in the future, but that perhaps the reconciliation form should have an attestation that states that the actual consulting activity didn’t interfere with the performance of duties. This would be valuable information to the department head when considering future requests to consult.

The draft set of attestations will be revised by N. Bull and S. Wetstone and then mailed back to the CMC prior to its next meeting. As much revisions/discussion that can take place through email will be encouraged with a final discussion of all at the next meeting.

A concern was raised regarding faculty members who might be consulting but who have never requested approval to do so. This non-compliance could be deliberate or simply a matter of ignorance (albeit with the passage of time, this is growing less probable.) A suggestion was made that faculty sign an attestation on an annual basis, perhaps at a required compliance training session, that they understand and will abide by the rules of consulting. Some committee

members felt that we may want to use a ‘reasonable person’ test in deciding how many reminders about the rules or opportunities for training we provide.

#### 4. Sanctions Policy

Per the prior email to the committee, the Provost’s Office is asking for input on how the sanctions policy should be revised. The state statute authorizing the carve-out requires the development of a sanctions policy and evidence that it is enforced. The current sanctions policy appears to appropriately address the issue of late submissions of requests for activities that would have been approved if received on time. There is a progressive system of consequences for each episode of non-compliance (like a point system on a driver’s license) and a mechanism to restart the point count (a full fiscal year in compliance). Sanctions range from warnings to loss of the ability to consult.

The current policy is less defined for activities that would not have been approved. We have also encountered other situations that need addressing: individuals who refuse to submit their annual reconciliation reports, those who submit them late, and individuals who consult but never submit a request form.

Regarding late or no submission of reconciliation reports, it was felt there needs to be a penalty, provided sufficient notice is provided regarding the due date. The committee considered and rejected the idea that requests to consult would be disapproved until the reconciliation report was submitted because this might in fact encourage people to submit their reports late (i.e. they don’t need to submit a report until they are ready to submit their next request form.) The Committee considered varying length bans for late submissions ranging from 3 months, to 6 months, to the rest of the fiscal year. The new on-line system will allow reconciliations to take place immediately after an activity ends rather than having to wait to the end of the fiscal year. This might make the process easier for the faculty.

Regarding late submissions of requests to consult, the committee agreed that there is a significant distinction between the consequences if an activity would have been approved if the request had been submitted on time versus one that would not have been approved. One suggestion for the latter was that such cases should be referred to the Office of State Ethics for their considerations. A University issued sanction may still be appropriate but we also have to consider how the AAUP labor contracts handle disciplinary actions.

Regarding the failure to submit a request to consult, there are two possibilities. In the first, the individual would be encouraged/allowed to submit a late request and thereby be subject to the rules just described above. This alternative may be less appropriate as the length of time increases (for example, people who have spent years consulting without permission), but might be justifiable if the faculty member was truly ignorant (not recklessly ignorant) of the requirement to get permission. In the second possibility, we do not consider these ‘late’ requests. Upon investigation, if it is determine that such an activity would not have been approved, the case could be turned over to the Office of State Ethics and perhaps a University sanction should be applied. If the activity would have been approved, we cannot turn it over to the Office of State Ethics since in many cases because they would not find it in violation of State Ethics Code, but instead we would need a University Sanction.

This discussion will continue at our next meeting.

5. Draft Policy on Royalties – deferred until the next meeting
6. Competition with the University – deferred until the next meeting.
7. On-line system

We are still on schedule to roll a pilot of the new system out this spring. The membership was asked to recommend people who might serve as testers of the system using dummy data.

The committee adjourned at 2:18 PM.

Next meeting to be held on Friday, March 11, 2011 at 1:00 PM

Respectfully submitted by:

S. Wetstone