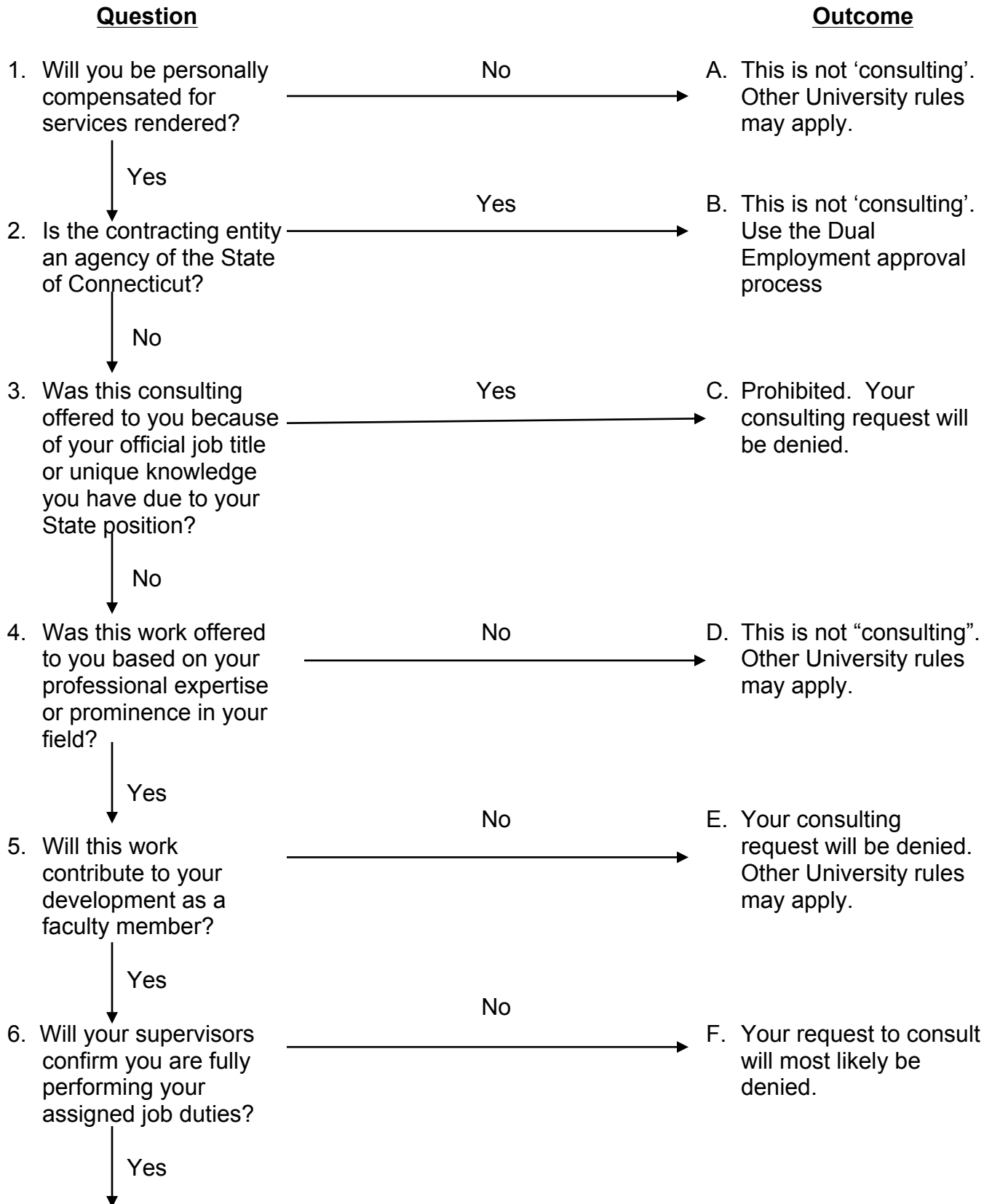
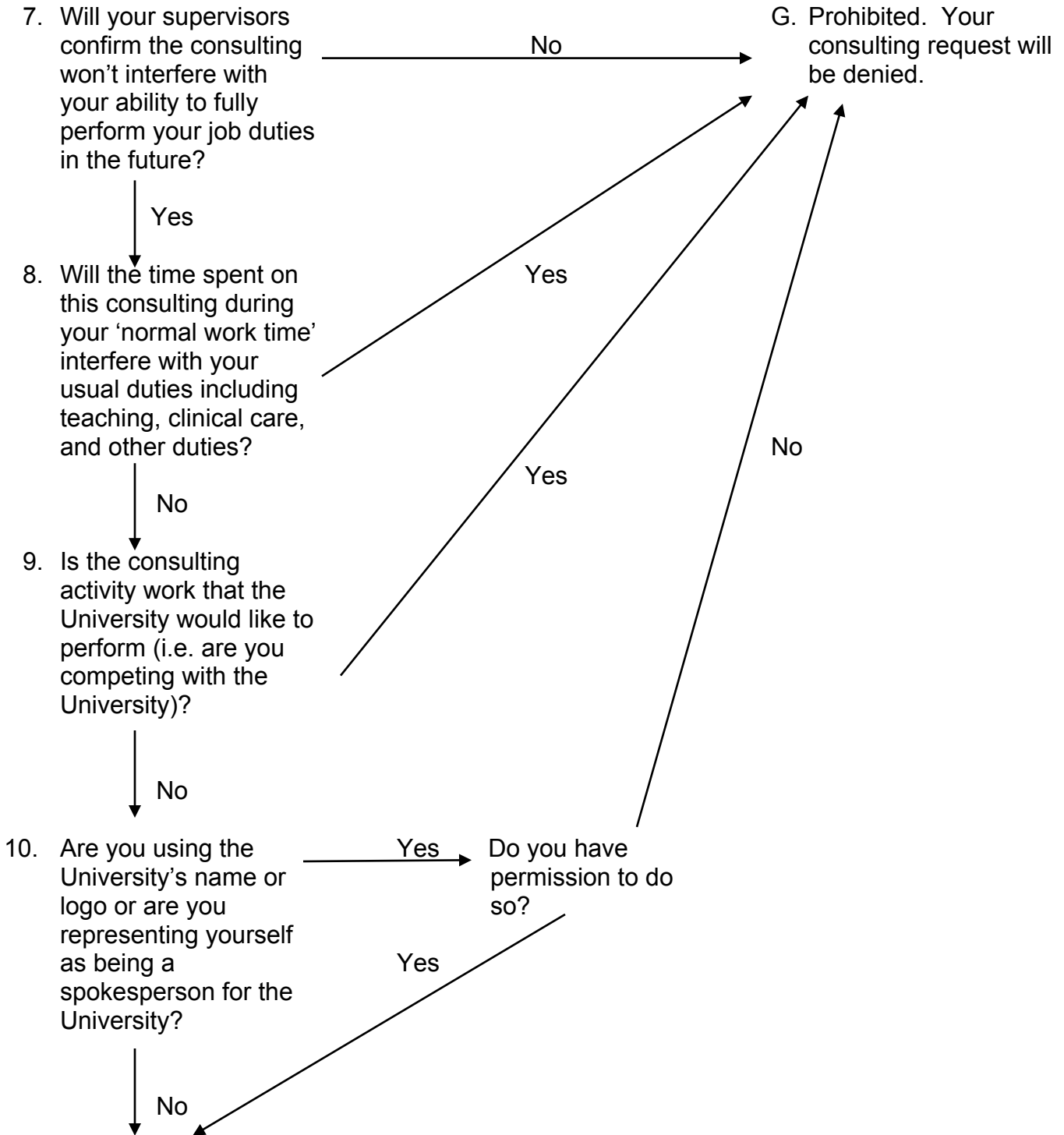
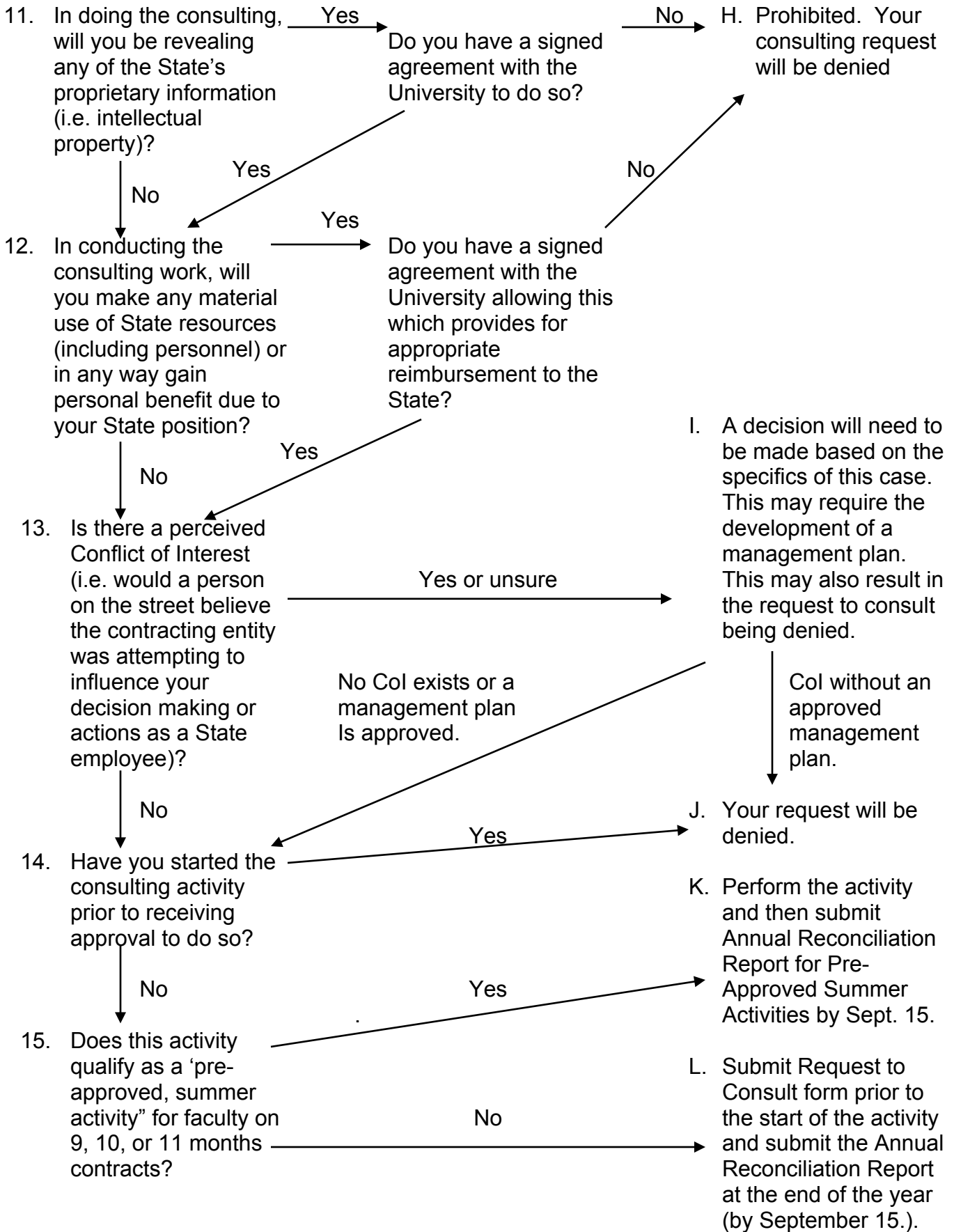


## Faculty Consulting Flow Diagram

Will your activity be approved? A faculty member's perspective.







## Notes

### Definition of 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.” While consulting, the faculty member does not have any liability coverage from the State and must clearly identify himself/herself as not acting as a State employee.

### Other Pertinent Definitions

- contracting entity - The entity engaging and compensating the faculty member for the consulting activity.
- '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.
- “normal work time/days”– The usual time (days of the week, hours in the day) committed to assigned duties. For many faculty members this represents Mondays – Fridays, 8:00 am – 5:00 pm and not weeknights, weekends, or holiday and vacation days. For faculty on 9, 10 and 11 month contracts, normal work time pertains to those portions of the year to which they are earning their base pay and to any additional time for which they are assigned duties and receive additional compensation over base pay (e.g. “summer work and summer salary”.) For part-time faculty, normal work hours only applies to time contracted for by the University.

### Rules Regarding Consulting

The rules that apply to consulting come from many sources, including the State’s Code of Ethics, Public Act 07-166, The Bylaws of the University of Connecticut and the Policy on Consulting for Faculty and Members of the Faculty Collective Bargaining Unit, State statute and University Policies on the handling of intellectual property among others. Interpretations of these rules are under the jurisdictions of many bodies including the Board of Trustees, Provost’s Office, Consulting Management Committee, Office of Audit, Compliance and Ethics and the External Faculty Consulting Advisory Committee that makes annual reports to the Legislature. If the Legislature does not believe the University is operating within the letter or spirit of Public Act 07-166 and the State’s Code of Ethics, it modify or eliminate the University’s authority to approved faculty consulting activities.

The rules pertaining to consulting are in six major domains:

- Is an employee obtaining personal financial gain due to his/her State/University position? Such gain may occur in both the establishing of the consulting arrangement or in how it is carried out.
- Is there a perceived conflict of interest (i.e. would a person on the street believe that the compensation provided for consulting is intended to influence the decision making or other behavior of a State/University employee acting in his/her official capacity?)

- Will a consulting activity in any way interfere with a State/University employee's ability to fully perform his or her assigned responsibilities?
- Will the consulting result in the State's losing its intellectual property and/or in the disclosure of any confidential State/University information?
- Will the consulting materially expend State/University resources that are not reimbursed?
- Will the person participating in the consulting inappropriately use the State/University name, logo, and/or represent him/herself as expressing the opinion of the State/University?

### Part-time Faculty

Faculty working less than 50% time are exempted from the Faculty Consulting Policy and do not need prior approval to consult. Such faculty will not gain the benefit of the carve out of the State Code of Ethics for consulting and the Office of State Ethics will retain jurisdiction in determining whether any consulting work is non-compliant with the State Code of Ethics.

Such consulting work may not be done on time due to the University and cannot interfere with your State responsibilities. Other University rules apply such as dealing with the State's intellectual property, use of the University's name and logo, use of University resources, etc.

Faculty working less than 50% time may optionally elect to be covered by the Faculty Consulting Policy and the carve out from the State Code of Ethics that gives the University final jurisdiction in determining if consulting is ethical. When opting into the policy that decision applies to all consulting performed for the entire fiscal year (July 1 – June 30.)

### Faculty on Board Approved Sabbatical Leave

Faculty members on Board approved sabbatical leaves are considered full-time employees regardless of the level of compensation they are receiving from the University. Therefore the consulting policy and procedures apply to them during such leaves. If faculty are receiving less than 100% FTE pay and are being supplemented in part or made whole through payment by the entity sponsoring their sabbatical leave (which must be listed in their Board approval for the leave), the time associated with this payment will not be included in the determination whether the time spent consulting exceeds the Provost's cap for consulting during normal work time.

### Comments Regarding the Questions in the Flow Diagram

1. Compensation includes cash (including "honorarium"), gifts, luxury travel (the expense beyond which the State would have paid for you to travel as a State employee), or equity interests (even if they don't currently have a monetary value.) If the compensation is paid to the State, this is not consulting. If the faculty member only receives necessary travel expenses, this is not consulting. Royalties (i.e. payment on a per sale rate), is not considered compensation.
3. Please note that if the contracting entity is asking you to consult because you have knowledge that only a State employee would have, then you cannot do the consulting.

4. Outside employment not based on a faculty member's professional expertise or prominence in his/her field (ex/ being paid to paint a neighbor's house) may be permissible, but is not covered by the Faculty Consulting Policy and therefore is not eligible for the carve out from the Code of Ethics.
5. This question only applies to faculty members. In general, performing work related to one's professional expertise is considered to be contributing to faculty development. However, participation in promotional presentations is an example of an activity not appropriate as faculty development.
6. The faculty member's Department Head is in the best position of assessing whether a faculty member is currently fully performing his/her duties. Such an assessment should be reflected in the previous or current year's annual assessment of the faculty member.
7. Being present to teach classes, attend clinics, or to meet with students (office hours) or colleagues (including meetings) are considered important aspects of fully performing one's State duties. The Faculty Consulting Office maintains a list of faculty who are heavy users of consulting. Department Heads will be asked to re-confirm each request form from such faculty.
8. Faculty are eligible to perform consulting during 'normal work time' so long as they continue to fully perform their duties (i.e. they get their work done at a different time) There is no set maximum to the amount of consulting that might be done during time outside of "normal work time."
9. One test whether an individual is competing for work the University would wish to perform is whether the University would assign another individual to do such work as a State employee or if you were not in your current position, would the University fill your current position with a faculty member who would then be assigned to do such work.
10. You may indicate your current employer and position when identifying yourself.
12. Departmental policies should be followed if using State equipment for phone calls, photocopying and similar activities. The use of "idle, non-consumable" resources such as your office is acceptable.
14. Final approval for consulting requests must be obtained before starting the consulting activity. This is dictated by State statute and there is no leeway to this, even if the delay is of no fault of the faculty member making the request.
15. Traditional academic activities of a relatively small size (\$1,000 or less per occurrence, in total \$10,000 or less per year), that take place in the summer have pre-approval for those on 9, 10 and 11 month appointments. This applies only if such faculty have not been employed by the University for supplemental work during the summer. In the case of the latter, the standard approval process should be followed.

Comments Regarding the Outcomes in the Flow Diagram

- A. If you elect to do the work as a State employee, you will need permission to do so which may be obtained through a Academically Related Activity (ARA request), Personal Services Agreement (PSA), Memorandum of Understanding (MoU) or similar document. This approval process will be conducted by your school's chief financial officer, the UMG/Faculty practice, or similar office.
- F. The faculty do not have defined work weeks. The expectation is that faculty need to expend as much time as necessary to fully perform their duties. Therefore, in general, if a faculty member is not fully performing his/her duties, s/he should devote more time to completing such duties rather than towards consulting.
- I. The test for whether a conflict of interest exists has two arms: a) In your capacity as a State employee, do you make decisions or influence the decision making of others that could beneficially or negatively impact the contracting entity paying for your consulting or one of its competitors? Such decisions may be related to purchasing, prescribing the use of medical devices and/or pharmaceuticals, or work on research grants/contracts. b) Is the compensation you receive excessive in consideration of the services you will be rendering? Both the amount of time and quality of the service you provide will be factors in this decision making.

If a Col exists, a management plan may be developed by the Consulting Management Committee in order to still allow the consulting to take place.

- K. Faculty must report the use of all pre-approved activities that take place in the summer by the following September 15 using the designated reporting form.
- L. You must obtain all necessary approvals before starting the consulting activity. There is a "fast track" mechanism that only requires the Department Head's signature prior to the start of the consulting activity. These are for a select list of standard academic activities when the level of compensation is \$5,000 or less (see <http://consulting.uconn.edu> .)

Faculty must complete a reconciliation process for each approved activity (whether it was performed or not) to update the information provided in the original request. Activities must be reconciled no later than September 15 in the next fiscal year (i.e. activities performed from July 1, 2013 – June 30, 2014 must be reconciled by September 15, 2014.) Individual consulting activities may be reconciled as soon the 'end-date' indicated on the consulting request form has passed. Reconciliation must take place even if the consulting activity never took place.