

Consulting Management Committee
March 11, 2011

Attendees

Members: M. Aindow (Co-chair), A. Deblas, J. Hepworth (Co-Chair), A. Rosman and T. Van Hoof
Staff: R. Ruben and S. Wetstone

The meeting was convened at 2:00 PM.

1. The minutes of the February 22, 2011 meeting were approved with 1 abstention (Hepworth).
2. Revisions Attestations

The revisions handed out between meetings were discussed. In the section relating to ‘When consulting, I understand that,’ a new bullet was added stating: “any travel is on my personal time and at my expense and not that of the University.” A committee member thought the new sentence could be confusing and asked “What is normal work time? What is considered personal time?” It was suggested that it be changed to “time not due to the University” as used in the University’s Bylaws. Should there also be a note informing faculty that they do not need to submit a Travel Authorization? This should not be a requirement on the form. Faculty would learn this during training sessions.

The addition of “if any” to the certification regarding making all necessary reimbursements for material use of State resources, still seems too broad a statement. It was modified to “if any were used”.

“The consulting activity did not interfere with my ability on an annual basis to fully perform my assigned duties” was added to the requestor attestation. A discussion ensued whether the faculty member should submit a list of all State work in his/her schedule that would not take place while consulting. While this would provide the department head with the most information, it was viewed as being overly burdensome. Department heads have other sources of information for determining when a faculty member might not be performing fully his/her duties, and such information is used when developing the faculty member’s annual evaluation.

An argument was made that faculty may not know the standards that will be used to determine if s/he is performing fully his/her duties. However, the new attestation does not require such knowledge since it is phrased “to the best of my ability.” The Committee is not looking for trivial activity or to police faculty, we are looking at gross violations. We are asking faculty to be honest and to take responsibility. Ensuring that the faculty member is performing fully his/her work is a shared responsibility by faculty and department head.

The Committee voted to approve revisions to the form as distributed and as noted above.

3. Sanctions Policy

The committee continued its previous discussion on the sanctions policy. Since permission to consult is not part of collective bargaining, violations of the Consulting Policy could result in the rescinding of the right to the consult (and access to the carve out) but any formal disciplinary actions must comply with applicable collective bargaining agreements and labor law.

The Committee considered and rejected the notion that cases in which the faculty member did not request permission prior to consulting should be automatically turned over the Office of State Ethics. Such an action might be considered in cases in which the consulting activity would not have been approved even if it had been submitted on time.

The Committee endorsed the current progressive discipline approach for activities submitted late that would have been approved if they had been submitted on time. The Committee felt that when an activity is submitted late that would not have been approved when submitted on time, or permission was never sought for such an activity, the discipline should be established by the Provost on a case-by-case basis. The Committee felt that individuals who fail to complete reconciliation reports should also be subject to progressive disciplinary action, starting with the loss of the right to consult for a period of time.

The Committee will discuss each of these options again at the next meeting.

4. Draft Policy on Royalties

State statute already articulates that ownership of copyrighted materials, or materials that could be copyrighted, belong to faculty. University policy exists to allow a faculty member to require use of materials for which they receive royalties so long as an objective committee reviews the situation and ensures that such materials are appropriate to the situation.

Often, when a faculty member develops such copyrightable materials, it is unclear whether s/he will ever receive royalties. Such royalties, if they come at all, may only be received years later. Receiving permission to do the work for which they might or might not receive royalties years later does not seem necessary.

It has been the practice of the consulting offices on both campuses not to consider royalties as compensation under the Consulting Policy. On recent examination, no formal written policy has been codified stating this. Therefore it is prudent to develop such a policy now. The Committee believes that such a policy should exempt activities solely receiving royalties from the need for approval under the consulting policy.

5. Competition with the University – deferred until the next meeting.

6. On-line system – deferred until the next meeting.

The committee adjourned at 2:05 PM.

Next meeting to be held on Friday, April 8, 2011 at 1:00 PM

Respectfully submitted by:

E. Passan