

POLICY ON CONSULTING FOR FACULTY AND MEMBERS OF THE FACULTY BARGAINING UNIT

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1. INTRODUCTION

Consulting is a time honored and frequent activity of faculty throughout U.S. research universities. The ability to consult is important in promoting recruitment and retention of faculty of the highest quality. Often, such consulting activities provide a range of benefits including fostering economic development, enhancing the reputation of the University, promoting faculty development and enhancing the faculty's ability to bring to the classroom current and relevant "real world" experiences, among others.

Consulting is an activity performed by a faculty member for compensation as a result of his/her expertise or prominence in his/her field while not acting in his/her official capacity as a State employee (i.e. in his/her own time.) The University's Laws and Bylaws prohibit faculty from consulting on "time due to the University".

2. PURPOSE

This Policy describes how members of the faculty and members of the faculty bargaining unit (both hereafter referred to as "faculty member(s)") may participate in consulting activities while complying with the State of Connecticut Code of Ethics, the University of Connecticut Ethics Statement, the University's Code of Conduct and the University's Laws and Bylaws.

3. SCOPE

This policy applies to all faculty members paid by the University of Connecticut and University of Connecticut Health Center.

4. DEFINITIONS

- a) consulting - providing services, advice and similar activities for compensation¹, based on a faculty member's professional expertise or prominence in his or her field, while not acting as a State employee.

¹ Within this policy, compensation does not include royalties covered under Connecticut statutes 10a-110g.

- b) contracting entity - The entity engaging and compensating the faculty member for the consulting activity.
- c) '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.
- d) “normal work time/days”– The usual time (days of the week, hours in the day) committed to assigned duties.
- e) Compensation – compensation for services rendered include, but are not limited to, money, stock, stock options, material gifts, equity interest, other interests of value, and “luxury travel” (i.e. travel expenses in excess to what the State would have paid if the person had traveled as a State employee). Within this policy, compensation does not include royalties covered under Connecticut statutes 10a-110g (Rights as to products of authorship).
- f) “a faculty affiliated company” is a company [or other legal entity] in which the faculty member, or a faculty member’s immediate family, has an ownership interest or serves on the board of directors or board of advisors.

5. POLICY

- a) All faculty members, with the exception noted under ‘q’ below must receive written permission in advance from their supervisor and the Provost or Executive Vice President for Health Affairs, (whoever has jurisdiction over that member), or their designees, in order to engage in consulting activities. Requests for such permission will describe the consulting activity, the contracting entity, the dates (or range of dates) that the activity will occur, and the maximum total effort in terms of the faculty members’ normal work days to complete the consulting activity.
- b) Permission to consult may only be granted when:
 - i. The request to perform the consulting activity occurs due to the faculty member's expertise or prominence in his or her field, not the faculty member's official State position.
 - ii. The faculty member is currently, fully performing his/her State duties.
 - iii. The consulting activity will not interfere with a faculty member's future ability to perform his/her duties.
 - iv. The faculty member is not competing with the University for work that may be perceived as being work the University would choose to perform.
 - v. Those members of a faculty bargaining unit who have specific teaching and/or research responsibilities, the consulting contributes to the continued development of the faculty member's professional expertise or academic reputation.
- c) Approvals must be obtained for each consulting activity. Any on-going consulting activity must be approved on a fiscal year basis (i.e. July 1 – June 30.)

- d) The disclosure of proprietary information (i.e. intellectual property owned in part or in total by the University) is prohibited unless specific permission is granted.
- e) The faculty member must inform the contracting entity that s/he is not acting as a State employee while performing the consulting activity and is not covered by any State liability protection.
- f) The faculty member may not inappropriately use his/her association with the University in connection with the consulting activity. That is, members may identify their employee status, but they shall not speak, act, or make representations on behalf of the University or express institutional endorsement in relation to the outside activity. Further, it must be made clear that permission to use the University name, logos, or other identifiable marks may only be granted by the University.
- g) Permission to use State resources while consulting must be provided in writing, in advance, and use of such resources must be fully reimbursed to the University of Connecticut.
- h) When compensation would be deemed to be a 'significant financial interest' as defined in the Policy on Individual Conflict of Interest in Research (a link to this policy may be found at policy.uconn.edu), the faculty member must disclose this in financial statements made under that policy.
- i) The faculty member must get approval if the faculty member is working for a faculty affiliated company in a paid or unpaid capacity, including as an employee, consultant, or advisor.
- j) It is in the University's best interest to ensure that its faculty does not compete with the University for work it has or is planning to do itself by teaching a course at another institution for compensation. With this understanding, faculty members may request permission to teach elsewhere under the conditions of this policy and as long as the assignment is determined to be beneficial to the interest of the University.
- k) All faculty members who were engaged in a consulting activity in a given fiscal year must complete a year end reconciliation report describing all consulting activities for which they have received approval. If the estimates regarding anticipated time spent on each activity and the compensation range provided when requesting permission to consult do not reflect what actually occurred, such information should be revised appropriately.
- l) The Provost and the Executive Vice President for Health Affairs will submit annual reports of consulting activities for the faculty members under their respective jurisdictions to the Joint Audit and Compliance Committee of the Board of Trustees.
- m) The University's Office of Audit, Compliance and Ethics shall develop and implement a plan of regularly recurring monitoring and audits to ensure the complete and accurate implementation of this policy.
- n) A report or allegation of a violation or noncompliance with this policy shall be reviewed by the Provost or Provost designee. After due process, the Provost may elect to withdraw the authorization or appropriately modify the conditions upon which the authorization to consult is granted so as to resolve

any conflict. Such actions are subject to reversal through relevant appeal procedures including those described in the University's Bylaws.

- o) Failure to comply with the provisions of this policy may result in appropriate disciplinary action, including but not limited to, loss of the privilege to engage in consulting activities or termination from service. Such disciplinary action will be issued in accordance with the applicable provisions of the collective bargaining agreement or the employment agreement of the faculty member and subject to any appeal rights that may be available.
- p) Any faculty member who does not receive prior written approval under this policy is subject to the jurisdiction of the Office of State Ethics. In addition, the faculty member may be subject to sanctions issued by the University for violating this policy.
- q) Faculty paid less than 50% time by the University of Connecticut and/or University of Connecticut Health Center do not need approval to consult. The requirements described in 5b. ii – iv, 5d-m still apply.² Provisions 5b i., 5b v., 5c do not apply.
- r) Faculty paid less than 50% time by the University of Connecticut and/or University of Connecticut Health Center may voluntarily elect to request prior approval to consult as described in 5a. In such cases, all the rules under 5a-n are applicable.³ Once such a faculty member has requested approval to consult, all subsequent consulting activities in that fiscal year must also obtain such approval.

6. CONFIDENTIAL INFORMATION

Any financial information provided in the consulting request forms or reconciliation reports will be deemed confidential financial information, in accordance with Section 1-210(b) of the Freedom of Information Act, and will not be disclosed to any third party unless the member agrees or a court of competent jurisdiction so orders, or in order to comply with Federal and/or State laws or regulations related to the handling of Federal research grants.

² Per State statute, final jurisdiction whether such consulting is compliant with the State Code of Ethics resides with the Office of State Ethics for such consulting activities.

³ Per Public Act 07-166 section 12, the University has final jurisdiction to approve such consulting activities.