

September 2011

SANCTIONS FOR NON-COMPLIANCE WITH THE UNIVERSITY'S CONSULTING POLICY AND PROCEDURES

These SANCTIONS have been developed in response to the provisions of Public Act 07-166 that requires the University to establish "procedures that impose sanctions and penalties on any member for failing to comply with the provisions of the policies." In addition, the internal auditor's report, issued November, 2008, states, "Management should develop consistent procedures relating to consulting requests received on or after the activity start date and explicit sanctions and penalties to noncompliance with University faculty consulting policies and procedures. The sanctions and penalties should include progressive levels of action and related procedures to impose such sanctions as required by PA 07-166 and the BOT approved University policy."

- A. The following sanctions will be taken when a request to consult is submitted late (i.e., either received by the Department Head, Dean or the Faculty Consulting Office (FCO) on or after the start date of the activity, or submitted before the start date, but without sufficient time to process it. Ordinarily, at least one week lead-time is suggested. This section (A) applies only to requests to consult that would routinely have been approved and late submission is the only non-compliance issue.
 1. First Occurrence – letter to or phone conversation with the faculty member and his/her superior explaining the implications of late submission.
 2. Second Occurrence – a letter to the faculty member and his/her superior explaining the implications of late submission and advising him/her that sanctions will be imposed the next time this occurs.
 3. Third Occurrence – a letter to the faculty member and his/her superior indicating that all requests to consult during normal work time for the remainder of the fiscal year will be denied with a letter to the personnel file.
 4. Fourth Occurrence – a letter to the faculty member and his/her superior indicating that permission to consult during normal work time has been indefinitely suspended with a letter to the personnel file.
- B. Occurrences of late submission will be cumulative. The count will be reset to zero occurrences if the faculty member goes a full fiscal year without any new occurrence.

- C. There will be an exceptions process that will affect the sanctions under section A above. (It should be noted that this process has no impact on Office of State Ethics jurisdiction over the activity). If the requestor provides written documentation to the FCO that the offer to consult was received so close to the start of the activity that approval was not possible, then it will not be considered an occurrence of non-compliance. If the form is received late because of slow processing in a college/school administrative office, the exception may only be granted upon written request of that Office's Chief Academic Officer. Such exceptions will generally be granted only for activities that qualify for the accelerated (aka "fast track") approval process.
- D. Failure to submit required annual reconciliation reports by the published deadline will result in the following sanctions:
1. No further requests to consult will be approved until 3 months after the missing reconciliation reports are received.
 2. A notification letter will be sent to the faculty member and his/her department head. If the faculty member doesn't complete all overdue reconciliation reports within two weeks of this issuance of this notification letter, permission to participate in all currently approved consulting activities will be revoked.
- E. This section applies when faculty engage in a consulting activity when the request to consult was disapproved (whether such request was submitted prior to the start of the activity or late), no request to consult was submitted, or for other material non-compliance (such as the unauthorized material use of State resources, use of the University's logo without permission, or when the person represents him/herself as acting as an agent of the University while consulting, etc). In these situations, sanctions will be determined on a case by case basis. Factors used in determining the level of sanctions include but are not limited to: a) whether or not the University would have approved the activity if a formal request had been made; b) the level of compensation for the activity; c) the time expended for the activity from the time due the University; and d) existence and nature of previous non-compliance with the consulting policy. Sanctions may include a ban on future approval of requests to consult, cancellation of previously approved and on-going consulting activities, or other disciplinary actions. The progression of these latter disciplinary actions will be consistent with those specified in the AAUP contract and the University By-Laws.
- F. All sanctions will be issued by the Provost and Executive Vice President for Academic Affairs.

Approved by the Provost on: October 6, 2011