

FY 2008 ANNUAL REPORT ON THE UNIVERSITY'S CONSULTING PROGRAM

SUMMARY

As a result of a change in the Connecticut State statutes and action by the Board of Trustees, new policies and procedures for approving consulting activities for the faculty and members of the AAUP bargaining unit were implemented in December 2007. Faculty Consulting Offices (FCOs) were established for Storrs+ and UCHC and an extensive amount of training was provided. A University-wide Consulting Management Committee (CMC) was convened and has made decisions that re-established the faculty's ability to consult in activities that were threatened by previous Office of State Ethics rulings and opinions.

By and large, implementation of the new program ran smoothly with less than the expected degree of anxiety and frustration, although improvements were recommended by the internal auditors. More formal assessments of the program are anticipated in FY 2009 by internal audit, an Oversight Committee (including a member of the Citizen's Ethics Advisory Board and members appointed by the Legislature), the JACC, the Board of Trustees and two Legislative committees.

BACKGROUND

Public Act (PA) 07-166, approved on June 19, 2007, enacted a carve-out from the portion of the State Ethics Code dealing with consulting. This carve-out applies to faculty and members of the faculty bargaining unit of a constituent unit of the State system of higher education. It transferred final authority to the University to approve such activities and allows management plans to be implemented for addressing perceived conflicts of interest rather than just banning them outright. Specifically, the legislation allowed these individuals to enter into a consulting agreement with a public or private entity, provided such agreement or project does not conflict with the individual's employment as determined by policies established by the board of trustees for such constituent unit.

The University of Connecticut Board of Trustees (BOT) approved the University's "Policy on Consulting for Faculty and Members of the Faculty Bargaining Unit", including operational procedures for implementation, on September 25, 2007. The implementation procedures were subsequently amended on December 4, 2007 to allow for Fast Track processing of a certain class of activities generally referred to as "academic activities" where remuneration does not exceed \$500.

This carve-out from the State Ethics Code is predicated on a set of requirements being met including significant institutional oversight. The new consulting system became fully operational on December 15, 2007. Since that time, both the Storrs Campus and the Health Center have established a Faculty Consulting Office (FCO) with reporting lines and staffing in already existing offices. Usage data systems have been developed by each FCO. Further,

both campuses have developed on-line and live training programs. Twenty-five (25) group sessions have been given at the Health Center and sixteen (16) such sessions have been given at the Storrs Campus. In addition, on both campuses, many additional training sessions have been given at the invitation of schools and departments, or to individual faculty.

Requests to consult must be reviewed and approved by the faculty members' department head, dean, and the Provost's designees (one for each campus). Consulting may not negatively impact the faculty member's ability to fully and satisfactorily address their assigned job duties. At the end of the fiscal year, each faculty member must submit a reconciliation report indicating variances from the requested time spent consulting during the normal work time and confirming any and all appropriate reimbursements to the University were made.

CONSULTING MANAGEMENT COMMITTEE

As required by the implementation procedures, President Hogan appointed the University's Consulting Management Committee (CMC) on December 10, 2007. The CMC is authorized to review and recommend disposition of certain consulting situations that do not have an easy or obvious resolution. The CMC also offers input on unforeseen situations put before it that may arise as a result of consulting activities. To the end of FY 2008, the CMC provided advice to the directors of the Faculty Consulting Offices on an ad hoc basis and also reviewed six general situations resulting in formal position papers/recommendations that included:

- Re-establishing the faculty's ability to consult for pharmaceutical and medical device companies even though they might write prescriptions for products sold by such companies or their competitors or even though the faculty member might sit on a standing or ad hoc University purchasing committee recommending such products or devices.
- Re-establishing the faculty's ability to consult for contracting entities even though they may be working on a grant or contract funded by such entities to the University (e.g. research grant/contract.)
- Appropriate controls for situations in which the University is the vendor and faculty may be involved in setting the terms of a contract or grant.

PERFORMANCE NUMBERS-STORRS CAMPUS+

The FCO on the Storrs Campus received 784 Consulting Forms for 402 individuals (Table 1).

All data were analyzed using the information submitted on the FY08 Annual Reconciliation Report. Reconciliation reports were received from 100% of those who engaged in consulting activities.

Number of Days

The mean number of days spent consulting during normal work hours for this group during this period was 6.2, while the median number was 2.0. No one exceeded the Provost's maximum of an average of one day per week during normal work hours (Table 2).

Nineteen individuals reported using more time during the normal work hours than originally estimated. Of the 19 individuals, the minimum difference for the reporting period was 4 hours more than estimated, while the maximum difference was 12 more days than estimated. There were no instances where increased time during normal work hours had a material impact on the approval process (Table 3).

PERFORMANCE NUMBERS-UCHC CAMPUS

The FCO on the UCHC Campus received 361 Consulting Forms for 123 individuals (Table 4).

Reconciliation reports were received from 100% of those who engaged in consulting activities.

Number of Days

The mean number of days spent consulting for this group during this period was 4.1, while the median number was 2.0. No one exceeded the Provost's maximum of an average of one day per week during normal work hours (Table 5).

Four individuals reported using more time during the normal work hours than originally estimated. Of these 4 individuals, the minimum difference for the reporting period was .4 hours more than estimated, while the maximum difference was 2 more days than estimated. There were no instances where increased time during normal work hours had a material impact on the approval process (Table 6).

AUDIT FINDINGS

By State statute, the consulting program must be audited twice a year by the Office of Audit, Compliance and Ethics. The first audit covered the period of time from first implementation to June 30, 2008, but did not include the reconciliation process since that was only finalized in the fall of 2008. The auditors were basically satisfied with the efforts to date, ("a

tremendous amount of effort invested in the implementation of the University's Consulting Policy and the FCOs are well on the way to achieving the goals of the policy"), but did issue findings that management agreed to address, including:

- Approvals must be obtained before the start date of the consulting activities. Late request forms must be denied.
- The University must establish a sanctions policy for dealing with lack of compliance to the University's Consulting policy. Sanctions must be issued accordingly.
- Increased attention must be placed on ensuring consulting activities do not negatively impact on the faculty's ability to fully perform their job duties.

ISSUES FOR FY 09

- The volume of request forms is expected to increase significantly and the ability of the existing staff to handle them efficiently will be carefully monitored.
- Implementation of the auditors' recommendations related to sanctions and denying late requests to consult may result in discontent from the faculty.
- Feedback will be received for the first time as required reports will be presented to the JACC, Board of Trustees, and Oversight Committee.

Table 1 – Storrs Requests to Consult

Requests		Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	GRAD	LAW	NURS	PHARM	SW	Other
#		784	26	55	31	302	124	36	43	4	22	31	80	20	10
%			3%	7%	4%	39%	16%	5%	5%	1%	3%	4%	10%	3%	1%

Unique Faculty		Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	GRAD	LAW	NURS	PHARM	SW	Other
#		402	20	23	22	168	43	27	24	1	12	17	28	9	8
%			5%	6%	5%	42%	11%	7%	6%	0%	3%	4%	7%	2%	2%

Requests/faculty		Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	GRAD	LAW	NURS	PHARM	SW	Other
mean		1.95	1.30	2.39	1.41	1.80	2.88	1.33	1.79	4.00	1.83	1.82	2.86	2.22	1.25
median		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	4.00	1.00	1.00	1.00	1.00	1.00
10 or more requests		5	-	2	-	1	1	-	-	-	-	-	1	-	-

DEFINITIONS:	
*STORRS CAMPUS:	includes Storrs and Regional campuses, School of Social Work and School of Law
SCHOOL/COLLEGE/UNIT	
ATHL	Athletics
BUS	Business
CANR	Agriculture and Natural Resources
CLAS	Liberal Arts & Sciences
ED	Education
ENG	Engineering
FA	Fine Arts
GRAD	Vice President Research & Graduate Education
LAW	School of Law
NURS	Nursing
PHARM	Pharmacy
SW	School of Social Work
OTHER	Center for Continuing Studies; Ctr Under Grd Ed; Library; OMIA; Prov & Exvp Acad Affairs

Table 2 – Storrs Consulting Requests for Time During Normal Work Hours

Days/faculty	Total	ATHL	BUS	CANR	CLAS	ED	ENG	FA	GRAD	LAW	NURS	PHARM	SW	Other
mean	6.224	9.15	6.38	6.20	5.31	8.57	7.61	4.86	3.00	3.83	9.18	6.26	3.98	4.69
median	2.00	7.00	2.00	3.00	2.00	2.00	3.00	1.00	3.00	1.00	2.00	1.00	1.20	2.00
10 or more	68	9	4	6	22	5	6	4	0	1	6	3	0	2

DEFINITIONS:

*STORRS CAMPUS: includes Storrs and Regional campuses, School of Social Work and School of Law

SCHOOL/COLLEGE/UNIT

ATHL	Athletics	GRAD	Vice President Research & Graduate Education
BUS	Business	LAW	School of Law
CANR	Agriculture and Natural Resources	NURS	Nursing
CLAS	Liberal Arts & Sciences	PHARM	Pharmacy
ED	Education	SW	School of Social Work
ENG	Engineering	OTHER	Center for Continuing Studies; Ctr Under Grd Ed; Library; OMIA; Prov & Exvp Acad Affairs
FA	Fine Arts		

Table 3 – Storrs Reconciliation Report Variances for Time During Normal Work Hours

Effort During Normal Work Days	
# with extra days	19
min	0.40
max	12.00
# with a material impact	0

Table 4 – UCHC Requests to Consult

Requests	Total	SoDM	SoM
#	361	67	294
%		19%	81%
Unique faculty	Total	SoDM	SoM
#	123	24	99
%		20%	80%
Requests/faculty	Total	SoDM	SoM
mean	2.93	2.79	2.97
median	2.00	2.00	2.00
10 or more requests	8	1	7

Table 5 – UCHC Consulting Requests for Time During Normal Work Hours

Days/faculty	Total	SoDM	SoM
mean	4.11	4.56	4.00
median	2.00	2.45	2.00
10 or more	14	3	11

Table 6 – UCHC Reconciliation Report Variances for Time During Normal Work Hours

Effort During Normal Work Days	
# with extra days	4
min	0.4
max	2.0
# with a material impact	0