

UI FACULTY-STAFF HANDBOOK

CHAPTER THREE:

EMPLOYMENT INFORMATION CONCERNING FACULTY AND STAFF

July 2002

3260

PROFESSIONAL CONSULTING AND ADDITIONAL WORKLOAD

PREAMBLE: One of UI's objectives is to "apply the benefits of knowledge by making expert faculty available to individuals and organizations for consultation or research on problems in the state." To maintain and increase the competence of faculty and staff members, the regents encourage professional consulting under the conditions outlined below. ~~As used in this policy, "consulting" is defined to include any professional activity for which the person is paid that is external to UI or clearly beyond the assigned duties for which the employee is appointed and paid by UI.~~ This section was original to the 1979 Handbook; only relatively minor changes have been added since that time and Section B on Regents Policy was added July 2002. Unless otherwise noted, the text is that of 1996. Further information may be obtained from the Provost's Office (208-885-6448). [rev. 7-02]

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A. Definitions

A-1. Consulting: As used herein shall mean any professional activity for which a UI employee is paid that is external to UI or clearly beyond the assigned duties for which the employee is appointed and paid by UI.

B. BASIC POLICY. Faculty and staff on full-time appointment owe their primary employment responsibility to UI. They are expected to fulfill, to the best of their abilities, the responsibilities established in their respective position descriptions. Full-time employment requires a work effort of at least 40 hours a week. No employee is to receive additional compensation from any source for work performed as a part of his or her regular full-time UI employment. [See also FSH 3170 B.] [ed. 7-99]

AB-1. Private Consulting. ~~Private~~ Consulting activity must have prior written approval by the employee's departmental ~~head or administrator~~ supervisor and dean or director/administrator consistent with section C herein, prior to initiation of the consulting activity. Each department must have a process for implementing this policy that has been approved by the dean of the college or the head of the unit. Approval of consulting activity may only be granted if the proposed activity satisfies the following criteria: [rev. 7-02]

- a. It is compatible with the employee's professional competence.
- b. It does not constitute unfair competition with a similar non-UI service already available. (Fees charged should be commensurate with the professional standing and experience of the consultant.)
- c. It will not impair, in quality or quantity, the performance of the employee's assigned duties. (Full-time employees are expected to limit consulting to 39 days in an academic year or 48 days in a fiscal year—normally one additional day each week over the full-time commitment. This limitation does not apply to activities in which the employee engages during periods of vacation leave or on legal holidays, or during the summer for nine month appointments, or where actual practice in an employee's professional field is required by the employee's job description and any such practice has the approvals required herein.)
- d. It does not involve the use of any UI supplies, equipment, or facilities, except as provided in a current agreement (further discussed in B-3) signed by the vice president for administration and finance.
- e. The clients is informed that the faculty or staff member is acting as a private consultant and that UI is not a party to the contract, nor liable, nor responsible for the performance thereof.

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f. It is not contrary to UI's best interests.

g. It complies with the restrictions stated in [FSH 3170 \(University Ethics\)](#), including the Regents' policy on conflict of interest and ethical conduct, and [FSH 6240 \(Conflicts of Interest or Commitment\)](#), including [submission of all applicable disclosure forms under FSH 6240, and all other applicable University policies and procedures.](#) ~~-(see below).~~

~~B. REGENTS POLICY:~~

~~**B-1.** In addition to the requirements set forth below, all employees of the UI are also subject to the Conflict of Interest and Ethical Conduct Policy of the Regents RGPHQ. This policy can be reviewed at <http://www.idahoboardofed.org/policies/> and is quoted below.~~

~~**B-2. General Principles of Ethical Conduct.**~~

~~**1.** All employees of the institutions, agencies, school and office:~~

~~**a.** shall not hold financial interests that are in conflict with the conscientious performance of their official duties and responsibilities.~~

~~**b.** shall not engage in any financial transaction in order to further any private interest using nonpublic information of the Board, institution, school, agency or office.~~

~~**c.** shall put forth honest effort in the performance of their duties.~~

~~**d.** shall make no unauthorized commitments or promises of any kind purporting to bind the Board or any Board governed entity.~~

~~**e.** shall not use their public offices for private gain.~~

~~**f.** shall act impartially and not give preferential treatment to any private or public organization or individual.~~

~~**g.** shall protect and conserve public property and shall not use it for other than authorized activities.~~

~~**h.** shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official duties and responsibilities.~~

~~**i.** shall promptly disclose to their chief executive officer waste, fraud, abuse, or corruption in accordance with applicable law and policy.~~

~~**j.** shall endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the Board or the relevant Board governed entity.~~

~~**k.** shall disclose potential conflicts of interest to the chief executive officer, or designee, of the institution, agency, school or office, and avoid Conflicts of Interest, potential Conflicts of Interest, and circumstances giving rise to the appearance of a Conflict of Interest.~~

~~**2. Conflict of Interest.** A conflict of interest occurs when a person's private interests compete with his or her professional obligations to the Board governed entity to a degree that an independent observer might~~

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~~reasonably question whether the person's professional actions or decisions are materially affected by personal considerations, including but not limited to personal gain, financial or otherwise.~~

~~3. Consideration of Transactions~~

~~a. In the event that a person subject to this policy shall be called upon to consider a transaction involving a Board governed entity and a person, entity, party, or organization with which the person is affiliated, as defined below, such person, as soon as he or she has knowledge of the transaction, shall: (i) disclose fully to the chief executive officer, or designee, the precise nature of his or her interest or involvement in the transaction and/or such organization, and (ii) refrain from participating in the institution's, agency's, school's or office's consideration of the proposed transaction.~~

~~b. Each person subject to this policy shall disclose to the chief executive officer, or designee, of the entity all relationships and business affiliations that reasonably could give rise to a Conflict of Interest because of the employee's duties and responsibilities. This disclosure obligation is ongoing, and each employee has a duty to supplement or amend his or her disclosure when the employee knows that the disclosure was incorrect in a material respect when made or the disclosure, though correct when made, has become inaccurate in a material respect.~~

~~c. For the purposes of this policy, an employee is "affiliated" with an organization if the person, a member of the person's immediate family (i.e., spouse, parents, children, brothers, and sisters), or a person residing in the employee's household or a legal dependent of the employee: (i) is an officer, director, trustee, partner, employee, or agent of such organization; (ii) is either the actual or beneficial owner of more than one percent (1%) of the voting stock of or a controlling interest in such organization; (iii) has any other direct or indirect dealings with such organization from which the employee is materially benefited. It shall be presumed that an employee is "materially benefited" if he or she receives, either directly or indirectly, money, services, or other property in excess of one thousand dollars (\$1000) in any year in the aggregate.~~

~~d. All disclosures required to be made hereunder must be directed, in writing, to the chief executive officer, or designee, of the institution agency, school or office.~~

C. ~~INSTITUTIONAL PROCEDURES AND REQUIREMENTS.~~

~~C-1. General reporting: All employees who have outside employment of more than 20 hours per week or who perform any outside consulting, subject to the approval required herein, must complete the Disclosure of Outside Employment or Consulting for Compensation form (Form 3260/6240B) on an annual basis. An updated Form 3260B/6240B must be submitted throughout the year if a person accepts outside employment or consulting. The disclosure form is available on the following website(s): (insert).~~

~~C-2. Consulting Approval:~~

~~a. Administrative approval for consulting by UI employees may be granted only when the proposed activity satisfies the conditions outlined in A-1 or A-2 as applicable section B. The Consulting Approval Form (Form 3260 A) approval form is accessible on the provost's following website(s): (insert) web page. [ed. 7-00]~~

~~C-2b. In requesting approval, employees are to supply the following information to the departmental administrator: (a) an estimate of the time that will be required, (b) the subject and scope of the consulting services, (c) to the extent UI facilities may be used, a request to use them with an estimate of the the extent of such use of UI facilities.~~

~~C-3c. If UI supplies, equipment, or facilities (other than library and assigned office space) are to be used (subject to priority for their use in regular UI activities), the consultant must enter into a contract n official agreement with UI through the vice president for administration and finance, prior to using any~~

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UI supplies, equipment or facilities. The contract shall be signed by the vice president for finance and administration or his designee. The vice president ~~should~~ shall also be consulted in any case that involves collections from or payments by UI students or that could, in the opinion of the departmental ~~administrator~~ head/supervisor and/or ~~dean/director~~ approving the consulting arrangement, affect the UI's result in litigation or questions concerning UI insurance coverage. ~~Such agreements~~ Contracts for use of ~~involving~~ UI supplies, equipment, or facilities must: (a) stipulate the kind and extent of equipment usage, personnel to be involved, the direct costs to be incurred, and liability for personal injury or damage to UI property; (b) include provisions for appropriate reimbursement to UI; (c) indicate that the required administrative approvals for the consulting and use of supplies, equipment or facilities have been obtained; and (d) be approved by the vice president for administration and finance or his designee.

~~C-4. Every employee performing consulting services must submit an annual report thereon, documenting the subject and scope of and time spent on consulting activities, to his or her departmental administrator and dean.~~

~~C-53. Any work by a UI employee for the UI that is in addition to the employee's primary employment, whether or not it is termed consulting, must be approved by the President, Provost, or appropriate Vice President with a copy to Human Resources and otherwise comply with FSH 3440. Compensation for any such work in addition to certified salary that is paid for services rendered under A-2 or A-3 above must be handled by the UI payroll system~~ go through the UI payroll system.

~~C-64.~~ The name, "University of Idaho," is the exclusive property of UI and consequently should not be used in support of claims, advertisements, or the contents of any private consulting reports. UI stationery or letterhead may be used only for official UI business. [See 6620.]