

BOARD OF REGENTS
BRIEFING PAPER
***Handbook* Revision, Approval Process for Compensated Outside Professional or
Scholarly Activities**

BACKGROUND & POLICY CONTEXT OF ISSUE:

Under current Board policy outside professional or scholarly service by faculty members, including DRI faculty, is recognized as a legitimate activity unless specifically prohibited by the employee's contract with the institution (*Title 4, Chapter 3, Section 9* and *Title 4, Chapter 11, Section 12* of the *Handbook*). This policy requires that faculty members engaged in providing compensated outside professional or scholarly service provide advance notification and request approval in writing to their immediate supervisor about the nature of

POLICY PROPOSAL
TITLE 4, CHAPTER 3, SECTION 9
Compensated Outside Professional Services – Pre-Approval Process

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 9. Compensated Outside Professional Services

(For DRI Faculty Members, See Title 4, Chapter 11, Sec. 12)

1. Outside professional or scholarly service by faculty members within their subject matter field and for compensation is recognized as a legitimate activity unless specifically prohibited by the employee's contract with the institution.
2. Outside professional or scholarly service as contemplated by this section shall not interfere with the performance of the duties of any faculty member. If taken during the faculty member's standard workweek, such service shall occupy no more than one day's equivalent time per work week (20%) for full-time faculty members. Faculty members on 12-month contracts must take annual leave if providing outside professional or scholarly service during the standard work week. For the purposes of this paragraph, annual leave is not required to be taken if the activity is scholarly in nature and advances the reputation of the institution, such as serving on a national review board, and the amount of compensation, above expenses, is less than the monetary value of taking a half-day leave.
3. No faculty member may undertake outside professional or scholarly service that would result in a

7. ***Except as otherwise provided in this section, full-time*** ~~[Full-time]~~ faculty members engaged in providing compensated outside professional or scholarly service shall provide advance notification ***and request approval*** in writing to their immediate supervisor about the nature of the work to be performed, the company/organization for which the work will be performed, and the estimated time involved. The request must be approved in advance by the supervisor within 10 working days. Individual requests to perform outside professional or scholarly service shall be considered confidential personnel documents pursuant to Title 2, Chapter 5, Section 5.6.2. of the Code.

Institutions may establish an expedited pre-approval process for notification of certain compensated outside professional or scholarly activities that are for a short-period, determined to be routine or standard, and compensated at \$3,000 or less per activity. Such services must be identified within the written pre-approval process established by the institution and may include activities such as service on a national panel, speaking engagements as allowed by the institution, and reviewing manuscripts.

8. When a supervisor believes that a ***faculty member's consulting activities conflict with the faculty member's obligations to the institution or other obligations of the institution*** ~~[conflict exists with obligations currently incurred or assumed by the institution regarding a faculty member's consulting activities]~~, the supervisor shall inform the faculty member of these concerns and negotiate a mutually acceptable course of action. If a mutually acceptable course of action cannot be negotiated, the appropriate vice president or vice chancellor, as the case may be, will hear and evaluate the evidence and render a decision, or appoint a review committee if necessary. The vice president or vice chancellor may require the faculty member to cease performance of existing obligations while the faculty member remains a NSHE employee.
9. Faculty members performing compensated outside professional or scholarly service shall inform those who engage them that they are not acting in the name of the institution and that the institution is not a party to the contract nor liable for any actions of such faculty member.
10. In negotiating for a contract for outside compensated professional or scholarly services, faculty members shall not use institutional stationery or forms in any manner.
11. Full-time faculty members may make a general announcement of their availability as consultants but may not solicit consulting assignments.
12. Faculty members working independently on their own time may obtain patents or copyrights on the results of their work.
13. Faculty members performing compensated outside professional or scholarly service are subject to the Board policy on personal use of System property or resources (Title 4, Chapter 1, Section 25). A faculty member working independently on an outside-compensated contract shall not use NSHE facilities, equipment or personnel unless such use is authorized in advance by the supervisor. Reimbursement of any costs to the institution shall be in accordance with Title 4, Chapter 1, Section 25.
14. It is the responsibility of each full-time faculty member to ~~[timely]~~ report outside compensated services ***in a timely manner*** and to certify the accuracy of the disclosures. Failure to ~~[accurately and timely]~~ disclose outside compensated services ***in a timely and accurate manner*** constitutes a basis for disciplinary action under Title 2, Chapter 6 of the Code. Records are to be kept annually by the dean or appropriate vice president, or vice chancellor as the case may be, of all approved consulting activities in each department or division.
15. Each NSHE institution shall publish an annual report regarding compensated outside professional or scholarly service completed by its full-time faculty (aggregate data) and approved by the institution in accordance with the provisions of this s

POLICY PROPOSAL

TITLE 4, CHAPTER 11, SECTION 12

DRI - Compensated Outside Professional Services – Pre-Approval Process

7. ***Except as otherwise provided in this section, a*** ~~[A]~~ full-time faculty member engaged in providing compensated outside professional service shall provide advance notification ***and request approval*** in writing to his or her supervisor, i.e., the Executive Director of the Division or the appropriate Vice President if not in a division, of the nature of the work to be performed, the company/organization for which the work will be performed, and the amount of his or her time likely to be involved. The request must be approved in advance by the supervisor within 10 working days and shall indicate that the intended compensated outside professional service is not in conflict with any obligations currently incurred or assumed by the Institute. Activity in new areas not presently a regular part of the DRI efforts