

# *University Policy*

## **03-4 Consulting By University Faculty And Research Personnel**

### **1.0 Purpose**

1.1 This university policy implements the Board of Governors' statute, "The Role of Consulting by Faculty Members," WSUCA sections 2.41.01.290 through 2.41.01.350.

1.2 Wayne State University recognizes that consulting is a proper and commonly practiced aspect of academic employment, a valuable adjunct to teaching and scholarship, and an important service which academic specialists can render to the public at large. It is further recognized that the outside contacts established through consultation by members of the faculty and research personnel may be of help in their professional advancement.

Faculty and research personnel have a great deal of freedom in scheduling their normal university obligations and time for professional and scholarly initiatives. This freedom allows for external consulting within the limits of this and other relevant policies. It must be understood, however, that any outside professional activity undertaken by full-time academic personnel is to be conducted with the understanding that their first obligation and overriding commitment is to Wayne State University.

More specifically, this obligation and commitment imply the acceptance of all the responsibilities inherent in such positions, including teaching assigned classes, maintaining a schedule of office hours, being available to provide advice and consultation to students, engaging in scholarship and research that is commensurate with a faculty appointment in a major research university, undertaking service with other faculty to carry out the objectives of the university, as well as service to the community and to the faculty members' professions and disciplines. This obligation also implies that outside professional activities should enhance the quality of an individual's direct professional contribution to Wayne State University.

Specifically, external consulting activities should:

- a) Provide the individual academic employee with experience and knowledge valuable for teaching and scholarship; or
- b) involve suitable research through which the individual may make a worthy contribution to knowledge; or,
- c) constitute a public service that is appropriate to representatives of Wayne State University.

### **2.0 Applicability**

2.1 This university policy is applicable to all full-time faculty, including department chairs and associate chairs, and to full-time research personnel (Senior Research Scientists, Research Scientists, Research Associates, and Research Assistants).

2.2 Consulting during uncompensated periods, including uncompensated summer periods and unpaid leaves of absence, is not regulated under the terms of this university policy.

2.3 For faculty holding full-time nine-month appointments at Wayne State University, consulting during summer periods when those faculty members have part-time appointments is not regulated under the terms of this university policy.

2.4 Subject to section 2.3 above, consulting during compensated periods, including sabbatical leaves, paid vacations, and paid holidays, is regulated under the terms of this university policy. However, consulting during compensated periods exempted by the terms of a collective bargaining agreement shall not be regulated.

2.5 Activities conducted under the terms of a University-approved practice plan are exempt from regulations set forth in this policy.

### **3.0 Statutory Requirements**

3.1 The statute requires that consulting not be in serious conflict with the quality of the faculty **member's other scholarly activities** such as teaching, research, and individual consultation with students.

3.2 The statute provides that faculty not average more than one day a week in consulting activities.

3.3 The statute requires that consulting shall not give rise to situations involving a conflict of interest between the consulting activities and the University or between the consulting activities and agencies sponsoring research at the University.

3.4 The statute provides for reporting of consulting activity.

3.5 The statute requires that faculty shall not, without reimbursement to the University, utilize University resources in consulting activities to an extent exceeding that which normally could be made available to the general public.

### **4.0 Definitions**

4.1 For purposes of this university policy, consulting is defined as activity, whether or not in a person's field or employment, which is remunerated in cash, goods, services, or otherwise.

4.1.1 Consulting includes, but is not limited to, research, teaching and/or service for any external organization, including another institution of higher education.

4.1.2 Consulting includes remunerated services performed for a public or private external organization. This definition encompasses, but is not limited to, remunerated services for any public or private external organization (e.g., private voluntary association,

private corporation, co-partnership, unincorporated association, trust, etc.) in which a faculty member also is a shareholder, member, partner, officer, director, employee, owner, or in which a faculty member has any other equity interest.

4.1.3 For purposes of reporting under the terms of this policy, four (4) contact hours per week of teaching at another institution shall count as one (1) day of consulting. Teaching assignments involving fewer than four (4) contact hours per week shall count proportionally toward one (1) day of consulting. Hence, for example, three contact hours of teaching shall constitute 75 percent of a day's consulting, two contact hours 50 percent, and so forth.

4.2 Consulting does not include publication of scholarly works in academic subject areas that correspond to a faculty member's field of employment at Wayne State University, e.g., review articles, professional textbooks, monographs or other publications in recognized scholarly journals, even when such publications bear royalties, honoraria or other stipends.

4.3 The business week is defined as a five-day week, during any period in which a faculty member or research employee receives full-time compensation from Wayne State University.

4.3.1 Faculty members who are assigned to teach on one or two weekend days should, for purposes of calculating the acceptable number of consulting days, consider these weekend days as part of their business week, and substitute the corresponding number of days in the regular business week (i.e., Monday through Friday).

4.4 A conflict of interest (see Executive Order 89-3) exists where a public officer or employee, whose public position might create benefits for his/her private financial interests or might give improper advantage to others, puts herself or himself into a situation where such benefits might be created, or such advantage might be given. In a university setting, conflict of interest situations exist when university employees have an opportunity to influence the university's decisions in ways that could lead to personal gain or give improper advantage to others. The opportunity may or may not result in actual personal financial gain or unfair advantage to others. A conflict of interest exists when an individual has simultaneous positions in the University and in an external organization which permits him/her to influence the University's relationship with that organization. A conflict of interest exists when an individual with an academic appointment engages in direct or indirect competition with the university by channeling grants and contracts through an external organization when such grants or contracts could appropriately be conducted under the auspices of the University.

## **5.0 Limitation On Consulting Activities By Faculty Members**

5.1 Consulting is limited to an average of one day per business week during compensated periods (see above, section 3.2). Consulting during any given business week may exceed the one-day limitation, provided that total consulting activity during a given academic term does not exceed an average of one day per week.

5.2 Consulting activity should not occur at a time that conflicts with scheduled classes, scheduled office hours, or other scheduled University responsibilities. In the event that

consulting responsibilities would require a faculty member to miss such scheduled University responsibilities, he/she shall, notwithstanding the provisions of Sections 6.1-6.3, obtain advance permission for consulting from his/her dean or director. The faculty member shall, in consultation with his/her dean or director, assure that such scheduled University obligations are fully met by himself/herself at another time or by another member of the University faculty.

5.3 Exceptions to the limitations in Section 5.1 may be made when the University is the primary beneficiary of the consulting.

5.4 Exceptions to the limitations in Section 5.1 may be made in the case of professional services which carry only a nominal stipend and meet the other purposes and requirements of the statute. Such professional services include but are not limited to, lectures and other public appearances, service on accreditation and program review teams, site visits, and membership on foundation and public agency boards or grant review panels, and similar nominally compensated professional activities.

5.5 All exceptions require reporting and advance approval, but they may be exempt from the one-day-per-week average limit. Requests for approval of exceptions shall be submitted on the attached form (Form A).

## **6.0 Reporting And Approval**

6.1 A faculty member or research employee shall report annually on consulting activity to the Dean or Director, through the Chair where appropriate. Reports shall include all consulting activities undertaken during the calendar year. Consulting reports for the previous calendar year shall be submitted by all faculty, including faculty (research) and faculty (clinical) on the third Monday in January. Reports should be filed whether or not a faculty member has engaged in consulting. When a faculty member has not engaged in consulting, his/her report should state that he/she has engaged in no consulting during the prior calendar year. Consulting reports shall be submitted by research personnel (Senior Research Scientists, Research Scientists, Research Associates, and Research Assistants) who have engaged in consulting; such reports shall be filed on the third Monday in January. A report need not be filed by a person who is classified as research personnel and who has not engaged in consulting during the prior calendar year. This reporting shall be on the attached form (Form B), which shall become part of the employee's confidential personnel record.

6.2 The Dean or Director shall review the consulting report, and shall ensure that the consulting activities are not in violation of statutory requirements outlined in Section 3.0, as explained in Sections 4.0 and 5.0.

6.3 If the Dean or Director determines that consulting activity by a particular faculty member or research employee is in violation of any statutory requirements outlined in Section 3.0, or if an academic employee fails to report promptly his or her consulting activity, the Dean or Director may require that individual to obtain prior approval for all future consulting activity. Such individual may also be subject to other disciplinary action pursuant to University policy.

6.4 Hereafter the Provost and Senior Vice President for Academic Affairs shall make available to the University employees all University forms to implement this university policy, including the forms requesting exemptions to policy under subsection 5.5, as well as the summary report forms required under subsection 6.1.

## **7.0 Delegation Of Authority**

7.1 Pursuant to the authority delegated to the President as chief executive officer by Section 2.2 of the By-Laws of the Board of Governors, authority is hereby delegated to the Deans and Directors of the University to receive and review reports of consulting activity for faculty members and research personnel within their respective schools, colleges, and divisions, to grant exceptions to consulting policy for personnel within their units (as provided in Sections 5.3 and 5.4), and to grant prior approval for consulting (as provided in Section 6.3).

## **8.0 Duration**

8.1 This delegation is revocable by the President at any time and without notice.

## **9.0 Effective Date**

9.1 This university policy is effective upon issuance. Periodic reports required in Section 6.0 shall not be required until the end of the first full term following issuance.

9.2 Executive Order 86-8 is hereby revoked, effective immediately.

Signed by President Irvin D. Reid December 18, 2003