

# North Dakota State University

## Policy Manual

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### SECTION 152

#### EXTERNAL PROFESSIONAL ACTIVITIES

SOURCE: NDSU President  
NDSU Faculty Senate

##### 1. INTENT

- 1.1 North Dakota State University, within stated guidelines, encourages employees to participate in professional activities providing information, advice, or services to those outside of the University as a means of gaining additional professional experience and maintaining professional competency within their specialized disciplines. Participation in external professional activities is expected to contribute to the mission of the University.
- 1.2 Acceptance of full-time employment at NDSU carries a commitment to the University that is understood to be full-time in the most inclusive sense. Full-time faculty and staff ("Employees") are expected to devote their primary loyalty and energy toward meeting their instructional, research, service, and administrative duties. External activities and financial interests must not interfere with the expected primacy of these commitments, nor present a conflict-of-interest to the University, nor create a public relations problem for the University. Prior to accepting appointments, engaging in a business, or otherwise diverting their attention from university duties, employees must make disclosure of the activity and, if appropriate, obtain approval.
- 1.3 Approval to participate in external professional activities does not permit use of the University's name in any announcement, advertisement, publication, or report if it implies University endorsement of a product or service. The University does not assume any responsibility for the professional services rendered during an external professional activity.
- 1.4 By participating in external activities, an employee creates a greater potential for a conflict of interest. Employees need to be thoughtful and deliberate about analyzing their proposed external activities for potential conflicts of interest. When evaluating external activities, employees and their supervisors must ensure compliance with Policy 151.1.

##### 2. PROFESSIONAL SERVICE WITHOUT REMUNERATION

- 2.1 Employees of NDSU are often asked to participate in professional, discipline-related activities, such as officers of national organizations, journal editors, editorial boards, etc. Such participation is viewed as desirable, and University approval to engage in these activities is necessary only if substantial use of University facilities or resources will be needed for support of these activities.

### **3. EXPERT TESTIMONY**

- 3.1 Because of their unique expertise, faculty or staff may be asked to serve as expert witnesses in a court of law. Because of the nature of the legal process, such activity may place the University employee in an unintentional adversarial position.
- 3.2 Therefore, University employees are encouraged to appear as "juris amici" (friend-of-the court) instead of as expert witnesses representing one party. If a University employee serves as an expert witness for compensation, the University Consulting Form must be completed and approved, and the consulting guidelines apply (see Section 5 below).

### **4. PROFESSIONAL SERVICE WITH REMUNERATION (HONORARIA)**

- 4.1 University employees are encouraged to provide public service by making presentations to various groups and organizations or serving on proposal review committees. Often the employee may be given an honorarium in appreciation of such service.
- 4.2 An honorarium is defined as a monetary gift which is meant to express appreciation or honor to the recipient which is not covered under the consulting policies.
- 4.3 Provided there is no prohibitive conflict of interest pursuant to Policy 151.1, employees can accept honoraria from non-NDSU or non-State (North Dakota) related entities. Unless Section 5 below applies, employees shall regard the services for other departments within the University or for other state agencies or entities for which they might receive honoraria as part of their public service obligation and refuse or return such honoraria.

### **5. PROFESSIONAL SERVICE WITH REMUNERATION (CONSULTING)**

- 5.1 Employees of NDSU are often requested to provide professional expertise as consultants to private agencies, governmental (state and national) agencies, industries, or individuals for which they receive remuneration or retainer fees. In general, the following policies must be followed when participating in consulting activities. For purposes of this policy, teaching a course or teaching a substantial portion of a course for another educational institution or other business or organization shall be treated as consulting and governed by this policy. This policy applies to both teaching in person or by means of an electronic communication.
  - 5.1.1 Consulting by employees in areas related to their academic discipline may be performed only after prior approval by the line of administration through the appropriate Vice President. For example, faculty need the approval of the chair, dean, and Provost. In addition, those faculty with a major Experiment Station or Extension Service appointment also need the approval of the appropriate Director and the Vice President for Agriculture and University Extension. Employees with full-time Agricultural Experiment Station positions (e.g., branch stations) or full-time, off campus Extension appointments, approvals are required from the appropriate Director and Vice President for Agriculture and University Extension. Staff would need the approval of the appropriate Vice President. Vice Presidents and members of the President's staff require

the approval of the President. Decisions for such approval will depend upon the nature of the employment responsibility to the University and the conditions of employment. Approval may only be granted for periods up to the maximum of one year. Approval must be sought each year if any activity extends beyond the one year maximum.

- 5.1.1.1 Any consulting agreement which attempts to assign ownership rights in intellectual property or provides that the ownership rights will belong to a third party and which arise in an area related to the employee's academic discipline or work at the University must be submitted for review and approval by the University. The reason is to protect the interests of the University in any employee invention or other discovery. Unless otherwise expressly authorized, employees have no authority to assign any ownership rights in any invention or discovery which may arise out of or relate to their work at the University or the use of any University property or equipment.
- 5.1.2 The consulting activity must not interfere with normal duties or activities.
- 5.1.3 The consulting activity must not represent an actual or potential conflict-of-interest.
  - 5.1.3.1 If there is an actual or potential conflict of interest, the employee must comply with Policy 151.1.
- 5.1.4 The consulting activity must not compete directly with University sponsored services. Because of the land grant mission, fees should not be charged for consulting with North Dakota clients when the same services are provided by a defined program or staff function at NDSU.
- 5.1.5 The time limit on the consulting activity is limited to the equivalent of one day per week, during the contract period at NDSU, and consulting should not be performed on a regular, ongoing basis. In addition,
  - 5.1.5.1 individuals should keep a record of time spent consulting;
  - 5.1.5.2 travel time, office visits, correspondence, telephone calls, and other on campus consultation related activities are included in the time committed to consulting;
  - 5.1.5.3 consulting conducted outside the regular work week is not counted as part of consulting time; however, the same policies and procedures for disclosures and approval apply;
  - 5.1.5.4 the consulting activity should not require an absence from campus longer than 10 consecutive working days without special approval.
- 5.1.6 Consultants must make clear that they are not representing the University or that the name and authority of University are in no way connected with service rendered, and that reports cannot be made on University stationery.

- 5.1.7 Travel Authorization forms must be filed as necessary.
- 5.1.8 Special approval must be obtained in advance for the use of University facilities and resources which may require payment of a reasonable fee, and the individual is responsible for payment of these fees. If University facilities or equipment is used, proof of professional liability insurance coverage for consulting activities may be required.
- 5.2 Grievances for matters involving this policy shall follow the appropriate grievance procedure (faculty, policy 353; staff, policy 230).
- 5.3 Approval for consulting or other external activities may be revoked if unforeseen problems occur after the initial approval. The revocation of approval may be appealed in the same manner as a denial.
- 5.4 Failure to follow this policy will be reported to the President who may impose sanctions that are appropriate to the seriousness of the violation.

## **6. RESPONSIBILITIES**

### **6.1 Individual**

- 6.1.1 obtain prior approval, completing Consulting Authorization Request form prior to initiation of consulting activity;
- 6.1.2 ensure that activity does not conflict with primary responsibilities;
- 6.1.3 ensure activity does not pose an actual or potential conflict-of-interest and complies with Policy 151.1;
- 6.1.4 maintain appropriate records of consulting activities;
- 6.1.5 do not use College or University endorsement;
- 6.1.6 secure advance approval to use University equipment, and make any necessary payments;

### **6.2 Department Chair, Director**

- 6.2.1 evaluate all requests for interference with normal duties or conflicts-of-interest;
- 6.2.2 identify and resolve any actual or potential conflicts-of-interest and ensures that the employee complies with policy 151.1;
- 6.2.3 review requests to determine that they meet policies of University;
- 6.2.4 forward recommendation to Dean;
- 6.2.5 ensure activities are reviewed annually.

6.3 Dean, Director

6.3.1 review recommendation from Chair;

6.3.2 review any special circumstances;

6.3.3 forward recommendation to the appropriate Vice President.

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HISTORY:

New	September 1995
Amended	November 1997
Amended	February 1998
Amended	September, 1995
Amended	October 2000
Amended	October 2003
Amended	October 2007
Amended	January 2008
Housekeeping	February 14, 2011
Amended	November 29, 2015
Amended	September 26, 2019