Policy *152* Version *1 03/08/19*

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.scc@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | 152:External Professional Activities |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
 |
| * Is this a federal or state mandate? [ ]  Yes [ ]  XXNo
* Describe change: The policy has been streamlined and altered to make it consistent with 151.1 and 151
 |
| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Office/Department/Name and the date submitted - RCA and Dennis Cooley/ March 8, 2019
* Email address of the person who should be contacted with revisions dennis.cooley@ndsu.edu
 |
| ***This portion will be completed by Heather Higgins-Dochtermann.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
 |
| **Senate Coordinating Committee:** |  |
| **Faculty Senate:** |  |
| **Staff Senate:** |  |
| **Student Government:** |  |
| **President’s Cabinet:** |  |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.scc@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University
Policy Manual
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**SECTION 152
External professional activities**

#### SOURCE: NDSU PresidentNDSU 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