Policy *152* Version 1 *4/20/16*

**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.policy.manual@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 [x]  No
* Describe change: Major Revisions and Amendments
 |
| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Research and Consulting Committee – April 20th, 2016
* chad.ulven@ndsu.edu
 |
| ***This portion will be completed by Mary Asheim.***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:** | 5/16/16 |
| **Faculty Senate:** |  |
| **Staff Senate:** |  |
| **Student Government:** | 9/14/16 |
| **President’s Cabinet:** | 9/14/16 |

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.policy.manual@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 encourages its employees to participate in professional activities as a means of maintaining competency within their disciplines. These activities may include providing advice, information, or services to people and organizations outside the University system. Such participation contributes to the overall mission of the University.

1.2 Full-time faculty and staff ("Employees") are expected to devote themselves to meeting their

administrative, instructional, research, and services duties to the University. External activities and financial interests must not interfere with these commitments, nor present a conflict-of-interest to the University. Employees must disclose and, if appropriate, obtain approval prior to accepting outside appointments, consulting with the private sector, forming their own business, or otherwise diverting their attention from university duties.

1.3 University approval of external professional activities by employees does not mean the University endorses a particular product or service. The University's name should not be placed in any announcement, advertisement, publication, or report to imply such an endorsement. The University does not assume responsibility for the external professional activities of its employees.

1. CONSULTING

2.1 Consulting is generally defined as professional activity related to a person’s field or discipline involving a fee-for-service or equivalent relationship with a third party. Typically, this third party is not part of the University system. University employees may act as consultants and provide expertise for compensation to private companies, nonprofits, governmental agencies, or individuals. Employees must adhere to the following policies when engaged in consulting activities. However, time spent on consulting activities outside of an employee’s contract period is not governed by the following polices.

2.1.1 Employees need prior approval from the University before acting as consultants.

University faculty need the approval of their chair, dean, and Provost. Those faculty with a major Experimental Station or Extension Service appointment also need approval of: 1) the appropriate Director and the Vice President for Agriculture and 2) University Extension. Employees with full-time Agricultural Experiment Station positions (e.g., branch stations) or full-time off-campus Extension appointments need approval from: 1) the appropriate Director and Vice President for Agriculture and 2) University Extension. University staff 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 consultation, the employee’s responsibility to the University, and the conditions of employment. Approval may be granted for up to one year. Approval must be renewed annually.

2.1.1.1 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 (See Policy 190). 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 or relate to their work at University or the use of any University property or equipment.

2.1.2 The consulting activity must not interfere with normal duties or activities.

2.1.3 The consulting activity must not represent an actual or potential conflict of interest.

2.1.3.1 Any actual or potential conflict of interest must be resolved before an employee can engage in consulting.

2.1.4. The consulting activity must not compete directly with University-sponsored services.

2.1.5. The time limit on the consulting activity is limited to the equivalent of one work-day per week during the contract period at the University.

2.1.6. Employees must keep a record of their time spent consulting.

2.1.6.1 Time spent on consulting include travel time, office visits, correspondences, telephone calls.

2.1.6.2 Time spent consulting outside the regular work week is not counted as part of consulting time. However, any consulting done outside the regular work week is still considered consulting by the University. Consequently, the University’s policies and procedures for discourses and approval still apply.

2.1.6.3 Special approval is necessary for consulting activity that requires an absence from campus longer than 10 consecutive working days during the contract period at the University.

2.1.7. Employees engaging in consulting do not represent the University. They cannot invoke the name and authority of the University as part of their services. Nor can reports be printed upon the University stationary.

2.1.8. Travel Authorization forms must be filed as necessary.

2.1.9 Approval must be obtained in advance for the use of University facilities and resources. There may be a fee involved in the use of such facilities and resources. Proof of professional liability insurance coverage may also be required.

2.2 Any grievances regarding this policy or its implementation shall follow the appropriate grievance procedures (for faculty, policy 353; for staff, policy 230).

2.3 Approval for consulting can be revoked if unanticipated problems arise. Revocation of approval can be appealed in the same manner as a denial.

2.4 Failure to follow consulting policy will be reported to the Provost, who will impose appropriate

sanctions.

1. PROFESSIONAL SERVICE WITHOUT RENUMERNATION

3.1 Faculty and staff serve their professions through a variety of unpaid, discipline-related positions, including officer of a national or regional organization, journal editor, member of editorial board, and so forth. Such positions are not considered consulting.

1. EXPERT TESTIMONY

4.1. 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.

4.2. University employees are encouraged to appear as "juris amici" (friend-of-the-court) instead of as expert witnesses representing one party.

4.3 Faculty and staff acting as expert witness before a court of law is considered a form of consulting when they are paid for their expertise by an interested party before the court. Consequently, the consulting guidelines apply. Faculty and staff receiving payment as an expert witness must complete the University Consulting Form and submitted for approval to their Chair, Dean, and Provost.

1. OUTSIDE TEACHING

5.1 Teaching a course or teaching a substantial portion of a course for payment for another educational intuition, private companies, nonprofits, governmental agencies, or individuals is considered a form of consulting. University policy applies whether such teaching is done in person or via electronic communication.

6. PROFESSIONAL SERVICE WITH RENUMERATION (HONORARIA)

6.1. University employees can serve the public by making presentations of their area of expertise before governmental, nonprofit, and private organizations. Employees may receive an honorarium from an organization in appreciation of such service.

6.2 An honorarium is defined a one-time monetary gift meant to express appreciation to the recipient for a particular service. Such gifts are not considered consulting.

7. RESPONSIBILITIES

7.1 Employee

7.1.1 obtain prior approval, complete Consultant Authorization Request form prior to engaging in consultation activity;

7.1.2 ensure activity does not conflict with primary responsibilities;

7.1.3 ensure activity does not pose an actual or potential conflict-of-interest;

7.1.4 maintain appropriate records of consulting activities;

7.1.5 do not use College or University endorsement;

7.1.6 secure advance approval to use University equipment or facilities, and make any necessary payments for use of that equipment or facilities.

7.2 Department Chair/ Head, Director

7.2.1 evaluate all requests in terms of interference with normal duties

7.2.2 identify and resolve any actual or potential conflicts-of-interest;

7.2.3 determine that the request meets University policies;

7.2.4 forward recommendation to Dean;

7.2.5 ensure activities are reviewed annually.

7.3 Dean, Director

7.3.1 review recommendation from Department Chair/ Head or Director

7.3.2 review any special circumstances;

7.3.3 forward recommendation to the Provost.

7.4 Provost

 7.4.1 review recommendations from Department Chair/Head or Director, and Dean,

Director.

 7.4.2 responsible for final decision.

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