

## Policy C130

Approved by the Faculty Senate on 11/27/07

### POLICY CONCERNING OUTSIDE EMPLOYMENT AND CONFLICTS OF COMMITMENT

Employment as a full time, tenured, probationary, or clinician educator faculty member at the University of New Mexico in Albuquerque requires an individual's full time professional commitment and expertise. Notwithstanding this, and subject to certain restrictions, full time faculty members subject to this policy (Lecturers of all ranks are exempt from the provisions of this policy) are encouraged to engage in appropriate outside professional activities that will enhance their professional growth and reputation. Outside activities such as writing, consulting, lecturing, and similar outside endeavors contribute to the quality of both instruction and the scholarly or creative work of the faculty, bring great credit to the University and may contribute to the economic development of the state.

#### Conflict of Commitment

The University of New Mexico has adopted in the Faculty Handbook (Section B, Appendix V) the *Statement on Professional Ethics* of the American Association of University Professors, which includes the statement "Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it." In particular, a "conflict of commitment" exists when the external professional activities of the faculty member are so extensive and demanding of time and attention as to interfere with the individual's responsibilities to the unit to which the faculty member is assigned by contract, to students, or to the University. In particular, the time spent in outside employment may not exceed the equivalent of one workday per five day work week during the contract period. For faculty members with nine-month contracts this is the equivalent of 39 work days, and for faculty members with twelve-month contracts this is the equivalent of 52 work days per contract period.

#### Outside Consulting

In outside employment faculty members are paid directly by the outside entity and the University is not concerned with the amount of earnings. However, a faculty member should charge fees similar to those charged by firms or individuals doing comparable work, except when advice or services are given free in the public interest.

#### Prohibited Activities

Faculty members should not provide consulting or other services to an outside entity when those services would conflict or be in competition with services offered by the University itself. In undertaking outside employment the faculty member may not make use of University facilities, equipment, or personnel without prior written approval from the head of the unit responsible for the facilities or personnel. When necessary the Associate Vice President of Business/Comptroller shall determine to what extent the University shall be reimbursed for such use. Work of a routine or repetitive nature such as tests, assays, chemical analyses, bacteriological examinations, etc. which involve use of University property is prohibited except where it is considered in the public interest and where facilities or personnel for doing such work exist only at the University.

University titles, offices, addresses, and telephone numbers may not be used in city directories or similar publications for the purpose of publicizing non-University interests. Consultants must make it clear to outside employers that the work to be undertaken has no official connection with the University. The University cannot assume any responsibility for private consulting activities provided by members of the faculty.

#### Exceptions for Remunerated Scholarship

It is not the intent of the University to restrict expected scholarly activities of faculty members. In some disciplines, such as the performing arts, professional activity may be remunerated. In many disciplines scholarly service activities such as reviewing, colloquia presentations, etc., are compensated by small honoraria beyond expenses. Such activities, referred to as "remunerated scholarship" generally relate to research or creative work that is expected in a faculty member's discipline. Teaching outside the contracted department for compensation [see **Policy C140**] is not considered to be remunerated scholarship. Such activities would normally be added to a c.v. and be considered in promotion, tenure, merit pay, etc. Activities of remunerated scholarship need not be reported and the hours so spent do not count against the 39 or 52 workday limit unless the Chair or Director finds the extent of such activities threatens a faculty member's ability to carry out his/her regular University duties. In this case approval to continue this activity should be sought.

**Reference:** See also Regents Policy Manual 5.5

## **COMPLIANCE**

Intentional failure to comply with the provisions of this policy will be considered a violation of university policy and may lead to appropriate corrective action which can include censure, warning, disciplinary probation, or dismissal, as set forth in the *Faculty Handbook*.

## **PROCEDURES REGARDING OUTSIDE EMPLOYMENT**

In consultation with the academic units the offices of the Provost and the Executive Vice President for Health Sciences will be responsible for developing and communicating procedures for this policy. The procedures should address at least the following requirements:

- Notification of outside employment
- Chair/Director/Dean monitoring, reporting, and enforcement responsibilities
- Process for Exceptions to this policy
- Faculty reporting
- Written approval
- Records and supporting documentation maintenance
- Documentation supporting appeals
- Calculations used to monitor the 39/52 day rule
- Practical definitions and guidelines regarding Remunerated Scholarship developed with faculty input.