

C130
Policy

**POLICY CONCERNING OUTSIDE EMPLOYMENT AND CONFLICTS OF
COMMITMENT**

Approved by the Regents 5/xx/07

Employment as a full time, tenured, probationary, or clinician educator faculty member at the University of New Mexico requires an individual's full time commitment and professional expertise. Notwithstanding this, and subject to certain restrictions, faculty members subject to this policy (Lecturers of all ranks and staff members 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. Activities such as writing, consulting, lecturing, serving as an elected officer of a disciplinary organization or editor of a scholarly journal, 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 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 day per week during the contract period. For faculty members with nine-month contracts this is the equivalent of 39 days (including weekends and holidays), and for faculty members with twelve-month contracts this is the equivalent of 52 days (including weekends and holidays) per contract period. Faculty members who accrue annual leave may use that leave for consulting and need not report that activity. A "day" for the purposes of this policy is defined as 12 hours, and consulting activities that occur in shorter increments may be summed.

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 so long as the outside work does not constitute a conflict of commitment. However, a faculty member should charge fees at least as great as would be charged by firms or individuals doing similar 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 and of the Associate Vice President for Business/Comptroller, who shall determine to what extent the University shall be reimbursed for such use. Except when a governmental agency is involved, authorization for use of University facilities will not be given when comparable facilities are available in the immediate area or when the project will involve use of equipment on a continuing basis. 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 purposes of publicizing non-University interests. Consultants must make it clear to outside employers that the work to be undertaken has no official connections with the University. The University cannot assume any responsibility for private consulting activities provided by members of the faculty.

PROCEDURES REGARDING OUTSIDE EMPLOYMENT

Requests for Outside Employment

Formal written approval of the department Chair and Dean or Director must be obtained before faculty members begin outside employment. These approvals shall be on the form "Request for Outside Employment/Consulting for Faculty Members" found at [\(link\)](#). If the department Chair and/or the Dean/Director do not approve the proposed employment the faculty member may appeal to the Deputy Provost or the Executive Vice President for Health Sciences, as appropriate.

Required Reporting

When seeking approval, faculty members should submit separate forms for each type of service requiring a major commitment of time. A similar service rendered to several clients may be shown on a single form if each client requires only a minor commitment of time, such as professional consulting, private lessons, tax preparation, etc. If University facilities or personnel are to be utilized, this should be stated on the form and the signature of the Associate Vice President/Comptroller also obtained.

Exceptions: 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] are not 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 on the form and the hours so spent do not count against the 39 or 52 day limit unless the department Chair 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.

Monitoring

Deans and Directors are to maintain current records for each faculty member in their Schools and Colleges to enforce the “one day a week” rule, and are to report to the Deputy Provost or Executive Vice President for Health Sciences, as appropriate, at the end of each semester summaries of the number of days spent by their faculty members on outside employment. Regular review by Deans and Directors should occur during each semester to ensure compliance. When exceptions to this policy are necessary in the interest of the University, they must have the advance approval of the Deputy Provost or the Executive Vice President for Health Sciences, as appropriate.

Reference: See also Regents Policy Manual 5.5

University of New Mexico

Request for Outside Employment/Consulting for Faculty Members

You do not need to fill out this form if the activity you intend is considered by your Chair to be “remunerated scholarship.” See Policy C130 for the definition of this type of activity. For teaching outside your primary department see policy C140 and do not fill out this form.

Date _____

To the Dean or Director:

I request approval for employment in a consultative capacity in addition to my regular university appointment duties. The consultative activity is described below;

- 1. Employer or sponsor of activity _____

2. Description of activity in sufficient detail to show its professional quality and importance.

3. Dates of the activity or employment. From _____ to _____
4. Frequency (2 days/month, etc.) _____
5. Will University facilities be used? Y/N _____. If Yes describe facilities and their use below, and obtain the signature of the administrator in charge of the facilities and the Associate Vice President for Business/Comptroller.

6. Will the activity involve students or other University employees on University time? Y/N _____. If Yes, provide detail below.

Applicant Name Printed _____

Applicant Signature _____

Applicant e-mail address _____

RECOMMENDED

Department Chair _____ Date _____

APPROVED

Dean/Director _____ Date _____

Facility Administrator (if necessary) _____ Date _____

AVP for Business/Comptroller (if necessary) _____ Date _____

C140
Policy

**POLICY CONCERNING EXTRA COMPENSATION PAID BY THE
UNIVERSITY**

Approved by the Regents 12/13/73; 10/14/03; 5/xx/07

The interests of the University may be well served by professional activities conducted by faculty members outside of their normal departmental duties. With approvals specified in this policy, faculty members performing such activities may receive extra compensation from the University. Such activities may not replace or diminish the ability of the faculty member to fulfill his/her normal contractual responsibilities. Prior approval of such activities for extra compensation will be contingent on determinations by cognizant supervisors that the activities are in the best interests of the University.

Full time regular faculty members may receive extra compensation from the University for additional work done in connection with University-related activities provided that:

1. Advance approval in writing is given by the Chair of the faculty member's contract department and the Dean or Director of the College or School that houses that department;
2. The work done for extra compensation does not in the opinion of the approving authorities:
 - a) Conflict in time with regular University duties and assignments;
 - b) Constitute a "conflict of interest" situation for the faculty member;
 - c) Come within the scope of the faculty member's regular responsibilities for which compensation is already being paid.
3. The work for extra compensation does not count against the days allowed for outside employment. (See "Policy C130).
4. Faculty members requesting approval for extra compensation shall submit documentation on teaching load (courses taught, credit hours, enrollment numbers) plus other regular departmental responsibilities on the form "Request for Extra Compensation for Faculty Members" found at [\[link\]](#).
5. Extra compensation using funds from research grants or contracts must conform to research policies and also be approved by the Vice President for Research and Economic Development.

6. For full-time faculty on 12-month contracts in the Health Sciences Center (HSC) paragraphs 4 and 5 are to be supplemented as follows. Documentation must include current effort allocation and most recent performance evaluations (paragraph 4) and prior approval for the payment of extra compensation using extramural grant or contract funds (paragraph 5) must be obtained from the HSC Associate Vice President for Financial Services.

PROCEDURES REGARDING EXTRA COMPENSATION

Extra compensation for teaching beyond the scope of the faculty member's regular teaching responsibilities shall be paid through a STC (Special Teaching Component) on the regular faculty contract. Other kinds of special assignments shall be paid on an Extra Compensation Form. Either STC or other extra compensation shall not exceed the proportionate share of the base salary of the period in which the work is to be performed. Exceptions must have the advance approval of the Deputy Provost or the Executive Vice President for Health Sciences, as appropriate. (For example, a person on a nine-month appointment shall not normally be paid more than 1/195 of the regular nine-month salary for each eight-hour day of work done on the special assignment. The corresponding fraction for twelve-month appointments is 1/260 for each eight-hour day. Shorter times will be prorated).

Requests for contracts that include STC's shall be made prior to engaging in the activity by way of a Contract Memorandum that has the approval of the faculty member's chair and dean, the administrator of the department for which the special teaching is being done, and the Deputy Provost or the Executive Vice President for Health Sciences.

The Extra Compensation Form should indicate the exact days and hours during which the work was done, and must be signed by the faculty member who did the work, the faculty member's chair and dean, and the administrator of the department for which the work was done. These forms should be submitted for payment either monthly or when the activity is concluded, whichever is shorter.

Deans and Directors are responsible for enforcing this policy and shall keep appropriate records and conduct regular reviews to assure that faculty members in their respective Colleges or Schools are approved for STC's and/or extra compensation only within the provisions given above.

Reference: See also Regents Policy Manual 5.6

University of New Mexico

Request for Extra Compensation for Faculty Members

Date _____

You should fill out this form if you are requesting extra compensation for teaching outside your primary department (attach to the Contract Memorandum asking for a Special Teaching Component) or other activity outside your department but within the University (attach to the Extra Compensation Form available in your department office). This form is not to be used for Special Administrative Compensations, which come on Contract Memorandums.

To the Dean or Director:

I request approval for extra compensation for activities outside my department but within the University of New Mexico. The specific activity is described below:

1. Type of activity (teaching, etc.) _____.
2. Detailed description of activity and its importance to UNM _____

3. Dates of the activity. From _____ to _____.
4. Frequency of the activity (3 hours per week, etc.) _____.
5. Departmental teaching load (courses, credit hours, enrollment numbers: _____

6. Other departmental duties (committee service, administrative service, etc.)

Applicant Name (printed) _____
Applicant Department _____
Applicant Signature _____ Date _____
Applicant e-mail address _____

RECOMMENDED: _____ Date _____
Department Chair

APPROVED: _____ Date _____
Dean/Director