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## DOC 2018-07 Policy on Faculty Employment Outside of the University

University of Dayton. Faculty Affairs Committee

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TITLE: POLICY ON FACULTY EMPLOYMENT OUTSIDE OF THE UNIVERSITY

SUBMITTED BY: Faculty Affairs Committee

DATE APPROVED: April 27, 2018

ACTION: Consultative Authority to Comment Upon and Promulgate Policy

REFERENCE: II. B. 3

### **Faculty Employment Outside of the University**

Full-time faculty, in addition to their full-time responsibilities to the University of Dayton, may have opportunities for employment outside of the University that would have a positive impact on the University's reputation, further the initiatives of the university and/or provide professional enrichment. These opportunities can provide significant professional and instructional enrichment flowing from the experience and contacts acquired through activities off campus. Such engagements, when consistent with faculty workload obligations, may benefit individuals (faculty and students), academic departments and units, the University, and the local, regional, national, and international organizations and communities served. Furthermore, these off-campus experiences and contacts may draw to the University very capable students, substantial gifts and endowments, grants and research contracts, and special facilities necessary for University programs.

#### Employment Outside of the University

Outside employment refers to faculty activities that are in addition to the full extent of their responsibilities to the University and are compensated by organizations external to the University. The time given to outside employment is intended to be in addition to the time necessary for the effective performance of the individual faculty member's responsibilities to the University. Furthermore, outside employment and additional services may be necessary for some faculty to maintain contemporary expertise. All activities associated with outside employment must be consistent with the ethical standards of the academic profession, the faculty member's discipline, and the University of Dayton.

AAUP, while noting the wide range of possible opportunities, identifies the following as examples of valuable outside activities.<sup>1</sup>

- Serving on boards of directors
- Starting outside companies through entrepreneurial pursuits
- Maintaining an outside part-time professional practice
- Holding public office
- Practicing as a professional consultant

#### Conflict of Interest and Conflict of Commitment

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<sup>1</sup> Faculty Employment Outside of the University: Conflicts of Commitment (2004) AAUP, [www.aaup.org/issues/resources-conflicts-interest/outside-university-conflicts](http://www.aaup.org/issues/resources-conflicts-interest/outside-university-conflicts).

Faculty members, when considering outside employment opportunities, are obligated to avoid all conflicts of interest and preempt any conflict of commitment. The University's statements on conflict of commitment and conflict of interest appear below.<sup>2</sup>

A conflict of commitment exists when the activities of a faculty member are so substantial or demanding of the faculty member's time and attention as to interfere with the individual's responsibilities to the unit to which the individual is assigned, to students, or to the University.

A conflict of interest exists when a faculty member's activities actually or merely appear to directly or indirectly affect his or her professional judgment in the execution of any University duty or responsibility.

Consideration of outside employment opportunities should also consider University, unit, and department policies and practices regarding promotion and tenure, merit review, and faculty research (including sponsored and contract research).<sup>3</sup>

### Provisions and Limitations Concerning Employment Outside of the University

Full-time members of the faculty who pursue opportunities for employment outside of the University are expected to do so under the following provisions and limitations.

1. A full-time faculty member may engage in outside employment only if that employment does not create a conflict of interest or conflict of commitment on the part of that faculty member.
2. Time spent in outside employment must be in addition to, rather than a part of, the normal full-time effort of faculty for the University. It should be above the time necessary for the proper and efficient performance of the member's duties for the University. The faculty member's absence from the University should not cause the member's colleagues to carry some of the member's duties (e.g., teaching, research, committee work or student advising). In general, to avoid a conflict of commitment, the time spent on these outside commitments should not exceed an average of a day per week during the faculty member's contractual period. Depending on the facts and circumstances of each individual case, a greater commitment of time may raise no concerns of a conflict of commitment while a lesser commitment of time may raise significant concerns.
3. A full-time member of the faculty may perform teaching or research for other institutions of higher education or other entities that compete with the University with prior written approval by the Chair, the Dean and the Provost. Traditional academic responsibilities such as preparing papers, speeches, evaluations, articles, scripts, musical scores, books, and artistic works for exhibition or performance for which royalties, honoraria, or the like are received are not limited by this provision.
4. The University, through many of its units, has contractual relationships with outside organizations. Full-time faculty may perform teaching, research, consulting or other services on a regular basis for organizations that compete with parties that have contractual relationships with the University, if such teaching, research, consulting or other services do not cause the University to be in violation of contractual obligations or applicable statutes or regulations.
5. Outside employment should not compromise the mission of the University.
6. Under normal circumstances, outside activities for which a person receives compensation should not involve use of University facilities, clerical support, or other resources. In cases where a faculty member would like to

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<sup>2</sup> See the Outside Employment and Additional Services Policy found in the Faculty Policy and Governance Handbook for the Conflict of Commitment Policy, the University Human Resources Policies and Procedures Handbook for the Conflict of Interest Policy, and the Conflict of Interest Policy for Sponsored Research.

<sup>3</sup> See the Faculty Policy and Governance Handbook.

use university resources such as space or equipment, prior written approval by the appropriate Chair, Dean and the Provost should be secured. The Chair, Dean and Provost will consider all affected parties and evaluate any potential liability, and consult with appropriate university personnel before the use is authorized. In no cases should this activity limit access for UD students or operations, and in most cases, adequate compensation should be paid for their use. The university reserves the right to deny this use at any point without regard to any prior approvals.

7. When outside employment is a private endeavor, the distinction from the University must be clear. For example, University electronic resources, letterhead or other University identification are not to be used by a faculty member in outside employment for personal reasons.
8. The name of the University is not to be used in publicity or promotion of a product or service without the expressed written authorization of the University.
9. A faculty member may indicate his or her affiliation with the University of Dayton when the indication is made for purposes of personal identification or furthers the purposes of the University. The indication may not necessarily imply any sponsorship or endorsement of the activity by the University

#### Process for Reporting Faculty Employment Outside of the University and Securing Prior Approval as Needed

An annual request for approval of all anticipated outside employment during contractual and non-contractual periods should be submitted during the annual review process but not later than May 15 and describe activities for a period up to, but not exceeding, 12 months. Requests for activities not covered in the initial request must be submitted in advance of the outside employment. Under certain circumstances, i.e., funded grant projects, journal editorships, etc., faculty may request approval for time periods exceeding 12 months. Requests for approval of outside employment during non-contractual periods are reviewed for conflict of interest only.

Prior written approval by the Chair, the Dean and the Provost is required. Under these circumstances, prior to committing to outside employment, the faculty member must provide a written description of the work to his or her Department Chair or, if there is no Chair, to the unit Dean. The faculty member should use the form "Faculty Annual Request for Outside Employment" located on the Associate Provost for Faculty and Administrative Affairs website. The Chair, or, if there is no Chair, the unit Dean, will review the description, make a recommendation to the Dean, and share the recommendation with the faculty member. The Dean will review the request and, when applicable, the Chair's recommendation, make a recommendation to the Provost, and share the recommendation with the faculty member. If the Provost determines that the proposed employment violates this policy, he or she may deny the request to pursue that employment. If the Provost denies the request, he or she will provide a written explanation for the denial to the faculty member. If the Provost does not approve or deny the request within ten business days from the time of receipt, the faculty member may pursue the employment.

Notwithstanding prior approval of a faculty member's request for outside employment, the University reserves the right to deny or revoke approval of such employment at any time if it determines that the employment violates this policy.