

1 Administrative Policy: Outside Consulting and Other Commitments; Four-year
2 comprehensive review consultation, Fall 2024

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4 **Proposed changes:** Remove exemption of *locums* from the policy provisions.
5 *Locums* are currently listed as exempt from the ROC pre-approval
6 requirement. Reason: The language is confusing. *Locums* require college
7 approval and may interfere with regular work duties if not appropriately
8 managed.

9

10 **Changes proposed in future iteration of the policy:** Eliminate the Request
11 for Outside Professional Commitment/Consulting form (ROC form) in favor of
12 a single ROC/REPA that will be used to request approval for outside consulting
13 as well as annual reporting of past outside commitments.

14

15 Outside Consulting and Other 16 Commitments

17 Policy Statement

18 University employees may participate in commitments with external entities
19 (outside commitments) during the term of their appointment, as long as the
20 outside commitment does not present a conflict of commitment. Conflicts of
21 commitment arise if the activity:

- 22
- interferes with the performance of regular employment;

- 1 ● competes with coursework offered by the University; or
 - 2 ● competes with services offered by the employee's unit.
- 3 Non-US citizens are responsible for ensuring that they have the necessary
- 4 work authorization to engage in outside consulting.

5 **Restrictions**

6 The following restrictions apply to employee participation, regardless of

7 classification, in outside commitments. Employees:

- 8 ● may not use University personnel or students, equipment or supplies, or
- 9 services for outside commitments in a way that materially depletes
- 10 University resources without prior approval and payment of a
- 11 reasonable fee to the University. Prior approval and agreement for
- 12 payment terms must be obtained from the employee's unit head and
- 13 dean, or for administrative units, the senior administrative officer or
- 14 designee;
- 15 ● may not use the University name, marks, or logos for advertising
- 16 purposes;
- 17 ● may not use the official stationery of the University, or use any
- 18 University building name or department name as a consulting business
- 19 address when participating in outside commitments;
- 20 ● may identify their University employee status when rendering service to
- 21 an organization outside the University, but may not speak, act, or make
- 22 representations on behalf of the University, nor may they express
- 23 institutional endorsement in relation to the outside activity;
- 24 ● may not, unless an exception is approved, receive personal
- 25 remuneration or equity from a company while serving as an investigator
- 26 on a human participant study requiring University Institutional Review
- 27 Board (IRB) approval and oversight that is sponsored by that company,
- 28 or involves the development or evaluation of that company's product,

device, or other technology. See Administrative Policy: *Individual Conflict of Interest and Standards Governing Relationships with Business Entities*.

Professional commitments related to the normal course of University work

Professional commitments (listed below), when they are related to the normal course of work as an employee, may be performed during work hours. For faculty and P&A with appointments of 75% or greater, these professional activities do not count towards the time maximums listed below.

- Preparing scholarly or artistic works;
- Peer review of articles and grant proposals;
- Attendance at professional meetings and other similar gatherings (e.g. as presenter, organizing committee member, panel chair);
- Uncompensated service as editor or editorial board member;
- Uncompensated service on professional society committees other than boards of directors or elected offices;
- Serving on advisory committees or evaluation panels for governmental agencies, accredited, non-profit institutions of higher education in the U.S. (see definition) or nonprofit entities in the U.S. organized solely for educational, religious, philanthropic, or research purposes (with the exception of nonprofit entities created by for-profit corporations);
- Giving occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings sponsored by governmental agencies, accredited, non-profit institutions of higher education in the U.S. (see definition) or nonprofit entities organized solely for educational, religious, philanthropic, or research purposes

(with the exception of nonprofit entities created by for-profit corporations);

- Ad hoc refereeing of manuscripts.
- ~~Approved locums for those involved in clinical health care.~~

The following activities are considered University responsibilities and therefore also are excluded from the scope of this policy:

- working on projects supported by grant or contract funds awarded to the University and accepted by the Board of Regents;
- participating in private practice plans that are part of the scope of Board of Regents policies on private practice plans; and
- teaching extension courses offered by the University.

Civil Service and Non-Faculty

Union-Represented Employees

Civil service and non-faculty union-represented employees may participate in outside commitments, including professional commitments, only during non-work hours, unless the activity is approved by a supervisor and is related to the employee's normal course of work and furthers the mission of the unit. (The remaining requirements associated with this policy will not apply to civil service and non-faculty union-represented employees.)

Faculty and Academic Professional and Administrative

Faculty and P&A employees may participate in outside professional commitments provided that these commitments do not interfere with the performance of regular employment duties, or compete with coursework offered by the University or services offered by the employee's unit during the term of their employment, and further the mission of the University.

- Faculty and P&A employees on appointments of 75% or more are eligible to engage in outside consulting and other outside professional commitments, so long as the professional commitment does not exceed, on the average, one day per seven-day week (see term of appointment maximums).
- Faculty and P&A employees who hold appointments of less than 75% may participate in outside professional commitments only during non-work hours. No time restrictions apply to these individuals during non-work hours.
- Individuals with part-time teaching appointments (less than 75%), excluding tenured and tenure-track faculty, may teach outside the University.

Maximum for Faculty and P&A Employees with Appointments of 75% or Greater

Faculty and P&A employees with appointments of 75% or greater, may not exceed the maximum number of days per term of appointment:

- 12-month appointment: 48 days
- 9-11 month appointment: 39 days. (Employees in these appointments are not subject to this time restriction during the months they are not on appointment, regardless of whether they elect to be paid over 9 months or 12 months.)
Effort below 100% may allow an individual to consult for additional days (see service effort calculation in the section Maximum for Faculty and P&A Employees with Summer Appointments).

Maximum for Faculty and P&A Employees with Summer Appointments

1 Faculty and P&A employees on 9-11 month academic year appointments with
2 summer service appointments of 100% may not exceed the maximum number
3 of days during the appointment period:

- 4 • One day per seven-day week during the summer service period in
5 which a faculty member receives additional University compensation
6 from teaching, sponsored research contracts, or other sources.
7 Individuals on sponsored research contracts must ensure that the terms
8 of the sponsor contract permits time for outside consulting. Effort below
9 100% during the summer may allow an individual to consult for
10 additional days. For accounting purposes, a percentage reduction of
11 service effort for an appointment during the summer will be calculated
12 on the basis of a five-day work week (e.g. an individual on an 80%
13 appointment may consult for up to two days per week with prior
14 approval). The 39 day maximum for the regular appointment year is
15 separate and should not be averaged into the summer service
16 appointment period. Individuals holding 9-11 month academic year
17 appointments are not subject to time restrictions during summer periods
18 in which they do not hold summer appointments.

19 **Summer Camps and Clinics**

20 Athletics Department staff may conduct summer camps and clinics as such
21 activities are commonly understood. The use of the name of the University or
22 any title which would imply University endorsement or sponsorship (e.g.,
23 "Gopher" or "Bulldogs") is specifically prohibited unless the camp or clinic is
24 developed and operated as a University-sponsored program or the camp or
25 clinic is held in a campus facility and the athletics director gives written
26 permission for the use of specific identifying terms. The athletics director may
27 impose additional limitations or conditions on any grant of permission.
28 Athletics Department staff must comply with the time restrictions of this policy
29 in the conduct of any private camps or clinics. All camps and clinics are

1 subject to the provisions of the Athletics Department document: "Use of
2 University Facilities for Camps and Clinics."

3 **Reporting and Approvals for Outside**

4 **Professional Commitments**

5 The privilege to engage in outside professional commitments requires prior
6 approval. Faculty and P&A employees with appointments of 75% or greater
7 must obtain prior approval to engage in outside commitments that are not
8 related to the normal course of University work (see section above:
9 Professional commitments related to the normal course of University work).

10 Employees must complete a **Request for Outside Commitment** form to obtain
11 the required approval.

12 **Authorship Disclosure**

13 Individuals are expected to disclose the nature of a consulting relationship if
14 the individual qualified for authorship of a resulting research publication during
15 the course of the outside professional commitment. Such disclosure will
16 typically appear in an authorship note or the acknowledgment section of a
17 publication, e.g.: "During initial phases of this work, Professor NAME received
18 compensation as a consultant to COMPANY."

19 **Written Consulting Agreements**

20 Employees who plan to provide compensated consulting services for one year
21 or longer relating to their University expertise and responsibilities should enter
22 into a signed, written agreement with the business entity prior to providing the
23 consulting services. The written agreement should:

- 24 ● state the timeframe covered by the agreement;
- 25 ● describe the services and any deliverables to be provided by the
- 26 employee;

- 1 • state the amount of compensation and expenses to be paid; and
- 2 • make clear that the employee is acting solely in their individual capacity
- 3 and not on behalf of the University.
- 4 • Compensation should fall within fair market value parameters for the
- 5 services provided.
- 6 • Payment of travel, food, and lodging expenses should be consistent
- 7 with the standards set forth in Administrative Policy: *Traveling on*
- 8 *University Business*.

9 Policy Violations

10 Violations of this policy include, but are not limited to: failing to request prior
11 approval when the approval threshold has been met or exceeded; engaging in
12 an activity that creates a conflict of commitment; or non-compliance with any
13 of the restrictions stated above. Violations may result in denial of approval for
14 consulting activities and also may be the basis for employee discipline, up to
15 and including termination, depending on the nature and circumstances of the
16 violation. Any discipline imposed will follow the applicable Board of Regents
17 and administrative policies and procedures for the individual's employment
18 classification.

19 Reason for Policy

20 This policy implements Board of Regents Policy: Outside Consulting and
21 Other Commitments. This policy provides specifics on outside professional
22 commitment thresholds, time limitations, reporting requirements, and their
23 relationship to Board of Regents Policy: Individual Conflicts of Interest.

24 Full-time faculty and full-time academic professional and administrative (P&A)
25 employees are compensated for full-time professional effort for the University.
26 However, outside professional commitments can be positive contributors to

1 fulfilling University responsibilities. The University recognizes that, through
2 consulting and other relationships with government, industry, not-for-profit
3 organizations, and others outside the University, its employees can make
4 valuable contributions off campus while enhancing their expertise in their
5 discipline.

6 Procedures

- 7 • Outside Consulting and Other Commitments by Faculty and Academic
8 Professional and Administrative (P and A) Staff

9 Forms/Instructions

- 10 • Instructions for Requesting Approval for Outside Commitments and
11 Consulting

12 Appendices

- 13 • Guidelines for Reviewing Outside Consulting and Commitment
14 Requests

15 Frequently Asked Questions

- 16 • FAQ: Outside Consulting and Other Commitments

17 Contacts

Subject	Contact	Phone	Email
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Primary Contact(s)	Ole Gram	612-624 -5082	gram@umn. edu
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Request for Outside Commitment Form	EGMS Helpline	612-624 -1600	ROC Form
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Sponsored Projects	April Coon	612-624 -7021	john5885@u mn.edu
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Conflict of Interest Program	Jon Guden	612-626 -4727	jpguden@um n.edu
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Responsible Officer

- Executive Vice
President and
Provost

Policy Owner

- Executive Vice
President and
Provost

Primary Contact

- Ole
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2 Definitions

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1 Appointment Type

2 The condition attached to the appointment.

3 Business Entity

4 Any corporation, partnership, sole proprietorship, firm, franchise, association,
5 organization, holding company, joint stock company, receivership, business or
6 real estate trust, or any other non-governmental legal entity organized for
7 profit, nonprofit, or charitable purposes.

8 Day

9 For this policy only, in order to calculate allowable consulting days, the length
10 of a day is considered the length of an employee's normal working day, up to
11 ten hours. However if the entity the individual is consulting with defines "day"
12 differently, the individual must use that definition (e.g., in its consulting
13 agreements, the Veteran's Administration defines a day as 8 hours).

14 Full-time

15 Considered an appointment of 75% -100%, consistent with eligibility for
16 human resources benefits.

17 Institution of Higher Education

18 A public or nonprofit educational institution in the United States that is
19 accredited or pre-accredited by a nationally recognized accrediting agency or
20 association, and provides a post-secondary program of education for which
21 the institution awards a bachelor's degree or provides not less than a 2-year
22 program that is acceptable for full credit toward a bachelor's degree.

23 *Locum; locum tenens*

24 In this context, a clinician in the health sciences who temporarily fills in for
25 another practitioner at a non-UMN site.

26 Outside Commitment

1 Outside consulting or other activities performed on behalf of an external entity,
2 paid or unpaid, that are beyond the scope of the individual's University
3 employment responsibilities.

4 Outside Consulting

5 An outside commitment that is paid professional service intended to further
6 the interests of an external entity, regardless of whether such services are
7 provided as an employee of the outside party, an independent contractor, a
8 business owner, or as a director or manager.

9 Outside Professional Commitment

10 An outside commitment performed on behalf of an external entity that utilizes
11 the same professional expertise that the individual employs in their University
12 responsibilities.

13 Professional and Administrative Employee

14 Employees classified within the 93xx, 96xx, and 97xx job codes and title
15 series

16 Report of External Professional Activities (REPA)

17 The form in the Electronic Grants Management System (EGMS) used by
18 covered individuals to report external professional commitments and financial
19 and business interests at least annually.

20 Request for Consultant or Outside Service Agreement (ROC)

21 The form in the Electronic Grants Management System (EGMS) used by
22 covered individuals to request approval for consulting and other outside
23 commitments.

24 Term of Appointment

25 The duration of an individual's University employment contract (e.g. the term
26 of appointment for a 9 month appointee is nine months; for a 12 month
27 appointee, the term is twelve months.)

1 Unit Head

2 The department, unit, or division executive officer, as appropriate.

3 *Locum, Locum Tenens*

4 A person who temporarily fulfills the duties of another, typically in a healthcare
5 setting

6 Responsibilities

7 Faculty and Professional and Administrative (P&A) Employees

8 Be familiar with and comply with all aspects of this policy.

9 Unit Head or Associate Athletics Director

10 Review ROC requests. Approve or deny requests for approval of outside
11 professional commitments. Ensure employee compliance with this policy. Act
12 on requests for use of University resources for outside professional
13 commitments. Refer any outside professional commitment request that may
14 appear to create a conflict of interest to the Conflict of Interest Program for
15 review as needed. (See Board of Regents Policy: *Individual Conflicts of*
16 *Interest*.) Review the related information reported annually on a REPA.

17 Chief of Staff to the President

18 Review and act on appeals of denied consulting requests from intercollegiate
19 athletic staff.

20 Chancellor, Vice President, Dean, or Athletics Director

21 May review unit head's action on outside professional commitments requests
22 on an as needed basis and in connection with such reviews, may approve or
23 deny the request. Review a direct report's outside professional commitments.
24 Refer any outside professional commitment request that may appear to create
25 a conflict of interest to the Conflict of Interest Program for review as needed.

- 1 (See Board of Regents Policy: *Individual Conflicts of Interest*.) Act on requests
2 for use of University resources for outside professional commitments.
- 3 Executive Vice President and Provost
- 4 Review and approve or deny requests for special exemptions from the policy.
- 5 Review and act on appeals of denied consulting requests for faculty and P&A
6 employees. Review the outside professional commitment requests of deans
7 and other direct reports and approve or deny them.

8 Related Information

9 Board of Regents Policies

- 10 ● Commercialization of Intellectual Property Rights
- 11 ● Employees Campaigning For or Holding Public Office
- 12 ● Individual Conflicts of Interest
- 13 ● Institutional Conflict of Interest
- 14 ● Outside Consulting and Other Commitments
- 15 ● Private Practice Plan – University of Minnesota Medical School Twin
16 Cities
- 17 ● Private Practice Plan - School of Dentistry
- 18 ● Private Practice Plan – University of Minnesota School of Nursing
- 19 ● Private Professional Practice – University of Minnesota Medical School
20 Duluth
- 21 ● Professional Services Plan – University of Minnesota College of
22 Pharmacy

23 Administrative Policies

- 1 • Individual Conflict of Interest and Standards Governing Relationships
- 2 with Business Entities
- 3 • Institutional Conflict of Interest

4 History

5 Amended:

6 December 2020 - Comprehensive Review. Includes the addition of approval
7 locums for those involved in clinical health care as a professional activity that
8 does not count towards the maximum time allowance; a new online ROC
9 (Request for Outside Consulting) form; and a requirement for eligible
10 individuals to complete the ROC to obtain approval for each outside
11 commitment not related to the normal course of University work.

12 Amended:

13 November 2019 – Comprehensive Review, Major Revision: Moves details
14 related to Summer Camps and Clinics from an associated procedure to this
15 policy, and eliminates procedure: Outside Consulting and Other Commitments
16 by Intercollegiate Athletic Staff; Includes a new section on maximums for
17 faculty and P&A on summer appointments; Addresses requirement for
18 authorship disclosure.

19 Amended:

20 February 2012 - Comprehensive Review, Major Revision: Aligns the
21 administrative policy with Board of Regents Policy: Outside Consulting and
22 Other Commitments, by adding language to explicitly include civil service and
23 union-represented employees; Transfers the reporting exclusions text into the
24 policy, from the procedures; Incorporates the conflict of interest requirement to
25 have a formal consulting agreement in place when the individual is engaged in
26 one or more of the higher risk activities (e.g., clinical health care.); Addresses
27 policy violations consistent with the conflict of interest policy.

¹ Effective:

² July 2006

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