

Senate Recommendation 2024-04-06 c-8-b-ii-w-consulting-outside-employment-and-other-professional-activities-senate

*Susan Eagle*

*Robert Finley*

## Proposal to Amend WKU Faculty Handbook

Section(s) to be amended: II.W

Corresponding page number(s): 17

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Date Submitted:

March 29, 2024

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1. Type of Change:

Editorial (non-substantive)

Substantive

Editorial revisions include updates to the organizational structure, web addresses and names/titles, as well as other similar non-substantive changes. Substantive change is defined as addition, deletion, or revision of policy or procedure.

Addition: Where possible, identify the section of the handbook to which addition is proposed:

Deletion: Identify the section of the handbook from which deletion is proposed:

Revision: Identify the section of the handbook to which revision is proposed:

2. Proposals should be made in the form of text intended as an addition to or a replacement of, in whole or in part, some current section of the Faculty Handbook.

### Current:

**II.W. Outside Employment and Consultation:** Normally, the primary responsibilities of the faculty member include classroom teaching, student advisement, research/creative activity, work on faculty committees and similar duties. However, faculty members may undertake responsibilities above and beyond these duties with disclosure to the University. It is assumed that preparation for and involvement in such activities will not interfere with the faculty member's primary responsibility to the University and that care will be taken to ensure proper fulfillment of these obligations. The following guidelines govern such additional workload activities:

**II.W.1. Extra-University consulting and other professional activity:** Institutions of higher education and their professional employees are obligated to encourage and assist with the transfer of knowledge from the University community to society in general. Activities such as those, which are the subject of this policy, are a primary means of accomplishing this goal. In addition, such activities provide the opportunity for individual professional development and enhancement of job satisfaction by those participating in them.

It is the purpose of this policy to establish as an integral part of the University program a means by which faculty and other personnel may participate in professional consulting and service activities while full-time employees of the University.

Participation in such activities will be according to procedures outlined below, provided the purposes of the activity are clearly identified and are found to be consistent with this and other University policies.

Definitions: For the purpose of this policy, extra-University consulting and other professional activity shall include those professional services provided by an individual employee to an individual, agency, or firm for a salary or for a fee.

Such activity will not normally involve the use of University material, equipment, or services; neither shall the name or image of the University be used in any manner to suggest institutional endorsement or support of a non-University enterprise. Requests for participation in outside professional assignments that do involve use of other University personnel, facilities, material, or equipment should be performed on a contractual basis through the University rather than on an individual consulting basis.

Excluded from this policy are outside summer consulting and employment activities by nine-month faculty members who have no summer term teaching responsibilities and who seek to participate in such activities during the period after spring commencement and prior to the beginning of the ensuing fall term.

Also excluded from this policy are those "occasional or incidental" professional activities that do not conflict with the spirit or intent of this policy and the procedures for implementing it. "Occasional or incidental" professional activities are one-time activities or services to organizations other than the University, such as participation on agency proposal review panels; site visit teams' voluntary services to professional organizations; delivery of occasional lectures or seminars at other institutions; office or telephone consultations of a brief duration or nature; reading and evaluation of manuscripts or writing reviews; and serving as an expert witness or rendering of professional opinions in depositions. Since consulting activities may be a component of faculty evaluation in the area of public service, it is the responsibility of the individual employee to report consulting activities to the administrative unit chair /director regarding involvement in such occasional and incidental services.

Procedures: The variety of outside employment and consulting situations available to the professional and the potential of these activities to detract from the services contracted to the University require that each applicant and their superior examine carefully each opportunity on an individual basis.

Participation in activities covered by this policy must meet all of the following conditions:

- a. The purposes of the activity contribute to and are consistent with those programs of the participant's department or unit.
- b. other normal University duties and responsibilities can be met without reassignment to others.
- c. There is no conflict of interest or commitment involved.

To initiate the request for approval, the employee must complete the standard form designed for that purpose. The following information must be provided: the specific nature of the work to be

performed and its relationship to ongoing University purposes; an estimate of the amount of time involved; the duration (and, if appropriate, the frequency) of the services to be provided (hours, days, or months); and the specific hours, days or months involved. This form, Faculty and Academic Administrators – Outside Employment and External Consulting Approval Form, can be found at: <https://intranet.wku.edu/php/prod/wkuforms/source/WKUFORMSlist.php>.

The request for prior approval shall be submitted for review to the participant's administrative unit chair/director, who will subsequently forward it through channels with a recommendation to the appropriate vice president. Such requests shall become a matter of University record maintained in the office of the Provost.

That office shall review each request and the accompanying recommendations and approve them, provided they are consistent with the provisions of this and other University policies and related administrative procedures. The participant and those reviewing the request will be provided written notification of action by the vice president.

Semi-annually the Provost shall report to the President a summary and analysis of requests received including a list of those approved and disapproved.

When activities covered by this policy are of a continuous or prolonged nature (one semester or more) or when one person requests participation in more than one such activity during an academic term, careful consideration must be given to the proposed schedule of services as they relate to designated responsibilities of the University employee. Any long-term involvement is subject to periodic review by the University, and a request for approval must be filed at least annually (preferably at the start of each academic year). The frequency and duration of professional activities shall be the primary considerations in the review process.

Limitations: Individuals subject to this policy whose annual working appointments are for a period of 9 or 10 months are provided up to four (4) working days per full calendar month for participation in the activities covered by this policy during their annual appointment. For individuals holding a nine- or ten-month annual appointment who assume summer term responsibilities with the University, one additional day per full calendar week employed during the term of summer is available to participate in activities covered by this policy.

University personnel subject to this policy who receive annual appointments of 11 or 12 months are allowed up to four (4) working days in the calendar month to participate in the activities covered by this policy. Because of the importance of persons holding executive, administrative, and managerial positions to the daily operation of the University, these persons are urged to limit such activities to periods when the University is not in session and their services are less likely to be required.

Implementation and interpretation: It is the intent of this policy to provide a framework within which decisions regarding the use and availability of University resources can be made. The employee-employer relationship that exists between the University and its duly appointed personnel also provides a basis for decisions regarding activities, which are the subject of this policy. It is, therefore, the obligation of each person seeking to participate in such activities and their supervisors to share the responsibility for following the procedures outlined above.

## **II.W.2. Internal consulting, participation in funded projects and supplemental pay.**

This policy establishes a means by which faculty and other professional staff may participate in



intra-University consulting and service activities while full-time employees of the University. Activities such as those, which are the subject of this policy, provide the opportunity for individual professional development of those participating in them and are strongly encouraged.

Policy: It is the policy of the University that incidental internal consulting is normally considered to be included in the base pay of faculty, professional non-faculty, executive, administrative, and managerial personnel. Additional or supplemental compensation is allowable in those unusual cases when all of the following circumstances exist:

- Services are performed in addition to those associated with the person's salaried employment.
- Services are provided across departmental lines.
- Prior approval of the University has been obtained.

The rate of compensation for intra-University consulting must be consistent with the fee or rate that normally would be paid to persons from outside the University with equivalent credentials who would

provide the same services. In setting the rate of compensation, careful consideration must be given to possible sources of documentation that will indicate that the fee recommended for the University employee is not more than that charged by external consultants.

Procedures: All requests for advance approval of internal consulting must be submitted to the administrative unit chair/director and forwarded through the appropriate dean or supervisor to the appropriate vice president. The President will act upon the request after receiving the recommendations provided by the vice president.

Supplementary pay for responsibilities accepted that relate to the program and operation of a departmental unit during the summer term is covered under other policies and procedures.

Except as cited above, all other supplemental pay, including that for participation in funded projects, shall be processed as a part of the regular payroll distribution system (including appropriate withholding and University contributions). For faculty members and others covered by this policy who participate in projects funded by a state, federal, or other external agency, prior approval of the University must be obtained through the established administrative channels.

When considering requests for involvement in activities for which supplemental pay will be provided, the faculty member and each administrator must carefully examine the extent of the involvement in view of other University responsibilities, extra-University consulting, and other professional activities. In the event that the total professional involvement of the participant will equal or exceed the normal University load by 25 percent over a period of any one semester, an adjustment in workload will be made or the request will be denied. In either event, a written justification will be forwarded to the President for final consideration. A record of action and justification will be placed in the University official files maintained by the appropriate vice president.

#### **Proposed Revision:**

**II.W. Consulting, Outside Employment and Other Professional Activities** ~~Outside Employment and Consultation:~~ **As an integral part of its culture, WKU has established a policy by which faculty may**



participate in professional consulting, service, and outside employment activities while ensuring that the interests of the University are protected. Consulting and other employment activities must not create a conflict of commitment or a conflict of interest with an employee's obligations to WKU. See Academic Affairs Policy 1.500X: Consulting, Outside Employment and Other Professional Activities.

Normally, the primary responsibilities of the faculty member include classroom teaching, student advisement, research/creative activity, work on faculty committees and similar duties. However, faculty members may undertake responsibilities above and beyond these duties with disclosure to the University. It is assumed that preparation for and involvement in such activities will not interfere with the faculty member's primary responsibility to the University and that care will be taken to ensure proper fulfillment of these obligations. The following guidelines govern such additional workload activities:

**II.W.1. Extra-University consulting and other professional activity:** Institutions of higher education and their professional employees are obligated to encourage and assist with the transfer of knowledge from the University community to society in general. Activities such as those, which are the subject of this policy, are a primary means of accomplishing this goal. In addition, such activities provide the opportunity for individual professional development and enhancement of job satisfaction by those participating in them.

It is the purpose of this policy to establish as an integral part of the University program a means by which faculty and other personnel may participate in professional consulting and service activities while full-time employees of the University.

Participation in such activities will be according to procedures outlined below, provided the purposes of the activity are clearly identified and are found to be consistent with this and other University policies. Definitions: For the purpose of this policy, extra-University consulting and other professional activity shall include those professional services provided by an individual employee to an individual, agency, or firm for a salary or for a fee.

Such activity will not normally involve the use of University material, equipment, or services; neither shall the name or image of the University be used in any manner to suggest institutional endorsement or support of a non-University enterprise. Requests for participation in outside professional assignments that do involve use of other University personnel, facilities, material, or equipment should be performed on a contractual basis through the University rather than on an individual consulting basis.

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consulting activities may be a component of faculty evaluation in the area of public service, it is the responsibility of the individual employee to report consulting activities to the administrative unit chair/director regarding involvement in such occasional and incidental services.

Procedures: The variety of outside employment and consulting situations available to the professional and the potential of these activities to detract from the services contracted to the University require that each applicant and their superior examine carefully each opportunity on an individual basis.

Participation in activities covered by this policy must meet all of the following conditions:

- d. — The purposes of the activity contribute to and are consistent with those programs of the participant's department or unit.
- e. — other normal University duties and responsibilities can be met without reassignment to others.
- f. — There is no conflict of interest or commitment involved.

To initiate the request for approval, the employee must complete the standard form designed for that purpose. The following information must be provided: the specific nature of the work to be performed and its relationship to ongoing University purposes; an estimate of the amount of time involved; the duration (and, if appropriate, the frequency) of the services to be provided (hours, days, or months); and the specific hours, days or months involved. This form, Faculty and Academic Administrators—Outside Employment and External Consulting Approval Form, can be found at: <https://intranet.wku.edu/php/prod/wkuforms/source/WKUFORMSlist.php>.

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When activities covered by this policy are of a continuous or prolonged nature (one semester or more) or when one person requests participation in more than one such activity during an academic term, careful consideration must be given to the proposed schedule of services as they relate to designated responsibilities of the University employee. Any long-term involvement is subject to periodic review by the University, and a request for approval must be filed at least annually (preferably at the start of each academic year). The frequency and duration of professional activities shall be the primary considerations in the review process.

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Implementation and interpretation: It is the intent of this policy to provide a framework within which decisions regarding the use and availability of University resources can be made. The employee-employer relationship that exists between the University and its duly appointed personnel also provides a basis for decisions regarding activities, which are the subject of this policy. It is, therefore, the obligation of each person seeking to participate in such activities and their supervisors to share the responsibility for following the procedures outlined above.

#### **H.W.2. Internal consulting, participation in funded projects and supplemental pay.**

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~~When considering requests for involvement in activities for which supplemental pay will be provided, the faculty member and each administrator must carefully examine the extent of the involvement in view of other University responsibilities, extra University consulting, and other professional activities. In the event that the total professional involvement of the participant will equal or exceed the normal University load by 25 percent over a period of any one semester, an adjustment in workload will be made or the request will be denied. In either event, a written justification will be forwarded to the President for final consideration. A record of action and justification will be placed in the University official files maintained by the appropriate vice president.~~

### 3. Rationale for revision:

Information about Consulting, Outside Employment and Other Professional Activities was in a policy and in the Handbook which created confusion for faculty, chairs, and administration. Handbook Committee worked with Provost's Office to clarify, streamline, and condense policy into a single faculty policy.






# April 2024 Senate Recommendation Six

Final Audit Report

2024-04-24

Created:	2024-04-22
By:	Amber Scott (amber.scott@wku.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAARRIND5X4VueDm9jrOk-C-N1PpvQRx06W

## "April 2024 Senate Recommendation Six" History

-  Document created by Amber Scott (amber.scott@wku.edu)  
2024-04-22 - 6:10:20 PM GMT - IP address: 161.6.16.83
-  Document emailed to Susan Eagle (susan.eagle@wku.edu) for signature  
2024-04-22 - 6:10:24 PM GMT
-  Email viewed by Susan Eagle (susan.eagle@wku.edu)  
2024-04-24 - 4:32:43 PM GMT - IP address: 104.47.55.126
-  Document e-signed by Susan Eagle (susan.eagle@wku.edu)  
Signature Date: 2024-04-24 - 4:32:55 PM GMT - Time Source: server- IP address: 75.49.197.177
-  Agreement completed.  
2024-04-24 - 4:32:55 PM GMT