

POLICY

Effective Date: February 15, 2006

Approved By: President Morse

Authority: [Chapter 42.52 RCW](#)See Also: [POL-U1500.08](#) Using University Resources**POL U5400.17 PROFESSIONAL STAFF POLICY ON CONSULTING AND OTHER OUTSIDE COMPENSATED PROFESSIONAL ACTIVITIES***This policy applies to all professional staff.***Definition:**

Outside Compensated Professional Activities: Outside compensated professional activities for the purpose of this policy includes activities for other organizations in the areas of professional competence for which the staff member is employed by Western Washington University, such as consulting, advising, research, demonstrating, or teaching. Outside profit-making business activities engaged in for personal monetary gain which are not related to the area of professional competence for which the staff member is employed by the University are covered under the state ethics laws. Outside work must be conducted in compliance with the University's policy on Using University Resources.

1. Staff Members May Engage in Outside Compensated Professional Activities

University staff members serving as consultants or engaging in outside compensated professional activities can be valuable resources to government, industry, public and private organizations.

Staff members may engage in outside compensated professional activities provided the outside work does not interfere with the staff member's normal official University duties, as defined by each unit, college, or division.

2. Professional Activities Must be Commensurate with the University's Mission

Outside professional activities must be consistent with the University's mission and must enhance the staff member's professional development.

3. Compensation for Outside Professional Activities is Subject to Certain Restrictions

Compensation for outside work includes salaries fees or gifts. No additional compensation may be accepted by staff members for tutoring students in courses they teach for performing their

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official duties. Staff members may accept compensation for outside work under the following conditions:

- a) There is a *bona fide* agreement to do the work and the work is actually performed,
- b) The performance of the work is not within the staff member's official University duties, nor under the staff member's official supervision,
- c) The work does not involve assisting others in transactions with state agencies as prohibited by law,
- d) The work is not performed for, nor the compensation received from a person from whom the staff member is prohibited by law from receiving a gift. Those staff members who are considered Budget Authorities or Financial Managers with authority over state funding sources may not engage in consulting activities with any entity with whom the University currently contracts or where contracting is contemplated. The Purchasing Department can verify existing business relationships upon request,
- e) The outside work agreement is not created or authorized by the staff member in his or her official capacity or by the University. The University recognizes and fully respects the principle of individual ownership of intellectual property. Research and publication may be part of a staff member's responsibility. This research is often deemed valuable by a variety of communities beyond the University, and the University recognizes the right and responsibility of a staff member to share his or her research as widely as possible. If a staff member is compensated by anyone beyond the University for research or publication performed as part of the staff member's duties as a staff member, the University will not consider that a violation of this policy, and
- f) The work does not require unauthorized disclosure of University confidential information.

4. **Professional Activities Must be Consistent with State's Ethics in Public Service Law**

Arranging for outside work must be consistent with the state's Ethics in Public Service Law. If the outside work is for another state agency, the award must satisfy the following additional conditions:

- a) The award was a result of open and competitive bidding or selection process and more than one bid was received,
- b) The award was a result of open and competitive bidding or selection process but only one bid was received. In this case the state agency making the award must, prior to the execution of the award, request that the Ethics Board review the award process

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and advise the staff member that the award would not conflict with the discharge of the staff member's official duties, and

- c) The award was not a result of open and competitive bidding or selection process. In this case the state agency making the award must, prior to the execution of the award, request that the Ethics Board review the award process and advise the staff member that the award would not conflict with the discharge of the staff member's official duties.

5. **Staff Members Must Obtain Supervisory or Vice President Approval**

Prior to participating in outside compensated professional activities, the staff member must submit a written request to his or her supervisor, outlining the time requested, the nature of the consulting work, and the benefit to the University.

The supervisor (or other comparable unit administrator) must determine whether the outside compensated professional activity by the staff member will interfere with the performance of official University duties in each specific case. If such work does, in the judgment of the supervisor (or comparable unit administrator), interfere with the staff member's performance of University duties or with meeting the staff member's obligations to the University, the staff member must either make an acceptable revision of the extent of the proposed activities, or apply for a partial or full leave of absence. If the supervisor denies the staff member request, the staff member may appeal to the appropriate Vice President whose decision shall be final.

6. **Staff Members Must Report Outside Compensated Activities**

All outside work must be reported annually by the staff member to the Unit Head (or comparable unit administrator) who will maintain the reports on file and prepare a report to the Division Vice President. Outside work by a Unit Head must be reported to the Division Vice President. Each Unit Head will submit to the appropriate Vice President an annual report on outside work by staff members in the unit.

7. **Use of University Facilities or Resources Must Be Consistent with University Policy**

The use of University facilities (e.g. equipment, space, or computers) or other resources for compensated outside work must be in compliance with the University's policy on Using University Resources.

8. **Staff Members Do Not Represent the University When Participating in Outside Compensated Professional Activities**

An individual engaged in outside compensated professional activities does not represent the University, nor is the name of the University to be used in any way to imply endorsement of the work. The University assumes no responsibility for the competence or performance of a staff member who engages in outside work for compensation. The University encourages

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individuals to secure their own liability insurance to cover their compensated outside work. No such responsibility may be implied in any advertising or contractual documents. University stationery may not be used for correspondence related to outside work.