

POLICY

Effective Date: June 11, 2004

Approved By: Board of Trustees 6/11/04

Authority: [RCW 42.52](#)

NOTE: On 4/19/04 the Faculty Senate voted to replace Section XXII.B.(Page 17) of the Faculty Handbook with the Policy on Consulting and Other Compensated Professional Activities.

POL-U5400.18 FACULTY POLICY ON CONSULTING AND OTHER COMPENSATED PROFESSIONAL ACTIVITIES

This policy applies to all university faculty.

Introduction

The first obligation of members of the faculty and staff is the preparation for and carrying out of official University duties. Faculty and staff who are full-time are expected to devote full-time effort to their institutional responsibilities. At the same time, the university recognizes that individuals, the University, and the state benefit from faculty and staff involvement in and support of outside organizations and industry. Such involvement provides individuals opportunities to create and disseminate expert information outside of the traditional university employment structure while simultaneously providing individuals additional experiences, augmenting their ability to carry out their University responsibilities. The University benefits in its ongoing relationships with the local, regional, national, and international communities it seeks to serve.

University faculty members serving as consultants or engaging in outside compensated professional activities, can be valuable resources to government, industry, public and private organizations. The University encourages faculty members to engage in such activities provided that they do not interfere with the performance of University duties and that no conflict of interest exists.

Full-time faculty members are compensated for full-time service to the University in instruction, research, and public service responsibilities. The University expects that each full-time faculty member will assume a proper share of the functions and responsibilities of the department, college, and the University. A faculty member may engage in other professional activities beyond the scope of duties as a faculty member within the following guidelines.

Guidelines

These guidelines are designed to protect the integrity of the faculty member-University work relationship.

POLICY

1. **Professional Activities Commensurate with the University's Mission**

Outside work must be consistent with the University's mission and must enhance the faculty member's professional development. Outside work includes consulting, advising, research, demonstrating, or teaching for other organizations in the areas of professional competence for which the faculty member is employed by Western Washington University. Outside profit-making business activities engaged in for personal monetary gain and which are not related to the area of professional competence for which the faculty 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.

2. **Non-Interference with Professional Duties**

Outside work must not interfere with a faculty member's normal official University duties, including those non-classroom responsibilities expected of all faculty members, as defined by each college.

3. **Compensation**

Compensation for outside work includes salaries, fees, or gifts. No additional compensation may be accepted by faculty members for tutoring students in courses they teach, or for performing their official duties. Faculty members may accept compensation for outside work only if all of the following conditions are satisfied:

- a. The agreement to do the work is bona fide and the work is actually performed.
- b. The performance of the work is not within the faculty member's official duties, nor under the faculty member's official supervision.
- c. The work does not involve assisting others in transactions with state agencies as prohibited by law.¹
- d. The work is not performed for, nor the compensation received from a person from whom the faculty member is prohibited by law from receiving a gift.²

¹ See Section 104 of ~SB 6111--Chapter 154.

² See Section 115 (4) of ~SB 6111--Chapter 154.

POLICY

- e. The agreement for the outside work is not expressly created or authorized by the faculty 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 are a central part of a faculty 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 faculty member to share his or her research as widely as possible. If a faculty member is compensated by anyone beyond the university for research or publication performed as part of the faculty member's duties as a faculty member, the university will not consider that a violation of this policy.
- f. The work does not require unauthorized disclosure of University confidential information.

4. **Solicitation**

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.³

- 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 and advise the faculty member that the award would not conflict with the discharge of the faculty member's official duties.
- 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 faculty member that the award would not conflict with the discharge of the faculty member's official duties.

³ See Section 112 (2) of ~SB 6111--Chapter 154.

POLICY

5. **Limits and Approvals**

The University values faculty-student exchanges and expects a high quality performance of teaching, research and service duties. Therefore, full-time faculty must not spend more than the equivalent of one day per week during the academic year in outside compensated professional activities. Exceptions to this limit may be made on the recommendation of the Department Chair, with the approval of the Dean (or other comparable unit administrator), and of the Provost.

All outside work must be disclosed prior to accepting the work, and reported annually by the faculty member to the Department Chair (or comparable unit administrator) who will maintain the reports on file and prepare a report to the Dean. Outside work by a Department Chair or a Dean must be reported to the Provost. Each Dean will submit to the Provost an annual report on outside work by faculty members in the college.

These limits and approvals do not apply to work by full-time faculty on nine-month appointments outside periods of obligated service.

Faculty members who hold part-time appointments (.50 FTE or more) with the University may be self-employed or may accept additional employment outside the University up to a level corresponding to a full-time position without approvals.

The Department Chair (or other comparable unit administrator) must determine whether the outside compensated professional activity by the faculty member will interfere with the performance of official University duties in each specific case. If such work does, in the judgment of the Department Chair (or comparable unit administrator), interfere with the faculty member's performance of University duties or with meeting the faculty member's obligations to the students and the University, the faculty 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 faculty member does not agree with the judgment of the Department Chair, he/she may appeal to the Dean (or comparable unit administrator), whose decision shall be final.

6. **Use of Facilities**

University facilities (equipment, space, or computers) may not be used for compensated outside work with the exception of compensation professional activities allowed under the above provisions. In all other cases, if the equipment or facilities are unique and are unavailable in the private sector, the faculty member may request approval for use, which must be for a specific project and of a limited duration. Such use must not conflict with the instructional or research activities of the University. Fees for such use shall be determined by the Department Chair or Dean prior to the use. The fees must include overhead costs and be comparable to what the

POLICY

private sector in other cities charges, or to what other universities charge. The fee schedule must be filed with the Vice President for Business affairs, and the faculty member authorized to use the facilities or equipment is responsible to the University for payment of the fees.

7. Responsibility

The University assumes no responsibility for the competence or performance of a faculty member who engages in outside work for compensation. No such responsibility may be implied in any advertising or contractual documents. University stationery may not be used for correspondence related to outside work.