

## UNIVERSITY PROPOSAL

9-6-13

### ARTICLE 52

#### OUTSIDE ACTIVITIES

**Section 1.** As used in this Article, "consulting" means any professional activity for which a bargaining unit faculty member is paid that is external to the University or beyond the assigned duties for which the bargaining unit member is appointed and paid by the University.

**Section 2.** Bargaining unit faculty members owe their primary professional responsibility to the University. Full-time employment requires a work effort of at least 40 hours in a full work-week. Part-time employment requires a proportional effort. No bargaining unit faculty member is to receive compensation from a source other than the University for work performed as a part of his or her university employment. Activities unrelated to a bargaining unit faculty member's University responsibilities and areas of professional competence do not require prior approval, but such activities may be engaged in only on the bargaining unit faculty member's own time and must be in compliance with applicable law. Such activities by definition do not meet the criteria set forth in Section 3 of this Article.

**Section 3.** Consulting activity must have the prior written approval of the Provost or designee prior to initiation of the consulting activity. Approval of consulting activity may only be granted if the proposed activity satisfies the following criteria:

- a. It is within the scope of the bargaining unit member's professional competence.
- b. The consulting is bona fide and work under the engagement is actually performed.
- c. It will not impair, in quality or quantity, the performance of the bargaining unit faculty member's assigned duties, including regularly scheduled teaching or work pursuant to the terms and conditions of any grant and contract.
- d. In the case of a bargaining unit member with a full-time appointment, consulting activity does not exceed 39 days in an academic year or 48 days in a fiscal year (including travel). This limitation does not apply to activities in which the bargaining unit faculty member engages during periods of vacation leave or on legal holidays, or during the summer for nine month appointments, or where actual practice in a bargaining unit member's professional field is required by his or her job description and any such practice has the approvals required in this Article.
- e. It does not involve the use of more than de minimis University resources, except as provided in a current agreement signed by the Provost or designee.
- f. Each client is informed by the bargaining unit faculty member that he or she is acting as a private person and that the University is not a party to the contract, nor liable, nor responsible for the performance of the contract.
- g. The consulting is not under a grant or contract to which the University is a party;
- h. Each client is informed that the bargaining unit faculty member's obligations to the University, including those related to intellectual property, are primary, unless otherwise approved in writing by the University.
- i. The consulting will not result in the unauthorized disclosure of confidential information or the unapproved transfer of University intellectual property.

- j. The consulting is consistent with University commitments under sponsored research agreements.
- k. The consulting is not contrary to the University's best interests.
- l. The consulting complies with applicable law, including ORS Chapter 244, as interpreted by the Oregon Government Ethics Commission, and approval has been granted as provided in ORS 351.067.

**Section 4.**

- a. **Declaration.** A bargaining unit faculty member who performs any consulting subject to the approval required in this Agreement must complete the Declaration of Outside Employment or Consulting for Compensation form on an annual basis. An updated form must be submitted throughout the year if a bargaining unit faculty member proposes to engage in outside employment or consulting.
- b. **Approval.** Approval for consulting by a bargaining unit faculty member may be granted only when the proposed activity satisfies the criteria set forth in this Article. In his or her request for approval, a bargaining unit faculty member must provide the following information to the Provost or designee: (1) an estimate of the time that will be required; (2) the subject and scope of the activity; and (3) the extent to which University facilities will be used.
- c. **Use of University Resources.** If University resources are to be used (other than assigned office or studio space or the library and subject to priority for their use in University activities), the bargaining unit faculty member must enter into a written agreement with the University (acting through the Provost or designee) prior to using any such resources. Such an agreement must: (1) stipulate the kind and extent of equipment usage, the direct costs to be incurred, and liability for personal injury or damage to University property; (2) include provisions for appropriate advance payment to the University; (3) and indicate that the required administrative approvals for the consulting has been obtained.
- d. **Other Work.** Any work by a bargaining unit faculty member for the University that is in addition to the bargaining unit faculty member's primary University employment, whether or not it is termed consulting, must be approved by the Provost or designee, and compensation for any such work is taxable as income, unless the Vice President for Finance and Administration or designee has approved an independent contractor relationship.

**Section 5.** The following outside activities do not require approval if they are uncompensated except for reasonable expenses and nominal honoraria, and are consistent with the bargaining unit faculty member's obligations to the University:

- a. Participation in scholarly, professional, and philanthropic activities, such as service on advisory bodies or public commissions related to the bargaining unit member's field of professional competence;
- b. Presenting lectures or leading seminars or workshops in the bargaining unit member's area of professional competence at other universities, colleges or not-for-profit institutions;
- c. Visiting the laboratories of colleagues at other universities, colleges, or not-for-profit institutions.