

# President's Council Guidelines & Protocols

Effective Date: July 25, 2019

<b>Protocol/Guideline Title:</b> Guidelines for Consulting		
<b>Responsible Office:</b> Human Resources		
<b>Date Approved by President's Council:</b> 7/25/2019		
<b>UVU Web Host Page:</b> <a href="https://www.uvu.edu/policies/guidelines/guidelines.html">https://www.uvu.edu/policies/guidelines/guidelines.html</a>		
<b>UVU Web Pages that Link to Host Page:</b>		
uvu.edu/compliance	Click here to enter text.	Click here to enter text.
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*The following is not official university policy but rather a guideline used to facilitate the internal actions of the University or a particular unit within the University. Guidelines are not binding on the University and may be amended by the University at any time. A guideline, such as the one to follow, does not establish any contractual rights or obligations between the University and any individual.*

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## Executive Summary

In the absence of specific direction from Policy 323 *Guidelines for Consulting*, the University has utilized institutional practices in regards to employee consulting. This document formalizes and clarifies these practices and serves as the university guideline in this area until a revised Policy 323 comes into effect.

## Related University Policies

UVU Policy 114 *Conflict of Interest*

UVU Policy 323 *Guidelines for Consulting*

## Acceptable Consulting Activities

Consulting includes professional activities for which a full-time faculty or other exempt employee receives (or expects to receive) remuneration. These consulting activities normally occur sporadically and/or for a short period of time. Such qualifying professional activities

- 1) Are performed by a full-time faculty member or other exempt employee in their individual capacity and not on the University's behalf;
- 2) With respect to a faculty member, are related to the faculty member's area of expertise, as indicated by the instructional, clinical, and research activities a faculty member performs or has performed on the University's behalf;
- 3) Advance or communicate the university employee's expertise through interactions with industry, the community, or the public; and
- 4) Have a demonstrable relationship to the University's general interests and mission within the community.

Consulting does not include

- 1) Services performed on the University's behalf or performed by a faculty member or exempt employee in their official university capacity, even if the employee receives or expects remuneration for such services (e.g., service on national commissions, on government agencies and boards, on boards or committees of nonprofit professional associations, on granting agency peer-group review panels, on visiting committees or advisory groups to other higher education institutions, and on analogous bodies);
- 2) Moonlighting activities that are not directly related to the faculty member's or exempt employee's area of expertise; or
- 3) Outside part-time or full-time employment for which an individual would receive a W-2.

## Availability of Consulting Leave

Consulting leave is available to only full-time faculty members and other full-time exempt employees. Full-time faculty will be permitted up to two days per month; other exempt employees will be permitted up to 16 hours per month. The employee's supervisor must approve consulting leave in advance. The supervisor retains discretion to deny consulting leave to ensure successful performance of the requesting employee's primary UVU job responsibilities, even if the request meets the criteria for consulting leave. See "Primacy of Core University Responsibilities" below.

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Employees are ineligible for consulting leave when on probationary status, subject to written warning, on disciplinary leave, or on medical leave. Faculty are ineligible for consulting leave during periods for which they are not required to perform primary job duties, such as outside of Fall and Spring academic semesters. Unused consulting leave will lapse at the end of each month and will not accumulate or roll over.

Consulting leave will be compensated similar to other leaves with pay (such as sick leave and personal leave). Consulting leave does not accrue and, upon termination, an employee will not be compensated for any consulting leave.

### Restrictions

While engaged in consulting, employees

- May not hold consulting meetings or activities on campus; however, university facilities may be scheduled through the appropriate scheduling offices subject to the same terms, conditions, and availabilities applicable to any member of the public.
- May not use the University's name, marks, or logos for advertising purposes.
- May not use the official stationery of the University or UVU email account in their consulting business communications. They may not use any university building or department name as part of a consulting business address.
- May not speak, act, or make representations on behalf of the University, nor may they express institutional endorsement in relation to the outside activity; however, they may identify their university employee status when rendering service to an organization outside the University.

### Primacy of Core University Responsibilities

Neither Policy 323 nor this guideline is intended to permit a faculty member or other exempt employee to engage in consulting activities that impair the individual's ability to perform their teaching, research, service, administrative, or other university responsibilities. Even if the faculty member or other exempt employee complies with the requirements of Policy 323 and this guideline, that individual's department chair, dean, or other immediate supervisor may determine whether the consulting activity would impair the employee's ability to meet university obligations. Faculty may not cancel classes to engage in consulting. See UVU Policy 601 *Classroom Management*.

### Related Forms

*Request for Consulting Form* available at  
([https://www.uvu.edu/compliance/conflict\\_interest/consultingrequestform.pdf](https://www.uvu.edu/compliance/conflict_interest/consultingrequestform.pdf)).

HISTORY		
Date of Last Action	Action Taken	Authorizing Entity