Outside Professional Activity, Consulting and Continuing Education Instruction for University and Academic Professionals and Classified Staff - Interim

Policy Type: Administrative
Responsible Office: VCU Human Resources, Division of Administration
Initial Policy Approved: 05/29/2018
Current Revision Approved: 05/29/2018

Policy Statement and Purpose

Virginia Commonwealth University recognizes that external consulting activities or professional service can enhance the quality of work for VCU employees. The university recognizes that these activities can be valuable to the individual and the institution alike and hereby expresses support for professional activities that do not have an adverse impact on the employee’s primary commitment to the university. Although employees who accept full-time employment at VCU are expected to commit themselves to extending their principal effort to the university, limited service to or, association with organizations and persons external to VCU may contribute to the growth of the employee’s competence and the mission of the university. Employee participation in outside professional activities might occupy time well beyond the normal workweek but may be flexible in schedule and not limited to particular hours of the day or week.

The purpose of this policy is to establish requirements for participation in, and the restrictions associated with outside professional activity, external consulting, and continuing education activities by employees. While employees are encouraged to engage in professional service activities that contribute to individual growth, extend knowledge, or advance the mission of the university, there are limitations on such activities. As detailed more fully in this policy, professional service activities must not detract from the employee’s performance or obligations to the university; must not present a conflict of interest; must not deplete university facilities and resources; must be approved in advance and reported on annually; and, if the employee is to receive extra compensation, must only be entered into while on approved leave or outside of normal work hours.
This policy also defines restrictions regarding employees engaged in other outside employment. See the Secondary Assignment (Overload Jobs) policy for additional information on other employment within the university.

In addition to the provisions of this policy, classified staff must obtain approval according to the Commonwealth of Virginia Department of Human Resource Management Policy 1.60 Standards of Conduct (http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf?sfvrsn=2).

Part-time employees have an obligation to deliver the full amount of time or effort committed by the terms of their appointment, and to assure that their other activities and employment do not infringe on their university obligations or create conflicts of interest with the university, but they are exempt from the specific limitations and procedures stated in this policy.

Faculty are also not subject to the terms of this policy. For faculty, refer to the VCU policy on Outside Professional Activity, Consulting, and Continuing Education Activities for Faculty.

Noncompliance with this policy may result in disciplinary action, up to and including termination. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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Approved: 05/29/2018
Who Should Know This Policy

All supervisors, university and academic professionals, and classified staff are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

Continuing Education
VCU-sponsored short courses, seminars, workshops directed toward specific professional groups or target populations, and noncredit short courses advertised and open to the general public. Employee’s teaching in related activities sponsored by institutions other than VCU is considered either outside consulting (paid) or outside professional activity (without pay) depending upon compensation received.

Outside Consulting
Employees serving as subject matter experts or part-time employees for external employers making their professional knowledge and skills available to individuals and organizations outside the university, including government agencies, other academic institutions, nonprofit organizations, and business enterprises. Such activities may be either on a short-term or recurring basis, and generally involve compensation from the outside entity to the individual.

Outside Professional Activity
Service rendered by an employee to persons or organizations external to the university for the purpose of advancing, applying, or transferring knowledge in a field or endeavor related to the employee's employment at the university. Examples include, but are not limited to, service on national commissions, government agencies and boards, peer review panels, visiting committees, advisory groups, professional associations, and limited service at other universities in accordance with the provisions of this policy. Such activity is beyond or in addition to the employee’s university responsibilities; it generally occurs off-campus and requires only the time and special capabilities of the employee, without significant use of university facilities or supporting services. Such activities generally are of an occasional or short-term nature, and are either without compensation or bring only a nominal financial return to the individual.

The fundamental difference between outside professional activity and outside consulting is that outside professional activity is considered public or university service.

Outside Professional Practice
Employees engaged in independent professional practice, accepting clients without university sponsorship and generally off-campus, undertaken for fees or on a pro bono basis.
Professional Leadership Activities
Service rendered by employees in their respective professions such as presenting papers at professional meetings, giving occasional lectures at other institutions, service in offices or on committees of academic or professional societies or professionally-related civic and nonprofit organizations, participation in accreditation visits to other institutions, and service on governmental advisory committees or study sections. Such activities generally are of an occasional or short-term nature, and are either without any or nominal compensation to the individual.

Contacts
VCU Human Resources interprets this policy and is responsible for obtaining approval for any revisions as required by the policy Creating and Maintaining Policies and Procedures through the appropriate governance structures. Please direct policy questions to your designated HR Professional.

Policy Specifics and Procedures

I. Types of Outside Professional Activity
With certain exceptions noted below, employees are required to obtain the permission of the university prior to engaging in outside professional activity and to make annual reports on such activity.

A. Professional Leadership Activities
The university encourages employees to achieve positions of leadership in their respective professions. When professional leadership responsibilities are occasional or short-term nature, and are either without compensation or limited compensation to the individual, the employee is permitted to accept the position without prior permission or specific limitation by the university. However, the employee must ensure that the responsibilities and activities do not interfere with performance of university duties.

Professional leadership responsibilities that require substantial recurring or long-term time commitments, such as being involved in holding national level office in an academic society or editing a professional journal, require approval of the appropriate manager and dean/vice provost/vice president or president before acceptance of such responsibilities. The university will attempt to facilitate an employee’s performance of professional leadership roles when such activities are of a significant nature and reflect credit on the university, but all parties involved have a responsibility to ensure that such activities are compatible with university responsibilities and entail no undue strain on university resources.

In all cases, outside professional leadership activities must be reported by the employee on a yearly basis, in the manner described in section IV below.
B. Outside Consulting

Employees serving as consultants or part-time employees either on a short-term or recurring basis, generally involving compensation to them, is permissible and under appropriate circumstances may be encouraged as contributing to professional growth and the mission of the university. These activities must not interfere with the employee’s university responsibilities.

Outside consulting activities must be rendered only while on approved leave or outside normal work hours. Prior written permission is required from the appropriate manager and dean/vice provost/vice president or president, and the employee is required to report all such activities to the university on a yearly basis in the manner described in section IV below.

C. Teaching in Other Academic Institutions

Teaching or research at other academic institutions may be appropriate under some circumstances, but is generally discouraged, except for occasional lectures in the employee’s area of specialization. Recurring responsibilities in another academic institution, such as teaching a course or supervising a research program, require prior written permission from the appropriate manager and dean/vice provost/vice president or president. Permission will not be given without communication between the employee’s manager and department chair or dean/vice provost/vice president or president. Such activity is required to be reported to the university on a yearly basis in the manner described in section IV below.

D. Scholarly or Creative Writing and Other Individual Creative Endeavor

When scholarly, creative writing, and other creative endeavors are part of the regular university responsibilities of the employee, additional activity beyond normal expectations is generally encouraged as contributing to professional growth and the mission of the university. If such activity is undertaken in anticipation of uncertain future compensation (such as a royalty interest in a book or possible eventual sale of an artistic work), there is no requirement of advance permission, but must be reported to the university on a yearly basis in the manner described in section IV below. Prior written permission from the appropriate manager and dean/vice provost/vice president or president is required if the activity is undertaken for direct compensation or immediate sale of a product, or for an advance in anticipation of royalties. The requirement of subsequent reporting also applies.

E. Outside Professional Practice

Independent professional practice by employees must not conflict with university obligations and may be prohibited altogether by other university policies and the policies of some departments or schools. When the outside professional practice is permitted by these policies, the employee must obtain prior written permission from the appropriate manager and dean/vice provost/vice president or president. The requirement for subsequent reporting applies. If the relevant standards of professional practice preclude identification of individual clients, that information need not be...
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disclosed, but the employee is required to describe at the beginning of the year, the nature and circumstances of the practice and the amount of time to be committed to the practice, and to report at the end of the year on the actual time spent in the manner described in section IV below.

The policies in this section do not apply to the clinical practice of medicine and dentistry, which are regulated by specific policies identified by those schools.

II. Conflict of Interest/Conflict of Commitment

Activities outside of the workplace may create, or appear to create, a conflict of interest or a conflict of commitment. More specifically, activities are considered to be a conflict if they detract from the employee’s university responsibilities or involve the use of university resources that are dedicated to achieving VCU’s mission. Having a conflict is not inherently against policy, but failing to disclose it appropriately is. See the Office of Audit and Compliance Services’ Conflict of Interest and Commitment guidance.

If a conflict of interest or conflict of commitment exists, the employee may not participate in any outside professional activity, professional service or external consulting without appropriate management or resolution of the conflict presented. It is the employee’s responsibility to be aware of a potential conflict and to bring that forward to their manager as part of the request for approval process (outlined in section IV below). The manager must assess the extent to which an employee’s outside professional activity may create a potential conflict of interest and include any concerns as part of the manager’s recommendation in the request for approval process. The dean/vice provost/vice president or president is responsible for making the final determination on whether or not a conflict exists as part of the request for approval process.

Employees engaged in grants and contracts are also subject to compliance with the university’s Conflict of Interests in Research policy.

III. Use of University Facilities, Services or Personnel

Occasionally, outside professional activities may involve the use of university facilities, services or other university personnel, including students. Such activity may be approved if at least one of the following criteria is met to the satisfaction of the manager and approved in writing by the dean/vice provost/vice president/or president.

- The activity has merit to specifically advance a stated university initiative
- The activity will improve the scientific or professional qualifications of the employee.
- The activity enhances ongoing VCU programs, making these programs more complete and comprehensive.

Any costs to the university have prior approval of the dean/vice provost/vice president or president. Any use of university property must comply with the Reservation and Use of Space policy. Documentation of the use of any university facilities, services, or other university personnel must be included in and approved as part of the process described below.
IV. Procedures for Prior Review and Approval

Step 1. With the exceptions noted above, employees are required to submit written requests for permission in advance of participating in outside professional activity. This is done by submitting, in advance, the Request for Approval of Outside Professional Activity and Continuing Education form [link to be added when available] to the manager and dean/vice provost/vice president or president. The link to the form is provided at the end of this policy. (Note: Some schools may use an on-line approval process, so check in advance with your HR Professional.) The form must be submitted before the service/work is undertaken.

Step 2. The manager reviews the request, assessing the extent to which outside activities complement or interfere with employee development, performance or obligations to the university or create a potential conflict of interest. The manager indicates their assessment and recommendation on the form and forwards to the dean/vice provost/vice president or president for review and approval.

Step 3. The dean/vice provost/vice president or president reviews the employee’s request and the manager’s recommendation and indicates his/her decision in the appropriate space on the form. This process must be completed before any service or work is undertaken. A copy of the approval must be renewed annually if the activity is going to be continued during the subsequent year.

Step 4. If the request involves the use of university facilities, services, or other university personnel additional approval is required by the Provost or VP of Health Sciences (for academic units) or the President (for administrative units) in consultation with the VP for Finance. Review by the VP for Finance is required to evaluate the impact of the private use of facilities that are supported by tax exempt funds.

Step 5. If permission for an employee to engage in outside professional activity is denied, the dean/vice provost/vice president or president informs the employee in writing, giving specific reasons for the denial. Copies of the request approval or denial are forwarded to the employee and the manager.

Step 6. At the end of the year, employees who have engaged in outside professional activity for extra compensation must report such activity using the Report on Outside Professional Activity and Continuing Education form [link to be added when available].

V. Other Outside Employment

Other outside employment is defined as any employment of an employee for compensation by persons or organizations external to the university, including self-employment, in fields of endeavor unrelated to the individual's university duties; it includes all non-university employment not covered in this policy. Any such activity must occur only in time that is clearly off-duty from the university and must be limited so that it is compatible with the individual's professional status, creates no conflict of interest with the university, does not conflict with scheduled university duties, or does not in any way infringe on the full-time professional effort committed to the university.

VI. Continuing Education Instruction Delivered by Full-time Employees

Continuing education is an integral part of the mission of Virginia Commonwealth University, and employees are encouraged to teach in this program as appropriate for their qualifications.
A. Teaching seminars, workshops, institutes, etc. directed toward professional groups, or specific target populations

Although teaching these types of activities are annual or regularly scheduled events, the content of the programs varies in keeping with the interest and needs of participants as well as advancements in the field. Such activities frequently involve several employees for brief periods of time. These activities are usually initiated by the employee at the department or school level, or by the Office of Continuing and Professional Education, and are processed through the manager, chair and/or dean(s) of the various schools/colleges (as appropriate). Guidelines to assist in arriving at payment of employees for these activities will be developed by the employee and administration of each school/unit; these guidelines will take into account customary and usual travel expenses in keeping with state policy where appropriate and will be reported annually to the Office of Continuing and Professional Education.

B. Teaching noncredit courses which are advertised by the Office of Continuing and Professional Education and open to the general public

Teaching these types of courses usually extend over a period of several weeks to a full semester and are arranged and announced through the Office of Continuing and Professional Education. Payment of employees involved in this type of activity is negotiated between the employee and the Office of Continuing and Professional Education, and the assignment of the employee to short courses is in concurrence with the appropriate deans or their representatives. Factors to be considered in determining payment include the nature of the instruction, the number of hours of instruction, enrollment, administrative support costs, travel costs, tuition and fees. Negotiations for payment to employees is based on an hourly rate. The Office of Continuing and Professional Education reserves the final decision as to whether a course will be offered.

C. Extent of employee participation

The employee and administration of each school, division, or program (working together within the existing administrative structures) will establish a procedure for monitoring teaching in continuing education programs during an academic year and report the procedure at the beginning of each academic year to the Office of Continuing and Professional Education. These procedures shall cover all programs sponsored, cosponsored or sanctioned by Virginia Commonwealth University.

D. State and federal regulations

State and federal regulations as well as university policies and procedures pertaining to payment of instructors must be followed.

VII. Roles and Responsibilities

A. The employee is responsible for:

- Being aware of and complying with the terms of this policy and other applicable university policies and procedures.
• Understanding that engaging in outside professional activity beyond normal university duties includes a responsibility to choose activities that contribute to their professional growth and the spread of knowledge, and which support the broad mission of the university.

• Understanding that they have a responsibility to limit outside professional activity, consulting or other outside employment or involvements so that they do not conflict with their primary obligations as employees or the goals and needs of the university.

• Understanding the potential for conflict of interest and discussing with the manager any potential assignment that may pose a conflict with the university.

• Accepting no professional service or outside consulting that presents a conflict with university responsibilities.

• Requesting and obtaining approval in advance of engaging in outside professional activity as required by this policy using the Request for Approval of Outside Professional Activity, Consulting and Continuing Education Activities form [link to be added when available] or the school/unit’s on-line approval process, if applicable.

• If allowed, requesting and obtaining approval of leave in advance of engaging in outside consulting during normal work hours.

• Indicating to outside parties that the employee is acting in the capacity of an independent professional and not a university representative when participating in outside consulting.

• Completing the annual Report on Outside Professional Activity, Consulting and Continuing Education Activities form [link to be added when available] or an on-line version, as applicable.

• Understanding that failure to comply with this policy and procedures, or continuing to engage in associated activities after appropriate notification by the manager or dean/vice provost/vice president or president, subjects the employee to disciplinary action, including possible termination.

B. The manager is responsible for:

• Keeping informed of the professional, consulting, and outside employment activities of employees to ensure employees’ compliance with this policy, encouraging such activities when they are consistent with this policy, notifying employees of over-involvement in activities that might jeopardize their development or interfere with their primary responsibilities.

• Reviewing, assessing and making recommendations on approving or disapproving requests for participating in outside professional activities, consulting, and continuing education activities in a timely manner.

• Evaluating the extent to which outside activities complement or interfere with employee performance or obligations to the university or create a potential conflict of interest and communicating that assessment to the employee in a timely manner.
Consulting with the employee, the Integrity and Compliance Office, and the Office of University Counsel, as appropriate, when the employee raises a question of a potential conflict of interest regarding outside professional activity.

Consulting with the VP for Finance’s Office to be sure that the use of university facilities for outside activity will not cause the university to violate its ongoing private business use obligations for facilities financed with the proceeds of tax-exempt bonds.

Reviewing requests for leave when outside consulting is to occur during normal work hours and approving or disapproving such requests.

Maintaining appropriate documentation of Request for Approval of Outside Professional Activity, Consulting and Continuing Education Activities forms [link to be added when available] and annual Report on Outside Professional Activity, Consulting and Continuing Education Activities forms [link to be added when available], or the on-line versions, as applicable

Reporting violations of this policy to the appropriate dean/vice provost/vice president or president and initiating appropriate disciplinary actions.

**Forms**

1. Report on Outside Professional Activity, Consulting and Continuing Education Activities [link to be added when available]
2. Request for Approval of Outside Professional Activity and Continuing Education [link to be added when available]
3. Secondary Assignments (Overload) Form for University and Academic Professionals and Classified Staff

**Related Documents**

1. VCU Policy: Secondary Assignments (Overload Jobs)
3. VCU Policy: Outside Professional Activity, Consulting and Continuing Education Activities for Faculty
4. VCU Interest Disclosure Reporting
5. VCU Policy: Conflicts of Interest in Research
6. VCU Policy: Reservation and Use of Space
7. VCU Policy: Wage Employment (Hourly and Student Worker) Adjunct Faculty Appointments-Procedures for Compliance with the Affordable Care Act, the Manpower Control Program, and the Fair Labor Standards Act, Revised August 2017
8. Adjunct Position Recruiting and Hiring Guide
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9. VCU Faculty Salary Administration Guidelines
10. VCU Human Resources Overtime Guidelines

Revision History

This policy supersedes the following archived policies:

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<tr>
<th>Approval/Revision Date</th>
<th>Title</th>
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<td>None – New Policy</td>
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FAQ

What is the difference between outside consulting and outside professional activity?
Outside consulting generally involves compensation from an outside entity to the VCU employee; outside professional activity is generally considered “service” and is either without compensation or brings only a nominal financial return to the VCU employee.