

Regulations on External Professional Activities for Pay by Faculty and Non-Faculty EPA Employees

In accordance with the Board of Governors' policy on Conflict of Interest and Commitment (*UNC Policy Manual*, 300.2.2), UNC faculty and non-faculty EPA employees sometimes may engage in compensated activities that are not a part of University employment. Through such opportunities, employees apply their specialized knowledge and experience to activities outside of their University employment, thereby enhancing their own capabilities in teaching and research and contributing significant societal benefits, including economic development through technology transfer. These activities are encouraged if the intended activity complies with Section II of the corresponding policy 300.2.2, and do not create a conflict of interest (see definitions, *UNC Policy Manual*, 300.2.2, Section I).

An EPA employee who wishes to engage in external professional activity for pay must adhere to these regulations to provide satisfactory assurances that such activity will not interfere with University employment obligations.

I. Regulations

A. Any EPA employee who plans to engage in external professional activity for pay shall complete the "Notice of Intent to Engage in External Professional Activity for Pay" (hereinafter referred to as "Notice of Intent," which shall solicit, at a minimum, the data elements shown in Appendix I), which shall be filed with the head of the department in which the individual is employed. A separate "Notice of Intent" shall be filed for each such activity in which an employee proposes to engage. Unless there are exceptional circumstances, the "Notice of Intent" shall be filed not less than ten (10) calendar days before the date the proposed external professional activity for pay is to begin. Additionally, Covered Employees will disclose their financial interests consistent with the Board of Governors' policy on Conflict of Interest and Commitment, *UNC Policy Manual*, 300.2.2 and the Constituent Institution implementing policies and procedures.

B. Approval of a "Notice of Intent" may be granted for a period not to exceed the balance of either 1) the fiscal year (in the case of 12-month employees and employees with contract service periods that include the summer session) or 2) the academic year (in the case of 9-month employees with no summer session contract period) remaining as of the date of approval; if the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, an additional "Notice of Intent" must be filed at least ten (10) days before engaging in such activity in the succeeding relevant year.

C. Except as set out in paragraph D below, the "Notice of Intent" shall be considered as follows: If, after a review of the "Notice of Intent" and consultation with the EPA employee, the department head (or appropriate administrator, see definition *UNC Policy Manual*, 300.2.2, Section I, Item G) determines that the proposed activity is not consistent with the policy statements of the institution or Board of Governors, the EPA employee shall be notified of that determination within ten (10) calendar days of the date the "Notice of Intent" is filed. In the event of such notification by the department head, the EPA employee shall not proceed with the proposed activity but may appeal that decision to the administrative officer to whom the department chair reports, and then to the chancellor or the chancellor's designee (or, in General Administration, to the President). A decision on any such appeal shall be given to the EPA employee within ten (10) calendar days of the date on which the appeal is received. The decision of the chancellor (or of the President) shall be final. Appeals shall be made in writing.

D. If the "Notice of Intent" discloses 1) a proposed activity for an entity that provides funding that directly supports the EPA employees' University Employment Responsibilities or activities or 2) a proposed activity for a private entity in which the EPA employee or member of the EPA employee's immediate family holds an equity or ownership interest or holds an office, the procedure set out in item C above shall be modified as follows: The decision of the department head to approve the activity shall be reviewed promptly and approved or disapproved within ten (10) days of receipt by the administrative officer to whom the department head reports, and appeal of a disapproval by that officer shall be to the chancellor or the chancellor's designee (or, in General Administration, to the President).

E. Departmental summaries of all "Notices of Intent" filed and of actions taken in response to such "Notices of Intent" during the preceding fiscal year shall be submitted by department heads to the chancellor or the chancellor's designee (or, in General Administration, to the President) each July. On or before September 1 of each year, the UNC General Administration, Office of Research and Sponsored Programs, will initiate the submission of annual summary reports from the chancellors to the President.

F. External professional activities for pay performed for another institution or agency of the State of North Carolina also must comply with State policies governing dual employment and compensation, unless an exception to those State policies is expressly authorized by the chancellor or the President.

G. In addition, senior academic and administrative officers may be subject to special regulations regarding honoraria. Please refer to the *UNC Policy Manual*, 300.2.2.2 [R].

H. University employees not complying with these procedures will be subject to disciplinary action.

II. Special Provision

These regulations shall not be required of EPA employees serving on academic year contracts, if the external professional activity for pay is wholly performed and completed outside of the academic year, provided that the activity does not conflict with the policy statements of the institution or Board of Governors and is not conducted concurrently with a contract service period for teaching, research, or other services to the institution during a summer session. Notwithstanding this policy, *UNC Policy Manual*, 300.2.2.1[R], Covered Employees will disclose their financial interests in accordance with the Board of Governors' policy on Conflict of Interest and Conflict of Commitment *UNC Policy Manual* 300.2.2 and the implementing policies and procedures of the Constituent Institutions

Appendix I¹

Notice of Intent to Engage in External Professional Activities for Pay Data Elements

- I. Date of filing
- II. Name of EPA employee
- III. Name and address of contracting organization
- IV. Nature of proposed activity
- V. Beginning date and anticipated duration of activity
- VI. Average number of hours per week to be devoted to the activity
 - A. *For 12-month employees, for the anticipated duration of the activity, within the current fiscal year ending June 30 _____*
 - B. *For 9-month employees, for each component part of the academic year, as applicable, within the current fiscal year ending June 30 _____*
 1. Second Summer Session (post July 1)
 2. Fall Semester
 3. Spring Semester
 4. First Summer Session (pre-July 1)
- VII. Total number of hours to be devoted to the activity
- VIII. Identification of classes, meetings or other university duties that will be missed because of involvement in the proposed activity (identify the duties that will be missed based on the components of the academic year shown above, if 9-month employee) and identification of what arrangements have been made to cover such duties.
- IX. Identification of any university resources to be used for the activity
- X. Determination if the contracting organization listed in the Notice of Intent is providing funding which directly supports the EPA employee's university duties
- XI. Determination if the contracting organization is a private firm
 - A. *If yes, determination if the EPA employee or member of his/her immediate family own an equity interest in the contracting organization*
 - B. *Determination if the EPA employee holds an office in the contracting organization*
- XII. Certifying statement by EPA employee that information disclosed on the "Notice of Intent" is consistent with the Board of Governor's Policy on Conflict of Interest and Commitment (300.2.2)

¹[This Appendix I 300.2.2.1[R] replaced the preceding Appendix I entitled, "Notice of Intent to Engage in External Professional Activities for Pay," adopted August 12, 2005.]