

# ADMINISTRATIVE MEMORANDUM

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**SUBJECT** BOARD OF GOVERNORS REVISION OF POLICY  
ON EXTERNAL PROFESSIONAL ACTIVITIES OF  
FACULTY AND OTHER PROFESSIONAL STAFF

**NUMBER** 333

**DATE** April 22, 1993

The Board of Governors policy referenced above, originally adopted on November 9, 1979, and last amended on June 8, 1984, was revised by action of the Board on April 16, 1993. A copy of the revised policy is attached. Its effective date is July 1, 1993. Each Chancellor is responsible for insuring that heads of academic departments (or deans of schools without formally established departments) and directors of other administrative units employing persons subject to this policy make appropriate arrangements to effectively publicize the new policy requirements.

The Board has made extensive changes in the policy. Both persons responsible for administering and persons subject to the policy must be thoroughly familiar with those changes. The following new requirements are of special note:

Failure to comply with policy requirements constitutes a violation of employment responsibilities and will result in disciplinary proceedings.

A separate written application to engage in external professional activities for pay must be filed for each such proposed activity.

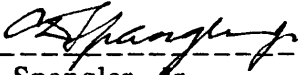
If the approved activity will extend beyond the end of the fiscal or academic year in which it was begun, permission to continue the activity must be obtained in a timely manner.

The revised policy includes a definition of "inappropriate use or exploitation of University resources."

An employee who files a notice of intent to engage in external professional activities for pay must complete a form that summarizes all such activities in which he or she engaged during the immediately preceding fiscal year.

A new "Notice of Intent" form to be used by persons wishing to engage in external professional activities for pay has been prescribed by the Board.

Questions concerning interpretation or application of the revised policy may be addressed to Vice President William Little and to Mr. Richard Robinson.

  
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C. D. Spangler, Jr.

Adopted April 16, 1993

The Board of Governors of  
The University of North Carolina

POLICY STATEMENT ON EXTERNAL PROFESSIONAL ACTIVITIES  
OF FACULTY AND OTHER PROFESSIONAL STAFF

SECTION 1. UNIVERSITY POLICY

The University of North Carolina and its constituent institutions seek to appoint and to retain, as faculty and other professional staff members, individuals of exceptional competence in their respective fields of professional endeavor. Because of their specialized knowledge and experience, such persons have opportunities to apply their professional expertise to activities outside of their University employment, including secondary employment consisting of paid consultation with or other service to various public and private entities. Through such practical, compensated applications of their professional qualifications, University employees enhance their own capabilities in teaching and research. Thus, participation of faculty and other professional staff members in external professional activities for pay, typically in the form of consulting, is an important characteristic of academic employment that often leads to significant societal benefits, including economic development through technology transfer. However, such external professional activities for pay are to be undertaken only if they do not:

a. Create a conflict of commitment by interfering with the obligation of the individual to carry out all primary University duties in a timely and effective manner; or

b. Create a conflict of interest vis-a-vis the individual's status as an employee of the University; or

c. Involve any inappropriate use or exploitation of University resources; or

d. Make any use of the name of the University of North Carolina or any of its constituent institutions for any purpose other than professional identification; or

e. Claim, explicitly or implicitly, any University or institutional responsibility for the conduct or outcome of such activities.

SECTION 2. DEFINITIONS

a. "External professional activities for pay" means any activity that 1) is not included within one's University employment responsibilities; 2) is performed for any entity, public or private, other than the University employer; 3) is

undertaken for compensation; and 4) is based upon the professional knowledge, experience and abilities of the faculty or other professional staff member. Activities for pay not involving such professional knowledge, experience and abilities are not subject to the advance disclosure and approval requirements of Section 3 of this Policy, although they are subject to the basic requirement that outside activities of any type not result in neglect of primary University duties, conflicts of interest, inappropriate uses of the University name, or claims of University responsibility for the activity.

b. "University employment responsibilities" include both "primary duties" and "secondary duties." Primary duties consist of assigned teaching, scholarship, and all other institutional service requirements. Secondary duties consist of professional affiliations and activities traditionally undertaken by faculty and other professional staff members outside of the immediate University employment context that redound to the benefit of the profession and to higher education in general. Such endeavors, which may or may not entail the receipt of honoraria or the reimbursement of expenses, include membership in and service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and books; and service to accreditation bodies. Such integral manifestations of one's membership in a profession are encouraged, as extensions of University employment, so long as they do not conflict or interfere with the timely and effective performance of the individual's primary University duties.

c. "Faculty or other professional staff member" means any person who is employed full-time by the University of North Carolina or a constituent institution or other agency or unit of the University of North Carolina and who is not subject to the State Personnel Act.

d. "Department" means an academic department, a professional school without formally established departments, or any other administrative unit designated by the Chancellor of an institution or by the President for the Office of General Administration, for the purposes of implementing this policy.

e. "Inappropriate use or exploitation of University resources" means using any services, facilities, equipment, supplies or personnel which members of the general public may not freely use. A person engaged in external professional activities for pay may use, in that connection, his or her office and publicly accessible facilities such as University libraries; however, an office shall not be used as the site for compensated appointments with clients, e.g., for counseling or instruction. Under no circumstances may a supervisory employee use the services of a supervised employee during University employment

time to advance the supervisor's external professional activities for pay.

f. "Conflict of interest" relates to situations in which financial or other personal considerations may compromise, may have the potential for compromising, or may have the appearance of compromising an employee's objectivity in meeting university duties or responsibilities, including research activities.

### SECTION 3. PROCEDURES GOVERNING EXTERNAL PROFESSIONAL ACTIVITY FOR PAY

a. A faculty or other professional staff member 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," Attachment A), 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.

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 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 faculty or other professional staff member, the department head determines that the proposed activity is not consistent with this policy statement of the Board of Governors, the faculty or other professional staff member 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 faculty or other professional staff member shall not proceed with the proposed activity but may appeal that decision to the administrative officer to whom the department head reports, and then to the Chancellor (or, in the General Administration, to the President). A decision on any such appeal shall be given to the faculty or other professional staff member 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 on the "Notice of Intent" form.

d. If question 8, question 9a, or question 9b on the "Notice of Intent" is answered in the affirmative, the procedure set out in paragraph 3.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, in the 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, in the General Administration, to the President) each July. The Chancellors shall provide annual summary reports to the President by September 1 of each year.

f. University employees not complying with these procedures will be subject to disciplinary action. Department heads are held responsible for proper reporting.

#### SECTION 4. SPECIAL PROVISIONS

a. 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.

b. The procedures in Section 3 shall not be required of faculty and other professional staff members serving on academic year contracts, if the external professional activity for pay is wholly performed and completed between the day following spring commencement and the first day of registration for the fall semester, provided that the activity does not conflict with this policy statement of the 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.

#### SECTION 5. EFFECTIVE DATE

This policy statement shall become effective on July 1, 1993.

EXTERNAL PROFESSIONAL ACTIVITIES FOR PAY

NOTICE OF INTENT

Date \_\_\_\_\_

\_\_\_\_\_ (name) intends to engage in external professional activity for pay under the following conditions:

- 1. Name and address of contracting organization: \_\_\_\_\_
- 2. Nature of proposed activity: \_\_\_\_\_
- 3. Beginning date and anticipated duration of activity: \_\_\_\_\_
- 4. On average, how many hours per week will be devoted to this 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 (see Policy section 3.b.)
    - (1) Second summer session (post July 1) \_\_\_\_\_
    - (2) Fall semester \_\_\_\_\_
    - (3) Spring semester \_\_\_\_\_
    - (4) First summer session (pre July 1) \_\_\_\_\_
- 5. Total number of hours to be devoted to activity: \_\_\_\_\_
- 6. Identify any classes, meetings or other University duties that will be missed because of involvement in the proposed activity (respond separately for each applicable component part of the academic calendar if 9-month employee) and state what arrangements have been made to cover any such duties:
 

<u>Duties Missed</u>	<u>Arrangements to Cover</u>
_____	_____
_____	_____
_____	_____
- 7. Use of University resources in connection with proposed activity:
  - a. Will the activity entail the use of any University resources (see discussion at section 2.e. of policy)?
    - ( ) Yes                      ( ) No
  - b. If yes, describe what resources will be used. \_\_\_\_\_
- 8. To your knowledge, does the contracting organization above provide funding which directly supports any of your University duties or activities?    ( ) Yes                      ( ) No
- 9. To be completed if contracting organization is a private firm:
  - a. Do you or any member of your immediate family own an equity interest in the contracting organization?                      ( ) Yes                      ( ) No
  - b. Do you hold an office in the contracting organization?                      ( ) Yes                      ( ) No
- 10. Performance of the above described activity is consistent with the Board of Governors Policy on External professional Activities.

Signature \_\_\_\_\_ Academic Rank or Job Title \_\_\_\_\_

Department \_\_\_\_\_ Administrative Title (if any) \_\_\_\_\_

**EXTERNAL PROFESSIONAL ACTIVITIES FOR PAY**

**ACTIVITY DURING PAST FISCAL YEAR**

(Continuation of listing)

Date \_\_\_\_\_

Provide the following information for each External Professional Activity for Pay in which you engaged during the last fiscal year preceding the date of filing of this "Notice of Intent."

- 
1. Contracting organization: \_\_\_\_\_  
\_\_\_\_\_
  2. Beginning and ending date of activity (if completed): \_\_\_\_\_
  3. Average hours per week devoted to this activity: \_\_\_\_\_
  4. Total number of hours devoted to this activity: \_\_\_\_\_
  5. Nature of Professional Activity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  6. Date Notice of Intent was filed: \_\_\_\_\_ Signature \_\_\_\_\_
- 

1. Contracting organization: \_\_\_\_\_  
\_\_\_\_\_
  2. Beginning and ending date of activity (if completed): \_\_\_\_\_
  3. Average hours per week devoted to this activity: \_\_\_\_\_
  4. Total number of hours devoted to this activity: \_\_\_\_\_
  5. Nature of Professional Activity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  6. Date Notice of Intent was filed: \_\_\_\_\_ Signature \_\_\_\_\_
- 

1. Contracting organization: \_\_\_\_\_  
\_\_\_\_\_
2. Beginning and ending date of activity (if completed): \_\_\_\_\_
3. Average hours per week devoted to this activity: \_\_\_\_\_
4. Total number of hours devoted to this activity: \_\_\_\_\_
5. Nature of Professional Activity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Date Notice of Intent was filed: \_\_\_\_\_ Signature \_\_\_\_\_



NOTICE OF INTENT TO ENGAGE IN  
EXTERNAL PROFESSIONAL ACTIVITIES FOR PAY

Date \_\_\_\_\_

\_\_\_\_\_ (name)

intends to engage in external professional activity for pay under the following conditions:

1. Name and address of contracting organization:

\_\_\_\_\_  
\_\_\_\_\_

2. Nature of proposed activity:

\_\_\_\_\_  
\_\_\_\_\_

3. Beginning date and anticipated duration of activity:

\_\_\_\_\_  
\_\_\_\_\_

4. On average, how many hours per week will be devoted to this 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 (see Policy section 3.b.):

(1) Second summer session (post July 1) \_\_\_\_\_

(2) Fall semester \_\_\_\_\_

(3) Spring semester \_\_\_\_\_

(4) First summer session (pre July 1) \_\_\_\_\_

5. Total number of hours to be devoted to activity: \_\_\_\_\_

6. Identify any classes, meetings or other University duties that will be missed because of involvement in the proposed activity (respond separately for each applicable component part of the academic calendar if 9-month employee) and state what arrangements have been made to cover any such duties:

Duties Missed

Arrangements to Cover

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7. Use of University resources in connection with proposed activity:

a. Will the activity entail the use of any University resources (see discussion at section 2.e. of Policy)?

( ) Yes ( ) No

b. If yes, describe what resources will be used.

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8. To your knowledge, does the contracting organization above provide funding which directly supports any of your University duties or activities?

( ) Yes ( ) No

9. To be completed if the contracting organization is a private firm:

a. Do you or any member of your immediate family own an equity interest in the contracting organization?

( ) Yes ( ) No

b. Do you hold an office in the contracting organization?

( ) Yes ( ) No

10. Performance of the above described activity is consistent with the Board of Governors Policy on External Professional Activities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Department

\_\_\_\_\_  
Academic Rank or Job Title

\_\_\_\_\_  
Administrative Title (if any)

ACTIVITY DURING PAST FISCAL YEAR

Provide the following information for each External Professional Activity for Pay in which you engaged during the last fiscal year preceding the date of filing of this "Notice of Intent."

1. Contracting organization:

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2. Beginning and ending date of activity (if completed):

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3. Average hours per week devoted to this activity:

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4. Total number of hours devoted to this activity: \_\_\_\_\_

5. Nature of Professional Activity: \_\_\_\_\_

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6. Date Notice of Intent was filed: \_\_\_\_\_

ADMINISTRATIVE ACTION ON NOTICE OF INTENT

1. Reviewed; activity determined to be consistent with University policy.

\_\_\_\_\_  
Date Department Head

Other action (as required): \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date Dean or Other Administrative Officer\*

- \* Approval by Dean or other administrative officer to whom Department Head reports is required if question 8 or question 9.a. or 9.b. is answered in the affirmative.

2. Reviewed; activity determined not to be consistent with University policy.

\_\_\_\_\_  
Date Department Head

Action on appeal (if any):

\_\_\_\_\_  
Date Action taken

\_\_\_\_\_  
Dean or Other Administrative Officer

\_\_\_\_\_  
Date Action taken

\_\_\_\_\_  
Chancellor

Any administrative action approving a "Notice of Intent" shall be effective only for the remaining balance of the fiscal year (in the case of 12-month employees) or for the balance of the academic year (for 9-month employees); see Policy Section 3.b.