

CALIFORNIA STATE UNIVERSITY, LONG BEACH

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POLICY STATEMENT

JUN 25 1980

Academic Senate Office

NUMBER: 80-07

FILE: CONSULTATION POLICY

SUBJECT: POLICY ON CONSULTING BY MEMBERS OF CALIFORNIA STATE  
UNIVERSITY, LONG BEACH FACULTY, ACADEMICALLY-RELATED  
PERSONNEL AND ACADEMIC ADMINISTRATORS

The first obligation of either faculty, academically-related personnel, or academic administrators is to the University. That obligation implies the acceptance of all the responsibilities inherent in such positions. These responsibilities include teaching assigned classes, maintaining a schedule of office hours, providing advice and consultation to students, research and/or related professional efforts appropriate to professional development, and service with other faculty to carry out the objectives of the University. The University also encourages participation of its faculty, academically-related professionals, and academic administrators in developing opportunities for leadership and service to the society of which it is a part.

In keeping with their professional status, faculty members, academically-related personnel, and academic administrators have the obligation to conduct outside activities in a manner such that their responsibilities to the University and its students are not impaired. This obligation assumes that faculty members, academically-related personnel, and academic administrators will avoid any activity which has adverse effects upon the performance of these responsibilities or upon the University.

The University recognizes that consulting activity is a proper and common feature of academic employment, a valuable adjunct to teaching, and an important service which academic specialists can render to the public at large. It is further recognized that the outside contacts provided through consultation by members of the faculty and administration are aids in their professional advancement. The limits set forth below are intended to strike a fair balance between consulting and regular duties within the University.

Though comprehensive, the policy cannot deal unambiguously with every instance of consulting. In cases of doubt, the primary guide should be whether or not the proposed activity promotes the interests of the University as a place of education, learning, and research.

The responsibility for adhering to the limits on consulting and other aspects of this consulting policy lies first with the individual. Individuals should resolve any questions or ambiguities with their department chairperson, dean, or appropriate supervisors before the fact. The University has the right, and indeed the obligation, to protect itself from losses resulting from excess consulting and to seek reimbursement from the individual for salary and benefits covering time spent on consulting beyond the limits provided for by this policy, especially in cases when the faculty member, academically-related professional, or academic administrator did not seek prior consultation or follow the advice given by his/her department chairperson and dean or supervisor. Faculty members, academically-related professionals, and academic administrators have an obligation to report fully the extent of their consulting activities when asked to do so by the President or his designee.

All questions of interpretation of this document shall be referred to the Associate Vice President for Academic Affairs--Academic Personnel. Decisions of the Associate Vice President for Academic Affairs--Academic Personnel may be appealed to the Academic Senate. Application of this policy is governed by the University Disciplinary Procedures (Executive Order 310 or its successor) and by University Grievance Procedures (Executive Order 301 or its successor). Actions of the Academic Senate on such appeals will be reviewed by the President as is the normal practice on policy matters.

#### DEFINITION OF CONSULTING

In general, consulting is defined as professional activity, including teaching, related to the person's field or discipline, where a fee-for-service or equivalent relationship with a third party exists.

There are many types of consulting relations and fee arrangements, and the precise form entered into is not determinative. The principle is that, in consulting, a person agrees to use his or her professional capabilities to further the interests of a third party in return for a significant immediate or prospective gain. Thus, it does not matter whether the person is on the client's payroll, works as an independent contractor, works at another educational institution, purveys professional service, or acts as an officer of a company engaged in activities related to the consultant's field of discipline. Included under this definition are situations in which an academic administrator, academically-related professional, or



faculty member is chosen to serve on a Board of Directors of a company, or in some equivalent position, because of that individual's affiliation with CSULB and with a discipline that serves to enrich the company's advisory councils. All of these examples are considered to be consulting.

Several types of activity, other than regular University duty, may not be considered consulting. These are as follows:

- a. Publication - Scholarly communications in the forms of books, movies, television productions, art works, etc., though frequently earning financial profit for a faculty member and for another party (e.g., publisher), do not fall within the definition of consulting. To attempt to distinguish between types of books, to assess the roles of book publication in different disciplines, or to challenge the historical relation between authorship and manuscript ownership would be dangerous and confusing. These reservations apply equally to the other types of scholarly communication cited above.
- b. Professional Service (professional affiliation) - Under this rubric fall service on national commissions, on governmental agencies and boards, on granting agency peer-group review panels, on visiting committees or advisory groups to other universities, and on analogous bodies. The fundamental distinction between these activities and consulting is that they are public or University service. Although an honorarium or equivalent sometimes is forthcoming, these professional service activities are not undertaken for personal financial gain. Therefore, such service does not fall within the consulting category.
- c. "Moonlighting" - Faculty, academically-related professionals, and academic administrators may pursue a variety of endeavors for financial profit which are not directly related to the person's field or discipline. When pursued on non-working days, these activities are part of the person's private life and come neither under University regulations nor this consulting policy. However, "moonlighting" on working days is ordinarily discouraged and must be approved in advance by the Department Chair and the School Dean or appropriate administrative officer. Those responsible for approving "moonlighting" applications shall examine the record of professional work--using the Trustee criteria of teaching effectiveness, scholarly and creative activity, and University/community service--to assure that full service to the University is being rendered by those seeking approval for "moonlighting" activities. It is important to emphasize again, however, that such endeavors may be pursued only after the full-time commitment to CSULB has been fulfilled.

- d. The definition of consulting does not include additional employment within the CSUC system including all compensated activities through the CSULB Foundation. Such activities are defined and regulated under FSA 79-30, or its successor, and APL 80-09, or its successor.

#### POLICY

To assure the University that the ability of the individual to discharge his/her obligations to the University is not impaired by consultancies, the following policies are hereby adopted:

1. Time Commitment - During the regular academic year, the faculty shall not consult for more than one day, computed as 10 hours, in the work week. No time limit shall apply during periods which are not defined as working days. Academic administrators shall be permitted to consult or "moonlight" during their requested and approved vacation time provided that they request and receive permission from the appropriate university officer in advance. Consulting activity in excess of the limit prescribed in this section may be permitted for a limited time with the approvals specified in Section 2 below, when such activities will make an extraordinary contribution to professional growth or to the University or to the community.

This policy applies to faculty only during the state-defined working days, and excludes vacations and weekends. Each Department Chair has a University calendar which clearly defines the working days and a faculty member in doubt should consult the Department Chair. A faculty member, academically-related employee, or academic administrator who is regularly assigned to perform his/her duties on weekends or other days which are not ordinarily defined as working days shall be entitled to treat an equal number of regular working days on which he/she does not have assigned duties as weekend days for purposes of exclusion from the application of this policy. This policy applies to academic administrators during their regular working weeks, that is, during any part of the calendar year for which they are compensated, excluding weekends and holidays. This policy also applies to academically-related personnel during their regular work week as defined by the nature of their appointment.

2. Prior Approval - Before making any commitment for consulting work or "moonlighting" during those times when Section 1 applies, the faculty member, academically-related professional, or administrator shall submit a written request to the department chair and the dean or to another appropriate University official. This request shall include the following:



- a. The name of the firm, agency, individual for which the consulting work would be done when such disclosures do not violate legally binding codes of professional ethics (if the consulting involves providing professional services to a number of fee-paying individuals, then "self-employed private practice" should be indicated);
- b. The time involved, expressed as a number of days between two dates (e.g.,: "not more than three days between October 1 and October 31, 1979");
- c. The general nature of the work to be done;
- d. Assurance that there will be no conflict of interest and that the proposed consulting or "moonlighting" will not interfere with normal University obligations; and
- e. A statement enumerating what University resources, if any, would be used in the project, and what reimbursement would be made for such resources.

The department chair and subsequently the dean or, in the cases not involving faculty, the appropriate University official, will then evaluate the request. Approval affirms that the consulting will neither interfere with the normal duties of the consultant nor involve a conflict of interest. If University resources are to be used, the project must also be approved by the appropriate Vice President. Denial of a request to engage in consulting, but not of a request to use University facilities for such activities, is subject to the provisions of Executive Order 301 or its successor.

3. Use of University Resources - Generally, no University resources should be used in consulting activities. However, if University equipment, personnel, supplies, or space is to be used, a special set of conditions must also be met:
  - a. The resources must not be readily available commercially; and
  - b. The University shall charge for the cost of the use of such resources.

Official University stationery may not be used for consulting. A member of the faculty, academically-related professional, or academic administrator may, however, use his/her own business stationery or letterheads carrying his/her University title and may sign reports and letters pertaining to consulting over that official title, provided that the title is used solely for purposes of identification.

However, faculty, academically-related professionals, and academic administrators engaging in consulting must not use the name of California State University, Long Beach, in such a manner as to suggest institutional endorsement or support of a non-University enterprise.

4. Annual Reporting - Consultancies held during the academic year and the time devoted to them shall be reported annually on the Standard Faculty Resume Form.
5. Professional Enhancement - Consulting should be undertaken only if it furthers the professional development of the faculty member, academically-related professional, or administrator and enhances their contributions to the University.

Effective: July 1, 1980

*Elyse Horn*

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