

# Policy 5-204: Remunerative Consultation and Other Employment Activities

## I. Purpose

To outline the university's policy on employment responsibilities and restrictions on outside remunerative employment activities.

## II. References

[Policy 5-403](#), Additional Compensation and Overload Policy.

## III. Definitions

- A. Full-time – An employment relationship, applicable to Employees, which requires a commitment of 100% of the individual's normal and expected working time and effort. Full-time employment is generally inconsistent with the acceptance of any other employment on a continuous or permanent basis.
- B. Additional compensation – Payment for services rendered by an Employee in addition to the normal working activity contemplated by the terms of the Employee's appointment.
- C. Overload status – An employment condition in which the total percent of full time recorded on Personnel Assignment Status Sheets for all assignments held concurrently exceeds 100%.
- D. Relevant employee definitions are defined in [Policy 5-001](#).

## IV. Policy

### A. Full Service Obligation

All Employees of the University holding full-time positions shall give full services to the work of the university during scheduled work periods. Any non-University employment must not interfere with the discharge of the person's full-time service obligations to the university. It is expected that all full-time University Staff Members will treat the University as their prime employment activity.

1. Part-time or full-time employment in an off-campus position or business enterprise in addition to full-time University employment is discouraged. Each Employee is responsible to inform his/her immediate superior of all such outside employment activities.
2. In any case in which present or contemplated outside employment is believed to involve a question as to a potential conflict of interest, the concerned individual is encouraged to seek advice from the administration and, where appropriate, from University Legal Counsel by requesting an opinion through the cognizant vice president.

### B. Public Service

The University approves of public service activities that are not incompatible with full performance of University duties and not



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inconsistent with University Policies and Procedures.

#### C. Outside Teaching

Faculty members may not accept employment for, and may not perform, any teaching, instructional, or research services for other academic institutions during teaching quarters without the knowledge and written approval of the cognizant dean and vice president. Compensated or uncompensated participation in an occasional short-term conference, seminar, or symposium or the delivery of a scholarly paper or public address at a professional meeting or academic gathering under the auspices of an academic institution, does not violate this policy.

#### D. Telephone Listings and Off-Campus Offices

Except where permission is given by the president, full-time Employees may not maintain business or professional telephone listings in their own name, or establish off-campus offices for non-University related professional or business activities.

#### E. Consultation

Consultation and other services to persons, firms, institutions, and agencies outside the university may be carried on by faculty members as long as the performance of such services does not interfere with the individual's service obligations to the University, subject to the following restrictions:

1. Faculty and Administrative Officers are allowed two days a month for either consulting or outside employment, not counting weekends or holidays. Unused consultation time may be accumulated for a period not to exceed six months, i.e., for a total accumulation not exceeding a maximum of 12 days, and may be taken during one consecutive period of time. The university has no obligation to compensate personnel for authorized consultation time that, for any reason, is not actually used.
2. Use of consultation time should have a demonstrable relation to the professional interests of the Faculty or Administrative Officer, and to the university's general mission within the community.
3. Any absence from the university for the purpose of consultation services may be recorded as an excused absence for approved consultation only if the restrictions of this section have been satisfied.
4. Consultation involving service to individual patients or clients may take place in a Faculty or Administrative Officer's office or laboratory. Use of university facilities and equipment resulting in clearly identifiable additional cost to the university shall be reimbursed and shall require authorization by the supervisor with direct line authority over the employee.
5. The individual engaged in consultation activities must arrange

in advance, with the approval of the responsible department chairperson, director, or other line officer, for scheduling of classes or other work assignments missed as the result of consultation activities.

6. Individual exceptions to this policy may be approved by the cognizant vice president upon recommendation of the dean or director, subject to any specific conditions imposed by the vice president.

#### F. Responsibilities of Consultants

University employees engaged in consultation services authorized by this policy must assume the following responsibilities to assure compliance with this policy and with applicable legal requirements:

1. The university employee must advise in writing, on a [form](#) provided by, or approved by the university, the person, firm, or agency for whom such consultation services are to be performed that (a) the employee, in his/her role as a consultant, is acting solely as an independent contractor, and not as an agent or employee, or under the sponsorship, auspices, or control of the University of Utah, and (b) the university assumes no responsibility whatever, express or implied, for the actions or omissions of the employee in his/her role as a consultant.
2. The university employee must personally assure that the conditions and limitations upon external consulting activities, as specified in this policy, are fully satisfied, and must be prepared to document that fact if called upon to do so by a responsible university officer.
3. Before entering into a consultation contract, the university employee must personally determine that the contemplated consultation activities and arrangements will not involve a conflict of interest with the individual's duties to the university that may be in violation of the Public Officers' and Employees Ethics Act. Such conflicts may be implicated if (a) the consultant is or will be serving concurrently as a principal investigator under a contract or grant from the same external firm or agency; or (b) the consultant's services are directly related to and derived from activities performed under a contract or grant from the same external firm or agency, or from confidential information acquired as a result of participation in such a contract or grant.

#### G. Public Addresses

Requests for Faculty or Administrative Officers to give addresses to clubs, community organizations, and other groups may be responded to at the discretion of each individual Faculty or Administrative Officer. Such activities should not be allowed to interfere with university responsibilities.

## H. Extended-day and Continuing Education

Faculty or Administrative who are able to render full employment services to the university, and at the same time serve the interests of the people of the state by teaching in the Academic Outreach and Continuing Education or in extended-day classes may do so provided the following conditions are met:

1. For Faculty, authorization will be given only for emergency or non-recurring assignments. Exceptions to this policy must be approved by the vice president with line responsibility over the Faculty member.
2. A maximum of 38 contact hours per semester will be permitted for overload to Faculty and Administrative Officers for credit teaching, or noncredit teaching, or any combination of the two. (A contact hour is an in-class instructional hour; thus, a five-credit class that meets five hours a week for a semester represents 75 contact hours.)
3. Authorization to teach extended-day classes on an overload basis must be approved by the dean/director with line responsibility over the department offering the course, and the dean/director with line responsibility over the employee. For the Academic Outreach and Continuing Education, authorization to teach must be approved by the dean/director with line responsibility over the course, by the dean of continuing education, and by the dean/director with line responsibility over the employee. In instances where a dean/director or vice president holds the teaching assignment, authorization must be obtained from the supervisor with line responsibility over that employee.

## I. Overload and Additional Compensation

Consultation or other services by any university employee which result in overload status or payment of additional compensation by the university are not permitted unless all applicable provisions of [Policy 5-403](#) are satisfied.

## J. Medical Faculty Consultations

Full-time medical faculty may not engage in private practice or consultation work except in conformity with the Medical Services Plan or other policies approved by the president, upon recommendation by the vice president for health sciences, subject to such conditions and limitations as the president may require. Such medical practice or consultation work must not interfere with the faculty member's primary responsibility to the university.

## V. Rules, Procedures, Guidelines, Forms and other related resources

- A. Rules
- B. Procedures
- C. Guidelines

D. Forms

E. Other related resource materials

[Company Consulting Services Agreement Form](#)

## VI. Contacts

Policy Owners: Questions about this Policy and any related Rules, Procedures and Guidelines should be directed to the [Director of Benefits for Human Resources](#) and the Compensation Analyst.

Policy Officer: Only the [Vice President for Human Resources](#) or his/her designee has the authority to grant exceptions to this Policy.

## VII. History

Editorially revised: October 11, 2011

Editorial changes were made to this document to reflect the changes in employee definitions as set forth in [Policy 5-100](#).

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Approved: Board of Trustees 5/17/99

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