

**POLICY ON EXTERNAL PROFESSIONAL ACTIVITIES FOR
PAY BY FACULTY AND EHRA NON-
FACULTY EMPLOYEES**

The University of North Carolina at Greensboro

Approved by the Chancellor, March 12, 2018

Purpose

In accordance with the Board of Governors' policy on Conflict of Interest and Commitment (UNC Policy Manual, Section 300.2.2) and the University of North Carolina at Greensboro's Policy on Conflict of Interest and Commitment, and because of their specialized knowledge and experience, UNCG faculty and EHRA non-faculty employees may be asked to 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 policy requirements regarding External Professional Activities for Pay as set forth in both policies referenced above and do not create an unmanageable Conflict of Commitment or Interest.

Scope

This policy applies to faculty and EHRA non-faculty employees, including those on research leave and those employed by a University Associated Entity. Note that a distinct set of regulations guides external professional activities for pay of individuals classified as Senior Academic and Administrative Officers (SAAO) (see UNC Policy Manual 300.2.2.2[R], Regulations for Senior Academic and Administration Officers on External Professional Activities for Pay and Honoraria).

Policy

Definitions

All capitalized terms in this regulation not defined in this document are understood to have the meaning assigned to them in the UNC Greensboro Policy on Conflicts of Interest and Commitment.

Covered Individual: any faculty, or any EHRA non-faculty employee, including employees who are on research leave or any employees of a University-Associated Entity.

External Professional Activities for Pay: activities that are 1) not included within one's University Employment Responsibilities; 2) performed for any entity, public or private, other than the university; 3) undertaken for compensation outside the University; and 4) based upon the professional knowledge, experience and abilities of the employee.

University Employment Responsibilities: Primary Duties and Secondary Duties. "Primary Duties" consist of assigned teaching, scholarship, research, institutional service requirements, administrative duties and other assigned employment duties. "Secondary Duties" means professional affiliations and activities traditionally undertaken by Covered Individuals outside of the immediate University employment context. Secondary Duties may or may not entail the receipt of honoraria, remuneration (see additional regulations, *UNC Policy Manual*, 300.2.2.2 [R]) 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 without receipt of compensation; and service to accreditation bodies. These activities, which demonstrate active participation in a profession, are encouraged and often valued in promotion and tenure and other performance reviews, provided they do not conflict or interfere with the timely and effective performance of the individual's Primary University Duties or with related University policies.

Inappropriate Use of University Resources: Any use of University-funded or supported resources, including but not limited to University facilities, administrative offices, work product, research results, materials, property records, or information developed with University funding or other University support except as otherwise allowed by University policy, for any purpose other than the Covered Individual's University Employment Responsibilities. A Covered Individual engaged in external professional activities for pay may not use any such University-funded or supported resources in the course and conduct of externally compensated activities, except as allowed by University policies (see Policy on Use of University Resources in Support of Entrepreneurial Activity). Under no circumstances may a Covered Individual use the services of another University employee during that employee's University work hours to advance the Covered Individual's personal interests outside of the workplace, including any external professional activities for pay.

Engaging in External Professional Activities for Pay

Covered Individuals who wish to engage in an External Professional Activity for Pay during the time they are on contract with the University must adhere to these regulations to provide satisfactory assurances that such activity will not interfere with their employment obligations to the University. External Professional Activities for Pay should generally be limited to no more than the equivalent of 20 percent (20%) of the Covered Individual's time during the period covered by their employment contract. As stated in the UNC Greensboro Conflict of Interest and Commitment Policy, the regulations below regarding mandatory pre-approval for External Professional Activities for Pay do not apply to faculty and non-faculty EHRA employees serving on contracts for less than 12 months if the following circumstances

are true: 1) the External Professional Activity for Pay is wholly performed and completed outside of the contract service period (i.e., summer months); 2) the activity does not otherwise conflict with the policies of the UNC Greensboro or the UNC Board of Governors; and 3) the activity is not conducted concurrently with a contract service period for teaching, research, or other services to the institution during a summer session.

The direct supervisor who assigns workload and assesses performance of the Covered Individual is responsible for determining whether a proposed External Professional Activity for Pay will result in a Conflict of Commitment. The Conflict of Interest Officer is responsible for determining whether a Conflict of Interest could be generated by the proposed activity and whether the conflict can be managed.

I. Notice, Approval, and Appeal Requirements

A. Notice Requirements

1. Any Covered Individual who plans to engage in an 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") via the electronic Activities, Interests and Relationships (AIR) or other designated system. A separate "Notice of Intent" shall be filed for each such activity in which a Covered individual proposes to engage.

2. **A small group of activities that often result in compensation outside of the University are exempted from the requirement for prior approval because they are typically considered to be secondary employment responsibilities and, given their nature, will not generate Financial Conflicts of Interest.**

Though prior approval is not needed for these activities, and since they are secondary duties, employees should discuss with their supervisors any impact on workload that participation in these activities may entail. They should also be reported as part of the annual disclosure process for purposes of reporting to General Administration (see Section II below). **The following activities are exempt from pre-approval if the remuneration does not exceed \$5,000 for any single work product or \$5,000 annually for ongoing activity, with the understanding that in no case should performing the activities listed below interfere with the fulfillment of the Covered Individual's Primary University Employment Responsibilities:**¹

¹ (Note that individuals classified as SAAOs as defined in UNC Policy 300.1.1 (e.g., chancellor, vice chancellors, provost, deans, associate and assistant vice chancellors, associate and assistance deans, directors of major administrative, educational, research, and public service activities) should consult UNC Policy 300.2.2.2[R] to ensure compliance with regulations. Individuals receiving funding through the Public Health Service (e.g., National Institutes of Health) should consider whether engaging in any of these activities could result in a perceived or actual Conflict of Interest, and if so, report these activities or seek further guidance as applicable).

- a. Serving on a Federal, state, or local government or non-profit organization agency committee, panel, or commission;
- b. Serving as editor or editorial board member for a professional, scholarly journal;
- c. Reviewing journal or book manuscripts, grant or contract proposals, and external tenure and promotion dossiers;
- d. Serving as a committee member, an officer, or board member of a professional or scholarly society;
- e. Presenting seminars or lectures at scholarly colloquia or conferences sponsored by a Federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institution that is affiliated with an institution of higher education.
- f. Delivering performances or producing creative works tied to one's area of employment responsibility.

3. Unless there are exceptional circumstances, the "Notice of Intent" shall be submitted for approval to the employee's direct supervisor not less than ten (10) calendar days before the date the proposed external professional activity for pay is to begin.

4. The Notice of Intent shall be filed in the electronic system, and will be directed to the individual indicated by each department as having approval responsibility for external professional activities for pay.

5. Additionally, Covered Individuals must disclose any Financial Interests related to the activity as consistent with the Board of Governors' policy on Conflict of Interest and Commitment (UNC Policy Manual, Section 300.2.2), and UNCG's Policy on Conflict of Interest and Commitment and Procedures for the Disclosure, Review, and Management of Activities Involving Potential Financial Conflicts of Interest.

B. Review and Approval Requirements.

1. If, after a review of the "Notice of Intent" and consultation with the Covered Individual, the employee supervisor determines that the proposed activity is consistent with applicable policy, will not involve inappropriate use of university resources, and will not present a Conflict of Commitment, the supervisor should indicate approval of the activity by approving the

electronic submission.

2. If the "Notice of Intent" discloses a proposed activity that will involve (1) an entity that provides funding that directly supports the Covered Individual's University Employment Responsibilities, or (2) a private entity in which the Covered Individual or Covered Individual's Immediate Family holds an equity or ownership interest or holds an office, the "Notice of Intent" will be submitted to the Conflict of Interest Officer for further review. This review may result in a finding that no Conflict of Interest exists, that a Conflict of Interest does exist but can be managed via a management plan, or that a Conflict of Interest with significant potential to compromise objectivity exists and therefore precludes approval of the activity. The results of the review will be documented with the electronic record in the electronic system. This information will be shared with both the Covered Individual and the Covered Individual's direct supervisor, and may be shared with others as designated in a Conflict of Interest Management Plan.

3. Once a "Notice of Intent" is reviewed and approved regarding both Conflict of Interest and Conflict of Commitment, the electronic system will alert the Covered Individual of the determination.

4. Approval of a "Notice of Intent" may be granted for a period not to exceed the balance of either (1) the University's fiscal year (July 1-June 30 in the case of 12-month Covered individuals and Covered individuals with contract service periods that include the summer session), or (2) the academic year (in the case of nine-month employees with no summer session contract period) remaining as of the date of approval. The Covered Individual shall be notified in writing of the approval within ten (10) calendar days of the date the "Notice of Intent" is filed. If the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, the Covered Individual must file an additional "Notice of Intent" at least ten (10) calendar days before engaging in such activity in the succeeding relevant year.

5. If, after a review of the "Notice of Intent" and consultation with the Covered Individual, the direct supervisor determines that the proposed activity is not consistent with University policies, within ten (10) days of the filing by the Covered individual, the supervisor should disapprove the electronic submission with written explanation to notify the employee of the reasons for disapproval.

C. Appeals

1. In the event that a proposed activity is disallowed by the Covered Individual's Direct Supervisor and/or the Conflict of Interest Officer, the Covered Individual shall not proceed with the proposed activity but may appeal the decision

to the administrative officer to whom the direct supervisor reports, and then to the Chancellor or the Chancellor's designee. Appeals shall be made in writing within ten (10) calendar days of receiving notice of disapproval.

2. Appeals shall be reviewed and the Covered Individual shall be notified of the results within ten (10) calendar days of the date on which the appeal is received.

3. The decision of the Chancellor or chancellor's designee shall be final.

II. Reporting Requirements

The Director of the Office of Research Integrity will submit a campus-wide summary of these activities, as listed in the electronic database, to the UNC System upon request.

Enforcement

As applies to faculty, this policy is enforced by the Provost and Executive Vice Chancellor for Academic Affairs. As applies to EHRA non-faculty, this policy is enforced by the Vice Chancellor for the division within which the Covered Individual is employed.

Any violation of this policy may be considered "misconduct" under EHRA faculty and non-faculty employee policies. It should be noted that violation of this policy may also implicate violations in related federal regulations and state statutes as discussed in this policy and could result in penalties outside the auspices of the University.

Related Policies

The State of North Carolina

North Carolina General Statute on Public Officers or Employees Benefiting from Public Contracts; Exceptions (N.C.G.S. 14-234)

North Carolina State Government Ethics Act (N.C.G.S. 138A)

UNC System

UNC Policy on Conflict of Interest and Commitment (330.2.2, 300.2.2[G], 300.2.2.1[R], 300.2.2.2[R])

UNC Policy on University Research Relations with Private Enterprise (500.1)

UNC Policy on Patent and Copyright Policies (500.2)

UNC Greensboro

UNCG Policy on Political Activities of University Employees

UNCG Patent and Invention Policy

UNCG Copyright Ownership and Use Policy

UNCG Promotion, Tenure, Academic Freedom, and Due Process Regulations
UNCG Policy on Employees Exempt from the State Personnel Act
UNCG Policy on External Professional Activities for Pay by Faculty and EHRA Non-Faculty
Employees

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