



MEMORANDUM

Date: April 25, 2011

To: Nancy Mundschenk, Chair
Graduate Council

From: Susan Logue 
Associate Provost for Academic Administration

Re: SIU System Consulting Policy

Attached, please find the proposed SIU System Consulting Policy.

The purpose of this policy is to establish guidelines to address consulting, defined as paid or unpaid professional work performed by a full-time Southern Illinois University faculty member for a third party external to Southern Illinois University, that relates substantively to the faculty member's discipline or field of expertise and duties at the University. As such, I am providing you with a copy of the proposed policy. We have begun the review process by providing copies to Faculty Senate as well.

Please note that this policy is for the University system. This policy notes that the campuses may want to create their own policies that deal with issues specific to the campus within the constraints of this system-wide policy. Accordingly, we will be preparing a revision of the SIUC campus policy for review and approval as well.

Please provide me with your input on the proposed policy by Friday, May 13.

Thank you.

SL:emw

cc: Rita Cheng, Chancellor

SIU System Faculty External Research and Consulting Policy

I. Introduction

The Board of Trustees of Southern Illinois University supports the participation of its faculty in external, professional, and commercial research or consulting activities related to the mission of the University, and believes that such participation, when pursued in compliance with all applicable laws, regulations, and University policies, can serve the University, the greater community, as well as the individual faculty member. The Board further believes that pursuit of such outside activities must be done consistently with the highest level of ethics, including avoiding conflicts of interest, conflicts of commitment, or the appearance of conflicts of interest or conflicts of commitment. All faculty are required to give the University their primary professional loyalty and to arrange their outside research and consulting activities so as not to conflict or interfere with their commitment to the University. When outside interests and commitments conflict with the University's mission or impair or could reasonably impair the independent, objective, and professional judgment of the faculty member, participation is strictly prohibited.

Consulting under this policy is a privilege and not a right and should not be construed as a right granted by the Board of Trustees. Further, it is not a substitute for the teaching, research, and service requirements of appointment as a faculty member at the University.

Southern Illinois University is subject to federal, state (including the University Faculty Research and Consulting Act), and local laws as well as its own duly promulgated policies and procedures. Members of the Board, executive officers, faculty, staff, employees and, as appropriate, University contractors serve the public trust and have a duty to conduct their affairs consistent with the highest legal and ethical standards. Violation of this duty may result in disciplinary action consistent with federal and state laws, applicable collective bargaining agreements, and other policies and procedures of the University.

II. Disclosure and Prior Approval

The University Faculty Research and Consulting Act (110 ILCS 100/1) requires all full-time faculty members of state-supported institutions of higher education to obtain prior written approval before engaging in research or consulting for entities other than the employing institution. The Faculty Research and Consulting Act also requires that any request for approval include an estimate of time which the faculty member believes will be necessary to perform the research or other activity, and afterward, a report of the actual time expended on the outside research or consulting.

The policy further stipulates that the president or his/her designee will be charged with overseeing and complying with the policy. Each campus will be delegated the responsibility for developing and managing its own policies and procedures in line with the overall system policy, including designation of an appropriate administrator(s) or delegate(s) to oversee the campus processes. The chief campus administrator may delegate these responsibilities to other individuals, to an administrative body established with the specific charge to oversee the external consulting and research policy, or to an existing body dealing with similar or related issues, e.g. conflict of interest and commitment committee.

Annual Report

Each faculty member who has engaged in approved non-University activities must complete and submit an Annual Report of Approved Non-University Activities to the appropriate supervisor of his/her unit at the end of the fiscal year in which the activity occurred, or as otherwise required in campus policies. This report will be submitted through the proper channels to the chancellor for each institution within the System.

Record Keeping

Record keeping is the responsibility of the chancellor for each institution within the System. Each institution will establish guidelines for maintenance of all records. Records will be maintained in accordance with the records retention policies of each institution.

III. Definitions

1. Consulting

For purposes of this policy, consulting is defined as paid or unpaid professional work performed by a full-time Southern Illinois University faculty member for a third party external to Southern Illinois University, public or private, that is performed pursuant to a contractual agreement between the faculty member and the third party, that relates substantively to the faculty member's discipline or field of expertise and duties at the University. School of Medicine clinical faculty members who are concurrently employed by the University and the University's faculty practice plan are considered full-time faculty. The clinical services provided through the faculty practice plan are not considered "external" to the University.

2. Conflict of Commitment

A Conflict of Commitment encompasses any situation wherein non-University activities of any kind undertaken by the faculty member are sufficiently demanding of the individual's time and attention as to interfere with assigned duties or with his/her responsibilities to students or the University.

3. Conflict of Interest

A Conflict of Interest exists when a real or perceived incompatibility exists between the faculty member's responsibilities to the University and the private financial or other interests of that faculty member.

The mere existence of or potential for a Conflict of Interest or a Conflict of Commitment may not prohibit the faculty member from participating in the consulting arrangement. The standards for making such determination are: whether involvement in the consulting activity would result in excessive commitments of time, impair or reasonably appear to impair the independent and professional judgment of the faculty member, or have a potential adverse impact on the University, including the University's reputation and integrity and/or furtherance of the University's mission of academic excellence, scholarship, research, and public service.

4. Use of University Facilities and Resources

In general, University facilities and resources not typically available to the general public should not be used for non-University activities. Such use is limited to those activities that enhance the academic staff member's University-related professional skills and requires prior written agreement from the appropriate supervisor of his/her unit.

5. Faculty

Faculty for purposes of this policy refers to all full-time tenured/tenure-track faculty, non-tenure-track faculty, instructors, lecturers, visiting professors, and clinical and research professors and instructors on term and continuing appointments. School of Medicine clinical faculty members who are concurrently employed by the University and the University's faculty practice plan are considered full-time faculty. The clinical services provided through the faculty practice plan are not considered "external" to the University. Final decisions regarding who is covered by this policy are determined by the campus. Other classifications, such as civil service, research scientists, research associates, administrative professional, and others, may be covered by other University policies.

IV. General Principles

University faculty members, including administrators with faculty appointments, are encouraged to engage in external consulting to the extent that these activities are clearly related to the mission of the University and the expertise of the faculty member, provide direct or indirect benefits to the University, and do not entail a conflict of interest as defined in the Board of Trustees Conflict of Interest Policy.

University faculty members have an obligation to faithfully discharge their duties and refrain from knowingly engaging in any outside matters of financial interest incompatible with the impartial, objective, and effective performance of their duties. They shall not realize personal gain in any form which would influence improperly the conduct of their University duties. Faculty members shall not knowingly use University property, funds, position, or power in violation of the contractual obligations of the University or any of the University's related organizations, or for personal or political gain.

A faculty member shall not have any interest (financial or otherwise, direct or indirect) or engage in any business transaction or professional activity that is in substantial conflict with the proper discharge of his/her duties in the public interest and shall not act in his/her capacity as a faculty member in any manner wherein he/she has a direct or indirect personal, financial, or political interest that might reasonably be expected to impair the faculty member's objectivity or independence of judgment.

Faculty members should strive to conduct themselves in a manner that serves the best interests of the public and the University. A faculty member shall not knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public that he/she is engaged in conduct that violates his/her trust as a faculty member.

All faculty, unless expressly exempted by the University, are required to inform the University in writing of non-University consulting activities as set out in the procedures below, to comply with the policies and procedures related to consulting and conflict of interest and commitment, and to abide by University decisions related to determinations of what constitutes a conflict of interest or conflict of commitment.

As a general guideline, for full-time faculty members, a faculty member's professional effort devoted to consulting should not exceed the equivalent of one business day per week. Faculty members should avoid any conflict or appearance of conflict between consulting and University responsibilities. In particular, the disruption of formal instructional, research, or service activities because of consulting must be avoided.

When a faculty member is participating in either public or private forums in his/her capacity as a consultant, he/she shall identify that his/her role is as an individual. Faculty members may identify themselves as members of the SIU faculty but shall not directly or indirectly imply that their activities are done with the approval of the University. Faculty may not, in connection with external consulting, use the University name or the fact that they are affiliated with the University in a manner that:

- 1) Suggests that the University approves or disapproves of a product or services provided by a profit, non-profit, or governmental entity; or
- 2) Suggests that the University has performed or issued research findings when it has not done so, or misleadingly states the results of University research; or

- 3) May be interpreted to communicate the official position of the University on any issue of public interest.

Faculty may not use University letterhead in connection with external consulting; nor may they use University facilities or other resources to support consulting unless permission is obtained from the appropriate University official and the University is appropriately compensated.

The University does not indemnify faculty for activities related to external research and consulting, and faculty are personally responsible for any damages or claims for damages which may arise in connection with their personal and external activities.

V. Procedures for Resolving Violations of Policy or Failure to Comply

Faculty can be subject to disciplinary actions of the constituent campus if they fail to fully and truthfully disclose conflict of interest/commitment situations or fail to comply with any stipulated plan for managing the disclosed conflict. Disciplinary procedures will follow those described in the faculty member's campus faculty handbook (Carbondale, Edwardsville, or School of Medicine).

In the case of failure to report a potential conflict, the potential conflict will be subject to the conflict of interest review process to determine whether an actual conflict exists and whether the conflict can be managed. The results will be reported to the chancellor of the campus or to his/her designated representative to determine the necessity for proceeding to the process for disciplinary action. Failure to comply with a stipulated plan for managing a disclosed conflict will be reported to the chancellor of the campus or to his/her designated representative to determine the necessity for proceeding to the process for disciplinary action.

VI. Related Laws and Policies

1. State Laws

- A. Illinois Officials and Employees Ethics Act (5 ILCS 430)
- B. University Faculty Research and Consulting Act (110 ILCS 100/1)
- C. Southern Illinois University Management Act (110 ILCS 520/0.01)

2. SIU Policies

- A. SIU Board of Trustees Conflict of Interest Policy
- B. SIUC, SIUE, and SOM Conflict of Interest Policies

1. Conflict of Interest Procedures

Each campus or units in each campus, as determined by the chancellor or his/her designates, shall promulgate procedures to implement the consulting policy.

VII. Acknowledgements and Attributions

Because consulting policies and conflict of interest and commitment policies are based on federal and state laws and statutes, universities have developed similar policies. In the preparation of the Southern Illinois University policy, which was developed within an institutionalized context, the committee reviewed several documents from other universities and organizations. The following non-exclusive list recognizes university and organizational documents that were used to draft this policy:

- Association of American Universities
- Boston University
- California State University
- Indiana University
- Michigan State University
- National Science Foundation
- Northwestern University
- Ohio State University
- Southern Illinois University Board of Trustees
- Southern Illinois University Carbondale
- Southern Illinois University Edwardsville
- Southern Illinois University School of Medicine
- Syracuse University
- University of Chicago
- University of Illinois at Urbana-Champaign
- University of Missouri
- University of Wisconsin