

Faculty Senate Study Committee A

Report: Faculty Consulting

Overview and Summary

After the September 2005 meeting of the Faculty Senate, Study Committee A was charged with examining and, if necessary, proposing revisions to the University OPs governing faculty consulting. The Study Committee met twice during the fall: on October 26 with five Committee members in attendance, and again on November 21 with four Committee members and Vice Provost Liz Hall in attendance. Because so many OPs relate directly or tangentially to faculty consulting, we have confined this initial part of our work to the various parts of OP 32.07, which is the primary OP governing the issue. Based on especially the second Committee meeting and the advice of Vice Provost Hall, the Study Committee recommends the revisions below.

Continued Discussion

The changes to OPs that this report reflects gained the *unanimous* consent of all five committee members present and the backing of Liz Hall. On one other point the Committee was divided: do we need to preserve at all the language that limits faculty consulting activity to 10 hours/week? The major argument for preserving the language is that it sets a tangible guideline and gives the University and administrators real recourse if a faculty member is devoting too much time to consulting. The major argument for doing away with the language is that the university is already protected by other OPs against faculty who do not meet their obligations to the university, whether because of consulting or because of other reasons. Some faculty can consult 20 or 30 hours per week and, because of their energy, excel as teachers, scholars, and colleagues. Some do no consulting at all and still fall short in these duties.

Conclusions

Several OPs subsequent to 32.07 also deal with aspects of faculty consulting. But the nature of this work (more than 10 OPs, total, touch on this issue) makes it wise to proceed in stages. The Study Committee, therefore, has focused on OP 32.07, but with the intention of following this work with additional measures that will bring other OPs into agreement with this initial work.

OP 32.07

[Revised and posted 8/25/05]

Texas Tech University

Operating Policy and Procedure

OP 32.07: Other Employment, Faculty Consulting, and Public Offices

DATE: August 25, 2005

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish the university policy regarding other employment, faculty consulting, and the holding of public offices by university employees.

REVIEW: This OP will be reviewed by the senior vice provost for academic affairs by October 1 of each even-numbered year with recommendations for revision forwarded to the provost/senior vice president for academic affairs by November 1.

POLICY/PROCEDURE

1. Policy

a. Outside Employment

Section 03.05, Regents' Rules

Outside employment is defined to be any compensated service or employment by any entity, other than the

university, of a university employee. The primary responsibility of university employees is the full and complete execution of all assigned duties, the fulfillment of those professional obligations not ordinarily reduced to written assignment, and the maintenance of current professional skills. Outside employment must be ~~compatible with the interests of the university and~~ of such a nature that it will not detract from the effectiveness and performance of the employee.

- ***rationale for change:*** There is some concern that the stipulation regarding “compatibility” with the university’s interests is vague enough to be both unhelpful and capable of abuse. The real issue, as Dr. Hall pointed out, is that the faculty member meet her/his obligations to the university. This meaning is preserved in the new language, while other guidelines (state statutes, requirements) would anyway prohibit faculty from participating in illegal or unethical activity. *Though this change gained the unanimous support of the Committee members present and Liz Hall, we agreed to make it pending the approval of the university’s legal counsel, who can tell us whether there is a definition of “compatible” that is worth preserving. We are awaiting a decision on that question.*

b. Non-elective Offices

In accordance with Article 16, § 40 (c), *The Texas Constitution*, and Chapter 574, *Texas Government Code*

An employee may hold other non-elective offices or positions of honor, trust, or profit with the state of Texas or the United States, if holding other offices or positions is of benefit to the state of Texas or is required by state or federal law, and if there is no conflict between holding the office or position and holding the original office or position for which the employee receives salary or compensation. Before an employee may accept an offer to serve in other non-elective offices or positions of honor, trust, or profit with the state of Texas or the United States, the employee must obtain from the appropriate administrative officials and the Board of Regents a finding that the requirements of this section have been fulfilled, including expected additional compensation to be received from such service. The finding of the Board of Regents shall be recorded in the official minutes of the meeting of the Board at which approval was granted. An employee desiring to accept an offer to serve in other non-elective offices or in a position

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of honor, trust, or profit with the state of Texas or the United States should submit a letter of request through administrative channels for Board of Regents consideration.

c. Elective Offices

Employees may hold non-salaried public elective offices providing they meet their primary responsibilities to the university. An employee who is elected or appointed to another position that pays a salary and the two positions are such that they cannot be held at one time by the same person, qualification and acceptance for the second position will automatically be considered as a resignation of employment with Texas Tech University.

d. Other University Employment

An individual in non-faculty status may be employed part-time by two or more university departments provided the combined total of normally assigned hours of work does not exceed 40 hours per week (100 percent time) and all other conditions of employment are met. A full-time employee, employed to work in excess of 40 hours per week (100 percent time) must be compensated in accordance with normal overtime or additional compensation policies.

e. Faculty Consulting

It is desirable that the faculty be composed of persons with such competence in their fields that their service in a professional capacity will be sought outside the university. Hence, with prior approval of administrative authorities, a ~~staff~~<faculty> member may do outside work for pay during the months of regular employment. However, such work must not interfere with normal duties, including those extra responsibilities expected of all faculty members. Therefore, the amount of time involved and absence from the campus while rendering outside services are of primary concern. This ordinarily should not exceed ~~ten hours per week~~ <an average of ten hours

per week of the faculty member's state period of employment with the university>.

- ***rationale for change:*** Section 1.e. is entitled Faculty Consulting and so intends to deal with regulations for *faculty* activity. The prior sentence of 1.e. makes specific reference to “faculty,” so changing the language of the next sentence would make the Section consistent.
- ***rationale for change:*** Because the nature of faculty consulting often requires weekend or weekly travel, or other kinds of brief but continual engagement with the client, an arbitrary “ten hours per week” seems unhelpful. The new language allows, for example, for situations in which faculty members might make 2 72-hour consulting trips in a semester, neither of which would be legitimate according to the old language. Liz Hall also recommended some version of the statement that closes the revision, so that a faculty member on a 36-week (fall/spring) contract will understand that s/he is entitled to 360 hours of consulting—not 520—during the two long semesters.
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2. Procedure

Each administrative officer shall be responsible for devising procedures and/or other appropriate methods for enforcement of this policy within individual areas of responsibility.

Attachment: *Request for Approval of Outside Employment or Consulting and Disclosure of Significant Financial Interests*
