

Faculty Consulting Policy

The purpose of the policy on consulting is to define consulting and to state with both clarity and generality the limits on consulting and the reasons for those limits. Consulting can provide an important means of continuing professional development for the faculty and can provide them with currency and experience in aspects of their professional fields outside the context of the University itself. Consulting opportunities also make available to the state of Mississippi the expertise of University faculty members. Though such attributes of consulting may make faculty better scholars and teachers and provide a service to the state, the nature of the consulting process has in it the potential for diversion of faculty from their primary activities and responsibilities. Therefore, the basic principle of this policy statement is that there needs to be a limit on the time that a faculty employee who is covered by this policy spends consulting.

Both conflicts of interest and conflicts of commitment may arise out of consulting where an employee compromises his/her professional standards or allows an outside activity to interfere with his/her obligations to students, colleagues or the primary missions of the University. The limits set forth below are intended to strike a fair balance between consulting and the obligations of the faculty within the University and serve to safeguard the interests of both parties.

Though comprehensive, the policy cannot deal unambiguously with every instance of consulting. In cases of doubt, the primary guide should be the intention to promote the interests of the University as a place of teaching, research, and service.

Definitions:

1. *Faculty* means all employees whose assignments are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities), and any other tenured or tenure-track employees.
2. *University* means The University of Mississippi as an entity and acting through its authorized agents.

Definition of Consulting

In general, consulting is defined as professional activity 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 agenda 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, or acts as a director or as a manager of a company engaged in activities related to the consultant's field or discipline. Included under this definition are situations in which a faculty member is chosen to serve on a Board of Directors of a

company, or in some equivalent position, because of that faculty member's affiliation with The University of Mississippi and with a discipline that serves to enrich the company's advisory councils (example: a physicist serving on the board of a drug company in order to provide the perspectives of a physical scientist). All of these examples are considered to be consulting.

Several types of faculty activity, other than regular University duty, are not "consulting." These are:

1. *Publications.* Scholarly communications in the form of books, movies, television productions, art works, etc., though frequently earning financial profit for a faculty member and for another party (e.g., publisher), are not viewed as consultation. 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 fraught with danger and confusion. These reservations apply equally to the other types of scholarly communication cited above.
2. *Professional Service (professional affiliation).* Under this rubric falls 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.
3. *Other Activities.* Those periods not covered as consulting include holidays, annual leave, and periods of time when faculty are not under contract.

Permissible Consulting Days

Consulting is permitted provided the faculty member's full-time obligation to the University is met. The maximum number of consulting days permissible for a faculty member is 39 days per academic year or 52 days per calendar year for 12-month appointees. This limit is based on a judgment about incentives and is aimed at furthering The University of Mississippi's teaching, research, and service objectives. A limited amount of "averaging" of consulting time is permissible if, on occasion, a faculty member plans to consult for more than one day per week but no more than 39 days in two academic semesters or 52 days per calendar year for twelve-month appointees. Thirty-nine days of consulting per academic year or 52 days for one calendar year of active duty, is intended to be a liberal allocation, yet one that is fair to the University. The responsibility for adhering to the limit on consulting days, and other aspects of the University's consulting policy, lies first with the individual faculty member. Faculty members should resolve any questions and/or ambiguities with their department chairperson or dean before the fact, so that the University community is not injured by their actions. Faculty members have an obligation to report fully the level (i.e., number of days) of their consulting activities when asked to do so by the University so that it may be determined whether the principles set forth herein are being adhered to.

