CONSULTING ACTIVITIES B065

01/01/2007

PURPOSE

To provide guidelines for the performance of outside consulting activities by Research employees.

DEFINITIONS

Outside Consulting

The performance of any non-University professional activity for remuneration such as private practice, professional advice, lecturing, expert witness services, arbitration, or government service.

Approval Process

Approval must be granted by appropriate supervisor, department chair, dean, and Faculty Affairs Office.

Government Contractor

Recipient of government funds under a specific contract.

Government Agency

An agency of the local, state, or federal government.

POLICY

A Research employee may request up to two days per month for consulting services. Consulting during working hours must have prior written approval. Time spent on such consulting must be in addition, to rather than part of, the normal full-time effort expected of the Research employees.

Consulting (Non-Government) – Research employees may engage in outside consulting provided such consulting does not:

1. Interfere with the Research employee's ability to perform assigned University responsibilities; nor
2. Knowingly present the possibility of competition between the Research employee and the University in terms of the service(s) each could provide; nor
3. Present a potential conflict of interest in, for example, performing services for a supplier of goods or services to the University or testifying against the University.

Further guidelines regarding outside consulting are:

1. The University assumes no responsibility for private professional services rendered by Research employees. When Research employees perform outside consulting, they must inform those who may employ them that their work is not performed as agents of the University. A Research employee may not use the University of Miami name in any manner or status when advertising for outside consulting work.
2. A Research employee should not acquire a status with private enterprise in outside consulting activities which would knowingly present a conflict of interest with the employee's University employment, or which otherwise interferes with the performance of University responsibilities.
3. If University facilities, staff, or equipment are used by a Research employee in any consulting activity, such consulting must be conducted under contract with the University as contractor with the outside individual or organization.

**Consulting For Government Agencies or Contractors** – When Research employees serve as consultants to a federal agency or contractor, their conduct is subject to the provisions of the federal conflict of interest statutes (18 U.S.C. 202-209) and the U.S. Presidential memorandum of May 2, 1963, "Preventing Conflicts of Interest on the Part of Special Government Employees." Similar local or state guidelines may govern consulting services by Research employees. Research employees and department chairs should consult the Office of Sponsored Programs for guidelines.

**PROCEDURE**

A Research employee may request permission to perform outside consulting by memorandum to the immediate supervisor. If the supervisor believes that the consulting does not:

1. Interfere with the Research employee's ability to perform assigned University responsibilities, nor
2. Knowingly present the possibility of competition between the Research employee and the University in terms of the service(s) each could provide.

The supervisor may approve the request and forward it for additional approvals to the department chair, dean, and Faculty Affairs Office. Approved requests will be placed in the Research employee's personnel file in the appropriate Faculty Affairs Office.

Whether or not a request to consult presents a possible conflict of interest is determined through the approval process. Opportunities for outside consulting are normally looked upon with favor where they:

1. Do not conflict with normal University duties or guidelines as outlined above;
2. Contribute to the professional development of the Research employee; or
3. Contribute expertise which is not commonly available for the solution of a problem of society or industry.