
CONFLICT OF COMMITMENT: INDEPENDENT CONSULTING AND OUTSIDE EMPLOYMENT

PURPOSE: To promote attainment of the main goals of the university for instruction, scholarship and creative activities, and service, by providing faculty with guidelines and a reporting mechanism when consulting as an independent agent, not as an agent of the university, or when otherwise employed by parties other than the university during the contract period of employment.

I. Background

The Governing Policies and Procedures of the Idaho State Board of Education include the following statement on outside employment (section II, subsection E, number 4):

"The maintenance of a high standard of honesty, impartiality, and conduct by Board employees is essential to ensure the proper performance of its business and to strengthen the faith and confidence of the people of the State of Idaho in the integrity of state employees. The Board recognizes that employees may engage in outside employment of a professional or personal nature, directly related to the professional or other competencies of the employee. However, no employee may undertake outside employment that interferes with the employee's assigned duties to the Board or the agency, school, department, or office. In all outside employment, the outside employer must be informed that the employee is acting in a private capacity and that the institution, agency, school, department, or office is in no way a party to the outside employment, and is not liable or responsible for the performance thereof."

II. Conflict Of Commitment

The faculty members of Boise State University owe their primary professional allegiance to the university, and their primary commitment of time and effort should be to the educational, scholarly, creative, and service missions of the university. The specific responsibilities and professional activities that constitute an appropriate and primary commitment will differ across colleges, departments, and other units, but these responsibilities and activities should be based on a general understanding between each faculty member and his or her department chair or unit director and the college dean.

Even with such understandings in place, however, attempts by faculty to balance a primary commitment to the university with external activities—such as consulting, public service, or pro bono work—can result in conflicts regarding allocation of time and effort. Whenever the primary professional loyalty of a full-time faculty member is not to the university, such as when outside consulting activities exceed permitted limits, a conflict of commitment exists.

Conflicts of commitment are prohibited and must be immediately resolved by the faculty member.

III. Definitions

Independent consulting and **outside employment** are defined as any activities taking place for intended compensation outside the university payroll system.

IV. Principles

- A. Independent consulting and outside employment shall not impair the performance by the faculty member of his or her contracted university duties during his or her university contract period.
- B. Boise State University does not set any cap on the total monetary value of the compensation received by a faculty member from independent consulting or outside employment. However, full-time faculty members on nine-month appointments may engage in independent consulting or outside employment activities no more than 39 days during the academic year. Full-time faculty members on fiscal year appointments may engage in independent consulting or outside employment activities no more than 52 days during the fiscal year. It is expected that these days will be spread more or less uniformly across the year so as to minimize the impact on the university duties of the faculty member. Faculty members may consult full time during the summer months in which there is no other salary compensation from the university. The fact that these limitations are met will not be considered a defense for the actual impairment of the performance by a faculty member of his or her contracted university duties during his or her university contract period.
- C. Independent consulting or outside employment will not make use of university resources without prior written approval by the vice president for finance and administration. This prior approval may entail reimbursement to the university. No prior approval is required for incidental uses of university resources.
- D. Compensation for independent consulting and outside employment activities shall not constitute unfair competition with the private sector.

V. Reporting

- A. Each faculty member shall complete an [Independent Consulting and Outside Employment Form](#) as part of his or her annual evaluation. Faculty shall report the total number of full-time equivalent days spent in independent consulting and outside employment activities (as defined in this policy), the typical number of full-time equivalent days spent per university contract week in these activities, and the major sources of independent consulting and outside employment. When in doubt faculty shall refer to their department chairs or unit directors to determine what must be reported.
- B. By completing and signing the annual report on independent consulting and outside employment, the faculty member certifies that his or her independent consulting and outside employment activities, reported and not reported, have not interfered with his or her university contract duties. The faculty member also agrees that his or her independent consulting and outside employment activities have not utilized university resources without prior written approval and that the faculty member has not knowingly competed unfairly with the private sector.

VI. Exemptions

The following types of activities are generally exempt from the reporting processes described in section V, even if compensated:

- Attendance at professional meetings, courses, and workshops.
- The preparation of books, articles or works of art, as part of the normal scholarly duties of the faculty member.
- The giving of occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings.
- The ad hoc refereeing and reviewing of manuscripts and editorial assignments for peer-reviewed journals or proceedings volumes.
- Activities engaged in mainly for recreational or hobby purposes that may result in occasional compensation.
- Review panels for government agencies and funding sources.

VII. Exceptions

Exceptions to this policy must be precisely defined and can only be granted by the written approval of the appropriate college dean and the provost.

To obtain the form click on this link: [Independent Consulting and Outside Employment Form](#)