

## MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: Human Resources

Number: 02.A.08

AREA: General

<b>SUBJECT: Consulting and Paid Professional Service</b>
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### I. PURPOSE

- 1.1. The University of Houston Clear Lake recognizes that consulting and other paid professional services are an accepted part of academic life, and that often such services by faculty or exempt staff benefit both the employee and the University of Houston Clear Lake, through enhanced knowledge, exposure, and experience. Outside consulting also, however, carries the potential to create conflicts between outside professional activities and an employee's primary duty to the University. This document prescribes the regulations to be followed to ensure compliance with Board Policy [57.02](#), *Consulting and Paid Professional Service*, as well as state laws, and to assist the employee in managing or eliminating potential conflicts.
- 1.2. For the purposes of this document, consulting and paid professional service is defined as an activity undertaken for remuneration from a third party, where the activity is related to the functions or expertise for which the individual is compensated by the University of Houston Clear Lake.
- 1.3. This document applies to all full-time, benefits-eligible faculty and exempt staff.

### II. POLICY

- 2.1. The fundamental premise of this policy is that each full-time employee has an obligation to place their responsibilities to the University of Houston Clear Lake above any other professional responsibilities. Consulting or other paid professional service of employees is considered a secondary activity that may be engaged in only after their duties and responsibilities to the University of Houston Clear Lake are fulfilled. Outside activities should not absorb an undue amount of time and thereby interfere with the performance of an employee's duties with the University of Houston Clear Lake.
- 2.2. External consulting or other paid professional service by full-time, benefits-eligible members of the faculty and exempt staff is necessarily restricted to activities that do not create a conflict of interest, time, or commitment with University of Houston Clear Lake responsibilities. Such conflicts would include the inducement to disclose confidential information or the impairment of the employee's judgment in the performance of component university duties.

This privilege is subject in all instances to the conditions set forth below. Failure to comply with this policy may subject an employee to disciplinary action including reprimand, suspension, or termination.

- 2.2.1. The first responsibility of the individual is to the University of Houston Clear Lake. Outside professional obligations should not interfere with the employee's full-time commitment to the University of Houston Clear Lake.
- 2.2.2. No outside obligation should result in any conflict of interest involving the individual's responsibilities to the University of Houston Clear Lake or to its programs, policies, and objectives. Even the appearance of conflict may be detrimental to both the employee and the University of Houston Clear Lake, therefore the University seeks to assist employees in avoiding actual or potential conflicts of interest in their consulting and other professional agreements. See [SAM 02.A.09 – Conflict of Interest](#).
- 2.2.3. Use of University of Houston Clear Lake facilities, space, equipment, or support staff for consulting or other paid professional activities is permitted only if a financial arrangement that adequately covers the costs involved has been concluded between the individual and the administration prior to the employee's beginning the outside consulting or other paid professional service.
- 2.2.4. Individuals may not represent themselves as acting in the capacity of University of Houston Clear Lake employees when conducting consulting or other paid professional activities. The University of Houston Clear Lake bears no responsibility for any actual or implied obligations or liabilities incurred by the individual resulting from the consulting or other paid professional agreement or activity.
- 2.2.5. The responsibility to recognize and avoid conflicts of interest resides primarily with the individual employee. To assist in that endeavor, the University of Houston Clear Lake requires faculty who wish to arrange consulting or other paid professional activities to provide [prior written notification](#) to their respective dean. Review by their dean, or equivalent, of such activities shall include consideration of any real or apparent conflict of interest and the benefit of the proposed service to the University of Houston Clear Lake and the System. The dean may disapprove such activities if they conflict with primary University of Houston Clear Lake duties. The Consulting and Paid Professional Service Application Form for documentation can be found at this location: <https://www.uhcl.edu/humanresources/documents/forms/consultingform2016.pdf>

Each faculty member who engages in consulting or other paid professional service, including teaching on a temporary basis at other institutions, must ensure that such activities do not require commitments of time averaging more than one day per calendar week (i.e., one day in seven), and must

arrange such activities so as not to interfere with the employee's University obligations, including but not limited to regularly scheduled classes.

- 2.2.6. Exempt staff wishing to arrange consulting or other paid professional activities must obtain prior written approval from the appropriate supervisor; such outside consulting must be justified on an individual basis and may not create a conflict of interest, time, or commitment with University of Houston Clear Lake responsibilities. The Consulting and Paid Professional Service Application Form for documentation can be found at this location: <https://www.uhcl.edu/humanresources/documents/forms/consultingform2016.pdf>
- 2.2.7. When any of an individual's salary is paid from funds for externally sponsored activities, the time allowable for consultation or other paid professional activities must comply with sponsor requirements.
- 2.3. Authorizations for absences from an employee's official place of duty because of outside consulting or other paid professional service shall be requested and approved in accordance with the university regulations governing leave entitlements.
- 2.4. The Standards of Conduct of State Officers and Employees, which are provided by state law, deal with the conflict of an employee's private interests with the interests of the state of Texas. Any employee who violates such standards through a consultation or other paid professional service is subject to dismissal from employment with the University of Houston Clear Lake, regardless of whether an application to engage in such an activity has been approved. Such dismissal will be processed according to applicable discipline and dismissal procedures.
- 2.5. Unpaid public service is not included in this policy; occasional lectures that include fees are also not included, unless these activities require significant amounts of time or otherwise conflict with regular University of Houston Clear Lake obligations.
- 2.6. An employee may not accept an honorarium or any fees or gifts in consideration for any services performed in his or her official capacity on behalf of the University (excluding travel expense reimbursements)
- 2.7. The University shall establish a process for monitoring outside paid professional activities of their faculty and exempt staff in order to ensure that such activities are consistent with this policy and also serve University of Houston Clear Lake purposes.

### III. ADDITIONAL COMPENSATION

Work performed for the University outside the employee's normal duties and outside normal work hours is considered an overload assignment. The University shall establish a process for monitoring assignments of its faculty and staff to ensure that such activities are consistent with this document, serve institutional purposes, and are compliant with applicable law(s) with respect to employee compensation.

### IV. MULTIPLE EMPLOYMENTS

Work performed for another component university of the University of Houston System within the scope of activities, functions, or expertise for which the component university compensates the individual is considered consulting or outside employment. Consulting activities must be non-regular, part-time appointments or temporary appointments as defined in [SAM 02.A.34 - Types of Staff Employment](#). Prior [written approval](#) to engage in these activities is required. Compensation for these services must be made through the component university's payroll University of Houston Clear Lake and are subject to withholding and other payroll deductions.

### V. DUAL OFFICE HOLDING

The Board of Regents must grant approval before any officer of the System or its component institutions may accept an offer to serve in another non-elective office consistent with Board Policy 57.04, and all applicable laws. Approval must include a formal finding that the officer has satisfied the requirements of Article XVI, Section 40, of the Texas Constitution.

### VI. REVIEW AND RESPONSIBILITIES

Responsible Party: Executive Director for Human Resources

Review: Every five years on or before September 1

**VII. APPROVAL**

Mark Denney

*Mark Denney*

Vice President for Administration and Finance

Dr. Ira Blake

*Ira K. Blake*

President

Date: 6/18/2021**VIII. REVISION LOG**

Revision Number	Approved Date	Description of Changes
1	06/18/2021	UH System Policy adopted and placed in UHCL Standardized MAP Template.

**IX. REFERENCES**

- [Article XVI, Section 40, Texas Constitution](#)
- [Board Policy 57.02, Consulting and Paid Professional Service](#)
- [Board Policy 57.04, Dual Office Holding](#)
- [SAM 02.A.09 – Conflict of Interest](#)
- [SAM 02.A.34 - Types of Staff Employment](#)
- [NCAA Bylaw 11.2.2 \(Athletically-Related Income\)](#)