

Decisional Path for Evaluation of Possible External Professional Activities for Pay

As illustrated on the attached flow chart, University administrators should use the following decisional path when requested to approve, or when otherwise attempting to analyze, a proposed external professional activity for pay (“EPAP”):

(1) Is the person proposing an EPAP a faculty or EPA non-faculty employee?

If **no**, the proposed arrangement is a secondary employment issue and Human Resources should be consulted.

If **yes**, proceed to the following question.

(2) Is the proposed activity considered part of the employee’s primary University duties?

Primary duties consist of “assigned teaching, scholarship, research, institutional service requirements, and other assigned EPA employment activities.”

If the proposed activity is a primary duty, the employee’s services should be provided through the University and a contract constructed between the University and the training recipient. All funds realized from the training should be directed to the employee’s unit.

If the proposed activity is not a primary duty, proceed to the following question.

(3) Is the proposed activity a secondary duty?

A secondary duty:

- is conducted outside of primary University duties;
- may include receipt of honoraria retained by the employee;
- is a professional affiliation or activity traditionally undertaken outside of the immediate University employment context that redounds to the benefit of the profession and to higher education in general, such as:
 - membership in and service to professional associations and learned societies;
 - membership on professional review or advisory panels;
 - presentation of lectures, papers, concerts or exhibits;
 - participation in seminars and conferences; or
 - reviewing or editing scholarly publications and books; and service to accreditation bodies.

NOTE: Secondary duties can be confused with external professional activities for pay, but there are some fundamental distinctions. First, a secondary duty is an “affiliation or activity,” not an engagement to perform specified professional duties in return for market-rate compensation. The *Policy*’s examples of the type of professional affiliation or activity meant to be considered a secondary duty make it clear that these are activities that, while they may be compensated by honoraria, are fundamentally geared more toward advancement of one’s discipline and profession than toward personal profit. While the same may be said of external professional activities for pay, the *Policy* distinguishes such activities from University responsibilities by characterizing them as “practical, compensated applications of [one’s] professional qualifications.” So presenting at a conference on the results of a clinical study would constitute secondary duties, while advising the sponsor of the study on protocol design would probably be an external professional activity for pay—even if both activities are compensated.

If the proposed activity is not a secondary duty, proceed to question 5.

If the proposed activity is a secondary duty, proceed to question 4.

(4) *Does the employee’s performance of the secondary employment activity involve University-reimbursed travel, use of more than minimal work time, or use of more than a minimal amount of other University resources?*

If yes, any per diem or other compensation received by the employee (other than reimbursement of expenses not otherwise reimbursed by the University) should be directed to the employee’s unit.

If no, any per diem or other compensation received by the employee (other than reimbursement of expenses that have also been reimbursed by the University) may be retained by the employee.

(5) *Is the activity based upon the professional knowledge, experience and abilities for which the employee is employed by the University?*

If no, the activity is not an “External Professional Activity for Pay” and is not reportable under the *Policy*. For example, a professor of classics need not report and secure approval of her weekend employment at an automotive repair garage.

If yes, proceed to question 6.

(6) Does the proposed activity present a conflict of interest with the employee's University duties?

If yes, disapprove or, if you wish to approve despite apparent conflict of interest, forward to your Dean or supervisor (for nonacademic units) for further approval or disapproval.

If no, proceed to question 7.

(7) Does the proposed activity present a conflict of commitment in regard to the employee's University duties, meaning that it involves so much of the employee's time that performance of University obligations will be impaired?

If yes, disapprove.

If no, proceed to question 8.

(8) Does the employee plan to perform the activity during non-work hours or on annual leave, and is the University bearing no expenses associated with the activity (other than minimal use of University resources as allowed by policy)?

If yes, the activity may be approved and the employee may retain all income earned from the activity.

If no, the employee may engage in the activity but should direct the income earned from the activity to the employee's unit.