PURDUE UNIVERSITY

Draft for Discussion Only

DRAFT

Conflicts of Commitment and Reportable Outside Activities (X.2._)

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STATEMENT OF POLICY

The University recognizes that Reportable Outside Activities can in many circumstances offer important opportunities for Employees to expand their professional horizons, provide valuable public service, and transfer their skills and knowledge for the benefit of the community at large. Reportable Outside Activities, however, should be structured to avoid a Conflict of Commitment. The specific responsibilities and activities that constitute an appropriate and primary commitment to the University will vary among units and will depend on the nature of each Employee's responsibilities, but must be based on and consistent with this policy.

A full-time Employee’s primary professional or occupational commitment is to the University. Part-time Employees are expected to devote their professional or occupational time and energy in accordance with their agreed upon commitments. No Employee may engage in a Reportable Outside Activity that gives rise to a Conflict of Commitment.

To make sure that an appropriate balance is achieved, no Employee may engage in a Reportable Outside Activity until 1) the Employee has submitted the Reportable Outside Activity on a Reportable Outside Activity Form and 2) the Unit Head or OA Officer has given written approval for the Employee's participation in the Reportable Outside Activity described in the Reportable Outside Activity Form. Each Unit Head has a continuing obligation to monitor the Reportable Outside Activities of Employees they supervise and to withdraw in writing any previously granted permission if the Unit Head determines that the Reportable Outside Activity has resulted in a Conflict of Commitment for an Employee. Approval to engage in a Reportable Outside Activity does not alter or diminish in any sense the duties and responsibilities of the Employee to the University.

No tenured, tenure track or full-time member of the Faculty may hold tenure at any institution other than Purdue University, except in extraordinary circumstances and with the specific written permission of the Provost or the Vice Chancellor for Academic Affairs, as the case may be.

An Employee who 1) fails to file a Reportable Outside Activity Form for any Reportable Outside Activity, 2) files an incomplete, misleading or inaccurate Reportable Outside Activity Form, 3) engages in any Reportable Outside Activity without the written permission of his or her Unit Head or the OA Officer or after such permission has been withdrawn, 4) fails to file an amended Reportable Outside Activity Form if the scope or nature of an Reportable Outside Activity changes or 5) otherwise violates any of the provisions in this policy may be subject to appropriate discipline.

An Employee who disagrees with a decision of a Unit Head or the OA Officer regarding the existence of a Conflict of Commitment or the necessary elements of a Conflict of Commitment management plan may submit a written appeal in accordance with Section IV of the Procedures.

Situations involving Reportable Outside Activities also may involve issues addressed in the University's policy on Individual Financial Conflicts of Interest (X.2._), the policy on Effort Reporting (II.5.1) and in the Regulations Governing the Use and Assignment of University Facilities (I.4.1). Employees must comply with these and all other applicable policies and regulations.

REASON FOR THIS POLICY

This policy provides a framework for evaluating Employee requests to engage in Reportable Outside Activities based on the fundamental principle that all full-time Employees' primary professional or occupational commitment is to Purdue University. The University believes it is necessary to maintain sufficient flexibility for evaluating such requests using criteria appropriate to the individual units in which Employees work. Such an approach provides Employees with meaningful guidance for the continued development and future structuring of productive external relationships.

This policy also provides assurance to Employees, the University community and the public that potential Conflicts of Commitment are examined and conducted in a manner

consistent with institutional and public values. It is intended to protect Employees from unwarranted suspicion that their Reportable Outside Activities divert them from fulfilling their responsibilities to the University or that those Reportable Outside Activities may improperly influence University decisions or operations.

Finally, this policy promotes compliance with Indiana Code 35-44-2-4, which prohibits ghost employment with governmental entities.

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All units and Employees of Purdue University are governed by this policy.

WHO SHOULD KNOW THIS POLICY

Trustees
President
Chancellors
Vice Presidents/Vice Chancellors
Vice Provosts
Deans/Directors
Department Heads/Chairs
Faculty
All Other Employees

EXCLUSIONS

There are no exclusions from this policy.

WEB SITE ADDRESS FOR THIS POLICY

http://www.purdue.edu/policies/pages/ethics/x_1_3.shtml

CONTACTS

Subject	Contact	Telephone	E-mail/Web Address
Policy Clarification	Vice President for Ethics and Compliance	765-494-5830	vpec@purdue.edu
Questions Regarding Conflicts of Commitment	Calumet:		
	Fort Wayne:		
	North Central:		
	West Lafayette: Vice President for Ethics and Compliance	765-494-5830	vpec@purdue.edu

DEFINITIONS

Board of Trustees
The Board of Trustees of The Trustees of Purdue University.

Conflict of Commitment
A situation in which an Employee's Reportable Outside Activities would likely interfere with the Employee's ability to fulfill his or her commitment to the University or if such Employee's responsibilities, financial interest or opportunity for personal benefit in connection with such Reportable Outside Activity would likely interfere with the Employee's professional judgment in exercising any University duty or responsibility.

Due to the nature of their appointments and responsibilities, outside employment and other Reportable Outside Activities of nonexempt or clerical and service staff members that take place during off hours or during leave time will in most circumstances not divert their attention from University duties and represent a Conflict of Commitment. However, if for a specific Reportable Outside Activity, interference with such employee's normal University duties may occur, approval of such outside employment or Reportable Outside Activity is required.

Consistent with its missions of discovery, delivery and engagement, the University encourages its tenured and tenure track Faculty to practice their professions. Such practice is often enhanced by engaging in Consulting. Such Consulting by tenure and tenure track Faculty, when combined with all other Reportable Outside Activities, generally may not exceed, on the average, one business day per week during the term of such Employee's appointment.

In determining whether a Reportable Outside Activity constitutes a Conflict of Commitment, the University will consider whether such activity is to take place during the normal weekday business and/or instructional hours of the University.

Conflicts Committee
The committee (including subcommittees thereof) established and operating under the University's policy on Individual Financial Conflicts of Interest (X.2._). Said committee will also perform the duties assigned by this policy on Conflicts of Commitment and Reportable Outside Activities.

Consulting
An Employee's use of his or her professional capabilities and knowledge for the benefit of a third party in return for immediate or prospective gain. Consulting does not generally include service without compensation, or with only minor honoraria or other minor compensation, 1) on governmental agencies and boards, 2) on granting agency peer-group review panels, 3) on advisory groups for other universities or 4) in similar capacities primarily for the purpose of providing a public or University service.

Employee
An employee of Purdue, wherever located, and whether full-time or part-time, including but not limited to all executive officers, faculty and staff.

Faculty
For purposes of this policy, Faculty include all Purdue University tenured and tenure track faculty, clinical faculty, and research faculty, whether full- or part-time, including those on leave of absence with or without pay.

Human Resource Services
The human resources department on each of Purdue's campuses, collectively.

Management or Professional Staff
Employees who hold positions at the University that are classified according to the Classification of Exempt and Non-Exempt Administrative and Professional Employees (IV.4.1) policy as either Management or Professional.

OA Officer
The Outside Activities Officer, which will be the VPEC or his or her designee.

President
Purdue's President.

Provost
Purdue's Executive Vice President for Academic Affairs and Provost.

Purdue, University and **Purdue University**
Any campus, unit, program, association or entity of Purdue University, including but not limited to Indiana University-Purdue University Fort Wayne, Purdue University Calumet, Purdue University North Central, Purdue University West Lafayette, Purdue Cooperative Extension Service and Purdue University College of Technology Statewide.

Reportable Outside Activity and **Reportable Outside Activities**
Any work, advice or service for an entity other than Purdue University that may potentially result in a Conflict of Commitment. The terms include, but are not limited to:

- Participation in any business enterprise as owner, partner, officer, supervisor, manager or in any capacity with management responsibilities
- Service as an officer, director, trustee or public representative of a professional association, educational institution, nonprofit organization, national commission or board, or foundation
- Consulting
- Teaching at, or representing oneself as a faculty member at, any other school or university
- Conducting research outside the University
- Service on an advisory council or scientific advisory board of a company or

organization
- Volunteer work that involves a commitment of time that may interfere with the Employee's ability to fulfill his or her responsibilities to the University; volunteer work that takes place on Saturday or Sunday or outside of the regular business or instructional hours of the University generally will not pose a Conflict of Commitment
- For Faculty and exempt Employees, any other employment with or service to an outside entity where compensation in the form of money, services, goods or other consideration of value is received

Reportable Outside Activity and Reportable Outside Activities do not include:

- Volunteer work that does not interfere with the Employee's ability to fulfill his or her responsibilities to the University
- Hobbies or recreational activities
- Religious activities
- Preparing and publishing scholarly communications such as books, articles and other creative works
- Peer review of manuscripts and grant proposals
- Editing of publications or service on editorial boards for publications

Reportable Outside Activity Form
Purdue University's Reportable Outside Activity Form [hyperlink].

Unit Head
The applicable dean, vice chancellor, chancellor, associate or assistant vice president, vice president, Executive Vice President for Business and Finance and Treasurer, associate or assistant provost, Provost, or President who has executive management responsibilities for supervising the Employee.

The chairperson of the Board of Trustees will serve as the Unit Head of the President and any other Employees who report directly to the Board of Trustees. The President will serve as the Unit Head for all Employees reporting directly to the President.

VPEC
Purdue's Vice President for Ethics and Compliance.

RESPONSIBILITIES

Conflicts Committee
Review and comment on University procedures (including design of forms and questionnaires for gathering information) proposed by the OA Officer for the approval of Reportable Outside Activities by Employees.

Review and comment on the design of management plans for real or potential Conflicts of Commitment arising from proposed Reportable Outside Activities and on procedures

for monitoring these management plans.

Advise the OA Officer as requested.

Receive and evaluate appeals from Employees regarding management of real or potential Conflicts of Commitment arising from proposed Reportable Outside Activities.

Employees
Before engaging in any Reportable Outside Activity, file a Reportable Outside Activity Form with their Unit Head and obtain the approvals required by this policy.

Following approval of a Reportable Outside Activity, continue to devote his or her time, energy and loyalty to the missions, goals and programs of the University that are relevant to his or her employment duties.

Consult with his or her Unit Head, the OA Officer and/or the VPEC on questions of what constitutes a Reportable Outside Activity or any other questions regarding the proper interpretation of this policy.

Human Resource Services
Maintain copies of approved or disapproved Reportable Outside Activity Forms in an Employee's personnel file.

OA Officer
Administer this policy.

Chair and coordinate the activities of the Conflicts Committee.

Provide guidance and training to Unit Heads regarding this policy's procedures, as appropriate.

Upon request, assist Employees and Unit Heads concerning the proper interpretation and implementation of this policy.

Review and make determinations on filed Reportable Outside Activity Forms received from Unit Heads.

Provide copies of the Conflicts Committee's decisions on Employee appeals regarding Reportable Outside Activities to the pertinent Unit Head, the requesting Employee and Human Resource Services.

Unit Heads
Upon request, help Employees under their supervision understand and comply with this policy.

Review and make determinations on filed Reportable Outside Activity Forms received

from Employees under their supervision or forward forms to the OA Officer for determination when necessary.

Annually submit a Reportable Outside Activities Report to the OA Officer.

VPEC
Serve as the OA Officer or designate another Employee to do so.

Respond to requests for interpretation or clarification of this policy.

Serve on the Conflicts Committee.

PROCEDURES

I. Annual Notice

Prior to the beginning of each fiscal year, the VPEC will remind all Employees of the obligation to file a Reportable Outside Activity Form with their Unit Head on an annual basis as well as when requesting permission to engage in a new Reportable Outside Activity.

II. General Procedures

All Employees must file with their Unit Head a separate Reportable Outside Activity Form for each new Reportable Outside Activity and on an annual basis for each Reportable Outside Activity in which they continue to participate, even if they have previously received permission to participate in such activity. If the scope or nature of a Reportable Outside Activity changes after permission has been granted, the Employee must file a new Reportable Outside Activity Form and obtain the approvals required by this policy to engage in the changed activity.

Within 10 business days of receiving a properly completed Reportable Outside Activity Form, each Unit Head will:

1. Determine if particular Reportable Outside Activities will result in a Conflict of Commitment or will otherwise violate this policy.
2. Approve or deny each Reportable Outside Activity Form request based on such determination or forward the Reportable Outside Activity Form to the OA Officer if a determination cannot be made.
3. Monitor approved Reportable Outside Activities to make sure they have not developed over time into Conflicts of Commitment or other violations of this policy.

A Unit Head may not grant permission for an Employee to engage in a Reportable Outside Activity that will result in a Conflict of Commitment or that otherwise violates this policy. Unit Heads may consult at any time with the OA Officer and with their own Unit Head for assistance in interpreting and implementing this policy and in deciding if a particular Reportable Outside

Activity will or may result in a Conflict of Commitment.

Upon deciding whether to grant or deny an Employee's request to engage in a Reportable Outside Activity, the Unit Head promptly will give written notice of the decision to the requesting Employee, Human Resource Services (including a copy of the Reportable Outside Activity Form for inclusion in the Employee's personnel file) and such other direct or indirect supervisors of the Employee as deemed appropriate by the Unit Head.

Upon receiving a Reportable Outside Activity Form, the OA Officer will evaluate the request using this policy to determine if the proposed Reportable Outside Activity, by itself or in conjunction with any of the Employee's other approved Reportable Outside Activities, would result in a Conflict of Commitment or otherwise violate this policy. The OA Officer may:

1. Request that the Employee provide the OA Officer with additional information to assist in evaluating a request,
2. Consult with the Unit Head, the requesting Employee and any other person that the OA Officer deems appropriate to consult, and
3. Condition permission to engage in a Reportable Outside Activity on an agreement by the Employee to limit his or her participation in such activity within stated parameters. If such an agreement is reached, the OA Officer will state the terms of the agreement in the written permission.

The OA Officer will give written notice of his or her decision to grant, deny or impose conditions on an Employee's request to engage in a Reportable Outside Activity to the pertinent Unit Head, the requesting Employee, Human Resource Services (for inclusion in the Employee's personnel file) and such other direct or indirect supervisors of the Employee as deemed appropriate.

A Reportable Outside Activity Form submitted by the President will be reviewed by the chairperson of the Board of Trustees with the advice and assistance of the OA Officer. The chairperson may consult with the rest of the Board of Trustees or any person he or she deems appropriate in order to determine if the requested Reportable Outside Activity would create a Conflict of Commitment. The chairperson may grant or deny the President’s request or condition permission on an agreement by the President to limit his or her participation in such activity within stated parameters. Written notice of the decision will be provided to the President.

If at any time previously granted permission for an Employee to engage in a Reportable Outside Activity is withdrawn, the Employee must stop engaging in the activity.

III. Annual Reporting

Each Unit Head will annually submit to the OA Officer a Reportable Outside

Activities Report, which enumerates all Reportable Outside Activities approved for Employees in his or her unit during the previous fiscal year.

IV. Appeals

Employees who disagree with a denial of a request to engage in Reportable Outside Activities or the imposition of conditions or restrictions on any approval may submit a written appeal to the Conflicts Committee, whose joint decision on the matter will be final for all purposes.

The President may appeal a decision by the chairperson of the Board of Trustees to the Board of Trustees, whose decision regarding the matter will be final for all purposes.

RELATED DOCUMENTS, FORMS AND TOOLS

Indiana Code 35-44-2:
www.in.gov/legislative/ic/code/title35/ar44/ch2.html

Reportable Outside Activity Form:
[URL to be added]

Reportable Outside Activities Report template:
[URL to be added]

Related Policies:

- Classification of Exempt and Non-Exempt Administrative and Professional Employees (IV.4.1):
  www.purdue.edu/policies/pages/human_resources/iv_4_1.html
- Effort Reporting (II.5.1):
  www.purdue.edu/policies/pages/finances/ii_5_1.shtml
- Individual Financial Conflicts of Interest (X.2._):
  [URL to be added]
- Principles and Policies for Academic Freedom, Responsibilities and Tenure, and Procedures for Termination of Faculty Appointments for Cause (Executive Memorandum No. B-48):
  www.purdue.edu/policies/pages/human_resources/b_48.html
- Regulations Governing the Use and Assignment of University Facilities (I.4.1):
  www.purdue.edu/policies/pages/facilities_lands/i_4_1.html

HISTORY AND UPDATES

[Date TBD]: This policy supersedes Executive Memorandum No. C-39, University Policy on Conflicts of Interest and Commitment, dated October 25, 1995.

This policy accompanies the policy on Individual Financial Conflicts of Interest (X.2._).

APPENDIX

There are no appendices to this policy.