

# FAYETTEVILLE STATE UNIVERSITY

## EXTERNAL PROFESSIONAL ACTIVITIES

<b>Authority:</b>	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
<b>Category:</b>	Personnel – Employees Exempt from the Human Resources Act
<b>Applies to:</b>	●Administrators      ●Faculty      ●EPS
<b>History:</b>	Issued: September 30, 2024
<b>Related Policies/ Regulations/Statutes</b>	<ul style="list-style-type: none"> <li>● Copyright Use and Ownership</li> <li>● Conflict of Interest and Commitment</li> <li>● Financial Conflicts of Interest</li> <li>● Patents and Inventions</li> <li>● Conflicts of Interest and Commitment [UNC Policy #300.2.2]</li> <li>● Regulations on External Professional Activities by Faculty and EHRA Non-Faculty Employees [UNC Policy #300.2.2.1[R]]</li> <li>● Regulation on Implementing the UNC Conflict of Interest and Commitment Policy [UNC Policy #300.2.2.3[R]]</li> <li>● University Research Relations with Private Entities [UNC Policy #500.1]</li> <li>● University Equity Acquisitions Policy [UNC Policy #500.6]</li> <li>● The University of North Carolina Policy on Research Conduct [UNC Policy #500.7]</li> </ul>
<b>Contact for Info:</b>	Provost and Vice Chancellor for Academic Affairs (910) 672-1460 Division of Legal, Audit, Risk and Compliance (910) 672-1145 Office of Human Resources (910) 672-1146

### I. PURPOSE

Fayetteville State University employees seeking to apply their specialized knowledge and experience to a professional activity outside of their University employment may engage in such activity if the employee adheres to this policy (Policy) and other related University and UNC Board of Governors' policies and if such activity does not interfere with the Employee's University employment obligations. Employees not complying with this, and related policies will be subject to disciplinary action.

### II. SCOPE

#### A. Applicability

This Policy applies to employees exempt from the North Carolina Human Resources Act, which includes Senior Academic and Administrative Officers (SAAO), faculty, and Exempt Professional Staff (Employees).

**B. Employees with Academic Year Appointments**

This Policy is not applicable to Employees serving on academic year appointments, if the external professional activity (Activity) is wholly performed and completed outside of the academic year, provided that the Employee (1) does not engage in sponsored research, (2) the Activity does not conflict with any University or UNC System policies and (3) the Activity is not conducted concurrently with a contract service period for teaching, research, or other services to the University during a summer session. The Employee will still be required to disclose their financial interests in accordance with the University's and the UNC Board of Governors' policies on Conflict of Interest and Commitment.

**C. Activities not Involving Professional Knowledge, Experience and Abilities**

Employees who engage in external activities not involving such professional knowledge, experience, and abilities are not required to follow the advance disclosure and approval requirements of this Policy for such external activities. However, Employees and their Unit Heads shall ensure that any such activities do not result in the neglect of their University employment responsibilities/duties, create unmanageable conflicts of interest and/or commitments in accordance with this and other University and UNC Board of Governors' policies, involve inappropriate uses of the University's name or resources, or include claims of University responsibility for the Activity.

**III. DEFINITIONS**

**A. Employment Responsibilities/Duties**

*Employment Responsibilities/Duties* consist of assigned teaching, scholarship, research, University service requirements, administrative duties, and other assigned employment duties. Employment Responsibilities/Duties may include professional affiliations and activities traditionally undertaken by Employees outside of the immediate University employment context. Such endeavors, which may or may not entail the receipt of honoraria or the reimbursement of expenses, include 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; reviewing or editing scholarly publications and books; and service to accreditation bodies.

**B. External Professional Activity**

An *External Professional Activity* (Activity) is defined as any Activity that (1) is not included within an Employee's Employment Responsibilities/Duties; (2) is performed for any entity, public or private, other than the University; and (3) is based upon the professional knowledge, experience, and abilities for which the University employs the Employee.

**C. Financial Interest**

*Financial Interest* is defined as follows:

1. Income received, such as dividends, royalties, payment for services, consulting fees, honoraria, and paid authorships, by the Employee or immediate family from an entity other than the University;
2. Equity or other ownership interest in a publicly or non-publicly traded entity (e.g., stock, stock options, or other ownership interest) held by the Employee or member of their immediate family; or
3. Intellectual property rights and interests upon receipt of income related to such rights and interests, held by the Employee or member of their immediate family. This includes intellectual property rights assigned to the University and subject to a share in royalties related to such rights.

Income from investment vehicles, such as mutual funds or retirement accounts, in which the Employee or members of the Employee's Immediate Family do not directly control or advise on the investment decisions are excluded from the definition of Financial Interest.

**D. Immediate Family**

An Employee's *Immediate Family* includes an Employee's spouse, domestic partner, parent, child, sibling, grandparent, grandchild, in-laws, step-parent, step-child, guardian and ward, or member of one's household.

**E. Unit**

*Unit* means an academic department, school, college, or any other administrative unit designated by the Chancellor. Unit Head refers to the person with supervisory responsibility for the Employee, whether in an academic or non-academic unit.

**IV. DISCLOSURE and REVIEW PROCESS**

Employees who seek to engage in Activities are required to provide advance disclosure and receive approval prior to engaging in such Activities. The process for disclosing and receiving such approval is described below.

**A. Notice of Intent**

An Employee who plans to engage in an Activity shall complete the *Notice of Intent to Engage in an External Professional Activity (Notice of Intent)*. The *Notice of Intent* form can be found on the Office of Human Resources website. The *Notice of Intent*

- Name and address of entity engaging the Employee in the Activity.
- Nature of the proposed Activity.
- Beginning date and anticipated duration of the Activity.
- Average number of hours per week to be devoted to the Activity within the fiscal or academic year.
- Total number of hours devoted to the Activity.

- Identification of classes, meetings, or other University duties that will be missed because of involvement in the proposed activity and identification of what arrangements have been made to cover such duties.
- Identification of any University resources to be used for the Activity or affirmation that university resources are not being used for the Activity.
- Whether the entity provides funding which directly supports the Employee's University duties.
- Whether the Employee and/or Immediate Family has any financial interests in the entity.

**B. Filing a Notice of Intent**

An Employee who plans to engage in an Activity must complete the *Notice of Intent* form and submit it to the Employee's Unit Head for review. The Notice of Intent form can be found on the Office of Human Resources website.

A separate *Notice of Intent* must be filed for each Activity the Employee proposes to engage in. Unless there are exceptional circumstances, the *Notice of Intent* must be filed no less than twenty (20) calendar days before the date the proposed Activity is scheduled to begin.

**Activities that are for pay should generally be limited to no more than the equivalent of twenty percent (20%) of the Employee's contracted time during the appointment.**

**C. Unit Head Review**

The Employee's respective Unit Head has the initial responsibility to review the *Notice of Intent* and approve or deny the request. The Unit Head shall notify the Employee of the Unit Head's decision in writing, within ten (10) calendar days of the Unit Head's receipt of the *Notice of Intent*.

**1. Approval of Proposed Activity**

If, after review of a *Notice of Intent* and consultation with the Employee, the Unit Head determines that the proposed *Activity* is consistent with University policies, an approval may be granted for a period not to exceed the balance of either the fiscal year (in the case of 12-month Employees and Employees with contract service periods that include the summer session); or the academic year (in the case of 9-month Employees with no summer session contract) remaining as of the date of approval.

If the approved Activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, an additional *Notice of Intent* must be filed at least twenty (20) calendar days before engaging in such Activity in the succeeding relevant year.

At any time, the Unit Head, in consultation with the respective Vice Chancellor may revoke its approval of an External Professional Activity and provide the Employee an opportunity to wind down the *Activity*.

## **2. Denial of Proposed Activity**

If, after a review of the *Notice of Intent* and consultation with the Employee, the Unit Head determines that the proposed Activity is not consistent with the University's policies, the Employee shall be notified, in writing, of that determination within ten (10) calendar days of the date the *Notice of Intent* is submitted to the Unit Head.

## **3. Revocation of an Approved Activity**

In consultation with the Unit Head's supervisor and respective Vice Chancellor, a Unit Head may revoke approval of an Activity and provide the Employee an opportunity to wind down the Activity.

## **4. Review of Notice of Intent Involving Potential Conflicts**

If the *Notice of Intent* discloses either of the following:

- a proposed *Activity* for an entity that provides funding that directly supports the Employee's University Employment Responsibilities/Duties; or
- a proposed *Activity* for a private entity in which the Employee or member of the Employee's Immediate Family holds an equity or ownership interest or holds an office,

the process for review is as follows:

- a. the Unit Head shall review the *Notice of Intent* and if the Unit Head approves, the Unit Head's decision shall be promptly reviewed by the Unit Head's supervisor or designee.
- b. the Unit Head's supervisor or designee, within ten (10) calendar days of receipt of the Notice of Intent, shall approve or deny the Activity.
- c. A denial by the Unit Head's supervisor or designee may be appealed to the Chancellor or the Chancellor's designee. The decision of the Chancellor or Chancellor's designee shall be final.

## **D. Appeals**

Except for the process outlined in IV.C.4, in the event the proposed *Activity* is denied by the Unit Head, the Employee shall not proceed with the proposed *Activity* but may appeal that decision to the Unit Head's supervisor, and then to the Chancellor or the Chancellor's designee. Appeals shall be made in writing within ten (10) calendar days from the receipt of the notice of denial.

The Unit Head's supervisor shall review and respond to the appeal within ten (10) calendar days of the date on which the appeal is received. If the decision to deny the proposed Activity is upheld, an appeal may be made, in writing, to the Chancellor or Chancellor's designee within ten (10) calendar days from the receipt of the notice of denial. The decision of the Chancellor or Chancellor's designee shall be made within ten (10) calendar days of the date on which the appeal is received. The decision of the Chancellor or Chancellor's designee shall be final.

**V. SENIOR ACADEMIC AND ADMINISTRATIVE OFFICERS (SAAO)**

The following shall apply to SAAOs who engage in Activities, such as sitting on boards of directors of various private corporations, pursuing opportunities that fall within the definition of Activity, or conducting official duties as a state Employee for which an honorarium is received:

**A. Honorariums**

SAAOs may engage in employment-related activities for which an honorarium is received. When State-reimbursed travel, work time, or resources are used or when the *Activity* can be construed as related to the SAAO's State position or official duties on behalf of the State, the SAAO shall not receive an honorarium. The SAAO may request that the honorarium be paid to the University. The honorarium may be retained by the SAAO only for activities performed during non-working hours or while the SAAO is on annual leave, if all expenses are the responsibility of the SAAO or a third party that is not a State entity and the *Activity* has no relation to the SAAO's State duties.

**B. Private Compensated Activities**

SAAOs who pursue Activities that are not a part of their University employment, should avoid overlapping compensation. If an SAAO engages in an *Activity* from which external income is earned, that is not a part of their University employment, annual leave must be used if such activities take place within the conventional work week (i.e., between 8:00 a.m. and 5:00 p.m., Monday through Friday) SAAOs must also file appropriate disclosures of Financial Interests and *Notices of Intent* in accordance with University and UNC System policies in order to provide satisfactory assurances that such *Activity* will not interfere with University employment obligations.

**VI. ACTIVITIES PERFORMED FOR UNC INSTITUTIONS/STATE AGENCIES**

**A. UNC Institutions**

Activities performed for another UNC institution should be established through a written agreement. In such situations, the parent institution of the Employee shall provide any compensation to the Employee through its payroll and financial systems and shall invoice the borrowing institution for the expense. Exceptions to this must be approved by the respective University Vice Chancellor and the appropriate authorized officer of the other UNC institution.

**B. State Agencies**

Activities performed by a University Employee for an agency of the State of North Carolina must also comply with State policies governing dual employment and compensation, unless an exception to those State policies is expressly authorized by the Chancellor or the Chancellor's designee.

## **VII. REPORTING REQUIREMENTS**

### **A. University Reporting**

The “Notices of Intent” shall be submitted by Unit Heads to the Office of Human Resources. The Office of Human Resources shall submit copies of the approved forms to the Associate Vice Chancellor for Academic and Faculty Affairs.

### **B. UNC System Reporting**

Upon request, the UNC System Office may initiate the submission of annual summary reports from the Chancellor to the President.