

CHAPTER 113

REMUNERATED ACTIVITIES, OUTSIDE ACTIVITIES, AND CONFLICTS OF INTEREST

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113.01 Responsibilities of Academic Staff

Members of the academic staff are free to engage in outside activities, whether or not such activities are remunerative or related to their fields of academic interest or specialization. However, no member of the academic staff may engage in an outside activity if it conflicts with his or her public responsibilities to the University. Policies and procedures governing outside activities are designed to encourage appropriate participation by members of the academic staff in public service or outside activities related to their fields of academic interest or specialization while ensuring adequate attention to their responsibilities. Academic staff members may not be absent from their regular responsibilities, except as permitted by their supervisors under applicable personnel rules, and shall avoid a concentration of outside activities that is detrimental to the effective performance of their responsibilities.

113.02 Remunerated Activities

In circumstances where an academic staff member has full-time duties and is then offered and accepts an additional University assignment that includes remuneration, the supervisor, or in the case of a teaching academic staff, the executive committee, and the affected academic staff member shall negotiate the form that remuneration or accommodation of such services will take. These Academic Staff Policies and Procedures generally strongly prefer that such remuneration take the form of an overload. Alternatively, if the limit of overload payments precludes an overload, a temporary base salary adjustment is another preferred form of payment. If under the circumstances the supervisor (or executive committee) and the affected academic staff member agree that an overload or temporary base adjustment is not feasible, a buyout of the individual's time may occur. In that case, the funding credited to the academic staff member's department shall be spent in consultation and coordination with the affected academic staff member in a manner that is mutually acceptable and beneficial. Failure to offer one of these alternatives constitutes an unfair work practice and is grievable under the Academic Staff Policies and Procedures.

113.03 Annual Reports of Outside Activities

- (1) In accordance with UWS 8.025, academic staff members who are continuing and regular employees at University of Wisconsin - Milwaukee, i.e. who hold probationary or indefinite appointments or who have held full time fixed-term appointments for three or more consecutive years are required to report annually, on or before April 30, the following outside activities:
 - (a) associations with organizations, as defined in UWS 8.02(3) and (12), related to their fields of academic interest or specialization;
 - (b) private remunerative relationships with nongovernmental sponsors of university research for which they serve as principal investigators; and
 - (c) remunerative outside activities in their fields of academic interest or specialization, including but not limited to consulting, and indicate whether they earn for such activities \$5,000 or more in a year from a single source.
- (2) Reports required under this section shall be filed with the appropriate dean/division head on the forms provided. A copy of the report also shall be provided to the academic staff member's supervisor.
- (3) The information in reports required under this section shall be submitted on a calendar year basis and shall describe outside activities occurring in the calendar year immediately preceding the April 30 deadline.
- (4) If, during the year, significant changes in an academic staff member's reportable outside activities occur, the academic staff member shall immediately inform, in writing, his/her supervisor and the appropriate dean/division head. This information shall be placed on file with the academic staff member's annual report under this section.

113.04 Outside Activities Requiring Consultation

- (1) The following types of outside activities may result in a material conflict of interest:
 - (a) activities required to be reported under UWS 8.025 and UWM 113.02(1);
 - (b) extensive or recurring outside activities accompanied by personal gain or paid consulting;
 - (c) service as staff or consultant to granting agencies;
 - (d) service as an expert witness in legal proceedings.
- (2) An academic staff member contemplating an activity listed in paragraph (1) shall report the matter to and seek advice from his or her immediate supervisor before undertaking the activity. A report under this paragraph shall be in writing and shall include a description of the nature of the activity, the estimated time required for the activity, and whether remuneration is anticipated. An academic staff member shall not proceed with a contemplated outside activity until he or she has either received a response or the time limit has expired under paragraph (4).

- (3) In situations where a novel or unique outside activity is contemplated, or where additional advice is necessary, either the academic staff member or his/her supervisor may request that the Academic Staff Committee, which functions as the Academic Staff Ethics Committee as specified in UWM 113.07, provide consultation and advice.
- (4) A supervisor who receives a report under this section shall promptly respond to the involved academic staff member, indicating whether or not the contemplated outside activity should be permitted to proceed. If no response is provided within 15 days, the academic staff member may proceed with the activity. In the event there is a difference of opinion between the supervisor and the involved academic staff member as to the propriety of proceeding with the contemplated outside activity, the procedures under UWS 8.04 and UWM Chapter 112 may be invoked to resolve the problem.

113.05 Standards of Conduct

Academic staff are governed by the following standards of conduct from UWS 8.03:

(1) Personal gain from University position

- (a) No member of the academic staff shall, in a manner contrary to the interests of the University of Wisconsin System, use or attempt to use his/her public position or state property, including property leased by the state, to gain or attempt to gain anything of substantial value for the private benefit of the academic staff member, his/her immediate family, or any organization with which the academic staff member is associated.
- (b) No member of the academic staff shall solicit or accept from any person or organization anything of value pursuant to an expressed or implied understanding that his/her conduct of University business would be influenced thereby.
- (c) No member of the academic staff shall intentionally use or disclose confidential University information in any way that could result in the receipt of anything of value for him/herself, or his/her immediate family, or for any other person or organization with which the academic staff member is associated.

(2) Contracting and Leasing

No member of the academic staff, member of his/her immediate family, or any organization with which an academic staff member is associated shall enter into any contract or lease involving payments of \$3,000 or more within a 12 month period, derived in whole or in part from University funds, if the academic staff member is in a position to approve or influence, in his or her official capacity, the University's decision to enter into the contract or lease. If the academic staff member is not in a position to approve or influence the University's decision, the academic staff member may enter into a contract or lease described above if the academic staff member first makes written disclosure of the nature of the extent of any relationship to the dean, director, or other appropriate administrator and he/she approves. The dean, director or other appropriate administrator shall approve an academic staff member's interest in a lease or contract unless he/she determines that the academic staff member's personal

interest in the agreement conflicts substantially and materially with the academic staff member's discharge of his/her University responsibilities.

(3) Nepotism

(a) No member of the academic staff shall participate, formally or informally, in the decision to hire, retain, grant tenure to, promote, or determine the salary of a member of his/her immediate family.

(b) No member of the academic staff shall give preferential or favored treatment in the supervision or management of another academic staff member who is a member of his/her immediate family.

(4) Student Research Protection

A member of the academic staff shall inform students engaged in research under his/her supervision of any financial interest which the academic staff member has in the research activity, including, but not limited to, financial arrangements involved in the direct support of the activity, agreements made by the academic staff member to obtain data for the research, or agreements concerning copyright or patent rights arising from the research.

(5) Waiver

Upon written request and by action within a reasonable time of receipt thereof, the Board of Regents of the University of Wisconsin System may waive any provision of this section whenever its literal application would be adverse to the best interests of the University of Wisconsin System or would work an unreasonable hardship on a member of the academic staff.

113.06 Use of University Facilities, Services and Staff

University facilities, services, and staff are used for purposes of carrying out the functions of the University of Wisconsin as authorized by Chapter 36 of the Wisconsin Statutes and directed by the Board of Regents. Academic staff members shall not use University designated facilities, services, or staff in support of outside activities unless specifically authorized in writing by the appropriate dean/division head, based on a judgment that such activities contribute to and serve the University's purpose and that the use is consistent with State and Regent regulations.

113.07 Ethics Committee

The Academic Staff Committee shall serve as the Ethics Committee. It is responsible for providing any academic staff member or his/her supervisor with consultation and advice on the application of UWS 8 or UWM Chapter 113. Committee deliberations and actions upon requests for consultation and advice shall be in meetings not open to the public. Records obtained in connection with requests for consultation and advice shall be considered confidential University information. The Academic Staff Committee shall prepare annually a report containing summaries of any advice it has provided; however, such summaries shall not disclose the identities of the persons requesting advice. Reports prepared under this section shall be filed with the Secretary of the University.