



UTAH VALLEY UNIVERSITY Policies and Procedures

Proposed Policy Number and Title: 365 Consulting Leave		
Existing Policy Number and Title: 323 Guidelines for Consulting		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: <u>Stage 2 Draft, February 19, 2021</u>
Marilyn Meyer, Clark Collings,
President's Council Sponsor: <u>Wayne Vaught</u> Ext. _____
Policy Steward: <u>Drew Burke, Jeremy Knee, Kat Brown</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>8/27/2020</u></p> <p>University Entities Review Entrance Date: <u>02/25/2021</u> Close Feedback: <u>04/25/2021</u></p> <p>University Community Review Entrance Date: _____ Open Feedback: _____ Close Feedback: _____</p> <p>Board of Trustees Review Entrance Date: _____ Approval Date: _____</p>	<p style="text-align: center;">POST APPROVAL PROCESS</p> <p>Verify:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update <p>Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____</p>



UTAH VALLEY UNIVERSITY

Policies and Procedures

POLICY TITLE	Consulting Leave	Policy Number	365
Section	Human Resources	Approval Date	
Subsection	Compensation and Benefits	Effective Date	
Responsible Office	Office of the Vice President of People and Culture		

1.0 PURPOSE

1 **1.1** The University recognizes that employees make broad and significant contributions by
2 providing professional expertise to local, state, national, and international communities on a
3 consulting basis. Such activity contributes to the needs and understanding of others and
4 increases the competence of the consultants in their professional roles and brings recognition to
5 the University.

2.0 REFERENCES

- 6 **2.1** *Utah Public Officers' and Employees' Ethics Act*, Utah Code Ann. § 67-16-5 (2014)
- 7 **2.2** UVU Policy 114 *Individual Conflict of Interest and Commitment*
- 8 **2.3** UVU Policy 136 *Intellectual Property*
- 9 **2.4** UVU Policy 334 *Probationary Period for Staff Employees*
- 10 **2.5** UVU Policy 361 *Employee Leave*
- 11 **2.6** UVU Policy 425 *Scheduling Campus Facilities*
- 12 **2.7** UVU Policy 601 *Classroom Instruction and Management*
- 13 **2.8** UVU Policy 635 *Faculty Rights and Professional Responsibilities*

3.0 DEFINITIONS

14 **3.1 Consulting:** Professional activities or services for which an individual receives (or expects to
15 receive) remuneration from an entity other than the University. Such consulting normally occurs
16 sporadically and/or for a short period of time. For purposes of this policy, nominal honorariums
17 and reimbursement for expenses do not constitute compensation or remuneration.



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18 **3.2 Full-time employee:** An employee hired into a position in which the University has a
19 reasonable belief that the employee will work at least 130 hours per month (30 hours per week)
20 in a 12-month measurement period. A full-time employee is eligible for benefits, including
21 medical insurance.

22 **3.3 Full-time exempt employee:** A classification of employees who meet the applicable FLSA
23 salary level, salary basis, and duties test of one or more of the executive, administrative,
24 academic administrative, or professional exemptions or they are performing non-manual work
25 and paid a total annual compensation that meets the highly compensated employee exemption.

4.0 POLICY

26 4.1 Scope of Policy

27 **4.1.1** This policy applies to full-time exempt employees including faculty, executives, and staff.

28 4.2 Policy Statement

29 **4.2.1** All employees of the University holding full-time positions shall give full services to the
30 work of the University during scheduled work periods. All full-time university employees shall
31 treat the University as their prime employment activity.

32 **4.2.2** Utah Valley University provides full-time exempt employees paid consulting leave,
33 provided that such consulting leave does not interfere or conflict with their university role
34 assignments or job duties, such as teaching, research, service, administrative, or other university
35 responsibilities.

36 **4.2.3** Qualifying professional activities for consulting leave must

37 **4.2.3.1** Be performed by a full-time faculty member or other exempt employee in their individual
38 capacity and not on the University's behalf;

39 **4.2.3.2** Be related to the employee's area of expertise, as indicated by the instructional, clinical,
40 and research activities a faculty member performs, or the administrative functions a staff
41 employee performs, or has performed on the University's behalf;

42 **4.2.3.3** Be performed by an employee who is recognized as a regional or national leader in the
43 particular industry or discipline;

44 **4.2.3.4** Advance the employee's professional development through interactions with the
45 industry, community, or public, and ensure that the employee then brings back such development
46 to the classroom or UVU;



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47 **4.2.3.5** Have a demonstrable relationship to the University's general interests and mission within
48 the community; and

49 **4.2.3.6** Enhance the reputation and expertise of the employee's division, department, or college.

50 **4.2.4** Qualifying professional activities for consulting leave include

51 **4.2.4.1** Externships performed by faculty that are related to the faculty member's teaching
52 subject matter, where the externship enhances the faculty member's knowledge or skills in the
53 faculty member's teaching subject matter, and the faculty member brings the newly learned
54 knowledge or skills back to their classes.

55 **4.2.4.2** A fee-for-service or equivalent relationship with a third party and entrepreneurial
56 activities in which a full-time exempt employee has (or expects) an ownership interest in the
57 party for whom consulting services are provided.

58 **4.2.5** Professional activities that do not qualify for consulting leave include:

59 **4.2.5.1** Services performed on the University's behalf or performed by an employee in their
60 official university capacity, even if the employee receives or expects remuneration for such
61 services (e.g., service on national commissions, on government agencies and boards, on boards
62 or committees of nonprofit professional associations, on granting agency peer-group review
63 panels, on visiting committees or advisory groups to other higher education institutions, and on
64 analogous bodies);

65 **4.2.5.2** Preparing, editing, or publishing scholarly or artistic works, or peer review of articles and
66 manuscripts; or

67 **4.2.5.3** Working in full-time or part-time employment at another organization while maintaining
68 full-time duties at the University;

69
70 **4.2.5.4** Moonlighting activities that are not directly related to the employee's area of expertise or
71 job duties.

72
73 **4.2.6** Employees granted consulting leave must comply with the Utah Public Officers' and
74 Employees' Ethics Act and UVU Policy 114 *Individual Conflict of Interest and Commitment*.

75 **4.3 Consulting Leave**

76 **4.3.1** Full-time exempt employees are allowed two days (16 hours for executives/staff; 14 hours
77 for faculty) of consulting leave per month.

78 **4.3.1.1** Faculty on academic year appointments are allowed up to 18 days of consulting leave in
79 an academic year.



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80 **4.3.1.2** Faculty on 11- or 12-month appointments are allowed up to 24 days of consulting leave
81 in a fiscal year (July 1 to June 30).

82 **4.3.1.3** Executives and exempt staff are allowed up to 24 days of consulting leave in a calendar
83 year.

84 **4.3.1.4** Consulting leave does not accrue in UVU's time management system (T.I.M.S.). The
85 annual use of consulting leave will be tracked through the Application for Consulting Leave.

86 **4.3.2** Human Resources maintains official leave records in UVU's time management system
87 (T.I.M.S.). Employees are responsible to submit leave requests, rounded to the nearest ¼ hour, in
88 T.I.M.S. in a timely manner and in accordance with this policy.

89 **4.3.3** Upon termination, an employee will not be compensated for any unused consulting leave.

90 **4.4 Authorization of Consulting Leave**

91 **4.4.1** Employees shall request and receive prior authorization of consulting leave in accordance
92 with this policy.

93 **4.4.2** Consulting leave may only be granted for time essential to engage in consulting and cannot
94 be extended for personal purposes.

95 **4.4.3** In addition to approval for consulting leave, faculty must obtain prior written permission
96 from their dean (or associate dean if the dean so delegates) before missing, rescheduling, or
97 altering class, office hours, other scheduled service or required department or committee
98 meetings. The dean may permit alternative arrangements for class or missed meetings if justified
99 by a strong, countervailing university interest in the faculty member's consulting. In considering
100 a faculty request, the dean shall consider the proposed

101 **4.4.3.1** length of leave;

102 **4.4.3.2** number of missed classes/office hours/meetings;

103 **4.4.3.3** alternative content delivery options;

104 **4.4.3.4** quality and reliability of alternatives;

105 **4.4.3.5** strategic, scholarly, reputational, teaching, or other gains to the University by allowing
106 the particular consulting activities; and

107 **4.4.3.6** alignment with the University's mission.



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108 **4.4.4** Authorization of consulting leave is subject to a reasonable assumption and expectation
109 that the employee granted leave will return to active work upon conclusion of the approved
110 leave.

111 **4.5 Eligibility for Consulting Leave**

112 **4.5.1** Full-time exempt employees must be in good standing and not subject to formal corrective
113 action (i.e., written warning) to be eligible for consulting leave.

114 **4.5.2** Full-time exempt staff employees are not eligible for consulting leave while in their
115 probationary period, as defined in Policy 334 *Probationary Period for Staff Employees*.

116 **4.5.3** Full-time exempt employees are not eligible for consulting leave during periods for which
117 they are not required to perform primary job duties, including paid holidays or campus closures
118 or, for faculty, non-faculty working days (such as breaks between semesters or summer).

119 **4.6 Use of University Property and Resources**

120 **4.6.1** Employees on approved consulting leave shall not

121 **4.6.1.1** Use the University's name, marks, or logos for advertising purposes;

122 **4.6.1.2** Use the University letterhead, email, telephony or any other UVU technology, media or
123 equipment for their consulting communications;

124 **4.6.1.3** Use any university address or telephone number as part of listing or advertising their
125 consulting contact information and/or business address;

126 **4.6.1.4** Speak, act, or make representations on behalf of the University or any of its agents, nor
127 may they express institutional endorsement in relation to the consulting activity; however, they
128 may identify their university employee title.

129 **4.6.1.5** Assign, pressure or coerce university employees (while such employees are being paid by
130 the University) or enrolled students to assist in their consulting activities.

131 **4.6.1.6** Utilize university facilities unless scheduled through the appropriate scheduling office,
132 subject to the same terms, conditions, availabilities, and institutionally established
133 reimbursement rates applicable to a members of the public.

134 **4.7** Employees engaged in approved consulting leave (University-paid leave) must adhere to
135 UVU Policy 136 *Intellectual Property*. Unless authorized in writing in advance by the Research
136 Officer, employees may not use intellectual property owned by UVU, as defined in Policy 136,
137 in performing consulting work, nor may they transfer intellectual property owned by UVU



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138 through a consulting or third-party agreement by assignment, license, or otherwise. Any
139 purported transfer in violation of this section is void and unenforceable.

5.0 PROCEDURES

140 5.1 Application for Consulting Leave

141 5.1.1 Eligible employees may request consulting leave by completing a *Request for Consulting*
142 *Leave Form*. Information requested on this form shall include the following:

143 5.1.1.1 The nature of the consulting work;

144 5.1.1.2 The specific day(s) for which consulting leave is requested;

145 5.1.1.3 Identification of any university facilities, equipment, or materials requested for use and, if
146 applicable, the institutionally established reimbursement rates, which the employee shall be
147 personally responsible to pay; and

148 5.1.1.4 An explanation of how the consulting leave is related to the employee's area of expertise,
149 including how the consulting will advance or communicate the employee's expertise, and the
150 relationship between the consulting and the University's general interests and mission.

151 5.1.2 As part of the application process, the employee must personally determine and verify on
152 the *Request for Consulting Leave Form* that the contemplated consulting will not involve a
153 conflict of interest with the individual's duties to the University that may be in violation of the
154 Utah Public Officers' and Employees' Ethics Act or Policy 114 *Individual Conflict of Interest*
155 *and Commitment*. Further, the employee must complete an updated *Conflict of Interest*
156 *Disclosure Form* disclosing the consulting activity.

157 5.1.3 An employee requesting consulting leave must submit the completed *Request for*
158 *Consulting Leave Form* to their immediate supervisor.

159 5.1.4 The supervisor will forward the completed form with an approval recommendation to the
160 appropriate dean (or associate dean if the dean so delegates) for faculty, or to the second-level
161 supervisor for staff, for review and final approval. Approval must be obtained prior to
162 commencement of consulting leave.

163 5.1.5 If changes occur to information provided in an approved *Request for Consulting Leave*
164 *Form*, a new form must be completed and approved.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity
June 18, 1992	Regular policy approved	Board of Trustees
		UVU Board of Trustees



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Policy Office Draft



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POLICY TITLE	Guidelines for Consulting	Policy Number	323
Section	Human Resources	Approval Date	June 18, 1992
Subsection	Conditions of Employment	Effective Date	June 18, 1992
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

2.0 REFERENCES

~~2.1 Utah Public Officers' and Employees' Ethics Act~~

3.0 DEFINITIONS

4.0 POLICY

~~4.1 Consultation and other services to persons, firms, universities, and agencies outside and contracted through the University may be carried on by university employees as long as the performance of such services does not interfere with the individual's service obligation to the University. Such consultation is defined as acting in an advisory capacity, normally for a short period of time, and subject to the following restrictions:~~

- ~~1) Upon approval of appropriate administrator(s), university employees will be allowed released time for consulting, with salary adjustments made as necessary.~~
- ~~2) Use of consultation time should have a demonstrable relationship to the professional interests of the University employees and the University.~~

5.0 PROCEDURES

5.1 Steps for Consulting

~~5.1.1 The following steps should be followed by university employees for those consulting with~~



persons, firms, universities, and agencies outside the University organization or in behalf of the University if such consulting would be conducted during regular working hours or on campus:

- 1) The Request for Consulting form should be obtained from the immediate supervisor or Human Resources and completed before a consulting assignment begins.
- 2) When the steps below are completed, the Request for Consulting form must be reviewed and authorized by the immediate supervisor. The supervisor's signature is verification that the request has been reviewed, all steps necessary have been completed, and the consulting has been approved.
- 3) The approved copies must include the University employee's signature as well as the immediate supervisor's signature. Copies should be distributed with one copy to the University employee, one copy maintained by the immediate supervisor, one copy forwarded to the appropriate vice president, and one copy forwarded to Human Resources.

5.2 Internal Consulting

5.2.1 Consultation may take place in the University employee's office or laboratory with approval of the immediate supervisor, as long as it does not interfere with the normal operations of the department.

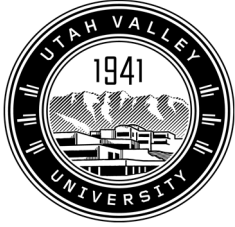
5.2.2 The individual engaged in consultation activities must arrange in advance, with the approval of the responsible supervisor or line officer, for scheduling of classes or other work assignments missed as the result of consultation activities.

5.3 External Consulting

5.3.1 The University employee must advise the person, firm, or agency for whom such consultation services are to be performed that the employee, in his or her roles as a consultant, is acting solely as an independent contractor and not as an agent or employee under the sponsorship, auspices, or control of the University; and, therefore, the University assumes no responsibility whatsoever, expressed or implied, for the actions of the employee in his or her role as a consultant. Such advisement by the employee will be indicated on the Request for Consulting form.

5.3.2 The University employee must indicate the nature of the consulting and verify on the Request for Consulting form that these arrangements will not involve a conflict of interest with the individual's duties to the institution that may be in violation of the *Utah Public Officers' and Employees' Ethics Act*.

5.3.3 If university facilities are used beyond the employee's individual office, these facilities must be scheduled through the appropriate scheduling offices and supervisors and appropriate



~~charges for these facilities paid to the University. The charges should be detailed and included in or attached to the *Request for Consultation Form*.~~

~~5.3.4 If university properties are used for consulting, appropriate rental fees or service fees should be established by the appropriate supervisor and so indicated on the Request for Consulting form.~~

~~5.3.5 The employee shall not use university staff members (i.e., secretaries or student aides) as support personnel for consulting activities while such staff members are being paid by the University.~~

~~5.3.6 Any absence of an employee for consulting during normal contractual days should be indicated on a Short-term Leave Request/Notification form and approved by the immediate supervisor and submitted in advance to Human Resources.~~

~~5.3.7 Any salary adjustments should be indicated on the Request for Consulting form and the appropriate Payroll Action Form prepared and submitted.~~

~~5.3.8 If changes occur in the original request, a new form should be completed and approved.~~

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity