



UTAH VALLEY UNIVERSITY Policies and Procedures

Proposed Policy Number and Title: 365 Consulting Leave and External Employment		
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 27, 2025</u>
Clark Collings, Marilyn Meyer,
President's Council Sponsor: <u>Wayne Vaught</u> Ext. _____
Policy Steward: <u>Drew Burke, 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>2/27/2025</u> Close Feedback: <u>4/24/2025</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	People and Culture	Approval Date	
Subsection	Compensation and Benefits	Effective Date	
Responsible Office	Office of the Vice President of People and Culture	Last Review	

1.0 PURPOSE

1 **1.1** The University recognizes that employees make broad and significant contributions to
 2 various local, national, and international communities by providing professional consulting
 3 services. These activities attract positive recognition for and enhance the employee’s ability to
 4 impact the university community. This policy sets forth the guidelines for consulting activities.

2.0 REFERENCES

- 5 **2.1** *Utah Government Records Access and Management Act*
- 6 **2.2** *Utah Public Officers’ and Employees’ Ethics Act*, Utah Code Ann. § 67-16-5 (2014)
- 7 **2.3** UVU Policy 114 *Individual Conflict of Interest and Commitment*
- 8 **2.4** UVU Policy 136 *Intellectual Property*
- 9 **2.5** UVU Policy 334 *Probationary Period for Staff Employees*
- 10 **2.6** UVU Policy 363 *Supplemental and Adjunct/Overload Pay Methods*
- 11 **2.7** UVU Policy 361 *Employee Leave*
- 12 **2.8** UVU Policy 425 *Scheduling Campus Facilities*
- 13 ~~**2.9** UVU Policy 441 *Appropriate Use of Computing Facilities*~~
- 14 ~~**2.10**~~**2.9** UVU Policy 601 *Classroom Instruction and Management*
- 15 ~~**2.11**~~**2.10** UVU Policy 635 *Faculty Rights and Professional Responsibilities*



UTAH VALLEY UNIVERSITY Policies and Procedures

3.0 DEFINITIONS

16 **3.1 Employee:** Any individual employed by the University who is paid wages to provide work
17 product, services, or activities in an executive, faculty, or staff position at the University.

18 **3.2 External employment:** Any individual employed by a non-university entity who is paid
19 wages to provide work product, services, or activities, including self-employment. External
20 employment may or may not be within the employee's expertise. It is typically intended to be
21 consistent and for an undefined continuous period rather than ending after the completion of
22 specific projects, tasks, or goals.

23 **3.3 Consulting:** Professional activities, services, or work an individual provides for a non-
24 university entity, whether paid or unpaid. Consulting is meant to end after completing specific
25 projects, tasks, or goals. It typically occurs sporadically and for a brief period of time. To qualify
26 as consulting, the activities and services must comply with section 4.0 of this policy.

27 **3.4 Full-time employee:** An employee hired into a position in which the University has a
28 reasonable belief that the employee will work at least 130 hours per month (30 hours per week)
29 in a 12-month measurement period. A full-time employee is eligible for benefits, including
30 medical insurance. This includes executive, faculty, and staff positions.

31 **3.5 Designated work schedule:** The supervisor-approved regular shift, hours, schedule, or
32 period when a full-time employee performs their work duties

4.0 POLICY

33 **4.1** This policy applies to full-time employees, including executives, faculty, and staff.

34 **4.2** All university employees shall give full services to the work of the University during their
35 designated work schedules. Any external employment must not interfere or conflict with the
36 performance of an employee's job duties, responsibilities, assignments, or designated work
37 schedule, including teaching, research, service, administrative, or other university
38 responsibilities.

39 **4.3** Utah Valley University provides full-time exempt employees unpaid consulting leave.
40 Consulting leave must not interfere with or adversely impact the performance of an employee's
41 job duties, responsibilities, assignments, or designated work schedule, including teaching,
42 research, service, administrative, or other university responsibilities.

43 **4.4** Consulting leave is a privilege and granted at the University's discretion. It is not a vested
44 benefit or right.



UTAH VALLEY UNIVERSITY Policies and Procedures

45 **4.5** Consulting leave must be used when consulting occurs during the employee's designated
46 work schedule. Vacation, or personal accrued leave time is used for missed work time as it
47 would be for any other absence. Consulting leave is not used for consulting occurring outside of
48 the employee's designated work schedule.

49 **4.6** Qualifying professional activities for consulting leave must

50 **4.6.1** be performed by a full-time employee in their individual capacity and not on the
51 University's behalf.

52 **4.6.2** be directly related to the employee's area of expertise, training, education, and job
53 responsibilities the employee performs or has performed on the University's behalf.

54 **4.6.3** advance the employee's professional development through interactions with the industry,
55 community, or public, and ensure that the employee uses the development in the university
56 academic or professional setting.

57 **4.6.4** have a demonstrable relationship to the University's general interests and mission within
58 the community.

59 **4.6.5** enhance the reputation and expertise of the employee's division, department, or college.

60 **4.6.6** typically ends after completing specific projects, tasks, or goals and occurs sporadically
61 and for a defined brief period of time or non-continuous basis.

62 **4.7** Qualifying professional activities for consulting leave include

63 **4.7.1** externships performed by faculty that are related to the faculty member's teaching subject
64 matter, where the externship enhances the faculty member's knowledge or skills in the faculty
65 member's teaching subject matter, and the faculty member brings the newly learned knowledge
66 or skills back to their classes.

67 **4.7.2** a fee-for-service or equivalent relationship with a third party or entrepreneurial activities in
68 which a full-time employee has (or expects) an ownership interest in the party for whom
69 consulting services are provided.

70 **4.8** Professional activities that do not qualify for consulting leave include

71 **4.8.1** services performed on the University's behalf or performed by an employee in their official
72 university capacity, even if the employee receives or expects remuneration for such services
73 (e.g., service on national commissions, on government agencies and boards, on boards or
74 committees of nonprofit professional associations, on granting agency peer-group review panels,
75 on visiting committees or advisory groups to other higher education institutions, and on highly
76 similar bodies).



UTAH VALLEY UNIVERSITY Policies and Procedures

77 **4.8.2** preparing, editing, or publishing scholarly or artistic works, or peer review of articles and
78 manuscripts.

79 **4.8.3** external Employment
80

81 **4.8.4** consulting not directly related to the employee's area of expertise or job duties.

82 **4.9 Consulting Leave**

83 **4.9.1** Full-time employees are allowed up to twelve (12) days for consulting leave per calendar
84 year. A day is defined here as eight (8) hours. Consulting leave is used in single-day or half day
85 increments.

86 **4.9.2** Consulting leave is unpaid time and does not accrue in the University's time management
87 system. Executives, faculty, and staff employees may use accrued vacation or personal time for
88 work time missed while on approved consulting leave.

89 **4.9.3** The annual use of consulting leave will be tracked by Payroll and People and Culture in the
90 University's time management system. Employees must submit consulting leave requests in
91 single-day or half-day increments in the University's time management system and in
92 accordance with this and other university policies.

93 **4.10 Authorization of Consulting Leave**

94 **4.10.1** Employees must request and receive prior authorization of consulting leave in accordance
95 with this policy.

96 **4.10.2** Consulting leave may only be granted for time essential to engage in consulting and
97 cannot be extended for personal purposes.

98 **4.10.3** In addition to approval for consulting leave, employees must obtain prior written
99 permission from their vice president or dean before missing, rescheduling, or altering their
100 designated work schedule, classes, office hours, scheduled service, or other required meetings.
101 The vice president or dean may permit alternative arrangements for the employee's designated
102 work schedule, classes, or missed meetings if justified by a strong university interest in the
103 employee's consulting. In considering a request for consulting leave, the vice president or dean
104 shall consider the proposed

105 **4.10.3.1** length of leave;

106 **4.10.3.2** number of missed workdays, classes, office hours, and meetings;

107 **4.10.3.3** alternative accomplishment of work or academic content delivery options;



UTAH VALLEY UNIVERSITY Policies and Procedures

108 **4.10.3.4** quality and reliability of alternatives;

109 **4.10.3.5** strategic, scholarly, reputational, teaching, or other gains to the University by allowing
110 the particular consulting activities; and

111 **4.10.3.6** alignment with the University's mission.

112 **4.10.4** Authorization of consulting leave is subject to a reasonable assumption and expectation
113 that the employee will return to active university work upon the conclusion of the approved
114 leave.

115 **4.11 Eligibility for Consulting Leave**

116 **4.11.1** Full-time exempt employees must have a current conflict of interest disclosure, completed
117 all required UVU trainings, and not be subject to current UVU sanction to be eligible for
118 consulting leave.

119 **4.11.2** Full-time employees may engage in consulting but are not eligible for consulting leave
120 during periods for which they are not required to perform primary job duties, including paid
121 holidays, campus closures, faculty or non-faculty working days (such as breaks between
122 semesters or summer), or time outside their designated work schedule.

123 **4.11.3** Full-time exempt staff employees are not eligible for consulting leave while in their
124 probationary period, as defined in Policy 334 *Probationary Period for Staff Employees*.

125 **4.12 Duty to Clarify University Non-Affiliation**

126 **4.12.1** Employees engaging in consulting must not represent to clients or others that they are
127 speaking, writing, or acting on behalf of the University or any of its agents; nor may they
128 communicate university endorsement of any consulting activity. Employees must instead
129 affirmatively and clearly communicate to prospective and current clients that consulting
130 activities are not offered under the auspices or control of the University.

131 **4.12.2** Employees may note their university position/affiliation and use university property only
132 in a manner and in a context that is consistent with section 4.6.1.

133 **4.13** Employees may use their university email address for consulting activities only in a manner
134 and in a context that is consistent with section 4.6.1. Employees should further note that,
135 pursuant to Utah's *Government Records Access and Management Act*, university emails are
136 generally regarded as publicly accessible, university-owned records, and the employee has no
137 expectation of privacy in UVU emails.

138 **4.13.1** Employees may not use UVU trademarks for consulting activities, including advertising.



UTAH VALLEY UNIVERSITY Policies and Procedures

139 4.14 Relationship to Other Policies

140 4.14.1 Employees are expected to use university equipment, computers, technology, phones,
141 worktime, and other resources for business purposes. Any non-university or personal use should
142 be negligible and must not interfere with work responsibilities, productivity, operational needs,
143 or the security of university systems. Non-negligible or personal use that interferes with
144 operations may result in disciplinary action.

145 4.14.2 Assignment or coercion of university employees or students under the employee's
146 authority to assist in consulting activities, and other conflict of interest matters, are governed by
147 Policy 114 *Individual Conflict of Interest and Commitment*.

148 4.14.3 Ownership of intellectual property and appropriate use of university intellectual property
149 in consulting activities is governed by UVU Policy 136 *Intellectual Property*.

5.0 PROCEDURES

150 5.1 Application for Consulting Leave

151 5.1.1 Eligible employees must request consulting leave in writing to their immediate supervisor.
152 The written request must include the following information:

153 5.1.1.1 The nature of the consulting work;

154 5.1.1.2 The specific day(s) for which consulting leave is requested;

155 5.1.1.3 An explanation of how the consulting leave is related to the employee's area of expertise,
156 how the consulting will advance or communicate the employee's expertise, and the relationship
157 between the consulting and the University's general interests and mission.

158 5.1.1.4 Identification of any university facilities, equipment, or materials requested for use and, if
159 applicable, the institutionally established reimbursement rates, which the employee shall be
160 personally responsible to pay.

161 5.1.2 An explanation of how consulting activities and leave will not involve a conflict of interest
162 with the individual's duties to the University that may be in violation of the *Utah Public*
163 *Officers' and Employees' Ethics Act* or Policy 114 *Individual Conflict of Interest and*
164 *Commitment*. Further, the employee must disclose the consulting activity by completing an
165 updated *Conflict of Interest Disclosure Form*.

166 5.1.3 The immediate supervisor will submit the written request with their recommendation to
167 their vice president or dean for review and final approval.



UTAH VALLEY UNIVERSITY Policies and Procedures

168 **5.1.4** The vice president or dean in consultation with People and Culture will approve or deny
169 the request. The vice president or dean must provide written notification to the employee, the
170 immediate supervisor and People and Culture. The vice president or dean’s decision is
171 considered final with no further appeals available.

172 **5.1.5** Approval must be obtained from the vice president or dean prior to the commencement of
173 consulting leave.

174 **5.1.6** Once approved for consulting leave, the employee and supervisor must ensure time off is
175 accurately entered in the University’s time management system.

176 **5.1.7** If changes occur to the information provided for an approved consulting leave request, the
177 changes must be submitted in writing and a new approval obtained following the same approval
178 process in this policy section.

POLICY HISTORY		
Date of Last Formal Review: Click here to enter a date.		
Due Date of Next Review: Click here to enter a date.		
Date of Last Action	Action Taken	Authorizing Entity
June 18, 1992	Regular policy approved	UVU Board of Trustees
	Regular policy approved	UVU Board of Trustees

179 *More information on the formal review can be found in Policy 101 section 4.7.3.



UTAH VALLEY UNIVERSITY Policies and Procedures

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



POLICY 365 – Consulting Leave EXECUTIVE SUMMARY

Policy Number and Title: 365 *Consulting Leave*, Policy 601 *Classroom Management*, Policy 635 *Faculty Rights and Professional Responsibilities*

Date: February 21, 2025

Sponsor: Marilyn Meyer

Steward(s): Drew Burke

Policy Process: Regular

Policy Action: Revision

Policy Office Editor: Cara O’Sullivan

Embedded Attorney: Cathy Jordan

Issues/Concerns (including fiscal, legal, and compliance impact):

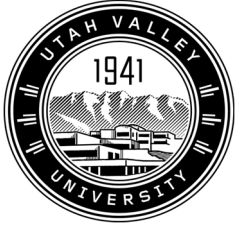
The policy lacks clarity or is missing policy guidance in the following areas:

1. Which classification of employees (faculty and staff) are covered and prioritizing university responsibilities versus external employment.
2. There are no limits on the amount of consulting leave that can be used. Leave is fully paid and allows the employee to be paid their full salary and benefits while also being paid for their consulting work.
3. Ensuring employees do not represent their consulting work as affiliated with the University, use UVU trademarks, or improperly utilize university time, property, and resources.
4. Streamlining the request and approval process and ensuring requests align with the employee’s expertise, professional development, and university interests.
5. Ensuring eligibility requires completion of required training, conflict of interest disclosure, and no active university sanctions.

Suggested Changes:

Clarity on Policy Scope and Work Commitment: The policy applies to full-time employees, including faculty, executives, and staff. Added clear expectations that employees must prioritize their university responsibilities, and external employment or consulting activities must not interfere with their designated work schedule or duties.

Consulting Leave Provisions: The university allows full-time employees up to 12 unpaid days of consulting leave per calendar year, granted at the university’s discretion. This aligns with other USHE institutions.



Consulting leave must be used when consulting occurs during the designated work schedule, and accrued vacation or personal leave must be used for missed work time.

Employees may consult outside their regular designated work schedule as long as those activities do not negatively affect their university employment, and they do not represent their consulting work as affiliated with the university, use UVU trademarks, or improperly utilize university time, property, and resources.

Authorization and Eligibility: Employees must request and receive prior approval for consulting leave, ensuring it aligns with their expertise, professional development, and university interests. Eligibility requires completion of required training, conflict of interest disclosure, and no active university sanctions.

Restrictions and Compliance: Consulting leave does not apply to university-related activities, personal projects, or consulting unrelated to an employee's expertise. Employees cannot represent their consulting work as affiliated with the university, use UVU trademarks, or improperly utilize university property.

Streamlined Application Process and Administrative Oversight Clarified: Employees must submit a written request detailing the consulting work, dates, and relevance to their expertise.

Supervisors and deans review and approve requests, and Payroll and People and Culture track all consulting leave usage.

Bundled Policy Actions

- Policy 323 – Delete as the content will be moved to and addressed in Policy 365
- Policy 601 - Classroom *Instruction and Management*: References to consulting leave already removed from temporary policy
- Policy 635 – *Guidelines for Consulting*: Update reference in section “2.22 UVU Policy 323 Guidelines for Consulting” to UVU Policy 365 – *Consulting Leave*

Requested Approval from President's Council: This Policy bundle has been stalled in Stage 2 of the policy process. This Executive Summary is a courtesy refresher of the policy updates and changes.

Proposed Drafting Committee: [Click here](#) to enter the names of the proposed members of the policy drafting committee.

Target Date for Stage 1 Draft to Enter Stage 2: [Click here](#) to enter a date.

Target Date for Board of Trustees Review: [Click here](#) to enter a date.



UTAH VALLEY UNIVERSITY
Policies and Procedures