

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE  
BOARD OF GOVERNORS  
SCP-2562**

**SUBJECT:** External Professional Activities of Faculty and Other Professional Staff

**REFERENCE:** Title 133 Procedural Rule West Virginia Higher Education Policy Commission Series 9, Academic Freedom, Professional Responsibility, Promotion, and Tenure

**ORIGINATION:** November 1, 1984

**EFFECTIVE:** November 1, 1984

**REVIEWED:** November 11, 2008

**SECTION 1. PURPOSE**

- 1.1 To provide guidance regarding faculty and professional employee outside employment activities and a mechanism for reporting the same.

**SECTION 2. SCOPE AND APPLICABILITY**

- 2.1 This policy applies to all full time faculty and professional employees of Southern West Virginia Community and Technical College.

**SECTION 3. DEFINITIONS**

- 3.1 “External professional activities for pay” means any activity that 1) is not included within one’s college employment responsibilities; 2) is performed for any entity, public or private, other than the college; 3) is undertaken for compensation; and 4) is based upon the professional knowledge, experience and abilities of the faculty or other professional staff member. Activities for pay not involving such professional knowledge, experience and abilities are not subject to the advance disclosure and approval requirements of this policy, although they are subject to the basic requirement that outside activities of any type not result in neglect of primary College duties, conflicts of interest, inappropriate uses of the College name, or claims of College responsibility for the activity.
- 3.2 “College employment responsibilities” include both “primary duties” and “secondary duties.” Primary duties consist of assigned teaching, scholarship, and all other institutional service requirements. Secondary duties consist of professional affiliations and activities traditionally undertaken by faculty and other professional staff members outside of the immediate College employment context that redound to the benefit of the profession and to higher education in general. 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. Such integral manifestations of one’s membership in a profession are encouraged, as extensions of College employment, so long as they do not conflict or interfere with the timely and effective performance of the individual’s primary College duties.
- 3.3 “Faculty or other professional staff members” means any person who is employed full time by Southern West

Virginia Community and Technical College who is exempt from overtime requirements of the Fair Labor Standards Act.

- 3.4 “Inappropriate use or exploitation of College resources” means using any services, facilities, equipment, supplies or personnel which members of the general public may not freely use. A person engaged in external professional activities for pay may use, in that connection, publicly accessible facilities such as College libraries; however, an office shall not be used as the site for compensated appointments with clients, e.g., for counseling or instruction. Under no circumstances may a supervisory employee use the services of a supervised employee during College employment time to advance the supervisor’s external professional activities for pay.
- 3.5 “Conflict of interest” relates to situations in which financial or other personal consideration may compromise, may have the potential for compromising, or may have the appearance of compromising an employee’s objectivity in meeting College duties or responsibilities, including grant activities.

#### **SECTION 4. POLICY**

- 4.1 Southern West Virginia Community and Technical College seeks to appoint and to retain, as faculty and other professional staff members, individuals of exceptional competence in their respective fields of professional endeavor. Because of their specialized knowledge and experience, such persons have opportunities to apply their professional expertise to activities outside of their College employment, including secondary employment consisting of paid consultation with or other service to various public and private entities. Through such practical, compensated applications of their professional qualifications, College employees enhance their own capabilities in teaching and professional development. Thus, participation of faculty and other professional staff members in external professional activities for pay, typically in the form of consulting, is an important characteristic of academic employment that often leads to significant societal benefits, including economic development through knowledge and technology transfer. However such external professional activities for pay are to be undertaken only if they do not:
- 4.1.1 Create a conflict of commitment by interfering with the obligation of the individuals to carry out all primary College duties in a timely and effective manner; or
  - 4.1.2 Create a conflict of interest vis-a-vis the individual’s status as an employee of the College; or
  - 4.1.3 Involve any inappropriate use or exploitation of College resources; or
  - 4.1.4 Make any use of the name of Southern West Virginia Community and Technical College for any purpose other than professional identification; or
  - 4.1.5 Claim, explicitly or implicitly, any College or institutional responsibility for the conduct or outcome of such activities.
- 4.2 The institution expects its employees to give full professional effort to assignments of teaching and/or institutional service. It is, therefore, considered inappropriate to engage in gainful employment outside the institution that is incompatible with the employee’s commitment to the institution. Moreover, it is considered inappropriate to transact personal business from one’s institutional office, or using College equipment.
- 4.3 No employee may conduct personal for-profit business or enterprises on college premises. This restriction includes telephone calls, developing or answering correspondence, or receiving personal business guests on college property or time.

- 4.4 Solicitation by employees for purposes other than direct college related business during regularly scheduled work hours is prohibited. Solicitation during non-work hours (lunch or other break times) by employees is subject to other applicable policies of this institution.

## **SECTION 5. BACKGROUND OR EXCLUSIONS**

- 5.1 This policy is written in compliance with joint policies of the Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education.

## **SECTION 6. GENERAL PROVISIONS**

- 6.1 The American Association of University Professors (AAUP) states that the broad term “conflicts of interest” is generally used to subsume two different concepts: Conflicts of interest, which tend to involve private financial arrangements, and conflicts of commitment, which generally refer to time and energy. While conflicts of commitment is a distinct concept from conflicts of interest, the two often overlap and, at times, may be difficult to separate. This policy is intended to bring attention to the outside employment activities of employees of the institution and allow a reporting mechanism to ensure these activities will not interfere with the full time service commitment to the institution.

## **SECTION 7. RESPONSIBILITIES AND PROCEDURES**

- 7.1 The appointment of a person to a full time position at Southern West Virginia Community and Technical College is made subject to the following conditions:
- 7.1.1. The employee shall render full time service to the institution. Outside activities shall not be restricted unless such activities or employment interfere with the adequate performance of college employment responsibilities.
  - 7.1.2. If outside employment or service interferes with regular college employment responsibilities of the employee, the institution has a right to take appropriate corrective action as warranted by the situation and rules and policies of the institution, up to and including disciplinary action.
- 7.2. Annual Review
- 7.2.1. All faculty and professional staff shall verify their status annually by completing the appropriate form. If a faculty or professional staff member undertakes external professional activities for pay after the annual reporting date, he/she should complete an External Professional Activities form not less than ten (10) calendar days before the date of the proposed external professional activity for pay is to begin.
  - 7.2.2. The supervisor will review and discuss the completed form and policy with the employee to ensure no conflict of commitment or interest exists, sign the form, and forward to Human Resources.
  - 7.2.3. The signed form shall be placed in the employee’s personnel file.

7.3 Personal Professional Activity

7.3.1 The administration may permit and encourage a reasonable amount of personal professional activity (such as consulting, service on boards and committees, and community service activities) outside the employee’s duties and responsibilities, provided such activity further develops the employee professionally, or provides a community service, or promotes the college in a positive manner, and does not interfere with duties and responsibilities to the institution.

**SECTION 8. CANCELLATION**

8.1 None

**SECTION 9. REVIEW STATEMENT**

9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

**SECTION 10. SIGNATURES**

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**Board of Governors Chair** **Date**

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**President** **Date**

**Attachments:** SCP-2562.A, External Professional Activities for Pay Report Form

**Distribution:** Board of Governors (12 members)  
www.southernwv.edu

**Revision Notes:** September 2008 - Revisions reflect no substantial changes in procedure or documentation requirements. However, coverage was expanded from only full time faculty to all full time exempt professional employees of the institution. Definitions were added and more clarity was provided to provide explanation of the meaning of conflict of interest. The form for reporting was modified to indicate the specific outside employment activity.