

AP 7135 Faculty Outside Employment

References:

ORS 342.556

The Board of Education of Clatsop Community College authorizes faculty members to receive outside compensation as described in BP 7135. Oregon law prohibits the Board from authorizing outside compensation that, in the Board's judgment, "does not comport with the mission of the community college or that substantially interferes with a faculty member's duties to the community college." This procedure provides standards the College will consider when authorizing outside employment and activities while also complying with applicable state laws.

Definitions

"Conflict of Commitment": A situation where an individual faculty member engages in outside activities, either paid or unpaid, that substantially interfere with the individual's duties to **the College**.

"Conflict of interest": Any action, decision, or recommendation by a person acting in their capacity as a College faculty member that would (for actual conflicts) or could (for potential conflicts) have a private financial impact on the person or their relative, or any business with which either is associated.

"Consulting": Providing expert knowledge or advice to an entity or person. It does not include conducting research and development or the creation of technological improvements, inventions, or software.

"Consulting entity": Any business, company, or other organization, including (but not limited to) any partnership, corporation, limited liability corporation, or other institution whether public, for-profit, or not-for-profit that provides expert knowledge or advice to an *entity* or person.

"Entity": Any business, company, or other organization, including (but not limited to) any partnership, corporation, limited liability corporation, foreign government or agent, or other institution whether public, for-profit, or not-for-profit.

"Duties": Responsibilities expected and performed on behalf of the College, as described in a position description, unit-level workload policy, assigned by a supervisor, or otherwise required of a faculty member by the College.

"Outside activities": Things that a faculty member does which are not duties and are not performed on behalf of the College.

General Guidelines

Faculty members are encouraged to engage in outside activities that comport with the mission of the College. Faculty members generally may not:

- a) Make private, commercial use, without permission, of College supplies, facilities, equipment, employees, records, intellectual property, or any other College resources.
- b) Use non-public information accessed as a College employee to obtain a private financial benefit for the employee.
- c) Engage in activities that substantially interfere with the faculty member's duties to the College (conflict of commitment). The following are examples of instances in which outside activities are presumed not to substantially interfere with a faculty member's duties:
 1. Time commitments while faculty members are on leave and during College holidays are presumed not to substantially interfere with the individual's to the College.
 2. For full-time 9-month faculty, time commitments that do not exceed one day in each seven-day week, generally averaged over a quarter, are presumed not to substantially interfere with the faculty member's duties to the College. For part-time 9-month faculty, the same principle applies but is prorated by FTE.
 3. For both full- and part-time 9-month faculty, any time commitments during the summer months are presumed not to substantially interfere with the faculty member's duties to the College unless they have a paid position with the College during the summer, in which case the one-day-in-seven principle above applies during this time.

Prior approval is generally not required for outside activities identified below. However, if any of these outside activities create an actual or potential conflict of interest or conflict of commitment, the faculty member must disclose the outside activity. The President or designee is charged with deciding whether outside activities constitute a conflict of interest and need to be actively managed consistent with the College's Conflict of Interest policy.

Faculty members are generally not expected to disclose outside activities unrelated to their College employment. If there is any doubt whether the outside activity may interfere with the faculty member's duties to the College or may be related to the faculty member's College employment, the employee must disclose the outside activity pursuant to this procedure. Faculty members are not expected to disclose:

- a) Reimbursement for travel related to a faculty member's official position and duties;
- b) Appearances, performances, exhibits, or publications;
- c) Consulting as an individual or sole proprietor; or
- d) Uncompensated outside activities.

A faculty member must seek prior approval for all outside activities that may give rise to actual or potential conflicts of interest as required by Oregon law and consistent with the College's Conflict of Interest policy. (See also BP/AP 2710). Even when the general guidelines above are followed, faculty members must seek prior approval for the following:

- a) Ownership of equity in an entity, including a consulting entity, that carries on activities closely related to the College faculty member's duties and/or field of expertise. This excludes consulting as an individual or sole proprietor.
- b) Outside activities performed in exchange for equity in an entity that carries on activities closely related to the College faculty member's duties and/or field of expertise. This excludes publicly-traded equity unless the faculty member has a majority ownership in that entity.
- c) Outside activities closely related to the College faculty member's duties and/or field of expertise that involve the creation of technological improvements, inventions, or software.
- d) Managing or significant participation in the day-to-day operations of an entity that carries on activity closely related to the faculty member's duties and/or field of expertise.

Outside Activity Disclosure and Approval Process

If they have something to disclose, faculty members must submit a written disclosure each calendar year. When completing the disclosure, faculty members should err on the side of caution and provide advance disclosure when they are unsure whether an outside activity is exempt or requires prior approval. Faculty members are not expected to disclose exempt activities. In addition, if a faculty member would like to engage in an outside activity that requires prior approval during the year, the faculty member must amend their written disclosure and seek approval prior to engaging in the outside activity.

Review and Approval

The President or designee will create procedures for the review of faculty member's disclosures, and decisions about whether an outside activity is approved. An outside activity that creates an actual or potential conflict of interest may not be authorized and



must be publicly disclosed consistent with Oregon ethics law and College Conflict of Interest policies.

Reporting Concerns About A Faculty Member

Any College employee who has concerns about the permissibility of an activity on the part of a faculty member should discuss those concerns with their supervisor or the President or designee.

Appeals

Decisions under this policy may be appealed in writing to the President or designee. Appeals will be considered consistent with faculty grievance procedures.

END OF PROCEDURE

President's Cabinet Approval Date:	October 28, 2020
College Council Approval Date:	November 12, 2020
Last Revised:	November 12, 2020