HRM-025

Professional Service and External Consulting for University Staff Employees

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Contact Office UVA Human Resources

Oversight Executive
Vice President and Chief Human Resources Officer

Applies To Academic Division and the College at Wise.

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Reason for Policy

The University of Virginia recognizes that the quality of work can be enhanced when certain University staff employees participate in professional service or external consulting activities. The University also recognizes that this privilege can be valuable to the individuals and the institution alike and supports professional service or external consulting activities that do not detract from the University staff employee's performance or primary commitment to the University, present a conflict of interest, or deplete University facilities and resources. This policy establishes guidelines for participation in and the restrictions associated with outside professional service and external consulting activities by certain University staff employees.

Definition of Terms

External Consulting

Description

A professional activity related to an individual's area of expertise, where that individual receives compensation from a third party and is not acting as an agent of the University. The guiding principle is that, in consulting, an individual agrees to use their professional capabilities to further the agenda of a third party in return for an immediate or prospective gain. Consulting is not considered outside employment which may or may not directly relate to an individual's professional discipline.

Highly Sensitive Data

Description

Data that require restrictions on access under the law or that may be protected from release in accordance with all applicable laws or regulations, such as Virginia Code § 18.2-186.6. Breach of Personal Information Notification. Highly Sensitive data (HSD) currently include personal information that can lead to identity theft. HSD also includes health information that reveals an individual's health condition and/or medical history. Specific examples include, but are not limited to:

- *Any store or file of passwords or user-ids and passwords* on any multi-user system or computer.
- *Personal information that, if exposed, can lead to identity theft.* This may include a personal identifier (e.g., name, date of birth) as well as one of the following elements:
    - Social security number.
    - Driver's license number or state identification card number issued in lieu of a driver's license number.
    - Passport number.
    - Financial account number in combination with any required security code, access code, or password that would permit access to a financial account.
    - Credit card or debit card number, including any cardholder data in any form on a payment card.
    - Military Identification Number.
- *Health information, which is any information that, if exposed, can reveal an individual's health condition and/or history of health services use, including information defined by* Health Insurance Portability and Accountability Act *(HIPAA) as protected health information (PHI).*
- **Cardholder Data (CHD):** Primary cardholder account number that identifies the issuer and a particular cardholder account, which can include cardholder name, expiration date and/or service code.

Note: Credit card numbers must never be stored either alone or in combination with any other identifiers. Also considered HSD are any form of personally identifying information in combination with social security number (SSN), driver's license number, passport number, financial account number and required security code, and/or military ID number. For example, computing ID and driver's license number, or home address and SSN.

Managerial & Professional Staff Employee (M&P)

Description

University staff employees who manage a division or subdivision of a major academic or administrative unit and/or exercise significant knowledge, discretion and independent judgment gained through advanced education or experience. This category includes coaches on individually negotiated contracts, other than head or associate head coaches/coordinators (see definition of E&SA). M&P staff are typically exempt employees under the provisions of the Fair Labor Standards Act (FLSA), and therefore not subject to the FLSA provisions governing the payment of overtime.

Outside Employment

Description

Self-employment and other work for another employer in which the employee receives compensation beyond that paid by the University. Outside Employment does not include Professional Service.

Professional Service

Description

Activities related to University or public service including service on national commissions, governmental agencies and advisory boards, granting agency peer-group review panels, philanthropic organizations or charities, visiting committees or advisory groups to other universities, professional associations, and analogous bodies. The fundamental difference between these activities and consulting is that they are public or University *service*. Although an honorarium or equivalent may be received, these Professional Service activities are not undertaken for personal financial gain. Professional Service does not qualify as Consulting.

Honorarium

Description

A token of appreciation paid to an individual for services performed **for which payment is not required**. The services involved vary but are generally associated with presentations made at University sponsored functions. The arrangement between the individual and the University is informal. It does not involve a contract, and invoicing is not required. An employee may not receive an honorarium from the University.

University Equipment

Description

University owned or leased property used to assist in performing an activity or function (e.g., hand tools, power tools, audio-visual equipment). University equipment does not include University infrastructure (e.g., networks, buildings); office furnishings that remain in the location designated for their use (e.g., desks, file cabinets, bookcases); or telephone and computing resources that are covered by other specific policies.

University Staff Employees (University Staff)

Description

Those salaried, non-faculty employees hired on or after July 1, 2006, and those salaried non-faculty employees and administrative and professional faculty electing to participate in the UVA Human Resources System established by the Board of Visitors under the authority granted by the *Restructuring Act* and the *Management Agreement*. (The term “University Staff Employee” includes all three categories of University staff employees - Operational & Administrative, Managerial & Professional, and Executive & Senior Administrative.)

Management Agreement

Description

The agreement between the University and the Commonwealth required by Subsection D of § 23.1-1004 of the *Restructuring Act*.

Restructuring Act

Description

The *Restructured Higher Education Financial and Administrative Operations Act*, Chapter 10 of Title 23.1 of the Code of Virginia.

Policy Statement

The University recognizes that professional service and external consulting can enhance the quality of work and enrich the professional development and stature of certain University staff employees (University Staff). Professional service and external consulting activities also create and build strategic relationships with other universities, state and local governments, and private businesses that may benefit the University as well as the employee. The Executive & Senior Administrative staff and Managerial & Professional (M&P) categories of University Staff may engage in professional service during normal working hours if the activity:

- Does not detract from the University staff employee's job performance and University-related work obligations.
- Does not create a conflict of interest or the appearance of a conflict of interest with the University.
- Does not hinder the University's ability to modify work schedules.
- Clearly benefits the University and relates to professional practice.

Eligible University Staff remain responsible for meeting the performance expectations, job requirements, and scheduling demands of their positions while engaged in professional service activities.

Executive & Senior Administrative and M&P staff may engage in external consulting while on approved leave or outside of normal work hours.

The supervisor will require the University staff employee to terminate their professional service or external consulting activities should the supervisor determine that these activities interfere with the University staff employee's job performance, creates a conflict of interest or the appearance of a conflict of interest with the University, or impairs the University staff employee's ability to meet their University-related work obligations.

Faculty are not subject to the terms of this policy and should refer to University policy HRM-045: Faculty External Consulting and Internal Overload.

1. **Requirement for Prior Review and Approval:**
   While the University permits professional service and external consulting, a University staff employee must receive prior approval if these activities will be performed during the University staff employee's normal working hours (external consulting requires approved leave).

   In recommending whether a particular professional service activity should be encouraged and permitted, the immediate supervisor must assess the extent to which the activity will complement the University's programs or interfere with the effective discharge of the University staff employee's responsibilities to the University. The immediate supervisor's review should be completed in a timely manner. Schools/units/departments are responsible for maintaining documentation of all requests for professional service and leave.

It is the University staff employee's responsibility to disclose the professional service or external consulting activity to their supervisor to discuss the potential for a conflict of interest. The supervisor and the University staff employee, in consultation with the Office of the University Counsel, shall determine whether the activity presents an actual or perceived conflict with the University. If it is determined that a conflict exists, the University staff employee may not accept the professional service or external consulting assignment. [See University policy FIN-054: Employee Obligation to Report Potential Conflicts of Interest, the State and Local Government Conflict of Interests Act (Virginia Code Title 2.2, Chapter 31, Section §2.2-3100), and the Virginia Public Procurement Act (Virginia Code Title 2.2, Chapter 43, Section §2.2-4300) including Article 6. Ethics in Public Contracting (Section §2.2-4367).]

Federal regulations related to Public Health Service (PHS)-funded research, consider income provided for service to some foundations and professional societies to be consulting and reporting is required. In addition, activities such as pro bono work, U.S. government service in the public interest, and any outside employment unrelated to the University staff employee's University responsibilities should be managed so they do not take precedence over the University staff employee's primary commitment to the University.

2. **Independent Status of External Consulting:**
   University Staff engaging in external consulting must clearly identify that they are acting independently and not as representatives of the University. (See the University's Code of Ethics and University policy FIN-054: Employee Obligation to Report Potential Conflicts of Interest.)
3. **Use of University Facilities, Equipment, and Services:**
   The facilities, equipment, and services of the University may **not** be used in connection with external consulting. (See University policy PRM-011: Use of Working Time and University Equipment for Personal or Commercial Purposes.)
4. **Use of Copyrightable Material:**
   University Staff may not use copyrightable materials that are owned by the University in external consulting. (See University policy RES-001: Ownership Rights in Copyrightable Material which includes all University and school/department/unit stationery, logos, and web pages and University Copyright, Privacy, Web Policies.)
5. **Use of Highly Sensitive Data and Intellectual Property:**
   University Staff may not divulge or transfer highly sensitive data or intellectual property while engaging in external consulting or a professional service activity. (See University policies IRM-003: Data Protection of University Information and RES-006: Patenting of Discoveries or Inventions at the University.)
6. **Use of Internet and the University's Electronic Communications Systems:**
   University Staff engaged in external consulting may use the University's electronic communications systems for only incidental purposes such as receiving an occasional email. (See University policy IRM-002: Acceptable Use of the University's Information Technology Resources and the Electronic Access Requirements. For further guidance on acceptable use, refer to Information Security Awareness - Faculty and Staff.)
7. **Outside Employment:**
   A University staff employee may pursue a variety of endeavors for financial gain that is not directly related to the individual's field or discipline. These efforts are part of the employee's private life outside of normal working hours and do not come under University regulation or this policy. To emphasize again, however, such endeavors may only be pursued after the full-time commitment to the University has been fulfilled.

8. **Roles and Responsibilities:**
   The ***University staff employee*** is responsible for:

- Disclosing in advance and discussing with the supervisor, any professional service or external consulting assignment to determine whether a conflict of interest with the University exists.
- Accepting no professional service or external consulting assignment that presents a conflict with University responsibilities.
- Requesting and **obtaining approval in advance** of engaging in professional service during normal work hours.
- Requesting and **obtaining approved leave in advance** of engaging in external consulting during normal work hours.
- Indicating to outside parties that they are acting in the capacity of an independent professional and not a University representative when participating in external consulting.
- Complying with the terms of this policy and other applicable University policies and procedures.

The ***supervisor*** or ***school/department/unit head*** is responsible for:

- Reviewing and approving or disapproving requests for participation in professional service or external consulting activities in a timely manner.
- Consulting with the University staff employee, and where applicable, the Office of University Counsel, when the University staff employee raises the question of potential conflict of interests for a professional service or external consulting assignment.
- Reviewing and approving or disapproving requests for leave.
- Maintaining documentation of approval/disapproval on file.

UVA Human Resources is responsible for:

- Providing advice and guidance to all parties involved in determining eligibility.
- Designing and implementing procedures and forms; maintaining all relevant records.

9. **Compliance with Policy:**
   Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination in accordance with relevant University policies.

   Direct questions about this policy to UVA Human Resources.

Procedures

Request for Approval to Participate in Professional Service:
Submit a written request to the immediate supervisor. The request from the University staff employee must include:

- A description of the professional service activity.
- Location of the activity.
- For whom the professional service activity is to be performed.
- The approximate number of hours required, dates and time frame for the proposed activity.
- A justification outlining how the proposed activity will benefit the University and not negatively impact the University staff employee's University-related responsibilities.

The immediate supervisor will review and approve/disapprove the request in a timely manner.

(Note: For consulting activities occurring during normal work hours, University Staff shall submit a leave request to their immediate supervisor for review and approval/disapproval.)

Related Information

University Policies:
FIN-054: Employee Obligation to Report Potential Conflicts of Interest
IRM-003: Data Protection of University Information
PRM-011: Use of Working Time and University Equipment for Personal or Commercial Purposes
RES-001: Ownership Rights in Copyrightable Material
RES-006: Patenting of Discoveries or Inventions at the University (Patent Policy)

Copyright, Privacy, Web policies
Information Security Awareness - Faculty and Staff
University Code of Ethics

State Policy:
1.75: Use of Electronic Communications and Social Media

Major Category Human Resource Management

Next Scheduled Review Monday, March 12, 2029

Revision History

Confirmed 3/12/26; Revised and Added Section 7 3/17/23; Added Compliance section 7/20/21; Updated HSD definition 3/10/20; Updated Code reference 10/27/16.

Approved By Executive Vice President and Chief Operating Officer

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