

UNIVERSITY OF WYOMING

*The task of the university is the creation of the future,
so far as rational thought, and civilized modes of appreciation,
can affect the issue.* Alfred Lord Whitehead

Pythian Papers on Academic Careers

Best Practices for HIRING TENURE-TRACK FACULTY and EXTENDED-TERM - TRACK ACADEMIC PROFESSIONALS

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HIRING TENURE-TRACK FACULTY and EXTENDED-TERM-TRACK ACADEMIC PROFESSIONALS

University of Wyoming's permanent academic workforce is composed of tenure-track and tenured faculty members, extended-term-track and extended-term academic professionals, and Library faculty and American Heritage Center archivists. (The members of the latter two groups may earn extended term appointments but not tenure). This paper addresses a number of issues that arise in the hiring of these academic personnel and develops a set of principles or best practices. The intent is to provide guidance to deans, department heads, and search committees; and to avoid some of the difficult misunderstandings that result when job candidates receive erroneous or incomplete information, either during the search or in a written job offer.

Role of the college deans. College deans have authority over the hiring practices in their colleges. Customs concerning who sends the formal letter of offer to a job candidate vary among colleges: in some cases it's the department head; in others it's the dean. In any case, the department head (or analogous administrator) should keep the college dean informed during all hiring negotiations, and no letter of offer should go out without the college dean's approval. In the case of joint appointments involving more than one college, all of the appropriate deans must approve.

Searches. The University's policy is to conduct open, competitive searches before filling any tenure-track or tenured faculty position or any extended-term-track or extended-term academic professional position. This policy not only advances the best interests of the University; it also promotes fair hiring and is the essential foundation of UW's efforts to build diversity. In the case of a tenure-track or tenured faculty position, the search must be national or international in scope. Extended-term-track searches must be at least regional in scope. There are a limited number of exceptions to the advertising requirements. To review those exceptions please refer to the instructions posted on the website of the Office of Diversity and EEO at <http://www.uwyo.edu/EmploymentPractices/FacSearches.asp>.

Any unit conducting a search to fill a faculty or academic professional position should contact the Office of Diversity and EEO before writing the position announcement and formulating a search committee, to make sure that the search adheres to basic University procedures and documentation requirements. Departments should anticipate that they may be asked to develop a more strategic diversity recruitment approach beyond the minimal requirement of publically advertising the position. More instructions for launching and conducting academic searches are posted at the link referenced above.

Questions sometimes arise about hiring UW graduates into faculty positions. See **Appendix A** for a discussion. In addition, the University does not generally allow conversions of employees from academic-professional positions to faculty positions, and there is no mechanism for accomplishing such a conversion via promotion. The institution's policy is to hire people into tenured or tenure-track faculty positions through national or international searches, targeting candidates who are outstanding teachers and scholars and who hold the terminal degrees in

their fields. Academic professionals are welcome to apply for any open faculty position in which there is such a search, and hiring committees are free to consider these applications and to weigh their merits against those of other applicants.

Interviews. Many departments have found formal telephone interviews to be a helpful step in screening applications. Late in the screening process, on-campus interviews provide opportunities not only for departments to judge candidates in person but also for candidates to see whether they find UW and their prospective home department attractive. Remember that the candidates are making decisions about you at the same time that you are making decisions about them. For a discussion of good interviewing practices, see **Appendix B**. Also, to gain a healthy perspective, it is a good idea to interview more than one candidate in person.

Salary and other terms of the offer. The letter of offer, which serves as an employment contract once the offer is accepted, should clearly state the salary and include all other pertinent provisions of the offer. The salary offered must be consistent with the upper bound established in the hiring authorization. Since these bounds usually have some basis in the *Faculty Salary Survey by Discipline*, published annually by Oklahoma State University, they tend to be realistic in comparison with the market. If a candidate demands a higher salary, the college dean should discuss the matter with the Provost. The letter of offer should also specify whether the position is an academic-year appointment or a fiscal-year appointment. See **Appendix C** for details about the difference. New academic-year appointees should, in particular, understand how their salary payments will be apportioned over the fiscal year. For some employees, it will be important to understand the implications converting at some point in their career from an academic-year appointment to a fiscal-year appointment, or vice versa.

Including a link in the offer letter to an Academic Affairs document titled *Supplemental Information to Accompany Offer Letters*, which can be found at: http://www.uwyo.edu/AcadAffairs/policystatements/Sup_info_Offer_Letters.doc, is a good way to ensure future employees have easy access to a range of important university policies and regulations that may affect their careers. In particular, providing information about supplemental pay and consulting policies up front in offer letter or via the supplemental information sheet may avoid misunderstanding at a later date. **Appendix D** contains a Q&A on consulting and supplemental pay policies.

Academic professional positions. AP positions include post-doctoral research associates, lecturers, research scientists, and extension educators. For the last three categories, there is a critical distinction between extended-term track (ETT) employees and non-ETT employees. UniReg 408 *Guidelines for Establishing Academic Professionals* contains details and can be accessed on line at: <http://www.uwyo.edu/generalcounsel/support/clean%20uw%20regulations/UW%20Reg%205-408.pdf>

Any letter of offer to a lecturer, research scientist, or extension educator, at any rank, should explicitly state either (1) that the offer is for an extended-term-track position or (2) that it is for a non-ETT position. If it is for an extended-term-track position, the letter should describe the

annual reappointment schedule and specify the expected date of the extended-term decision. If it is a non-ETT position, the letter should indicate the nominal ending date, which should be no later than the end of the current fiscal year. Non-ETT positions are renewable subject to programmatic need, acceptable performance, and funding availability. A template for an offer to a non-extended term appointee can be found at:

http://www.uwyo.edu/acadaffairs/admin_staff/samp_appt_let.pdf

The tenure or extended-term clock. Offer letters to new faculty or ETT AP's must always include the terms of the tenure-track or extended-term-track appointment, with particular attention to the tenure decision date. Consistent with standards set by the American Association of University Professors, tenure-track faculty must undergo a tenure decision before the end of spring semester in their sixth year of employment. Similarly, extended-term-track academic professionals must undergo an extended-term decision before the end of spring semester of their sixth year of employment. Untenured faculty members who enter with the rank of Associate Professor must undergo a tenure decision before the end of their fourth year. For untenured faculty members who enter with the rank of Professor, the decision must occur before the end of spring semester in the third year.

The letter of offer must clearly specify the date by which the tenure or extended-term decision must be made.

Abbreviated probationary periods (credit toward tenure). The period between the starting date and the tenure or extended-term decision is the *probationary period*. In rare instances, the University may grant probationary periods shorter than those prescribed above. For example, an individual hired as an assistant professor of Chemistry after having served two years as a tenure-track assistant professor at Stanford might reasonably negotiate for a tenure decision no later than spring semester of the fourth year.

Department heads and candidates should respect three caveats regarding credit toward tenure. First, it requires the approval of the college dean and the Provost. Second, it does not exist unless the formal letter of offer specifies it explicitly. Third, department heads and candidates alike should be extremely cautious about requesting abbreviated probationary periods. Tenure and extended terms require convincing evidence of consistent, sustained, high-quality contributions to the University's mission. A candidate who negotiates credit toward tenure or an extended term risks facing the most rigorous decision of a career at a time when the department, college, and university are not yet comfortable with the evidence.

It is telling that a number of troubled cases appearing before the University Tenure and Promotion Committee each spring involve reappointments of faculty members hired with credit toward tenure. Foregoing credit toward tenure does not in any way prevent a faculty member from being considered for an early tenure decision once the faculty member, department head, and dean have agreed that an early review stands a strong chance of being successful.

Credit toward tenure is considered in University Regulation 5-803 Section 3 (a) (ii) *Reappointment, Tenure, and Promotion Procedures for University Faculty* at:

<http://www.uwyo.edu/generalcounsel/support/clean%20uw%20regulations/UW%20Reg%205-803.pdf>

Hiring with tenure. On occasions, for example, to fill department head and endowed chair positions, or to hire at the senior levels, new faculty members are hired with tenure. Hiring with tenure should have been mentioned as a possibility within the advertisement. Making an offer of a tenured position requires—at a minimum—a favorable tenure vote at the department level and a tenure recommendation by the hiring dean. Joint appointments may require reviews by more than one department and dean. A tenure review packet must be forwarded for review by the Provost and Vice President for Academic Affairs, who does have the option of requesting a review by the University Tenure and Promotion Committee. The offer letter to such a candidate must specify that a tenured appointment is being recommended to the Provost. The Office of Academic Affairs will follow up with a letter to the candidate indicating that tenure will be recommended to the Board of Trustees. A tenured appointment may be at the associate or full level, as appropriate.

Degree status. UW's general practice is to fill tenure-track or tenured faculty positions, as well as most extended-term-track and extended-term positions, with people who hold terminal degrees in their fields. Among the terminal degrees expected of a faculty member are the PhD, EdD, MD, JD, and MFA. To protect the university against fraud, the Office of Academic Affairs requires verification that each tenured or tenure-track faculty member has completed the terminal degree. The only valid verification is an official transcript, clearly indicating completion of the terminal degree. Original transcripts must be sent directly to Academic Affairs from the degree-granting institution.

In any case where an employee hired into a tenure-track faculty position starts work in the absence of such verification, the individual's initial rank is "instructor." The title automatically changes (typically to assistant professor) when Academic Affairs receives the appropriate verification.

Time spent in rank as an instructor has no effect on the faculty member's tenure clock. For example, an individual who holds the rank of instructor for two years still faces a tenure decision no later than the spring of the sixth year after entering that rank. The university does not grant tenure to faculty members who are instructors at the time of the tenure decision. In practice, candidates who are still instructors at the time of their second-year review will face difficult reappointment decisions.

Whenever completion of the terminal degree is an issue for a faculty candidate, the letter of offer should include an explanation of these policies, possibly in the form of a separate enclosure (See **Appendix E**). The policy statement is available from Academic Affairs at:

<http://www.uwyo.edu/acadaffairs/PolicyStatements/transcripts.doc>

Startup packages. Start-up packages are common in the science and engineering fields, and occur at times in other disciplines. The total value of the start-up package should always be

specified in the offer letter; details of the package may be included in a separate document but should always be recorded in writing.

Three recommendations are worth making. First, the amount and purpose of any startup package should be specified explicitly, in writing, at the time of the written job offer. Second, any startup package that includes commitments of personnel resources must receive prior approval from Academic Affairs. Third, it is a good idea for any unit making a startup commitment to place a firm time limit on the commitment. In addition, the hiring dean should have a clear and documented agreement with the Offices of Academic Affairs and Research, as well as any other contributing office such as the School for Energy Resources, that specifies the specific amounts contributed to the start-up package from each source (department, college, Academic Affairs, Research). This agreement should not be provided to the new faculty member; however, especially with large startup packages, internal documentation is necessary in order to ensure UW is able to deliver on its commitments in accordance with the new faculty member's understanding at the time of accepting the position.

Spousal/domestic partner issues. Department heads who confront domestic partner issues during a search should raise the issue with the dean(s) involved, who should bring the issue to Academic Affairs if necessary and as early as possible in the negotiation process. **Appendix F** discusses the issue and options at more length.

Mid-year hiring. Employees on academic-year (AY) appointments normally receive 3/4 of their earned salary during the academic year. They receive the remaining 1/4 — called the *balance of contract* — in the following summer, along with the fringe benefits that accompany paychecks. An AY employee who works for only a fraction of the academic year earns only that fraction of the base AY salary, and the following summer's balance-of-contract payments are proportionately smaller. The effect can be dramatic: an AY employee who starts work at the beginning of spring semester might expect summer paychecks containing 1/12 of the AY salary, but the actual amount will be half that.

It is only fair to warn newly hired employees about this effect, which they may find vexing. In my view, it's appropriate to offer enough supplemental summer salary to compensate for it. However, Academic Affairs is not necessarily an appropriate source for these funds. Colleges normally receive *all* of the money needed to fund the full AY salary through central position management, whether or not the employee receives it during the first year.

International hiring. In the last few years, universities throughout the U.S. have encountered more procedural barriers to international hiring and increasingly troublesome penalties for failing to manage these barriers. Ironically, these difficulties have grown at a time when UW has tried to encourage departments to cast an international net in every search. Few department heads have the time to become experts in immigration law, and even fewer have the patience to deal with immigration snafus after they've made a job offer. Therefore, it is important that any interview of a candidate who is not a U.S. citizen include a visit to International Programs, to identify any legal and procedural matters that may arise if the candidate is hired and to discuss visa processes. In addition, department heads would be wise to become familiar with the

various advertising processes required in order to hire teaching and non-teaching faculty. Please consult with the Faculty Immigration Coordinator of the Office of International Programs for more information. The Office's website is a good source of information regarding the employment of non-resident aliens: <http://www.uwyo.edu/intprograms/info.asp?p=1560>

Felony hiring policy. It is the policy of the university not to hire any person convicted of a crime the nature of which is reasonably related to the applicant's fitness for the job. No person convicted of a felony of any nature shall be hired into a faculty or academic professional position without the approval of the Provost. It is also against university policy to hire any person who has been convicted of (1) a felony involving violence or (2) a sex crime against a minor or involving violence. All candidates for a faculty or AP position must complete a felony disclosure statement prior to or in conjunction with an on-campus interview. At the time of this writing, the University is also considering mandatory background checks for all new employees. Steps for considering the hire of faculty or AP's with disclosed criminal record can be found at: http://www.uwyo.edu/acadaffairs/Hiring/criminal_hiring_guidelines.pdf

Tenure, extended-term, and reappointment denials. Finally--while unfortunate to end a paper on hiring with a note on terminating appointments--it is important for both hiring officials and employees on tenure and extended-term clocks to understand the employment implications of a non-reappointment decision. UW Regulation 5-1.D states, "An individual who is not offered tenure at the end of the probationary period shall not be retained as a faculty member." The value of this regulation is threefold. First, it discourages academic peers from making negative recommendations lightly, since a negative decision has significant, constraining consequences. Second, it prevents administrators from undermining traditional academic contract types through *de facto* conversion of tenure- or extended-term-track appointments into temporary appointments. Third, it helps mitigate any tendencies, however well intentioned, to staff the institution with people who have not met previous performance expectations.

Questions frequently arise over the interpretation and implementation of this policy. The most common questions tend to probe at possible loopholes or exceptions that would thwart the regulation in spirit, if not in letter. In practice, *the Office of Academic Affairs will not approve any hiring paperwork for any person who has been turned down for reappointment, extended term, or tenure in an academic position at UW.* This category includes people who have withdrawn their applications for reappointment, extended term, or tenure in the face of negative recommendations. The source of funding proposed in the hiring paperwork is immaterial.

Appendix A: Hiring UW Graduates into Faculty Positions

UW has no formal, written policy governing the hiring of its own graduates into tenure-track faculty positions. Rather, UW generally fills tenured and tenure-track faculty positions through open, national or international searches, hiring highly qualified teachers and scholars who hold terminal degrees in their professions. There are occasional advertising exceptions granted, including 'target-of-opportunity' hires to increase diversity among under-represented groups and, at times, spousal or domestic partner hires as a component of a recruitment or 'start-up' package. Candidates hired under such exceptions must nonetheless be competitive at the national or international level in their fields and their candidacies must be thoroughly vetted following the same processes established for all candidates.

The purposes of conducting national or international searches are threefold:

1. To attract the most highly qualified applicants; and
2. To foster intellectual diversity and wide-ranging scholarly connections and perspectives among the faculty.

Repeatedly hiring candidates who received their terminal degrees from UW can work against all three purposes. It artificially narrows the range of applicants, limits cross-fertilization with other universities, and may inhibit the recruitment of a truly diverse faculty. The same caveat applies whenever a department repeatedly hires from a single graduate program, whether it is at UW or elsewhere.

While there is no strict rule against hiring people who hold UW doctorates into tenure-track positions, the following guidelines may be helpful.

- UW's strongest academic departments hire from the world's best graduate programs. The correlation is not incidental. Departments cultivate excellence by aiming their sights high.
- Review the hiring statistics. Do a lot of faculty members come from a single graduate program? If so, the department may be in a hiring rut. Breaking out of such a rut can be difficult, especially when current faculty members have unspoken and perhaps unacknowledged affinities toward a common alma mater. Because the issue can arouse sensitivities, maintaining (or restoring) a strong hiring culture requires thoughtful leadership and a firm commitment to academic excellence on the part of department heads and deans.
- Occasionally a person who holds a UW doctorate applies after having spent time in a tenure-track rank at another institution. It is reasonable to evaluate such applicants in light of the intellectual diversity and scholarly connections that may accrue from having worked at another institution.
- When discussing particular candidates, hiring committees should avoid framing questions about alumni in simplistic ways. Hollow incantations such as "we never hire our own" or "we can't hire anyone else" deflect attention from the central questions. Is the candidate among the most highly qualified applicants nationwide? Will the candidate bring intellectual diversity and new scholarly connections to UW? Has the committee

been diligent in attracting the broadest possible applicant pool? Honest answers to these questions are far more productive than shibboleths.

Hard questions often provoke a desire for algorithmic answers. On this subject, such an answer would be inappropriate. Evaluating candidates who earned degrees at UW requires a forthright appraisal of the department's hiring culture, dispassionate judgment, and a commitment to excellence.

Appendix B. Good Interviewing Practices

The list below provides a few reminders about good practices by members of search committees and other faculty members during the interviewing season.

- 1. Confidentiality.** People should strictly avoid broadcasting the list of applicants for positions. Many people expect their applications to be held in confidence, at least until they're on the short list. This rule is especially important in the case of internal candidates, many of whom offer their applications out of a sense of service. To facilitate frank discussions, search committee members should also refrain from broadcasting opinions expressed in committee meetings during the screening process. Finally, the short list should remain confidential until the search committee chair has obtained permission to publicize names and notified the candidates who aren't on it.
- 2. Proper questions.** Everyone who speaks with the candidates or their references should refrain from asking improper questions. These include questions about national origin or citizenship, age, family and marital matters including sexual orientation, social or religious affiliations or beliefs, medical history, disabilities, arrest record, and military service. It is not illegal for candidates to volunteer this information. But it is illegal to ask for it or to expect them to volunteer it. Candidates typically know the law on this issue. We should, too.
- 3. Interview etiquette.** Everybody involved in the interviews should maintain polite, constructive behavior toward each candidate. Don't grill the candidate. Don't buttonhole the candidate to enumerate a list of personal woes and anxieties. Don't tell the candidate that you prefer another candidate or that you don't like his or her scholarly work. To be maximally useful, an interview should convince the candidate that he or she wants to come to UW. This way people at UW get to make the choice.
- 4. Negotiations.** Once the search committee has made its final recommendations, the hiring authority (often a department head, dean, or vice president — make sure the responsibility is clear) must make a choice and begin negotiations. The negotiations are between the hiring authority and the candidate. Others should refrain from contacting the selected candidate or any other candidates during this period. Negotiations over the terms of a job offer can be confusing enough when they involve just two parties. Interference from others only adds to the confusion. It also risks alienating good candidates, who may shy away from joining a unit that appears dysfunctional. Academia is a surprisingly small world, and alienated candidates often share their discouraging experiences with other colleagues, making subsequent searches more difficult.

Appendix C : Understanding Academic-Year and Fiscal-Year Appointments

Academic employees sometimes change their appointment types, from academic-year (AY or nine-month) appointments to fiscal-year (FY or 11-month) appointments, as they adopt administrative responsibilities. This note reviews three technical intricacies associated with these conversions: salary rates, vacation accrual, and balance of contract.

Salary conversion rates. UniReg 173.II.3.b.iii establishes the standard salary conversion rate between academic-year and fiscal-year appointments as follows:

Conversion from a full time fiscal year appointment to an academic year appointment: the annual salary rate multiplied by 0.833

Although the number 0.833 may seem arbitrary, and the UniReg doesn't say anything about its origin, there is some reasonable justification for it:

1. An employee on an FY contract works throughout year, accruing 22 vacation days per year and taking holidays at Independence Day, Labor Day, Thanksgiving, Christmas, New Year, and Memorial Day. Roughly speaking, FY employees earn their salary by working about 9/10 of all weekdays during the year.
2. An employee on an AY contract works nine months out of 12, with no vacation accrual and no formal tracking of holidays. In other words, roughly speaking, AY employees earn their base salary over 3/4 of all weekdays during the year.
3. With these estimates, the ratio of AY workdays to FY workdays is $(3/4)/(9/10) = 5/6$.
4. The number 0.833 is the ratio that a person would get by adopting the same reasoning, using a calculator instead of fifth-grade arithmetic and rounding to three significant digits.
5. The reciprocal rate, reflecting conversion from an AY to an FY appointment, is 6/5, or 120 percent. So AY-to-FY conversions result in a 20 percent increase.

It requires only modest quantitative skills to rationalize several other possible conversion rates, using different reasoning. People often try to do so when it is to their advantage. For example, people accepting administrative appointments often argue for AY-to-FY conversion rates larger than 6/5. Interestingly, they seldom insist on using the reciprocals of those larger rates at the time of the subsequent FY-to-AY conversion, since the resulting conversion rates would be smaller than 5/6, resulting in an AY salary smaller than that prescribed by UniReg 173.

To ensure consistency, it is standard policy to use the conversion rate embedded in the university's regulations. There is one exception: when the AY-to-FY conversion is associated with a change in duties, it is possible to offer salary different from 6/5 of the old one, to accommodate the new job responsibilities. However, FY-to-AY conversions must be at the UniReg-prescribed rate, whether or not the duties change.

Vacation accrual. UniReg 173.I.3.f also governs the use of accrued vacation by employees stepping down from FY appointments:

A faculty [member] or University officer accepting an appointment to a position which is not eligible for accrual of vacation leave shall utilize accrued vacation leave credits prior to the effective date of the new appointment.

It is useful to include a reminder of this regulation in any letter of appointment that involves an AY-to-FY conversion, to avoid conflicts over the matter at the end of the FY appointment.

Balance of contract. In their September – May paychecks, AY employees receive 3/4 of the salary they earn during the academic year. They receive the remaining 1/4, called the balance of contract (BOC), during the three months of the following summer. This arrangement ensures that the employees continue to receive health-insurance coverage and other benefits during the summer. But it is sometimes a source of confusion.

The confusion is minimal in AY-to-FY conversions. Whenever the employee makes the conversion, he or she receives any accumulated BOC either as a lump sum or spread over the next two months. For example, an employee making an AY-to-FY conversion at the start of spring semester has accumulated half of a year's BOC, which is 1/8 of the AY salary. If the employee chooses to receive the amount as a lump sum, 1/8 of the former AY salary will appear in the January paycheck, along with the salary earned as an FY employee.

The confusion can be worse with FY-to-AY conversions, because the FY appointment generates no BOC. For example, if the FY-to-AY conversion occurs a month before the end of spring semester, the employee will accrue only a month's worth of BOC, or $(1/9) \times (1/4) = 1/36$ of the new AY salary. This amount will appear spread out in three paychecks — each containing $(1/3) \times (1/36) = 1/108$ of the new AY salary — during the following summer. To many employees, paychecks of this size would cause distress.

To avoid this problem, it is good practice to make FY-to-AY conversions *only* at the start of fall semester, so that the employee will accumulate enough BOC during the academic year to allow for full paychecks the next summer.

Appendix D: A Q&A on Supplemental Pay and Consulting

Supplemental Pay

What is supplemental pay? Supplemental pay is any pay received from the university other than the employee's base salary.

What counts as supplemental pay? Supplemental pay can include pay for teaching on overload or for Outreach credit courses; pay for work on externally funded research grants and contracts; pay for working at university sponsored events; university awards and honorariums; and any other extra university pay. **Summer salary** funded by a grant, or to teach summer school, is a typical source of supplemental pay for academic year employees.

Who can receive university supplemental pay? Employees on academic year appointments have base salaries that cover 3/4s of the work year. These employees can receive supplemental pay *up to a limit* without making a special request.

How much supplemental pay can an academic year employee receive? Supplemental pay from all sources in any one fiscal year is generally limited to *no more than 1/3 of the academic year base salary*—an amount that covers the remaining 1/4 of the work year. Exceptions to this limit may include nominal amounts for awards and honoraria, and pay for employment in noncredit classes and at university-sponsored events. The payroll office does track all sources of supplemental pay.

Does this mean that fiscal year employees never receive supplemental pay? Fiscal year employees normally may not receive supplemental pay. Exceptions to this rule may include nominal amounts for awards and honoraria, and pay for employment in non-credit classes and at university-sponsored events. To receive any other type of supplemental pay, there must be a written exception request from the employee's supervisor. *An exception requires exceptional circumstances that will not be recurring*, e.g. there is no one else available to teach a course and it is a one-time only event.

Does this requirement apply to administrators as well? Academics with administrative duties that require fiscal year appointments may not earn supplemental pay.

Work for supplemental pay should always be work that is in addition to the employee's regular work duties during the appointment period. An academic employee must never be paid extra to perform his/her regularly assigned duties.

Consulting

What is consulting? Consulting involves work that is conducted for an entity other than the university and that is NOT part of the employee's regular university responsibilities. *As a general rule, if the pay comes directly to the employee from an outside entity, the work is consulting.*

A common exception to this general rule is the receipt of **royalties for a textbook or other copyrighted product of the employee's scholarship**. Such royalties are for

work conducted within the scope of one's university responsibilities, and by custom are not subject to the consulting restrictions.

Employees receiving textbook royalties who wish to require the use of the textbook in their courses may want to consider donating some portion of those royalties to a charitable organization to avoid any appearance of conflict of interest. However, there is no legal limit on receipt of royalties and no reason to not use one's own textbook in one's own course.

What are the limits on consulting? The university monitors consulting to ensure against conflicts of commitment and interest. Consulting commitments must generally be limited to no more than 39 days a year for academic year employees, and 48 days a year for fiscal year employees. **A general guideline is no more than one day a week.**

Can an employee teach for another university as a consultant? No, this constitutes a conflict of interest.

Does consulting always involve pay? No, consulting need not involve pay. It is still consulting if the work is not part of one's regular university duties.

How do I tell the difference between consulting for free and extension or service? The distinction can be subtle. One test may be if the information provided to an external client by an extension specialist is generally available (through publications, websites, seminars, workshops, etc.) to all who might seek similar information. In contrast, consulting involves the provision of information or analysis not generally available to anyone other than the client, that is, proprietary information.

Is it ok to provide consulting services to a party in a legal suit? Participating in a court case as an expert witness for one party or the other can be a form of consulting; it is NOT a regular university responsibility. *A suggested approach is to provide expert witness testimony on behalf of a party to a law suit only under subpoena.*

Can university equipment and facilities, e.g. laboratories, be used in consulting work?

As general rule, the answer is "no," unless special arrangements are made through the Vice Presidents for Research and Administration to reimburse the university for their use.

In practice, it is often impractical to prohibit an employee from engaging in approved consulting activities from their university office. Reasonable and limited use of the office telephone and computer is acceptable so long as the employee does not exceed the university's limits on consulting time. It would be unreasonable, for example, to expect an employee to take phone calls from clients only at home and never from the university office, or to never answer emails on the office computer. However, a department may expect the employee to reimburse the department for phone calls made as part of a consulting activity. And no department should have to provide a home-use computer for the purpose of supporting consulting activities.

Can an employee advertise her/his consulting “business” in the paper or other outlets?

Since consulting is limited to no more than one day a week, the university generally views advertising of consulting services by an employee as a sign of potential for serious conflict of commitment. Think of it this way: How does one both advertise one's services and keep these same services limited to the requisite time period? Also, employees must refrain from using university trademarks in promoting their outside consulting services.

Applicable regulations include:

Trustees Regulation VII. – Supplementary pay, Consulting.

UniReg 40 – Outreach School.

UniReg 173 – Compensation for faculty and university officers.

Where to find the Consulting form:

http://www.uwyo.edu/AcadAffairs/Forms/consult_pro_work.doc

Appendix E: The University of Wyoming's Policies Concerning Terminal Degrees for Faculty

Verification of faculty credentials is an issue at every major university in the world. The purpose of this memorandum is to clarify the policies of the University of Wyoming regarding faculty members who have not yet verified receipt of the terminal degrees in their disciplines.

Until the Office of Academic Affairs receives verification that you have completed the terminal degree (PhD, EdD, JD, MFA, or whatever is appropriate in your discipline), your appointment is at the rank of Instructor. This appointment automatically changes to the rank of Assistant Professor when Academic Affairs receives proper verification.

The rank of Instructor is a tenure-track faculty rank. The schedule of your mandatory reappointment and tenure decisions remains the same as if you had joined the University faculty as an Assistant Professor. In particular, time spent in rank as an Instructor does not constitute grounds for delaying the tenure decision or for relaxing the expectations for tenure. In no case does the University grant tenure to individuals who still hold the rank of Instructor at the time of their tenure decisions. As a general practice, the University does not reappoint faculty members who hold the Instructor rank at the time of their second-year reappointment decision.

Proper verification that you have completed the terminal degree consists of an official transcript, sent directly to the Office of Academic Affairs by the degree-granting institution, verifying that the institution has conferred the degree. Photocopies of transcripts, transcripts not sent directly to Academic Affairs from the degree-granting institution, and letters from your former department head or doctoral committee members are not acceptable as substitutes.

This policy can be inconvenient for many well-intentioned new faculty members. Nevertheless, uniform application is necessary to protect the University's academic integrity. Please feel free to discuss these policies with your department head, your dean, or administrators in the Office of Academic Affairs if questions arise.

Appendix F: Spousal and Domestic Partner¹ Accommodations

A start-up request to most any academic department may on occasion involve a request for a position for a domestic partner. **Here's what the University can do:**

We can attempt to identify units on campus that may have open positions, or anticipated positions, for which the domestic partner is a potentially good fit.

We may be able, *after an appropriate vetting process*, to authorize the hire of the domestic partner into an available position without completing a national or international search. Such a decision will be made in accordance with the particular circumstance.

Here's what the University cannot do:

We cannot force a unit to hire a domestic partner and we cannot allow the hiring unit to commit to a "better" position down the road, e.g. promise a tenure-track position for a partner who starts in a non-tenure track position, or a faculty position for a partner who starts as an academic professional.

Academic Affairs does not provide permanent funding for domestic partner hires. In other words, "permanent" college or department funds must be committed to the position as soon as an appropriate arrangement can be made. (It may be possible to phase down AA's support, for example, through a series of partial-position CPM requests, or by using captured CPM dollars when the hiring unit's next retirement occurs. Or department grant monies may be used to fund a temporary position annually as long as they are available.)

Academic Affairs does not pay for interview visits for domestic partners as part of the "accommodation" policy. One test of a potential hiring unit's sincere interest in the partner is its willingness to bring the person in for an interview.

Finally, **we must be honest and realistic with the candidate and his or her domestic partner**. Oftentimes expectations develop once a person is in a job, creating the potential for disappointment and even serious personnel issues down the road. We must communicate the fact that a one-time exception to the advertising policy does not mean a guarantee of permanent employment, or imply a right to any other position that may come open, no matter how similar to the original position.

Q&A's:

Q: What's the first step for a department encountering a situation that could potentially involve a domestic partner accommodation?

A: The first step is to talk with the college dean or appropriate hiring authority.

Q: At what point may the issue of a domestic partner accommodation be discussed with a candidate?

¹ The term "domestic partner" includes spouses.

A: It is never appropriate to ask a candidate personal questions, such as whether or not he or she will be seeking a position for a spouse, or even the candidate's marital status. However, at any point in the search process, the hiring unit may supply general information about the University's domestic partner accommodation policy. Such information may, for example, be provided as part of a recruitment packet whether or not the candidate requests it specifically. Specific discussions about particular opportunities occur only after entering start-up negotiations with the selected candidate. Such discussions should be coordinated with the college dean or other appropriate hiring official.

Q: Who grants the "exception to advertising" requests that can lead to the expedited hire of a domestic partner?

A: Requests from academic deans should be directed to the Office of Academic Affairs, which will discuss the circumstances of each request with the EPO.

Q: Who determines how a position to be filled by a domestic partner will be funded, if permanent funding is not already on the line?

A: Position funding decisions are made by the college deans (or appropriate academic unit director) in conjunction with Academic Affairs.

Q: If the best qualified candidate has a trailing partner for whom there is no position, is it acceptable to make the job offer to the next best qualified candidate?

A: No. It's acceptable to offer the job to a less qualified candidate only if the best candidate has turned down the position as offered or has documented explicitly that the job is unacceptable under the available terms.