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September 2012

A Practical Guide to 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.
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> 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 regulation:
UW Regulation 4-2 – Employment Provisions

QUESTIONS about what's ok and what's not? No need to fret; simply ask the folks in Academic Affairs.

Where to find the Consulting form:
http://www.uwyo.edu/acadaffairs/_files/docs/Req_outside_consulting.pdf