

Outside Consulting at UAHuntsville

The University of Alabama in Huntsville has long encouraged its faculty and researchers to engage in outside professional consulting. The *Faculty Handbook*, for example, includes the following statement:

Although teaching, research and service to the university are the primary functions of UAH faculty, the university recognizes the desirability of making faculty skills available to outside entities such as business, government, professional societies, and other appropriate groups consistent with their commitment to the university.

Providing outside services of a professional nature contributes significantly to the public welfare, offers opportunities for professional challenge and growth, brings recognition to the institution, and contributes to the improvement of teaching and research programs. For these reasons, UAH encourages faculty activities outside the university so long as the activity is consistent with the mission and goals of the university and does not compromise the university, or unduly limit the faculty member's ability to fulfill his or her primary obligations to the university.

UAHuntsville *Faculty Handbook* 7.15.3.

However, there is an important limitation on this consulting activity as it relates to use of institutional resources. The employee must be careful in using University facilities, offices, laboratories, software, equipment, students, or employees on the outside consulting project. As stated in the University's Conflict of Interest policy:

[A] conflict of interest exists when a faculty member makes more than a *de minimus* use of university academic, administrative, or other resources, or influences university decisions in such a way that could or does lead to personal gain or improper personal advantage or advantage to a family member or associate.

UAHuntsville *Faculty Handbook*, Appendix I

This limitation is grounded in the Alabama Ethics Act. This legislation prohibits, among other things, the use of public employment for personal gain, receiving a thing of value for influencing official action, or the use of confidential information gained in the course of public employment for private gain. §§ 36-25-5, 7, 9, *Alabama Code* (1975, as amended).

The Alabama Ethics Commission has consistently maintained that public employees may engage in outside consulting provided that they do not use their public position, time, or facilities for their private benefit in the consulting work. In Advisory Opinion No. 2001-24, the Alabama Ethic Commission allowed a University of Alabama health insurance compliance analyst to engage in outside consulting. In approving his consulting request, the Ethics Commission stated:

A Health Insurance Compliance Analyst with the University of Alabama at Tuscaloosa may provide consulting services to the Public Education Employees' Health Insurance Plan (PEEHIP), as there is no interaction or relation to his employment with the University of Alabama and the proposed consulting agreement with PEEHIP; provided, however, that all work done involving the consulting services is done on his own time, whether it is after hours, annual leave, etc.; and, that no public equipment, facilities, time, materials, human labor, or other public property under his discretion or control is used to assist him in either obtaining or performing the consulting opportunities.

UAHuntsville's policy in this regard is not substantially different from the outside consulting policy at other public universities. For example, the policy at the University of Alabama at Birmingham provides as follows:

Full-time faculty members may, with the approvals described below, contract to perform independent research, to furnish services as a consultant, or both, provided such activity (a) does not interfere with the performance of other responsibilities as a faculty member, (b) is limited in time, (c) is compatible with the interests of UAB as a public academic institution, and (d) does not require significant use of UAB resources or facilities. Faculty activities which use significant UAB time or UAB resources (for example, laboratories, studios, equipment, supplies, databases, students, or staff paid by UAB) should be handled as UAB grants or contracts.

UAHuntsville faculty and researchers may engage in outside professional consulting activities, assuming the proper approvals are obtained and within appropriate time constraints, all as required by University policy. To avoid any possible charge of violating this policy and ethical obligations as articulated by the state Ethics law, however, an employee must not carry on such activities on University-paid time and must scrupulously avoid utilizing, on anything more than a very nominal basis, his/her office, laboratories and equipment, University students, or other employees in the consulting activity.