MEMORANDUM

Date: June 8, 2016

To: President’s Staff/Vice Presidents/Associate Vice Presidents
   Vice Provosts/Associate Vice Provosts
   Deans and Chairs/Directors of Departments and Schools
   Directors of Research and Public Service Centers
   NIU Faculty Members and Supportive Professional Staff

From: Lisa C. Freeman
       Executive Vice President and Provost

Subject: Outside Consulting, Research, Instruction and Other Types of Outside Employment

As mentioned in the Academic Policies and Procedures Section 1, Item 10 2.a., “Interaction, (e.g., research or consulting) between employees and outside enterprises for reasonable periods of time (and which may or may not provide personal remuneration) is advantageous when the relationship enhances one's professional skills or entails a public service activity. Such relationships are encouraged as long as they are consistent with the missions of the University.”

Faculty and administrative professional employees (Supportive Professional Staff) who wish to engage in outside consulting, research or outside employment activities must comply with the University Faculty Research and Consulting Act of 1969 as amended (110 ILCS 100/1 et seq.) and the Board of Trustees Regulations Section II. B. 2. on outside employment. All full-time faculty and administrative employees (Supportive Professional Staff) must complete and submit a separate “Outside Consulting, Research, or Other Types of Outside Employment” request form for each outside entity for each fiscal year and obtain prior approval from their department chair/unit head/supervisor (who will serve as the President’s designee for such approval purposes at the unit level) before engaging in activities with that entity. The form and related information can be found at:
http://www.niu.edu/academicaffairs/faculty-affairs/outside-employment/index.shtml

Faculty members or administrative employees are required to make only one annual request for approval for performing services for each outside entity. However, because they must report the amount of actual time expended for each outside entity annually, a new form must be submitted each fiscal year for each outside entity.

This policy is intended to provide a means by which faculty and administrative employees are able to disclose and document outside activities in order to manage any conflicts of interest that may arise from such activities, as well as to ensure that NIU is in compliance with external audits. This policy applies to all full-time faculty and administrative employees who are actively on contract at NIU, but places no limitation on outside employment by them when they are not actively on contract at NIU (e.g. during the summer months for those on 9-month contracts).
If work is to be done on weekend days during the regular contract period, that fact should be specifically shown on the form. Conflict of interest issues may have a bearing in some cases and shall be reviewed and handled appropriately at the necessary levels of the university.

New faculty and administrative employees who wish to continue their pre-existing outside consulting, research, instruction and outside employment activities must seek approval within 10 work days of the start date of their contract at NIU to continue those activities. Union employees may consult their Collective Bargaining Agreements for guidance on the policy and compliance.

Once approved by the department/school chair/director/supervisor, the college/division office must submit the form to the Office of the Provost (President’s designee for coordinating the dissemination of information and processing of requests for approval) with appropriate review and recommendation by the college dean/division head. The completed form may be submitted as hardcopy with original signatures to the Office of the Provost or electronically through email to provost@niu.edu with digital signatures or scanned signatures and clearly indicating where the individual email messages originated and their dates. The Office of the Provost will notify electronically the requesting employee upon receiving the form from the college/division.

At the completion of the approved activity (but no later than August 15 of the following academic year), the requesting employee will be required to report the actual time expended on the activity. Completed forms and reports will be kept on file in the Office of the Provost, and a copy will be forwarded to the department/school/unit and college/division offices. Compensation for these activities does not qualify as additional pay or as any other type of university remuneration, and therefore, should not be paid through university cost centers.

The relevant language of the Board of Trustees Regulations Section II. Subsection B. 2. on outside employment is as follows:

Faculty and administrative employees whose primary positions are with the Board of Trustees normally shall not be employed under any employment or regular agreements or contracts for more than normal full-time employment from the State of Illinois and/or university funds.

Exceptions may be granted in the case of faculty teaching extension or noncredit courses, or other circumstances when duties are performed in addition to their regular assignments. Exceptions may be made upon advance approval of the president or a designee.

Faculty must have prior written approval of the president, or a designee, to perform research or provide consulting services to nongovernmental agencies. (University Faculty Research and Consulting Act, 110 ILCS 100/0.01 et seq., effective September 16, 1969.) Employment or services provided outside of those activities supported by the State of Illinois and/or university funds should not encroach upon the employee's primary responsibilities and obligation to the employer.

The president or a designee shall authorize in writing those persons designated to approve outside employment. A copy of the written authorization shall be maintained by the President's Office.
The relevant language of the current law (110 ILCS 100/1et seq.) regarding outside consulting or research is as follows:

**Section 1.** No full-time member of the faculty of any state-supported institution of higher learning may undertake, contract for or accept anything of value in return for research or consulting services for any person other than that institution on whose faculty he serves unless (a) he has the prior written approval of the president of that institution, or a designee of such president, to perform the outside research or consulting services, such request to contain an estimate of the amount of time which will be involved and (b) he submits to the president of that institution or such designee, annually, a statement of the amount of actual time he has spent on such outside research or consulting services.

**Section 2.** For the purposes of this Act, “State-supported institution of higher learning” includes the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northern Illinois University, Western Illinois University and all public community colleges; and

“Contract” includes any grant made by any person (individual or corporate), partnership, foundation or association, other than federal, state or local governments, for the performance of research or consulting services by a member of the faculty of a state-supported institution of higher learning. The term does not include a scholarship or grant for study or research required for a graduate degree or the improvement of existing skills without any services to be rendered for the grantor or donor of such a scholarship or grant.

The 110 ILCS 100/1et seq. statutes do not pertain to research or consultation for federal, state, or local governments. The university's chief legal officer has determined this legislation is not applicable to non-faculty or non-administrative employees or to any faculty or administrative employees whose appointments are less than full-time. The legislation does not require any report of compensation a faculty member or administrative employee may receive for performing private outside services. However, the Board of Trustees Regulations Section II. Subsection B. 2 on outside employment is much more comprehensive than the 110 ILCS 100/1et seq. statutes and requires formal approval of all types of outside employment.

We appreciate your assistance in making new as well as continuing faculty or administrative employees aware of these requirements and reminding them to complete and submit the request form for approval before engaging in outside research, consulting or other forms of outside employment activities. If there are any questions or need for clarifications, please feel free to contact the Office of the Provost at provost@niu.edu.

C: Douglas Baker, President
   Shyree Sanan, Acting Controller