April 21, 2014

MEMORANDUM

To: NIU Faculty Members
   Chairs/Directors of Departments and Schools
   Directors of Research and Public Service Centers

From: Carolinda Douglass  
       Vice Provost for Academic Planning and Development

Jerry Blakemore  
Vice President and General Counsel

Subject: Outside Consulting or Research

To simplify compliance with the University Faculty Research and Consulting Act of 1969 as amended, the university has established a reporting system under which faculty members annually request permission from the Office of the Provost to engage in personal outside research or consulting. Faculty who receive permission to engage in these activities then must make an annual report of the amount of actual time spent on the approved research or consulting project(s). 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. We want to remind you this is an area subject to an external audit, it is very important that we can document NIU's compliance with the statute.

The form that must be used for requesting approval to engage in outside consulting or research projects is now available on the Office of the Provost website:

http://www.niu.edu/provost/acadplanvp/#approval

Directions: A separate form must be completed for each project as well as for each academic year. The 2014-2015 academic year Excel form should be completed electronically, printed, and signed by the faculty member. The form should then be routed through department and college offices to the Office of the Provost at the time of request. Please allow a minimum of 15 working days for approvals to be processed. A copy of the form will be returned to the faculty member upon approval of the request. Near the end of the project, the form will be returned to the faculty member for completion of the report of the actual time expended on the project. Completed forms will be kept on file in the Office of the Provost, and a copy will be forwarded to the college office.

The relevant language of the current law (110 ILCS 100/1 et seq.) 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,

(a) "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, Northeastern Illinois University, Northern Illinois University, Western Illinois University and all public community colleges; and

(b) "Contract" includes any grant made by any person (individual or corporate), partnership, foundation or association, other than federal, state or local governments, [emphasis added] 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.

This statute does 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 employees or to any faculty employees whose appointments are less than full-time. The legislation does not require any report of compensation a faculty member may receive for performing private outside services. Also, full-time faculty members need only make one annual request for approval with a single outside contractor. However, because they must report the amount of actual time expended for each outside entity annually, a new form must be submitted each academic year.

Finally, the university's legal counsel has determined the legislation applies only during periods for which full-time faculty members are receiving their regular salaries; it does not apply when they are not under contract (e.g., summer months for those on nine-month contracts). The statute creates no limitation on the time one may work for others during times that one is not under a full-time contract here. 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 will be reviewed and handled appropriately.

We appreciate your assistance in making new faculty aware of these requirements and reminding continuing faculty to submit the appropriate form before engaging in outside research or consulting activities.

CD/JB:ca

Attachment

c: Lisa C. Freeman, DVM, Ph.D., Interim Executive Vice President and Provost
   Council of Deans

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