

**Policy 1304**  
**Outside Employment of Faculty**

**Date of Current Revision: March 2013**

**Primary Responsible Officer: Vice President, Academic Affairs**

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**1. PURPOSE**

This policy provides guidelines for the reporting and monitoring of employment outside of the university by faculty members.

**2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia section 23-164.6; 23-9.2:3. The Board has delegated the authority to manage the university to the president.

**3. DEFINITIONS**

**Administrative & Professional Faculty (A&P faculty)**

Administrative faculty and professional faculty are normally referred to collectively, as both require advanced learning acquired by prolonged formal instruction and/or specialized training and work experience. However, the university recognizes administrative faculty and professional faculty as distinct position types.

*Administrative Faculty* positions are generally senior administrators who perform work related to the management of the educational and general activities of the university, for at least fifty percent of their work. Typically, administrative faculty serve in executive leadership roles such as vice president, provost, vice provost, dean, assistant or associate vice president, assistant or associate vice provost, or assistant or associate dean. Other administrative faculty roles can include (1) those responsible for the administrative direction of separately designated divisions or departments of institutional activity; (2) positions whose primary responsibility is to attract external funds; or (3) positions that are characterized by active, continuing involvement in formulating, interpreting and implementing institutional policy and exercise substantial independence, authority and discretion in areas such as program planning, design and allocation of resources. The organizational reporting relationship for administrative faculty is normally not lower than three levels below Executive Council positions. For Academic Affairs, this would include: Vice Provost/Dean (level 1), Academic Unit Head/Director (level 2) and Associate Director (level 3).

*Professional Faculty* require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. Typical professional faculty positions are librarians, counselors, coaches, physicians, lawyers, engineers and architects. Other professional positions may support education, research, University Life and other such activities. Professional faculty positions must require the incumbent to regularly exercise professional discretion and judgment and to produce work that is intellectual and varied and is not standardized.

**Conflict of Commitment**

Conflicts of commitment are generally situations in which a faculty member is dedicating so much time or focus to outside employment activities that they detract from his or her primary responsibility to the institution, regardless of the level of financial or economic consideration, if they cause a lack of commitment of time and effort to the institution.

**De Minimus Compensation**

For the purposes of this policy, payments for work given to or earned by a faculty member for services performed outside of the university in an amount totaling no more than \$10,000.00 annually.

**Faculty member**

Unless otherwise specified, the term "faculty member" refers to both members of the instructional faculty as well as administrative and professional faculty.

**Instructional faculty**

The members of the faculty who have responsibilities that include teaching, research and service as the majority of their duties.

**Outside employment**

Work performed by a faculty member outside of any relationship with the university. Work of this nature includes employment by any other entity, as well as all self-employment and self-initiated professional services such as consulting, workshops, seminars, conferences, institutes, or short courses accomplished for any source other than the university, if such employment or services are compensated by a funding source other than the university.

**4. APPLICABILITY**

This policy applies to all full-time instructional faculty members and A&P faculty members at the university during the term of their employment with the university. The employee/employer relationship between a full time faculty member and the university is continuous even in periods where no duties are assigned (e.g., during the summer for faculty members on continuing academic year appointments, or during leave), and this policy applies during those periods. This policy applies to all employment or work outside of the university for remuneration of any sort.

**5. POLICY**

5.1 No full-time faculty member may engage in any outside employment, nor in any private business or profession, in a manner or to an extent that affects or is deemed likely to affect his or her usefulness as an employee of the university.

5.2 No faculty member may engage in outside employment if it violates the Virginia Conflict of Interests Act. See Policy [1106](#) - Conflict of Interests.

5.3 No full-time faculty member may engage in part-time or full-time teaching for another institution during employment by the university without prior approval of the appropriate senior vice president, except as provided in section 9.

5.4 No faculty member may engage in employment with another state agency without prior approval of the appropriate supervisor.

5.5 Faculty members must report all outside employment to the university in order for the university to evaluate any potential for such interference and to monitor the potential for interference during the course of the outside employment. This reporting requirement does not apply to de minimus payments as defined herein; however, the prohibitions against conflicts of interest and commitment, and the prohibition against interference with work commitments to the university still apply, and prior approval must still be obtained for any work for another state agency or outside teaching, except as provided in section 9.

## **6. PROCEDURES**

The following establishes university standards and guidelines for reporting outside employment.

6.1 The primary obligation of full-time faculty members is to fulfill the duties of their contracted positions with the university. Outside employment should in no way interfere with this responsibility. If it is determined that outside employment interferes with full-time contracted responsibilities, the faculty member will be notified. A faculty member who is notified that his or her outside employment constitutes a conflict or interferes with university responsibilities will be required to cease such outside employment or be terminated from employment at the university.

6.2 Faculty members engaged in outside employment represent only themselves and not the university. This fact must be made known to outside employers and others as appropriate.

6.3 Faculty members engaged in outside employment are not allowed to use university equipment, supplies, services, manpower or facilities for such outside employment without prior approval and the payment of required fees and charges as determined appropriate by the Assistant Vice President for Finance.

6.4 Any faculty member who accepts a tenured position with another institution concurrent with employment at the university will be considered to have resigned his or her position with the university, and such resignation will be considered effective immediately, regardless of the duration of the employee's current contract term. Acceptance of tenure at another institution which will not take effect until after completion of the faculty member's university employment is not covered by this provision.

### **6.5 Approval and Conflict of Interest**

Other than outside teaching and work for other state agencies, no formal, written or verbal request for approval is required for a faculty member to engage in outside employment. However, faculty members engaging in outside employment must notify their vice president through reporting channels in writing of any outside employment relationship. This notice should state the faculty member's name and current position; the name and address of the other employer; the position and description of duties for the other employer; and the estimated duration of the outside employment. An estimate of the annual earnings from all outside employment must be provided by each faculty member to his or her supervisor annually if the compensation is not de minimus as defined herein.

6.6 Employees contracting with another state agency must abide by section 2.2-3100 of the Virginia Conflict of Interests Act. This section requires an employee to give written notice in advance to both the current agency and the proposed contracting agency, of the employee's material financial interest.

6.7 Full time faculty members who engage in teaching outside of the university must give written notice in advance to their supervisors, and obtain prior approval up to and including the appropriate Vice President for such outside teaching, except as provided in section 9.

## **7. RESPONSIBILITIES**

Faculty members are responsible for informing their supervisors of all outside employment. Faculty members are responsible for obtaining prior approval for any work for any other state agency, and for any outside teaching except as provided in section 9.

Department heads, directors, deans and vice presidents are responsible for monitoring the potential for interference and conflicts between a faculty member's reported outside employment and his or her primary duties at the university.

The Assistant Vice President for Finance is responsible for determining all fees and charges for invoicing a faculty member engaged in outside employment for the use of any university equipment, supplies, services, manpower or facilities.

Each vice president is responsible for approving any outside teaching by a full time faculty member in his or her division, except as provided in section 9.

The president is responsible for approving work for any other state agency by a faculty member.

## **8. SANCTIONS**

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

## **9. EXCLUSIONS**

Participation in paid military reserve drills and other military activities are not to be construed to be outside employment under this policy.

Full-time faculty members on academic year appointments are not required to obtain prior approval to teach at another institution during the summer months, unless they are given appointments to provide services to the university during the summer.

This policy does not apply to work for which no compensation or other remuneration is received, unless such work interferes with the responsibilities of the faculty member to the university. It does not apply to investment income or ownership in a venture in which the faculty member performs no work.

## **10. INTERPRETATION**

The authority to interpret this policy rests with the president, and is generally delegated to the vice president for academic affairs.

Previous version: September 2012  
Approved by the President: September 2012