



**CONNECTICUT STATE COLLEGES AND UNIVERSITIES
MIDDLESEX COMMUNITY COLLEGE**

**PROCEDURES FOR REPORTING FACULTY CONSULTING AND RESEARCH
WITH PUBLIC OR PRIVATE ENTITIES**

Introduction:

In accordance with section 1-84(r) (2) of the Connecticut General Statutes, the Board of Regents (BOR) adopted a Faculty Consulting and Research with Public or Private Entities Policy which was approved on 11/21/13. This Policy requires Middlesex Community College to adopt internal operating procedures that ensure the following:

1. The disclosure, review and management of conflicts of interest relating to any such agreement or project;
2. The approval of the Chief Academic Officer and Dean of Academic Affairs prior to any such member entering into any such agreement or engaging in any such project;
3. The referral of any failure to comply with the provisions of this policy or institution procedure to the applicable disciplinary process outlined in the Collective Bargaining Agreement;

While faculty members' primary responsibility during the academic year is to the BOR and Middlesex Community College; consulting and research projects are useful in maintaining and enhancing faculty members' and the College's academic scholarship and competence. No faculty member may engage in consulting and/or research that:

- a. Inappropriately uses the institution's or CSCU's proprietary information in connection with such agreement or project;
- b. Interferes with the proper discharge of his or her employment with the College;
- c. Inappropriately uses such member's association with the College or CSCU in connection with such agreement or project.

To this end, the following procedures are in place for faculty to request review and permission to engage in consulting and research projects with public or private entities.

Definitions:

For purposes of this procedure, research is defined as a systematic investigation, including but not limited to, research development, testing and evaluation, designed to develop or contribute to general knowledge in the applicable field of study.

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For purposes of this procedure, consulting is defined as the provision of services for compensation to a public or private entity by a member of the faculty or member of the faculty bargaining unit: (i) when the request to provide such service is based on such member's expertise in a field or prominence in such field, and (ii) while such member is not acting in the capacity of a state employee.

Procedure:

1. At the beginning of each semester (fall and spring), the Director of Human Resources will distribute to all full and part time faculty members, information as related to Faculty Consulting and Research Projects; inclusive of:
 - a. BOR Policy;
 - b. Compliance Form for Reporting Consulting and Research;
 - c. Appeal Process for negative decisions;
 - d. Frequently Asked Questions

2. All full and part time faculty members, including adjuncts and noncredit lecturers who are hired/contracted by a public or private entity to perform consulting and/or research activities during the Fall and Spring semesters coterminous with his/her regular faculty duties must complete the Compliance Form disclosing the consulting and/or research activities.

NOTE***faculty members must also submit a Compliance Form when consulting or research activity occurs mid-semester, or there is a change from a previously approved consulting or research arrangement.

NOTE***faculty members may participate in consulting and research activities during the winter intersession and summer session; however if the college facilities or materials are used in conjunction with the activity, the faculty member must submit the Compliance Form

3. Information provided on the compliance form must include the following:
 - a. Faculty member's Name;
 - b. Academic Rank/Discipline;
 - c. Department;
 - d. Description of consulting service or research project with enough detail so that the approver may determine whether such activities conflict with one's state responsibilities and disclosure of material use of state resources;
 - e. Name of the Public/Private Entity;
 - f. Specific dates of engagement to determine the total number of days expected to complete the consulting activity; and
 - g. Additional information regarding remuneration or other matters must be provided, if requested.

- 4) Completed Compliance Forms must be submitted to the Dean of Academic Affairs sufficiently *in advance* of the start of the consulting and/or research activities.
- 5) The Dean of Academic Affairs will review the Compliance Form, and within two business days “recommend” or “not recommend” approval. The Dean of Academic Affairs may designate the Dean of Administration to approve requests in his/her absence.
- 6) The Compliance Form is then sent to the President who within two business days will deem the consulting work to be “in compliance” or “not in compliance” with the policy. The President may designate the Dean of Administration to approve requests in his/her absence.
- 7) The President will return a copy of the Compliance Form to the faculty member, and forward the original to the Human Resources office for inclusion in the faculty members’ personnel file.
- 8) In the event the consulting or research has been deemed to be non-compliant with the policy, the aggrieved faculty member may submit an appeal of such decision as outlined below.

Compliance Review:

The President and Dean of Academic Affairs or designee shall adhere to the following steps to determine compliance with the policy and procedure:

1. Disclosure, review, and management of conflicts of interest relating to such agreement or project;
2. Approval of the President and Dean of Academic Affairs prior to any such member entering into any such agreement or engaging in any such project;
3. Referral of any failure to comply with the provisions of this policy or institution procedure to the applicable disciplinary process, as outlined in the Collective Bargaining Agreement;
4. Review of the Collective Bargaining Agreement between the Board of Regents and the Congress of Connecticut Community Colleges for the assigned duties of the Faculty;
5. Determination if request is professional in nature and does not interfere with the proper discharge of his/her employment with MxCC (scheduled classes, advising duties, office hours, and other institutional responsibilities);
6. Verification if activity is based in the faculty member’s discipline and he/she does not inappropriately use the institution’s proprietary information in connection with said agreement;

7. Determination if the faculty member receives compensation and there is no conflict of interest; and
8. That the name of the entity, description of work and dates of engagement are clearly specified.

Appeal Process:

The faculty member may appeal, in writing, to the BOR Vice President for Human Resources within ten (10) calendar days upon receiving written notice that the outside

work was not in compliance. The faculty member shall receive a written response from the BOR Vice President for Human Resources within ten (10) calendar days stating the reasons for the decision. Should the faculty member disagree with the decision of the BOR Vice President for Human Resources, the matter will be submitted to the Office of State Ethics within ten (10) calendar days from the day the Faculty receives the response. The BOR Vice President for Human Resources may elect to submit the matter directly to the Office of State Ethics for its opinion. This election by the BOR Vice President for Human Resources would satisfy the obligation to respond as stated above. The determination by the Office of State Ethics shall be final and not subject to the grievance procedure.

Reporting:

MxCC shall provide a report to the CSCU President's Office and a copy to the Director of Internal Audit of any such approved activities on or before May 1 and November 1 of each year, even if no activity occurred. In addition, the Director of Internal Audit for CSCU shall audit each institution's compliance with the established internal procedures and this policy annually. Information provided on the Faculty Consulting and Research Projects Semi-Annual Report must include the following:

1. Faculty Member's Name;
2. College Department/Discipline;
3. Name of Public/Private Entity;
4. Duration of Project (including begin & end dates)
5. Brief Description of Consulting Duties or Research Project
6. Decision regarding In Compliance/Not In Compliance

Record Retention:

All information obtained as part of this policy and protocol shall be held in strictest confidence in the Human Resources Office and at the BOR System Office review level. Documentation shall be retained for the appropriate retention period for employment records promulgated by the State of Connecticut, MxCC, or BOR System Office policies and procedures. Unauthorized disclosure of information or use for any party outside of stated reviewers or other approved and necessary

reviewers will not be tolerated and may subject the discloser to disciplinary action.

Sanctions:

Any faculty member who intentionally provides misleading or false information during the course of the approval process or who engages in or continues a formally disapproved consulting and/or research activity will be subject to the disciplinary process outlined in the faculty members' collective bargaining agreement.