

Memorandum of Understanding
Outside Compensated Professional Activities
October 24, 2014

The purpose of this Memorandum of Understanding between the United Faculty of Western Washington University and Western Washington University is to memorialize an agreement reached between the parties.

Recital

Washington State's Ethics in Public Service Act is a foundational legal document, located at Chapter 42.52 RCW. The Ethics Act is aimed at avoiding conflicts between the official duties of state employees and their individual financial and personal interests, as well as preventing the misuse of state resources.

Building on the principles of the Ethics Act, this MOU between UFWW and Western serves to regulate the outside work that may be undertaken by Western faculty to ensure that such work does not conflict with their official responsibilities.

Definitions

Compensation – Compensation means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

Outside Compensated Professional Activities - Professional activities that fall completely outside of a faculty member's WWU teaching, research, and service duties as described in the Faculty Collective Bargaining Agreement and Department and College Unit Evaluation Plans.

Agreements

The University recognizes that faculty members serving as consultants or engaging in outside compensated professional activities can be valuable resources to government, industry, public and private organizations. Such involvement provides faculty opportunities to disseminate expert information outside of the traditional University structure while simultaneously providing them with experiences that enhance their ability to carry out University responsibilities. The University also benefits in its ongoing relationships with the local, regional, national, and international communities it seeks to serve.

Outside profit-making business activities engaged in for personal monetary gain and which are not related to the area of professional competence for which the faculty member is employed by the Western are covered under the state ethics laws. Outside work must be conducted in compliance with the University's policy on *Using University Resources (POL-U5400.05)*.

Outside professional activities must not regularly interfere with a faculty member's normal official University duties, including those non-classroom responsibilities expected of all faculty members, as defined by each college.

No additional compensation (see definitions) may be accepted by faculty members for tutoring students in courses they teach, or for performing their official duties. Faculty members may accept compensation for outside work only if all of the following conditions are satisfied:

1. The agreement to do the work is bona fide and the work is actually performed,
2. The performance of the work is not within the faculty member's official duties, nor under the faculty member's official supervision,
3. The work does not involve assisting others in transactions with state agencies as prohibited by law,
4. The work is not performed for, nor the compensation received from a person from whom the faculty member is prohibited by law from receiving a gift,
5. The agreement for the outside work is not expressly created or authorized by the faculty member in his or her official capacity or by the University. The university recognizes and fully respects the principle of individual ownership of intellectual property. Research and publication are a central part of a faculty member's responsibility. This research is often deemed valuable by a variety of communities beyond the university, and the university recognizes the right and responsibility of a faculty member to share his or her research as widely as possible. If a faculty member is compensated by anyone beyond the university for research or publication performed as part of the faculty member's duties as a faculty member, the university will not consider that a violation of this policy, and
6. The work does not require unauthorized disclosure of University confidential information.

Arranging for outside work with a state agency must be consistent with the state's Ethics in Public Service Law. If the outside work is for another state agency, the award must satisfy the following additional conditions.

1. The award was a result of open and competitive bidding or selection process and more than one bid was received,
2. The award was a result of open and competitive bidding or selection process but only one bid was received. In this case the state agency making the award must, prior to the execution of the award, request that the Ethics Board review the award process and advise the faculty member that the award would not conflict with the discharge of the faculty member's official duties, and
3. The award was not a result of open and competitive bidding or selection process. In this case the state agency making the award must, prior to the execution of the award, request that the Ethics Board review the award process and advise the faculty

member that the award would not conflict with the discharge of the faculty member's official duties.

The University values faculty-student exchanges and expects a high quality performance of teaching, research and service duties. Therefore, full-time faculty must not spend more than the equivalent of one day per work week during the academic year in outside compensated professional activities. Exceptions to this limit may be made on the recommendation of the Department Chair, with the approval of the Dean (or other comparable unit administrator), and of the Provost.

Faculty members who hold part-time appointments (.50 FTE or more) with the University may be self-employed or may accept additional employment outside the University up to a level corresponding to a full-time position without approvals.

All outside work and activities must be reported annually by the faculty member to the Department Chair (or comparable unit administrator) who will maintain the reports on file and prepare a report to the appropriate Dean. Each Dean will submit to the Provost an annual report on outside work by faculty members in the college.

University resources (equipment/supplies, space, or computers) may not be used for compensated outside work, with the exception of compensated professional activities allowed under the above provisions. (See also POL-U5400.05 *Using University Resources* policy.)

In all other cases, the faculty member may request approval for use, which must be for a specific project and of a limited duration. Such use must not conflict with the instructional or research activities of the University. The fee schedule must be approved through the University's Budget Office, and the faculty member authorized to use the facilities or equipment is responsible to the University for payment of the fees.

The University assumes no responsibility for the competence or performance of a faculty member who engages in outside work for compensation. No such responsibility may be implied in any advertising or contractual documents. University stationery may not be used for correspondence related to outside work.

Signed and dated this 23rd day of October, 2014.



Bruce Shepard
President
Western Washington University



Chuck Lambert
President
United Faculty of Western Washington