6.4 PERFORMANCE OF EXTERNAL AND EXTRA WORK AND PROFESSIONAL ACTIVITIES

Mines recognizes that professional consulting by its faculty and staff members can foster professional growth and lead to the development of potentially valuable external contacts for Mines. Mines also realizes that non-professional, external commitments may be a desirable or necessary activity. Finally, Mines is also aware that the performance by faculty and staff of extra Mines services for additional remuneration can be, under appropriate circumstances, a mutually beneficial arrangement. Accordingly, exempt employees may undertake additional work or activities, subject to the applicable conditions and requirements set forth in the Academic Affairs Procedures Manual. All external commitments and activities or extra Mines services must be approved prior to the work being performed as well as the requirements regarding actual and apparent conflict disclosures outlined in Sections 6.3.4 and 6.3.5.

6.4.1 Categories of External and Extra Work and Activities Subject to This the Conflict of Interest Policy or the Academic Affairs Procedures Manual

A. Professional Consulting

Professional consulting is the provision of professional advice or services to external constituents with or without remuneration. Opportunities for such work commonly arise when a faculty member is asked to provide scientific analysis, testing, or expertise in another form to an outside party where it may not be feasible or appropriate to provide such service in the context of
sponsored research in the university setting, for example, when a faculty member is asked to serve as an expert witness in litigation. The opportunity for employees to accept occasional professional consulting engagements is recognized as a traditional privilege accorded by Mines. If undertaken in moderation, Mines considers such activities to be a desirable and legitimate means for promoting the professional development of its employees, facilitating the flow of information between academia and external entities, and fostering the development of valuable professional relationships, which can benefit both the employee and Mines. Employees must disclose and obtain institutional approval of any professional consulting pursuant to the procedure outlined in the Conflict of Interest Policy Section 6.4.3 below.

B. External Employment and Other Paid Services
Any external employment or services undertaken by an employee a faculty member for compensation from an individual or entity outside Mines during the period in which the employee's faculty member's Mines assignment is being performed must be disclosed and approved pursuant to the procedure outlined in the Conflict of Interest Policy Section 6.4.3 below. Such external employment and services include, but are not limited to arrangements whereby the employee provides goods or services to external businesses or individuals, paid board appointments, paid speaking engagements, etc.

C. Non-Remunerative External Commitments
Any employee-faculty member who seeks to undertake any continual external commitment during the period in which the employee's faculty member's Mines assignment is being performed and during the traditional work week schedule must disclose and obtain institutional approval pursuant to the procedure outlined in the Conflict of Interest Policy Section 6.4.3 below. For purposes of this section, the term “continual” shall mean more than sporadically. Such commitments may include, but are not limited to volunteer service, and external professional service or development activities such as participation in professional societies or organizations, participation in review boards or accreditation efforts for other institutions, etc.

D. Extra MINES-Mines Services for Additional Remuneration
From time to time, an employee a faculty member may seek or be asked to perform services for MINES-Mines outside the traditional scope of the position for which the employee faculty member was hired, including but not limited to, instructional and other professional services. Any employee-faculty member who seeks to perform such additional services for remuneration must obtain institutional approval prior to performing the extra services pursuant to the procedure outlined in the Academic Affairs Procedures Manual Section 6.4.3 below.
6.4.2 General Requirements and Guidelines for Approval of Additional Work

A. General Requirements

1. All proposed additional work commitments identified in Section 6.4.1 must be approved by the employee’s department head or immediate supervisor in advance of the planned activity, pursuant to the procedure outlined in Section 6.4.3 below.

2. No additional work commitments will be approved if the employee’s department head or immediate supervisor determines that participation in the subject activity will or is likely to impede the employee’s ability to satisfactorily meet his or her Mines teaching, advising, research, and service commitments or other assigned Mines duties and obligations.

3. Absences of more than one week at a time for the purpose of performing additional work are strongly discouraged and shall be approved only in unusual cases. Moreover, it is expected that all time not devoted to Mines duties during the normal work week will be covered by approved annual leave, if available, or made up after normal working hours and/or on weekends.

4. Professional consulting that is undertaken by a full-time employee during the period in which the employee’s Mines assignment is being performed should not exceed an annual average of eight hours per week.

5. An employee who performs compensated or uncompensated consulting services for external entities or individuals is acting as an individual and must avoid giving the impression, implicitly or explicitly, that he or she is representing MINES or acting as its agent.

6. An employee who performs consulting for an external entity or individual shall not use Mines resources without prior written approval of his or her department head or immediate supervisor and payment of appropriate fees for use of such resources. The fees assessed will be determined in accordance with Mines’ Educational Business Activities Policy and any other pertinent university policies and procedures.
B. Conflict Disclosure

The employee must disclose to his or her department head or immediate supervisor any actual or apparent conflicts of interest that may arise as a result of the employee’s undertaking the proposed external commitment. The procedure for disclosing such conflicts is outlined in Section 6.3.4 above. The employee has a continuing obligation to disclose apparent or actual conflicts that develop after the initial approval of the external commitment. If a conflict exists and cannot be resolved or managed effectively by the institution and involved individuals, the employee’s participation in the activity will not be approved.

6.4.3 Procedure for Obtaining Approval of Additional Work

A. Approval for Consulting and Other External Commitments

An employee wishing to engage in consulting or other external commitments outlined in Section 6.4.1 above shall submit a Request to Engage in External Commitments Form to his or her department head or immediate supervisor a reasonable time prior to the anticipated commencement date of the consulting, but in no case shall this be less than two weeks in advance of the requested commitment. This form is accessible via the Academic Affairs Procedures Manual.

1. Minimum Elements. The request should contain, at a minimum, the following elements: (1) a statement describing the specific nature of the work to be undertaken; (2) a statement describing how the work will enhance or support the employee's activities as an employee of Mines; (3) if applicable, a statement listing reasons why the work is inappropriate to be conducted through sponsored programs at Mines; (4) a statement describing any actual or potential conflicts of interest with the employee’s performance of his or her Mines duties; (5) a statement describing any actual or potential conflicts of interest with any endeavor conducted by Mines, or a department or subset thereof; (6) a statement describing how the employee intends to insure that no conflict of interest develops during the course of the work; and (7) a statement addressing the issue of potential conflict of commitment.

2. Review of the Request. In considering the request, the department head or immediate supervisor shall weigh the following factors: (1) the potential value of the work to Mines and the individual; (2) the performance level of the employee who has submitted the request; (3) possible interference with the employee's performance of his or her Mines duties; and (4) the
likelihood of a potential conflict of interest. The supervisor will inform the employee in writing of the outcome of his or her review of the employee’s Request to Engage in External Commitments within seven (7) calendar days following receipt of the Request. The department head or immediate supervisor may resolve any conflict of commitment issue at the departmental level, but the appropriate vice president shall be available to resolve employee appeals. Conflict of interest issues shall be resolved pursuant to the procedure outlined in Section 6.3.4. If a conflict of interest exists that cannot be resolved or effectively managed by the institution and individuals involved, the proposed external activity will not be approved.

3. As part of the annual evaluation process, all faculty shall certify that Requests to Engage in External Commitments made during the previous year are complete and correct.

B. Extra Mines Services for Additional Remuneration

An employee wishing to perform extra Mines services for additional remuneration, as described in Section 6.4.1 D above, shall submit a Request to Perform Extra Mines Services for Additional Remuneration Form to his or her department head or immediate supervisor a reasonable time prior to the anticipated commencement date of the extra services. This form is accessible via the Academic Affairs Procedures Manual.

1. Minimum Elements. The request should contain, at a minimum, the following elements: (1) a statement describing the specific nature of the extra services to be performed; (2) a statement describing how the services will enhance or support the employee’s activities as an employee of Mines; and (3) a statement addressing the issue of conflict of commitment with the employee’s primary assignment.

2. Review of the Request. In considering the request, the Department Head or immediate supervisor shall weigh the following factors: (1) whether or not provision of the service is included in, or closely related to, the employee’s normal assignment; (2) whether or not the service is an integral part of the Mines curriculum or administrative operation; (3) whether or not the employee possesses expertise in the area of the proposed service; (4) whether or not the service is being provided by other employees for no remuneration; (5) whether or not the service is determined to be valuable to students, staff, faculty, or administrators, and would not be otherwise available; and (6) whether or not the provision of the service would interfere with the performance of the employee’s normal Mines assignment. An
arrangement to perform extra Mines services for additional remuneration requires the written approval of the employee’s Department Head or immediate supervisor and the appropriate vice-president.