

## Consulting Tips for ISU Faculty and Staff

Private consulting by faculty and staff on topics related to their University duties is often beneficial to the University, to the employee and to the public. However, it is important to manage any real or perceived conflicts of interest for such activities. Disclosure to the respective department chair/supervisor prior to engaging in the consulting activity is required. The ISU Conflicts of Interest and Commitment Policy provides guidance on disclosure and approval of consulting activity, and practical applications may be found in the Procedures, Applications and Guidance document that accompanies the policy.

In addition, any employee who is asked to sign a consulting agreement is encouraged to use the attached [Addendum](#). The Addendum will help the entity with whom you are consulting understand your limitations and assist you to avoid creating conflicts with your university obligations, particularly those listed in the paragraphs below. The Addendum, however, does not address all legal and financial issues in the consulting agreement that may impact you. You may wish to have a personal legal or tax advisor review your consulting arrangements.

If you plan to engage in private consulting, refer to the tips below – as a reminder of ISU policy or State law.

### 1) Use of University Facilities, Equipment and E-Mail.

- a. Facilities and Equipment—University facilities and equipment may not be used for private consulting activities unless you pay the University for such use at the same rate established by the Controller’s Office for use by other external entities. You should discuss such usage with your department chair/supervisor and obtain written permission to use the facilities and equipment. Do not just use equipment in your lab.
- b. E-mail/phones/computers—Even though our policies allow incidental use of university e-mail/phones/computers for personal use, public records law may require disclosure of your private consulting records if you have stored such records on University equipment. A best practice is to store your consulting data off of University facilities and equipment, including e-mail accounts. The use of a University email address creates confusion whether the work is being supported by the University.
- c. Office/Mail address: Use an address other than the university address for consulting. Public employees should not be delivering private mail. The use of a University address creates confusion whether the work is being supported by the University. It is OK to list an address at the ISU Research Park or other recognized incubator facility if you lease space there for your consulting activities.

### 2) Use of Students.

- a. Mixing a teaching or mentoring role with private remunerated activity is dangerous. Often the obligations of private work, such as confidentiality, time demands and the like, conflict with assuring that students make progress in their academic programs.

- b. At the risk of stating the obvious: Students on stipend cannot be assigned to private consulting work. This amounts to a use of university funds for private benefit.
- c. Similarly, students in your classes should not be required to go on private consulting trips with you. It can look like an abuse of your authority as an instructor.

**3) Intellectual property.**

- a. Many consulting contracts include a clause transferring your intellectual property to the contracting entity. Such clauses have been known to be so broad as to transfer rights to your University work to the entity. Signing such a clause could result in your being in breach of university policy; of federal or private sponsored contract obligations; and of the consulting contract. You could also lose the right to continue your university research.

**4) Use of name and position.**

- a. While it is a fact that you are employed by ISU, those who contract for your services often want to trade on ISU's name and reputation in the form of a statement of actual or implied endorsement by ISU.
- b. The [Faculty Handbook §7.1.2](#) states: "When they [Faculty] speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university." Any time there is publicity about private consulting work, you should be careful to eliminate any implied endorsement of the product or the work by the university and include a disclaimer that indicates that the university was not involved in the research. A disclaimer is especially important if your affiliation with ISU is mentioned.

**5) Liability.**

- a. Realize it is your personal liability: The State cannot provide liability protection. There are often insurance clauses in consulting contracts. Again: The state provides no coverage.

**6) Leave time.**

- a. Professional Activity Leave (PAL) (paid leave) may be granted with the permission of your department chair/supervisor if you can establish a benefit to the University and you can still fulfill all of your university responsibilities. But for any controversial activity, you and the University will be better off if you do not use PAL.

If you have questions about consulting, please contact [Brooke Langlitz](#) in the Office of Research Integrity at 4- 7793.