

**Mississippi State University**  
**Division of Agriculture, Forestry and Veterinary Medicine**  
**Outside Employment Policy and Approval Process**

PURPOSE

It is recognized at Mississippi State University and within the division of Agriculture, Forestry and Veterinary Medicine that appropriate consulting and other outside employment activities may be mutually beneficial to members of its faculty, other professional staff and to the university. These benefits include:

- Enhancing the knowledge, expertise and experience of the individual staff member;
- Assisting in maintaining awareness of “real world” conditions;
- Opening and expanding of contacts and communications with other institutions, organizations, industrial firms, governmental agencies and other clients; and,
- Encouraging public service activities that are otherwise unavailable.

POLICY

Thus, appropriate outside employment activities constitute enrichment and continuing education activities which enhance the professional development and reputations of faculty and other professional staff members. Such activities may result in improved teaching, research and service. Reasonable participation in practice of one’s profession (including consulting) is encouraged within the limits as stated in Mississippi State University’s Faculty Handbook (see "Outside Employment (HRM 60-415)," Section VI, 1997 or <http://msuinfo.ur.msstate.edu/handbook/faculty.htm#T> and the guidelines as set forth here for the Division of Agriculture, Forestry and Veterinary Medicine. (The Division of Agriculture, Forestry and Veterinary Medicine is referred to hereinafter as the Division; faculty and professional staff members are hereinafter referred to as staff or staff members.)

PROCEDURE

1. Definitions: Non-Consulting vs. Consulting.

A. Non-Consulting Outside Employment Business Activities.

Staff may participate in certain private, non-consulting business activities provided that such activities do not conflict with their normal duties and responsibilities within the Division. For the staff member to be involved in the ownership of a private business, he/she shall obtain approval from his/her immediate supervisor, deans/directors, and the Vice President. By seeking approval, he/she certifies that:

- Such business activities are of such character as not to damage the prestige or image of either the Division or Mississippi State University; and further, that:
- Involvement in the business in no way constitutes a breach of ethics (i.e., conflict of interest with the mission(s) of the unit(s) within the Division in which he/she is employed); and,
- Such business activities will not, under any circumstances, interfere with his/her regular, professional duties and responsibilities as a staff member of a unit within the Division.

## B. Consulting Activities

Characteristics of consulting which distinguish it from other types of outside employment activities are listed below. Consulting is any external professional activity for compensation that:

- Is performed on an individual contractual basis for any individual, firm or agency other than the Division or Mississippi State University;
- Is based on the professional knowledge, experience and abilities of the staff member;
- Is undertaken for personal compensation beyond the reimbursement of expenses; and
- Clearly contributes new knowledge, understanding, techniques or contacts for the staff member and the University.

## 2. Guidelines

Staff members employed on a full-time basis may engage in outside business activities after obtaining appropriate administrative approval. Such activities must not preempt, and must be scheduled around, the normal duties and responsibilities of the staff member.

To avoid conflicts of interest and to ensure the continued credibility of the Division, staff members may engage in outside business activities only when such activities conform to the principles that follow. These criteria are not designed as a substitute for good judgment, but to provide guidelines for evaluating prospective activities.

- A. Outside employment must not be undertaken if, in the judgment of the supervisor, it encroaches upon the time and energy required for the full and complete performance of the duties to which a staff member is assigned.
- B. The staff member must make clear in writing to those who employ him/her that his/her work is private and unofficial; and further, that neither the Division nor employing unit thereof is responsible in any way for the services rendered or results obtained there from.
- C. Outside employment activities must, in the judgment of the supervisor, neither compromise the position of the unit within the Division in which the staff member is employed nor Mississippi State University.
- D. Duties which are normally performed by staff members as a public service within the State of Mississippi are not to be performed by any member of the Division staff acting as a consultant or operating an outside business activity.
- E. University resources, including equipment, facilities and supplies, are not to be used in any outside business or consulting activities. The preferred circumstance, when such resources are required, is for the individual to act as a representative of his/her unit, conducting the activity under the auspices of the unit with an approved contractual arrangement, rather than as a consulting activity.

- F. Both the fact and semblance of conflicts of interest must be avoided at all times. If the question arises, the interest and reputation of the Division and Mississippi State University, as determined by the supervisor, must be considered first and foremost.
- G. Care must be exercised to avoid outside business activities that, in the judgment of the supervisor, infringe upon the activities of other units within the Division and Mississippi State University. Furthermore, equal care must be exercised to avoid conflict with services provided by recognized private consulting services within Mississippi.
- H. Consulting Leave: A maximum of 5 consecutive working days may be taken for any one consulting activity with a maximum of 24 days per year for 12-month employees and 18 days per year for 9-month employees. Personal leave must be taken for any consulting activity exceeding the annual allotment or 5 consecutive working days. Any approved consulting days exceeding 5 consecutive days, or the total number of days specified above for a year, will require the use of personal leave. Leave forms shall be completed in advance of all leave. Consulting leave may not be used for non-consulting outside employment business activities.

Employees without personal leave are limited to consulting leave and other approved administrative leave.

### 3. Requests for Approval to Consult on non Legal Matters

Each consulting relationship (being defined as a client, not each day or group of days), whether local, state, national, or international, must have prior approval, by the immediate supervisor of the staff member initiating the request and each appropriate administrative level above the supervisor (e.g., Department Head, Dean and/or Director, and Vice-President). Consulting approval forms must disclose the general nature of the consulting activity or they will not be approved. The Department Head's (or other immediate supervisor's) signature on the form is certification that, in their opinion, the relationship does not pose a conflict of interest and the relationship is consistent with the role and responsibilities of the staff member. The maximum number of consulting days having been established, the number of clients a staff member serves is not to be judged as excessive consulting, only the scope and amount of time used in consulting activities. Each unit within the division will use the same forms and procedures and not create different forms or procedures from those of the division, except for the mandated procedure used by MSU-ES employees on legal or expert witness matters. (See section on legal and expert witness approval procedures in this document)

### 4. Requests for Approval to Consult Relative to Legal and/or Expert Witness matters:

#### A. Extension Service Personnel

As mandated by CSREES-USDA

([http://www.csrees.usda.gov/about/human\\_res/cesguide/conduct\\_coi.html](http://www.csrees.usda.gov/about/human_res/cesguide/conduct_coi.html)), Professional employees of MSU-ES may request approval to provide expert witness testimony in a court of law as consultants under the terms and conditions of Outside Employment Policy and Approval Process by executing an HRM 60-415 Form:

1. The matter of litigation is outside the employee's official job assignment and/or geographic assignment; and,
2. The position held with MSU-ES serves only to establish "expert" standing and in no manner represents the opinion or official position of MSU-ES.

However, on matters of litigation related to the employee's official duties, the employee may testify only under the following terms and conditions:

1. Must receive advance approval from the Director of MSU-ES by submitting an Application for Permission to Engage in Employment form (HRM 60-415). In the requested brief summary of the Expert Witness request include:
  - Description of testimony required and how related to job assignment
  - Proposed dates of this activity
  - Indicate if the appearance will be required by "Standard Subpoena" or "Subpoena juris amici"
2. Must receive a duly served subpoena (preferably one that directs the employee to appear as "juris amici," i.e., friend of the court)
3. Must appear in his/her official capacity on official duty time.
4. Must endorse and submit to the University's Office of Accounts Services all fees (or reimbursement of expenses) and will be reimbursed only for expenses under the travel policies and procedures of the university.

#### B. All MSU Employees

Any university employee who is contacted by a private attorney, or other "third party" about university matters must not communicate with or otherwise provide information to that attorney or "third party" unless it is obvious that the matter will not be the subject of future litigation. Instead of responding to the attorney or "third party" about matters that are potentially university related, the employee must refer the attorney or "third party" to the Office of General Counsel and shall not discard any written materials which were received from an attorney. Such materials must be immediately forwarded to the Office of General Counsel for review.

#### C. Non-Extension Employees

Non-Extension employees who may be contacted by an attorney(s) or other "third party" relative to being an "expert" in either preparing a case for court trial or actually being an "expert witness" in a court trial may apply for approval for consulting in a routine manner, provided the matter is not related to University matters.

#### D. Procedure to Follow if Consulting Approval is Denied

With such prior written approval, a staff member may be engaged as a consultant with an individual, agency or firm. If a staff member is denied the opportunity to consult with a particular individual, agency, or firm the reason for the person(s) denying the request must provide non-approval in writing. If the denial appears to be arbitrary, the staff member may file an appeal through the normal grievance process of the University.

E. Approval Forms and Fees

Annual approvals (fiscal year) are required for all consulting contracts (HRM 60-415 Form). Consulting fee levels are to be set by the individual staff member; however, the staff member is encouraged to set fees at levels consistent with standards for their respective disciplines and profession.

Approval for Non-Consulting Outside Employment Business Activities can be sought by also completing the HRM 60-415 Form. The approval and renewal process is the same as described above.

5. Requests for Leave

Requests for appropriate leave (consulting and/or personal leave) must be approved prior to each consulting activity.

6. Leave Forms

All leave forms submitted for consulting activities shall indicate the duration of the leave request, the type of leave as "consulting," as well as reference to the prior approval (HRM 60-415 Form). Documentation of consulting activity of each staff member shall be kept on file in the unit managers (i.e., Department Head) office.

REVIEW

This Operating Policy will be reviewed every four years or as needed by the Vice President for Agriculture, Forestry and Veterinary Medicine or his designee.

OP 56.02  
01/04/01  
Revised 06/12/07

**THIS POLICY HAS BEEN RESCINDED**

**REVIEWED BY:**

/s/ Vance Watson  
Vice President, Division of Agriculture, Forestry  
and Veterinary Medicine

07-17-07  
Date

/s/ Don Zant  
Director of Internal Audit

07-20-07  
Date

/s/ Charles Guest  
General Counsel

07-31-07  
Date

**APPROVED BY:**

/s/ Vance Watson  
Vice President, Division of Agriculture, Forestry  
and Veterinary Medicine

07-17-07  
Date

/s/ Robert H. Foglesong  
President

08-12-07  
Date

**THIS POLICY HAS BEEN RESCINDED**