



McGill

## Memorandum

Office of the Provost  
James Administration Building

**TO:** Senate

**FROM:** Anthony C. Masi, Provost

**SUBJECT:** Consulting and Similar Activities by Academic and Librarian Staff

**DATE:** September 3, 2008

**DOCUMENT #:** D08-04

**ACTION REQUIRED:**  INFORMATION  DISCUSSION  APPROVAL / DECISION

**ISSUE:** Revision (and re-naming) of *Regulations on Consulting and Similar Activities by Academic and Librarian Staff*

**BACKGROUND & RATIONALE:** As part of the institutional review of policies governing conflict of interest and commitment it was felt timely also to revisit the *Regulations on Consulting and Similar Activities by Academic and Librarian Staff*.

A review of the policies of other institutions governing external activities by academic staff identified five primary concerns:

- the impact that such activities may have on the capacity of staff to discharge their academic duties;
- the real or apparent conflict of commitment created by such activities;
- the use of institutional resources (space, equipment, supplies, services, personnel) in such activities;
- the need for full and timely disclosure; and
- annual reporting of activities.

These concerns are addressed in the revised regulations appended hereto. In addition, the revision addresses a number of concerns disclosed by the review of the current regulations.

The first concern being the apparent non-application of the current regulations to one sector of the academic staff, the librarian staff. Notwithstanding the title of the regulations they appear to apply only to the academic staff (narrowly defined) as they fail to make (i) any reference to librarian staff in their operative provisions or (ii) to identify the disclosure and reporting lines for librarian staff (the only reporting obligations identified are those of academic staff to chairs of departments and deans of faculties). This "gap" has been addressed.

The second concern is that regulations may be read as suggesting that there is no need for academic staff to report time spent on a range of non-consulting activities – more particularly time spent on:

- external activities that fall within their regular academic duties;
- activities provided for in grants and agreements between the University and outside persons or bodies;
- activities that do not fall within "the area of competence related to the staff member's University appointment" but which may nevertheless give rise to conflicts of commitment.

However, too much time spent on *any* activity, irrespective of its

classification, can have a negative impact on staff members' overall performance of their academic duties – indeed, simply put, too much time spent on one academic duty can prejudice the level of performance of the others. It is useful for academic administrators to be aware of *all time* expended on *all activities* by staff when assigning academic duties, when evaluating staff performance, and when providing guidance to staff. Thus, the reporting obligations of staff members have been enlarged.

Third, it was felt necessary to revisit, in part, the definition of “substantial consulting.” Under the current regulations this term is defined, in part, as consulting in excess of 4 working a month. It is only activities that exceed this limit that need prior approval. In other words, the current regulations permit academic staff to spend virtually 20% of the work week (i.e. 48 working days or just over 9 work weeks a year, excluding vacation) on private consulting activities without the necessity of prior disclosure or approval. While this may have seemed reasonable during times of the severe financial constraints that existed when the regulations were adopted, its reasonableness must now be open to serious question – and would not withstand scrutiny by those to whom the University, as a publicly funded institution, is accountable. The proposal in the revision is to redefine “substantial consulting” to mean consulting in excess of the equivalent of 24 working days a year. This does not mean that academic staff may not engage in greater consulting activities – it simply means that staff so interested must obtain the prior approval of their chair and dean. Guidance is provided as to both the information that must be disclosed by staff and the factors that chairs and deans must consider in the approval process.

A fourth concern was the need to clarify: (i) some of the terminology used in the current regulations; (ii) the basic obligations of academic staff (including the reporting of a range of activities); and (iii) the disclosure and approval provisions to permit easier compliance by staff and better informed and timely decision making by academic administrators. This has been achieved by:

- the introduction of a definitions section which covers key terms used in the policy;
- identifying basic obligations of staff members who may wish to undertake consulting activities;
- requiring prior full disclosure by all of consulting activities that may be seen as giving rise to a conflict of commitment (“substantial consulting”);
- requiring prior approval before engaging in “substantial consulting” activities;
- providing chairs and deans with guidance when determining whether approval should be granted;
- establishing reasonable delays within which the approval process must unfold;
- clarifying the responsibilities of staff members who wish to make more than minimal use of University facilities, equipment, personnel, etc. in external activities; and
- requiring full reporting of all outside activities as part of the annual reporting process.

In conclusion, it is proposed that the revised regulations be titled *Policy on Conflict of Commitment and Consulting for Academic and Librarian Staff* given that the Policy is concerned with all conflicts of commitment and not simply those conflicts that arise from “consulting” as strictly understood. It should be noted that conflicts of commitment that may be faced by members of the administrative and support staff are addressed in the new *Policy on Conflict of Interest* that has been proposed.

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**MOTION OR RESOLUTION FOR APPROVAL:** For discussion.

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**PRIOR CONSULTATION:** Principal and Vice-Principals Group; MAUT; Deans

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**NEXT STEPS:** To be brought back to Senate for approval at a later date.

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**APPENDICES:** **Appendix A:** *Policy on Conflict of Commitment & Consulting for Academic & Librarian Staff*

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