

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Private Practice, Consultation, or Outside Employment

NUMBER: 4.9.2

A. PURPOSE

The South Dakota Board of Regents recognizes staff sometime seek additional employment. In accordance with BOR Policy 4.9.3 and 4.9.4, relating conflicts of interest, the Board asks these employees to remember that, despite any outside employment, their position with the Board is his or her primary responsibility. It is the policy of the Board that private practice, private consultation, and outside employment is defined as any employment outside the Regental system. Any employment within the Regental system is considered work performed for the Regental system. - Preamble

B. DEFINITIONS

None

C. POLICY

1. Higher Education Faculty Private Practice, Private Consultation and Outside Employment

- 1.1. A higher education faculty (instructional or research) member who enters into private practice, private consulting, additional teaching or research, or other activity for which additional compensation is received during the faculty member's contract period, and excepting as next provided, will not contract to devote more than four days per month on such activity if said activity requires the faculty member's absence from duties. Such consultation and related activity privileges shall be cumulative to a maximum of six days, with all accumulated time to terminate with the end of the faculty member's contract period. The activity for which the individual is released must be substantially and significantly related to assigned duties. Such activity must promote state and local economic development or must benefit the professional discipline and development of the individual, all as shall be determined by the institutional chief executive officer under such guidelines and restrictions as are established from time to time by the Board. Medical School faculty will follow the approved Medical Service Plan rules and regulations for private practice and consultation. Release time will also be subject to the following conditions:

The faculty member will:

- 1.1.1. Apply in writing to the institutional chief executive officer, or designee, on established forms, for written approval before engaging in such activity or contracting to do so;
 - 1.1.2. Report to the institutional chief executive officer the activity, duration of the activity, and the number of hours which were devoted to the additional activity;
 - 1.1.3. Limit and restrict such activity so that it does not interfere with assigned responsibilities;
 - 1.1.4. Reimburse the institution at the institutionally established rate for any institutional space, equipment, personnel, and materials used for such additional activity.
- 1.2. The statutory provisions regarding dual employment are SDCL §§ 3-8-4 to 3-8-4.3. The Board and the institution will not infringe upon a faculty (instructional or research) member's privilege to engage in consulting or other employment outside the institution's regular day class schedule during the academic year, so long as the other employment does not adversely affect or conflict with the faculty member's performance of his primary responsibilities to the institution. In the event of any question about such conflict, the faculty member will have the burden of proving that there is no conflict. Faculty members who engage in outside employment or other endeavors for profit that relate to their academic expertise or that emphasize their institutional affiliation will report these outside activities as part of their annual performance evaluation.

2. Non-faculty Exempt and Civil Service Employees Private Practice, Consultation, and Outside Employment

- 2.1. A non-faculty exempt (NFE) employee (NFE includes faculty members with administrative appointments) or a civil service employee who enters into private practice, private consulting, or outside employment for which leave is required during the course of his or her workday with a Board of Regents institution, must receive prior approval from his or her immediate supervisor as well as follow these criteria:
 - 2.1.1. Submit written notification of outside activity or contracting through appropriate supervisory channels;
 - 2.1.2. Report to the supervisor and as deemed appropriate the institutional chief executive officer the activity, duration of the activity, and the number of hours which were devoted to the additional activity that will occur during the normally scheduled workday;
 - 2.1.3. Submit appropriate leave authorization documentation and receive approval for applicable leave usage to be used to engage in these types of activities; and
 - 2.1.4. Limit and restrict such activity so that it does not interfere with assigned responsibilities.

3. Service to Government or Nonprofit Organizations as a Professional Expert

- 3.1. Faculty members, other academic personnel and employees exercising a learned profession are encouraged to participate in the work of nonprofit professional

associations and societies, to contribute their expertise to scholarly, editorial, and advisory bodies including governmental bodies related to their academic work, and to serve on public commissions or boards of philanthropic organizations. Faculty members, other academic personnel and employees exercising a learned profession are also encouraged to accept invitations by nonprofit organizations, colleges and universities, and governmental agencies for purposes of presenting guest lectures, delivering papers, serving on review panels, and participating in accreditation activities. These involvements are most appropriately characterized as institution or community service or research and are complementary to institutional responsibilities. Such activities are not considered outside consulting and are subject only to those forms of prior approval that are required for other workload assignments, including, specifically, prior authorization for travel or other commitments that may interfere with the discharge of the individual's primary responsibilities.

FORMS / APPENDICES:

None

SOURCE:

Current Policy Manual 5.1.4; BOR March 2005; BOR March 2006; October 2023 (Clerical).