



# UMD Consulting Policy

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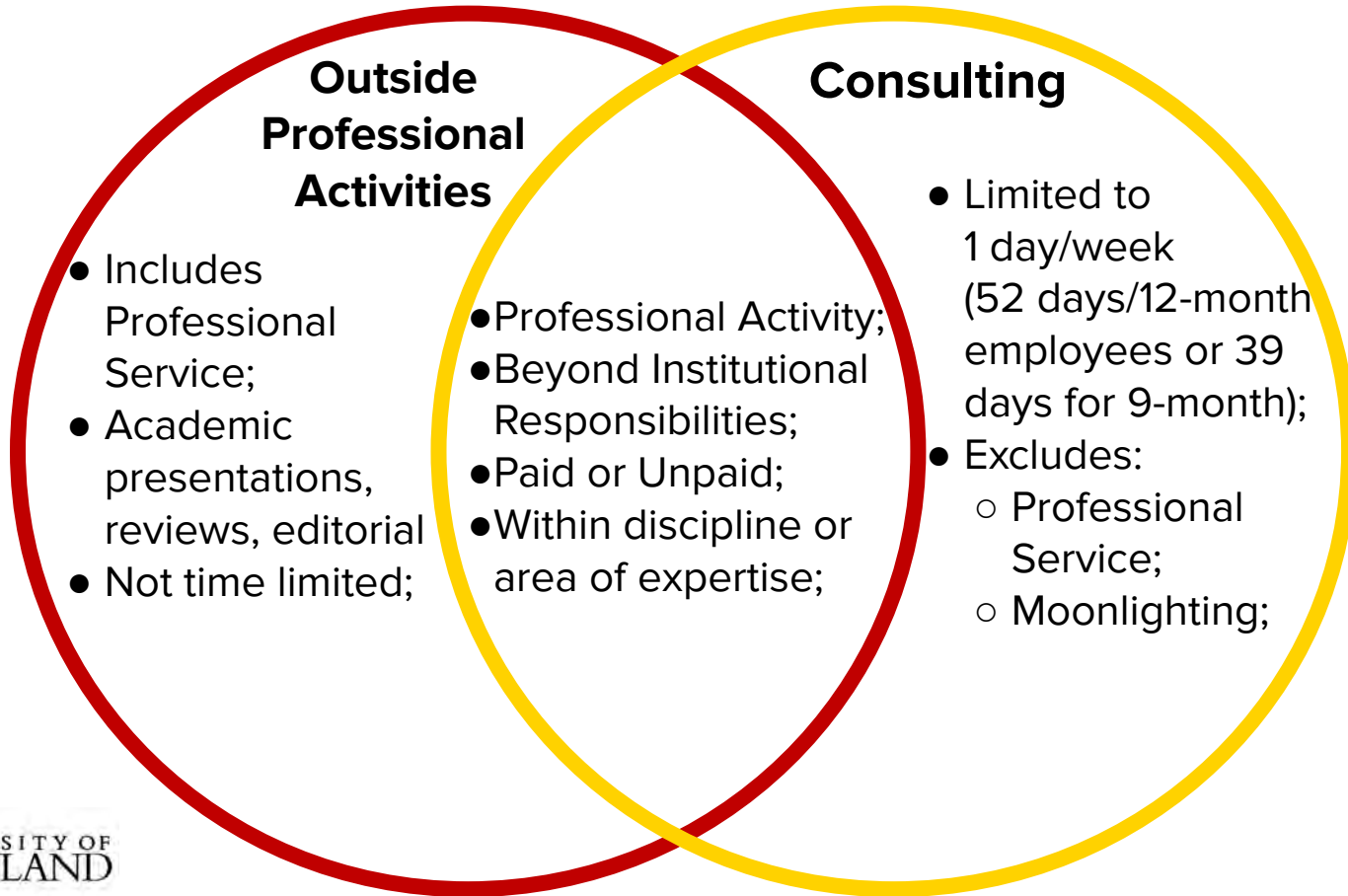
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# Consulting

- Consulting is an ***outside*** professional activity that:
  - is beyond the employee's institutional responsibilities;
  - is professional & based on the discipline or area of expertise;
  - may be paid or unpaid; and
  - primarily benefits the employee and not the University.



# Outside Professional Activities vs. Consulting



# Why Do We Need a Consulting Policy?

Within the past 3 years, UMD has been subjected to numerous federal investigations that have hinged on the federal government's sudden interest in:

1. The proper disclosure of foreign agreements by UMD as a whole and by individual PIs submitting federal proposals; and
2. The proper disclosure of all sources of support in a PI's statement of current and pending support, especially **consulting**.

Policy recommended by outside counsel as a corrective action to resolve a federal investigation, UMD required to have policy per USM policy, and to be in compliance with federal agencies' terms and conditions.



# Consulting and Federal Proposals and Awards

- In Current and Pending Project and Proposal Submissions PIs **MUST** provide **ALL current & pending support (CPS)** for ongoing projects and proposals, **including subsequent funding for continuing contracts, grants, and other assistance agreements.**
- Consulting **MUST** be disclosed on the CPS;
- As authorized officials, ORA staff must certify the accuracy of proposal contents, including current and pending, which ultimately requires PIs to ensure that **ALL** consulting is disclosed on the CPS.



# Interim Consulting Policy

- Approved by President Pines on October 14, 2022, pending Senate review;
- Fulfills University's legal and compliance requirements;
- Aligns with and/or is less restrictive than provisions at other Big10 & peer institutions;
- Codifies long-standing cultural norm at UMD of Consulting 1 day/week; and
- Works in coordination with existing requirements and processes for the University's Conflict of Interest (COI) and Conflict of Commitment (COC) Policies & Procedures.



# Policy Principles & Implementation

- Employees may Consult the equivalent of 1 day/week\*:
  - 12-month employees = 52 days;
  - 9-month employees = 39 days (\*only limited during 9-months, unlimited the other 3 months, if not working for UMD);
  - Faculty may consult at any time, but they are not considered “off the clock” during evenings and weekends by the State Ethics Commission as a State Employee.
  - Staff may only consult outside of their regular University work hours or during periods of approved applicable leave.
- “Banking” of Consulting days (group and use days all at once) is prohibited unless approved by Unit Head & Next Level Admin.



# Policy Principles & Implementation

- An employee who plans to Consult **MUST** get **prior approval** from their unit head/supervisor.
- The unit head/supervisor determines whether the activity is professional service within the specific discipline or area of expertise *following University guidance* and based on:
  - whether the activity is a benefit to public institutions or the University and not just the individual (examples in IV.B.2); or
  - the individual was hired or asked by their unit head/supervisor to perform the activity as part of their University responsibilities.
  - Unit Heads who have questions can contact [consulting@umd.edu](mailto:consulting@umd.edu) and [COI@umd.edu](mailto:COI@umd.edu) for advice on specific situations.





# Examples of Consulting vs. Prof Service

<b>Professional Service</b>	<b>Grey Area</b>	<b>Consulting</b>
Serving on a peer review board		Being paid to serve as an expert witness
Receiving an honorarium for providing a talk on your published findings from your federally funded research		Private psychological practice (not part of UMD hiring contract)
Serving on an external review board		Employees who are owners or officers in external entities.
Architectural firm as part of a faculty member's institutional contract		Consulting/working for an external entity, related to your area of expertise, in which employees are not an owner or an officer.
Serving as an officer in a professional society		Consulting/working for a commercial entity related to your area of expertise.



# Policy Principles & Implementation

- Each Consulting activity requires a separate internal MOU signed by the employee, unit head/supervisor, next level administrator, & provided to external entity (**\*new**).
  - Electronic system now available at [faculty.umd.edu/consult](https://faculty.umd.edu/consult) where employees can log in with UMD ID and password:
    - Enter information on consulting activity, sign electronically, and route to unit head/supervisor & next level administrator for signature.
    - Signed PDF of MOU can be downloaded by employee and **MUST** be provided to external entity.



# State Ethics Law

- State Ethics Law applies to all UMD employees;
- State law provides a research carve-out that allows our University's long-standing COI/COC policies and procedures to take the place of State ethics law.
  - The COI Committee is responsible for reviewing potential research-related COI, and if a COI exists:
    - **Establishing a management plan;** or
    - Identifying when a COI cannot be managed (very small percentage).



# Policy Principles & Implementation

- Research-Related Consulting activities **MUST** be disclosed in KCOI as part of existing COI Policy & Procedures;
  - Signed PDF of MOU **MUST** also be uploaded to KCOI (\*New);
  - Consulting cannot begin until there is a COI disposition;
- Employees **MUST** update their KCOI disclosure within 30 days of any change in the disclosure, e.g., new consulting arrangement.
- Consulting activities must still be disclosed on OPA, for now.
- **State Ethics Law** explains appropriate **research-related** Consulting roles/titles **unless there is an approved COI MP**:
  - No fiduciary or management responsibility; and
  - No titles such as CEO or Vice President.



# Policy Principles & Implementation

- The Policy outlines a process for **post-approval review of non-research-related Consulting** by a COC Review Board appointed by the Provost (**\*New**).
  - Board formulates campus-wide guidance based on these reviews.



# Next Steps with the Interim Consulting Policy

- The Research Council has been charged by the Senate Executive Committee (SEC) with reviewing and refining the interim policy;
- Charge elements include review, consult, consider, and recommend elements, aimed at a thorough and careful process;
- The RC will engage stakeholders and actively solicit input from the campus community during its review process;
- The interim policy remains effective until the RC's review is complete.



# Resources

- Questions about the Consulting Policy can be sent to: [consulting@umd.edu](mailto:consulting@umd.edu);
- Resources including links to the **Consulting Policy**, **FAQs**, and the link to submit info & route the **Internal MOU** are available at: <https://research.umd.edu/consulting-policy>
- Questions about COI can be sent to [COI@umd.edu](mailto:COI@umd.edu)
- The Conflict of Interest Office has a variety of resources available at <https://research.umd.edu/coi> and information on how to complete a disclosure in KCOI.



# Q & A

What questions do you have?

