

**POLICY GOVERNING EXTERNAL AGREEMENTS THAT INCLUDE FACULTY PROFESSIONAL ACTIVITIES  
REQUIRING INSTITUTIONAL APPROVAL (INTERIM POLICY)**

**PURPOSE**

This policy addresses the fulfillment of contractual and/or professional obligations associated with faculty professional activities conducted under institutionally sanctioned agreements with outside entities. Specifically, this policy describes how any such agreement involving faculty professional activities not already subject to existing university policies related to research, procurement, contracting, and/or consulting and paid professional services will be reviewed, approved and monitored.

**BACKGROUND**

Faculty members at the University of Houston routinely engage in a range of funded and unfunded professional activities involving outside entities, including those related but not limited to faculty research, scholarship and service activities. Faculty activities that explicitly involve institutional approval or commitment of university resources are required to be documented, reviewed and approved under the relevant institutional policy.

In addition, individual faculty members are explicitly prohibited from entering into any type of agreement with an outside entity that could be construed in any way to provide institutional commitment, approval or access to institutional resources of any kind without the prior review and written approval of the appropriate university administrator.

This requirement extends to all agreements with outside entities where an employee requires any form of institutional approval or support to participate in an activity based on their faculty status at the University of Houston. Such instances include those faculty professional activities where an institutional letter of support or commitment from a university administrator to an outside entity is required prior to participation of the faculty member in the activity.

Under all circumstances, it is incumbent upon the University to ensure that the terms of any institutionally sanctioned agreement or activity entered into with an outside entity based on an individual's status as a faculty member at the University of Houston be monitored and fulfilled in an accurate and timely fashion.

**POLICY**

If an outside entity requires a statement of institutional approval or support in order for a faculty member to participate in a professional activity, the faculty member is required to inform their department chair, unit director, dean and/or Vice-President (or designee) in writing of the scope of the planned activities and any professional obligations they will or may incur with the outside entity prior to approval. This includes any additional documentation which the faculty member may independently receive from the outside entity related to their participation in the activity in question, information which must be included by the faculty member as part of the above administrative review process prior to approval.

Depending on the nature of the faculty activity and the administrative level of approval required (i.e. department, unit, college or division), approval will be contingent upon clear documentation and a firm understanding of the professional obligations that the faculty member (and by extension the University) will or may have in the future to the outside entity under the agreement. To ensure compliance with the terms of such agreements requiring a statement of institutional approval or support to an outside entity not covered under existing university policy, such agreements will be recorded and subsequently monitored on an annual basis by the appropriate dean's office. For units which do not directly report to a dean, such agreements will be recorded and monitored by the appropriate divisional office.

In the unlikely event that a faculty member becomes unable or unwilling to fulfill their professional obligations under such an agreement in a timely and appropriate fashion, the faculty member is required to inform the appropriate department chair, unit director, dean or vice-president in writing of the reasons they are unable to fulfill their professional responsibilities and/or obligations under the agreement. The administrative process described below is designed to ensure that the appropriate remedial steps are taken to ensure that the terms of the agreement are fulfilled.

This policy also provides for a range of disciplinary actions and/or penalties which may be levied against a faculty member who willfully refuses to fulfill their professional responsibilities under such an agreement, including not fulfilling those obligations in an appropriate and timely fashion.

## **ADMINISTRATIVE PROCESS**

In the event that a faculty member is either unable or unwilling to fulfill their professional obligations under such an agreement the following remedial steps will be followed:

- 1) If a faculty member is unable to fulfill their obligations under such an agreement in an appropriate and timely fashion, they should immediately inform the appropriate administrator in writing of the circumstances preventing them from meeting those obligations. In turn, the appropriate administrator will inform the Office of the Provost of these circumstances.
- 2) The department, unit and/or college will immediately develop and implement a project mitigation plan to ensure that the terms and obligations of the original agreement are fulfilled. This may include identifying a current, appropriately qualified UH faculty member to serve as a replacement principal investigator/project director for the activity in question, or possibly engaging an appropriately qualified, external individual and/or entity to manage fulfilling any obligations under the agreement on behalf of the university.
- 3) Prior to implementation, the terms of any such project mitigation plan must first be approved in writing by the appropriate department chair and/or dean, or for non-academic units the unit director and/or appropriate vice president (or designee). Where necessary, the project mitigation plan must be approved by the outside entity. The Office of the Provost will be copied on the final approved project mitigation plan.
- 4) In the case of funded activities, the cost of the project mitigation plan will be borne first from any funds available from the external entity, with any additional funding required being the

responsibility of the academic department, unit and/or college that approved the original agreement.

- 5) In the case of unfunded activities, all costs of the project mitigation plan will be the responsibility of the academic department, unit and/or college that approved the original agreement.
- 6) In the unlikely event that a faculty member is unwilling and/or refuses to fulfill their obligations under such an agreement in an appropriate and timely fashion, the department chair, unit director and/or dean will formally notify the faculty member in writing of their obligations under the agreement, and provide the faculty member a period of 30 calendar days to rectify the situation. The Office of the Provost will be copied on this communication.
- 7) If the faculty member chooses to rectify the situation, they will provide their department chair, unit director, and/or dean with a written action plan for how the faculty member will fulfill their obligations under the original agreement. The action plan must be reviewed and approved by the department chair, unit director and/or dean, acknowledged by the faculty member, and must include a timeline for meeting those obligations within a reasonable period of time. The Office of the Provost will be copied on the final approved action plan.
- 8) If a faculty member either refuses to provide an action plan, or fails to rectify the situation within the mutually agreed upon period of time stipulated in the approved action plan, the department, unit and/or college will immediately develop and implement a project mitigation plan as described above.
- 9) Under the circumstances described above, the department chair, unit director and/or dean will inform the faculty member in writing that they are subject to disciplinary action based on their failure to fulfill their professional obligations under the terms of the original agreement and/or the terms of the approved action plan. The Office of the Provost will be copied on any such communication.

#### **POTENTIAL DISCIPLINARY ACTIONS AVAILABLE FOR POLICY NON-COMPLIANCE**

In circumstances where a faculty member willfully refuses to fulfill their professional obligations or responsibilities under such an agreement in an appropriate and timely fashion, any or all of the following disciplinary actions may be taken against the faculty member:

- (a) If applicable, the faculty member will be immediately removed as either a named investigator on the project or the party responsible for the activity in question. The external entity will be officially informed of this action by the Office of the Provost.
- (b) Going forward, the faculty member will be prohibited from listing or receiving any academic or research credit relating to the project or activity in question as it relates to their annual performance and/or promotion and tenure review process.
- (c) Based on a potential reduction in the faculty member's overall annual research and scholarship effort caused by such a situation, the faculty member's annual workload

assignment will be immediately reviewed by their department chair and/or dean to determine if a workload redistribution is warranted.

- (d) The faculty member's conduct in refusing to rectify such a situation will be documented in an official letter of reprimand from the Office of the Provost to the faculty member, and also placed in the faculty member's permanent record. A copy of the letter of reprimand will be provided to the department chair and/or dean who is required to include the letter of reprimand as part of the faculty member's annual faculty activity report and/or promotion and tenure review packet for consideration during the review process.
- (e) Subject to the approval of the Provost, the faculty member will be prohibited from applying for, or receiving any form of internal or external funding to support their research and scholarship activities for a minimum period of three years after such a letter of reprimand has been issued.
- (f) Subject to the approval of the Provost, the faculty member is subject to the removal of any administrative or research space previously allocated to them as part of completing or participating in the activity in question.
- (g) Subject to the approval of the Provost, a department chair, unit director and/or dean may prohibit the faculty member from receiving any form of merit or performance-related salary increase for a minimum period of three years after such a letter of reprimand has been issued.
- (h) Subject to the approval of the Provost, the faculty member will be prohibited from being nominated or receiving any internal or external faculty accolades or awards requiring administrative recommendation and/or approval.
- (i) Depending on the circumstances, the Office of the Provost reserves the right to file dismissal for cause charges against the faculty member for "substantial and manifest neglect of professional or academic responsibilities".
- (j) As per policy, the faculty member retains the right to file a grievance through the appropriate channels disputing any of the above disciplinary actions that may be taken against them.