

Complete Policy Title:  
**Statement on Consulting Policy and Procedures**

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**Senate**

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[University Secretariat](#)

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*(This Statement does not apply to members of the Faculty of Health Sciences who are covered by the Faculty's policies related to clinical earnings and income from consulting.)*

### I. DEFINITION OF CONSULTING

Consulting by faculty members is defined as the use on behalf of individuals or agencies outside the University of essentially the same scholarly expertise that is used for their University position. Such activity, which for the purpose of this document includes overload teaching, is considered to be consulting whether or not the reward is financial. Exceptions to this are based on long-standing academic traditions and include such activities as the writing of works of scholarship or research, the presenting of invited seminars and lectures,

leadership in learned and professional societies, public service participation in government established councils and adjudicatory bodies relating generally to their University position and experience.

## II. **BENEFITS OF CONSULTING**

This definition of consulting includes activities the benefits of which are almost unanimously acknowledged. While some claim that the benefits of consulting accrue primarily to the individual faculty member, consulting does lend relevance to certain kinds of academic inquiry and research by making possible the practical testing of theoretical constructs. Moreover, consulting frequently enhances the quality of a faculty member's teaching and research and provides a further benefit to society by making the member's expertise available for the solution of social, economic, technical, and scientific problems in the broadest sense of the terms.

## III. **RESPONSIBILITIES OF FACULTY**

While the benefits of consulting are considerable, it is desirable that they be perceived in relation to a faculty member's other responsibilities. These responsibilities entail:

- a. discharging scheduled teaching duties, including the appraisal of student progress and performance;
- b. being available at regular hours to assist and advise students;
- c. keeping informed on the development of knowledge in his or her field;
- d. contributing to the advancement of knowledge
- e. directing and supervising graduate students, when assigned; and
- f. assuming a fair share of committee and administrative duties.

## IV. **ETHICAL BASIS FOR CONSULTING GUIDELINES**

Universities have long taken the position that these obligations are best fulfilled by leaving to individual faculty members and their departments the greatest possible degree of flexibility and this arrangement has generally worked well. Nevertheless, it is true that the activities of a member outside the University may, on occasion, conflict with his or her obligations to the University. In this regard, consulting can be singled out as a particular case because of the incentives (financial or otherwise) that it offers the individual. While it is recognized that there is a system operant within the University (tenure, promotion, salary increments, etc.) that rewards the individual who fulfils his or her obligations to the University, this system is sometimes inadequate to prevent abuses and neglect of university responsibilities as a result of excessive consulting. It is

acknowledged, however, that there are significant variants in academic abilities and capacities of different faculty members, in the requirements of different Faculties, in different kinds of consulting, and indeed in the ability and capacities of an individual faculty member at various points in his or her career. We believe that faculty members would be assisted by having established guidelines and procedures and especially a code of ethics to help them find a correct balance between their University and consulting commitments.

## V. **A CODE OF ETHICS FOR CONSULTING**

A code of ethics is thus proposed to guide faculty and assist them in avoiding potential conflicts of interest in their consulting activities and to prevent possible abuses without losing the positive advantages associated with consulting.

It is generally agreed that a faculty member should not:

- a. undertake consulting activities which prevent the satisfactory discharge of his or her University responsibilities; if in certain circumstances the member wishes to undertake temporary or continuing consulting activities which prevent such satisfactory discharge, the University officer to whom he or she is responsible (i.e., dean, department chair, director, etc.) may after consultation recommend full or partial release time without pay. If a faculty member wishes to continue such outside activity indefinitely, the member should relinquish his or her status as a full-time appointee.
- b. market for personal gain the results of University-sponsored research except where a formal agreement has been reached with the University, but this prohibition does not include the publication of scholarly works;
- c. use University facilities or services in the course of activities which are not part of his or her University responsibilities without securing appropriate remuneration to the University;
- d. in the course of consulting, use without their approval the unpaid work of students. This prohibition does not include the incidental reporting in conversations, lectures, articles, books or other means of communication of work in progress.

It is also accepted that a faculty member should avoid potential conflicts of interest which may arise through the authorization of the use of University funds that could lead to personal (or family) gain, unless, after full consultation the member has the approval of the University officer to whom he or she is responsible.

## VI. PROCEDURES RELATED TO ETHICAL GUIDELINES AND LIMITS ON CONSULTING

Conformity with ethical standards and observance of other limitations on consulting are primarily the responsibility of the individual faculty member. However, the following procedures with respect to disclosure of consulting activities are proposed to encourage continuing discussion between the faculty member and the officer to whom he or she is responsible in order to ensure that the faculty member meets his or her obligations to the University:

1. **FACULTY REPORTS OF CONSULTING ACTIVITIES.** A faculty member shall annually submit a complete report of all minor and major consulting activities for the immediate past year and any plans the member may have for major consulting activities during the forthcoming year. This report shall be submitted to the academic administrative officer to whom the member is immediately responsible, normally the department chair, who will transmit a copy to the dean at his or her request. This report shall be considered confidential except for use by tenure and promotion committees, by departmental consulting committees, for salary reviews and for the appeals procedures of this document.

A major consulting activity is a commitment that involves a faculty member for a week or more of consecutive full-time activity or a long-term continuing commitment, for example, one requiring periodic absences. A commitment to a group of minor consulting activities, related or unrelated, although requiring less than a full week at any one time, may also be defined as a major consulting commitment.

2. **PRIOR DISCLOSURE OF CONSULTING ACTIVITIES.** It is not normally necessary for a faculty member to make prior disclosure of a minor commitment though the onus is on him or her to make certain that such commitments fall within the limitations prescribed in this document. Before accepting a major commitment the faculty member shall make prior disclosure of his or her intentions, together with a review of the member's current minor commitments. A faculty member shall also make prior disclosure of any consulting commitment which makes more than trivial use of University facilities, supplies or support staff.

## VII. DEVELOPMENT OF DEPARTMENTAL GUIDELINES

In keeping with the Code of Ethics, the appropriate extent of consulting activity must be judged in terms of the beneficial or detrimental effects it has on the faculty member's performance of his or her responsibilities to the University. Evaluation of an individual's activities in such a light must be carried out mainly

by his or her peers. For this reason every department which has members engaged in consulting shall establish a departmental consulting Committee to review and monitor the ongoing consulting activity within the department. The membership of these committees shall include: the chair and dean, (ex officio), and elected departmental members (these members could be those elected to the departmental tenure and promotions committee). These committees will review the extent of consulting by faculty members shortly after the annual reports have been completed and make recommendations to the chair regarding excesses. Moreover, during the course of the year, any disagreement arising out of discussions between a faculty member and the departmental chair and/or dean regarding intended major consulting commitments may be referred to this committee for decision.

It is anticipated that each department will evolve a pattern of acceptable consulting activities that has been found appropriate, based on the disclosures of individual members, the experience of the chair and dean, the recommendations of the departmental committee referred to above, and decisions arising from the appeals procedure. The appropriate level of consulting activity, measured in terms of the time commitment of an individual faculty member, will depend on the following dimensions:

- a. Nature of the consulting commitments including academic relevance, level of sophistication, research content, contractual limitations on the confidentiality of the results, and so on.
- b. Capabilities of the individual faculty member including how much spare time he or she works, the member's productivity and commitments elsewhere, and so on.
- c. Whether or not the commitment limits the member's accessibility to his or her students and colleagues or interferes with proper participation in the work of departmental or other committees of the University.

We understand that following the adoption of the Statement on Consulting Policy and Procedures of which this section on Development of Departmental Guidelines forms an integral part there will be a continuing assessment of the effectiveness of its several provisions. Particular attention will be given to the monitoring and disclosure procedures. At the end of five years, the entire statement will be re-examined and, if necessary, revised in the light of experience.

## II. APPEALS PROCEDURES

In the event of a dispute over a matter related to a faculty member's consulting activities, any of the parties concerned (the faculty member, the departmental

chair or the dean) may request the establishment of a panel of faculty members to review the case and to report with recommendations to assist in the resolution of the differences. Each of the two parties in the dispute shall name a full-time member of the McMaster faculty to the panel and the two persons so named shall select the third member of the panel.

In reviewing the case and formulating its recommendations the panel shall have access to all relevant material and may interview persons who have knowledge of the matters involved. The panel will report its findings to the parties concerned and make recommendations for the future conduct of the faculty member. These recommendations must be accepted by the parties concerned except that, if still unsatisfied, the parties may appeal to the President through the Vice-President (Academic).