

CONSULTING GUIDELINES FOR THE COLLEGE OF ENGINEERING

Faculty in the College of Engineering are encouraged to participate in consulting and, when appropriate, in external summer employment in their fields of technical expertise. In engaging in these activities, it is the faculty member's responsibility to be aware of Arizona Board of Regents (ABOR) and University policy that govern consulting, conflict of interest, and intellectual property.

The following four items summarize stipulations for consulting stated in the University Handbook for Appointed Personnel (page 7, section 2.06.06):

- a. It does not interfere with the faculty member's regular University responsibilities (it creates no conflict of commitment).
- b. Prior written approval is obtained from the faculty member's department head.
- c. The activity is consistent with the rules promulgated by the University and the Board of Regents including those pertaining to conflict of interest and conflict of commitment, intellectual property and consulting.
- d. If any University facilities are used on behalf of a third party, appropriate arrangements for their use are to be made through the faculty member's department head and reported to the Vice President for Research.

In addition, it is the faculty member's responsibility to ensure that he/she acts appropriately in the assignment of intellectual property that results from any and all of his/her activity. The University and the ABOR have an ownership right to intellectual property: a) developed in part or whole by a faculty member resulting from research having all or part of the cost paid (including but not restricted to salary) from University funds or from funds under the control of or administered by the University; b) developed as a direct result of his/her duties at the University; or c) developed through the utilization of University resources or facilities.

It is the faculty member's responsibility to be aware of his or her University-related contractual or grant obligations in dealing with external parties, where specific intellectual property commitments might restrict the faculty member's use of intellectual property or knowledge covered by the contract or grant in any work outside the University, including consulting and summer employment. It is the faculty member's responsibility to ensure that he/she takes no action that violates any of their contracts/agreements in place at the University. In addition, since faculty members generally have not been delegated the authority to contractually bind the University or Board of Regents, the faculty member will be held personally responsible and liable for any private consulting agreement which purports to bind the University or Board of Regents in any way. If a faculty member has any question as to the appropriateness of proposed agreements for consulting or summer employment, he/she should inform his/her department head, and the legal ramifications should be reviewed with appropriate University authorities.

General technical knowledge in the faculty member's field of expertise can be freely used in the faculty member's work as a consultant or in summer employment. The College of Engineering and The University of Arizona acknowledge that a faculty member using his or her general technical knowledge and expertise while undertaking consulting activities or summer employment outside of the University may develop intellectual property on behalf of such companies to which the University has no claim. Conversely, a faculty member is not at liberty to take intellectual property that has been developed as a consequence (in part or whole) of his/her University activity and, through outside consulting or employment, complete its development and establish intellectual property rights excluding the University.