



Date: September 3, 2018

To: Veena Prabhu
Chair, Academic Senate

From: Sharon H. Ulanoff, Chair
Sharon H. Ulanoff
Faculty Policy Committee

Copies: M. Caldwell, J. Lazo-Uy, R. Roquemore, V. Salcido, H. Riggio

Subject: **Proposed Modifications for Chapter VI of the *Faculty Handbook*
FPC 17-18: Incompatible Activities**

At its meeting on March 5, 2018, Faculty Policy Committee voted to approve changes to FPC 17-18: Incompatible Activities as part of our consent agenda. The changes are described below.

FPC 17-18: Incompatible Activities

- Line 14: This language specifies Non-CSU institutions as per article 35 of the Collective Bargaining Unit between the CSU and CFA (CBA); Additional employment within the CSU is addressed in article 36 of the CBA and must be reported to the president (article 36.3) and is limited to an additional 25% (article 36.4).
- Line 23: This language corrects a typo in the policy.
- Lines 26-27: This language is recommended for deletion because it pertains to quarters.

1 **Incompatible Activities**

2 (Senate: 5/6/65, 2/26/85, 2/28/89, 6/2/15; President: 5/27/65; 3/22/85; 8/31/89,
3 10/13/15; Editorial Amendment: 9/00, 8/01)

4 A faculty member must not engage in incompatible activities, which are defined below.
5 Engagement in such activities shall be regarded as unprofessional conduct:

- 6 1. Activities which are pursued chiefly for economic value are not specifically prohibited
7 but are nevertheless discouraged, except as such activities are involved in the
8 management of private affairs. The discretion and judgment of appropriate
9 department/division/school committees and department/division chairs or school
10 directors shall prevail on these points, subject to review as provided below. In addition,
11 a faculty member must not engage in any outside activity in which there is a conflict of
12 interest with primary responsibilities as a university professor.
- 13 2. Other activities are incompatible only when conducted excessively, as defined below.
14 Activities such as part-time teaching at other NON-CSU institutions, consultation or
15 research performed outside the University, the sale of creative efforts, and public
16 lecturing are examples. Faculty members must not engage in outside activities of any
17 kind to the extent that these conflict with their primary obligations to the University by
18 affecting their performance adversely.

19 It shall be the responsibility of the appropriate department/division/school committee and
20 the department/division chair or school director to assure that all faculty members meet
21 their responsibilities to the University as outlined above.

22 All faculty members appointed full-time at the University shall be required to provide a
23 written statement to the appropriate admininstator ADMINISTRATOR of all outside
24 employment, where such outside employment is expected to amount to more than one
25 hundred sixty (160) hours per semester for faculty holding academic year or ten (10) month
26 appointments; one hundred ten (110) hours per quarter for faculty holding academic year
27 or ten (10) month appointments; or one hundred twenty (120) hours per three (3) month
28 period for faculty holding twelve (12) month appointments.

29 Interpretation of "an excess level of outside activity" will be operational, defined as "that
30 level of activity which conflicts with a faculty member's obligation to the University by
31 affecting performance adversely." Inquiries in writing regarding the nature or level of a
32 faculty member's activities may be directed to the department/division/school committee
33 and department/division chair or school director by the dean of the college, the college
34 Faculty Affairs Committee, or the President.

35 Any faculty member whose outside activities are considered incompatible by that faculty
36 member's department/division/school will be apprised orally of this judgment by the
37 department/division chair or school director so that the individual may take appropriate
38 remedial action. If such action is not taken by the faculty member after a reasonable period

39 of time, it is the obligation of the department/division/school committee and
40 department/division chair or school director to initiate proceedings according to the policy
41 then in force for the handling of cases involving unprofessional conduct.

42 The above statements are an interpretation of the state policy concerning activities which
43 are inconsistent, incompatible, or in conflict with duties as an employee of the State of
44 California. The general statement concerning state policy follows. In protecting the integrity
45 of the California state service, the law includes standards of conduct with which state
46 officers and employees are expected to comply. Section 19990 of the Government Code
47 requires that: "A state officer or employee shall not engage in any employment,

48 activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical
49 to his duties as a state officer or employee or with the duties, functions or responsibilities of
50 his appointing power or the agency by which he is employed.

51 "Each appointing power shall determine, subject to approval of the board, those activities
52 which, for employees under his jurisdiction, are inconsistent, incompatible or in conflict
53 with their duties as state officers or employees. Consideration shall be given to
54 employment, activity, or enterprise which:

- 55 a. involves the use for private gain or advantage of state time, facilities, equipment and
56 supplies; or the badge, uniform, prestige or influence of one's state office or
57 employment, or
- 58 b. involves receipt or acceptance by the officer or employee of any money or other
59 consideration from anyone other than the state for the performance of an act which
60 the officer or employee, if not performing such act, would be required or expected to
61 render in the regular course of hours of his state employment to render in the regular
62 course of hours of his state employment or as a part of his duties as a state officer or
63 employee, or
- 64 c. involves the performance of an act in other than his capacity as a state officer or
65 employee which act may later be subject directly or indirectly to the control,
66 inspection, review, audit or enforcement by such officer or employee or the agency
67 by which he is employed, or
- 68 d. involves such time demands as would render performance of his duties as a state
69 officer or employee less efficient.

70 "Each state officer and employee shall during his hours of duty as a state officer or
71 employee and subject to such other laws, rules or regulations as pertain thereto, devote his
72 full time, attention, and efforts to his state office of employment."

73