

Consulting Policy

[Adopted by Board of Regents on September 18, 2000]

New Mexico Tech encourages its staff to interact with state, federal, and private organizations in addressing problems by utilizing their special expertise. Such interactions may be implemented via grants or contracts through the Institute, through the New Mexico Tech Research Foundation, or by private consulting arrangements between staff members and the funding source. The Institute prefers to use the mechanism of grants and contracts via standard procedures channeled through its business office. Such arrangements allow for the use of state-owned facilities, graduate and undergraduate students, secretarial help, telephone, postage, etc., by either direct compensation or through overhead charges. The Institute recognizes, however, that some activities involving relationships between staff and private companies may best be handled through a privately negotiated consulting contract such as, for example, expert testimony given in legal proceedings from which the Institute and the State of New Mexico must be totally isolated.

The Institute has on its staff a wide range of professional persons, who have an extensive variety of duties. The staffs of the College, Research and Economic Development, the New Mexico Petroleum Recovery Research Center, and the New Mexico Bureau of Mines and Mineral Resources because of their different public and institutional responsibilities cannot be uniformly covered by a common consulting policy. Such variables as length of service year, access to proprietary information, previous salary adjustments in lieu of consulting, and certain public responsibilities preclude an Institute-wide policy. Accordingly, the policy outlined in the following text is restricted as indicated. Individual (persons and cases) exceptions to this policy may be requested through the vice presidents and division directors to the President, but generally will be granted only in extraordinary cases.

1. Private consulting shall not be done by full-time professionals of Research and Economic Development or the Energetic Materials Research and Testing Center. Lectures at other academic (non-profit) institutions, service on state and federal committees, and other public service efforts for which honoraria may be received are not considered private consulting.

2. Professionals in the College may consult subject to the limitations set forth as follows:

- a) Private consulting may be done up to a total of 15 working days (Monday through Friday except holidays) during the 9-month academic year. A person on an 11-month appointment may consult for a total of 18 days. In neither case shall more than three working days be spent consulting in a month. Persons with part-time regular appointments in the College may spend consulting time pro rata (e.g., someone with a 0.5 FTE appointment may spend up to seven or eight days per academic year consulting). Consulting time does not accrue beyond an academic year.

- b) Consulting arrangements must be approved in advance by the Department Chair and the Vice President for Academic Affairs. These two persons shall also ensure that arrangements are made to reimburse the Institute at standard rates for use of facilities and personnel.

c) As previously stated, the Institute strongly prefers that consulting arrangements be implemented via grants and contracts through the business office or the New Mexico Tech Research Foundation. Such arrangements should be made whenever possible.

3. Consulting by the staff of the New Mexico Petroleum Recovery Research Center shall be governed by the following:

a) Consulting will be done only while on annual leave or outside of regular working hours.

b) There must be no conflict of interest between the consulting services and responsibilities to perform services related to oil or gas recovery in the State of New Mexico, as stated and defined in the charter which established the PRRC.

c) No outside consulting on enhanced recovery will be done in connection with oil and gas recovery in the State of New Mexico.

d) The consulting arrangements must be approved in advance by the Director of the PRRC and the President.

4. Consulting by staff of the New Mexico Bureau of Mines and Mineral Resources shall be governed by the following:

a) Consulting will be done only while on annual leave or outside of regular hours and may not exceed 120 hours per year.

b) Work must be conducted only for out-of-state organizations and there must be no conflict of interest, real or perceived, between the consulting services and any Bureau interests, contracts, or ongoing analytical services.

c) When applicable, the Bureau will be compensated appropriately for any facilities, equipment, or supplies used. The Director of Finance shall determine what fees and rates shall be assessed and whether it is more appropriate that arrangements be made to receive a contract or grant for such activity.

d) No proprietary or confidential information in the possession of the Bureau will be involved in the study.

e) The consulting arrangement must be approved in advance by the President of the Institute or his/her designee.

5. Consulting by senior Tech administrators

a) Consulting will only be done while on annual leave or outside regular hours and may not exceed 120 hours per year.

b) Work must be conducted only for organizations that are not engaged in doing business with the Institute and there must be no conflict of interest, real or perceived, between the consulting services offered by a senior administrator and any ongoing or potential contractual relationships involving New Mexico Tech.

c) When applicable, Tech will be compensated appropriately for any facilities, equipment, or supplies used. The Director of Finance shall determine what fees and rates shall be assessed and whether it is more appropriate that arrangements be made to receive a contract or grant for such activity.

d) No proprietary or confidential information in the possession of Tech will be involved in the study.

e) The consulting arrangement must be approved in advance by the President of the Institute or his/her designee.

f) Any consulting or honoraria beyond per diem/travel and other *de minimus* compensation, involving the President of the Institute must be approved in advance by the Chair of the Board of Regents.