

POLICY 5:01:05:00

SUBJECT: OUTSIDE EMPLOYMENT AND EXTRA COMPENSATION

Full-time employment with the Tennessee Board of Regents demands an individual's full-time professional expertise, commitment, and energies, and the assigned teaching load of a TBR faculty member constitutes a full-time assignment. However, the Tennessee Board of Regents recognized the value to its students, its personnel, its 45 member institutions, and to the citizens of Tennessee arising from outside consulting and other professional experiences in which members of the faculty and staff may engage. Such activities contribute to the economic development of the state, and bring credit to the institution. These activities also create valuable links between the institutions and their communities.

The Board also recognizes that, under certain conditions, employees may be requested to perform additional assignments for which extra compensation may be warranted. The Board sets forth the following general provisions to cover the circumstances and limitations under which outside employment and/or extra compensation may be appropriate.

As defined herein, this policy does not apply:

- To personnel classified as nonexempt wage and hour employees;
- To normal, short term professional activities such as participation in symposia, accreditation visits, speaking engagements, exhibitions, or recitals, even though honoraria may be received for such participation;
- When the individual is not within the term of his or her contract period, or is on leave;
- To salaries paid to academic-year for teaching in inter-session and summer session, which are not considered extra compensation and are addressed in Policy 5:02:04:10.

Provisions

1. Prior to engaging in outside employment, the faculty or staff member shall notify appropriate supervisors and the president or Director, or his or her designee, of the nature of the employment and the expected commitment of time.
2. Prior to accepting an extra assignment, the faculty or staff member shall have the approval of the institution's President/director or designee.

3. The President/Director or designee may approve outside service and extra service only for efforts that:
 - Are performed entirely outside of, and in addition to, normal working assignments and responsibilities
 - Do not interfere with assigned duties and responsibilities or with regular institutional operations
 - Are consistent with Tennessee Board of Regents policies and guidelines and with state law. (1) TCA 49-5-410 limits full-time faculty members to teaching no more than two credit courses per semester for extra pay in an institution of higher education. (2) TCA 49-5-410 also limits faculty to 15 clock hours per week, or 400 clock hours per nine-month period, for extra pay.
 - Do not constitute a conflict of interest or compete with the institution's education, research, or public service programs
 - Require only a reasonable time commitment from the employee
 - Are not undertaken with an inappropriate claim that the individual is officially representing the institution in connection with the employment
4. If the employment involves other agencies, departments, or institutions of State government, it is subject to prior approval of the President, Director, or appropriate representative of the other agency, department, or institution. Services rendered by a TBR employee to another state agency or institution of higher education will be paid by the contracting agency to the institution pursuant to TBR Guideline G-030.
5. Each institution shall develop policies and procedures relating to outside service and extra service that are consistent with Tennessee Board of Regents policy. Institutions may develop policies that are more restrictive than the TBR policies, but must be applied consistently for all fulltime faculty members within that institution. All policies regarding outside employment, overloads, and extra compensation must be approved by the Tennessee Board of Regents
6. Faculty acceptance of overload assignments, for instruction or other purposes, is strictly voluntary. Overload assignments should be employed only when situations arise which warrant such action. Overload assignments should not be employed on a regular basis or in lieu of hiring qualified faculty or instructors. Supervisors must be careful to protect untenured faculty when making overload assignments and should make every effort to distribute overloads fairly as staffing needs allow.

The minimum rates per credit hour of instruction, as articulated in TBR Guideline P-055 must be applied when calculating compensation for extra service for full-time faculty or staff teaching credit courses at community colleges or universities. Compensation for extra service must be commensurate with the instructor's highest degree, rank, and experience, within their academic unit at their institution. With the approval of the Chancellor, Presidents or their designees may approve exceptions to these minimum rates when circumstances warrant. Presidents or their designees may approve rates that are greater than those stated in TBR Guideline P-055 as long as the rates are applied consistently for similar faculty (degree, rank and experience) within the same academic unit.

The minimum rates per clock hour of instruction, as articulated in TBR Guideline P-056 must be applied when calculating compensation for extra service for full-time faculty or staff teaching at technology centers. Compensation for extra service must be commensurate with the individual's highest degree, rank, and experience, within their academic unit at their institution. With the approval of the Chancellor, Directors or their designees may approve exceptions to these minimum rates when circumstances warrant. Directors or their designees may approve rates that are greater than those stated in TBR Guideline P-056 as long as the rates are applied consistently for similar faculty (degree, rank and experience) within the same academic unit.

Source: SBR Meetings, March 10, 1979; September 30, 1983; TBR Meeting September 21, 1990; TBR meeting March 15, 2002, TBR Meeting December 2, 2005