



## Outside Employment by Graduate Students on RA appointments

At times, Graduate students on RA appointments are interested in working outside of the university. The following describes the issues to be taken into consideration in determining how to handle such activities. CU has no role in the level of IP rights when the student is not a university employee. The following are triggered due to the student having an employment appointment on campus and by virtue of the employee status.

### Research Assistant Appointments

A full time student is limited to no more than a 50% RA appointment during the academic year to assure that there is enough time for the student to work on class and thesis activities. While a 50% time position equates to approximately 20 hrs. a week, it should be noted that this is just an estimate of the time required to complete duties associated with the position and as FLSA-exempt employees, they may at times work above that level. During the summer, the student is often on a 100% RA appointment. When a student is on a 100% appointment it is assumed that 100% of the effort of that employee is going to the federal project.

### Hourly Appointments

A few student appointments are done as “hourly”, even if charged to federal contract and grants. In these cases, there is no effort reporting required and the time is assumed to be limited to the hours worked.

### Outside Work

When considering accepting work outside of the university, the university has no legal standing and can't prevent such activities. However, the level of RA funding, especially if funded by the federal government, may be affected by such outside work. There are two issues to consider: level of effort and intellectual engagement.

Think of intellectual engagement as the time spent solving problems, being creative, and working on the issue related, directly or indirectly, to the objective of the funding. After all, it is often those side connections that solve the problems. There is a difference between outside activities where the “thinking” is along the lines of the RA appointment from a job working, for example, in a restaurant.

Level of time spent on RA activities – if funded by the federal government, it is important that the level of appointment be reflective of the level of effort actually spent on such activities. The federal government does not associate with hours but with “effort”. If the student and supervisor can certify that 50% of effort (including ALL activities) is spent on the RA activities, then there is no issue with accepting additional work during the academic year. If on 100% time during the summer, then, in essence, all effort and intellectual engagement effort, inside and outside the university, cannot exceed 100%. During the summer, the 100% bar is very high – that would preclude any outside work that required any intellectual engagement.

### How to address

If the outside work plus academic work take up more than 100% minus the level of appointment, then the level of RA appointment should be reduced appropriately. In the summer, obviously any outside work that includes intellectual engagement would require a reduction in the level of RA appointment below 100%.

## Intellectual property rights

This topic does not limit the ability to engage in outside activities but may affect the contract and manner of work done outside of CU, whether paid or not. RAs are CU employees and, as such, are subject to the [University's Intellectual Property policies](#). Consulting activities should not conflict with CU's IP Policies. Employees considering consulting work should make these policies known to companies for which they wish to consult. In general, all inventions made by a CU employee that are related to the employee's CU research, or are made using significant University resources are considered CU IP. Generally, work is related to an employee's CU research if it is something an employee would typically publish as part of his, or his advisor's, normal University research and would refer to that work and publication as part of his professional body of work. The Technology Transfer Office should be engaged prior to signing any agreements with outside companies where the companies require the assignment of IP rights. The TTO will review consulting agreements for compliance with CU IP policy.

## Conflict of Interest (COI)

ALL Research employees with "research" in the title (professional research assistants [PRA], senior professional research assistants, research associates, or senior research associates)" (including students) are subject to the UCB COI policy. While a department and advisor may approve a level of RA appointment, the nature and degree of overlap between responsibilities and activities performed as an agent of the university, and those performed with an outside entity, will come under the review of COIC. Note, any review can result in a memorandum of understanding with management strategies that mitigate a real or potential conflict of interest-OR the appearance of a real or potential conflict of interest. RAs should be submitting DEPAs and they should expect a thorough review if they are affiliated with an outside entity. <http://www.colorado.edu/vcr/coi/getting-started>

## Use of University Property and Equipment

CU property and equipment should not be used for the benefit of outside entities without appropriate authorization and payment for use. That includes computer computing resources, labs, office space and other facilities or equipment. Should use of these be requested by industry to support the work, the researcher should contact the Office of Industry Collaboration to determine the appropriate cost and agreement.

## Department and Advisor Role

The academic department and advisor will need to approve the level of RA appointment when outside work is being considered. The role of these people is to do the following and document such review:

1. Confirm the level of effort (remember, not hours) being expended in all areas.
2. Confirm that the total level of effort does not exceed 100% and that the RA portion is appropriate. If necessary, determine the reduction in RA appointment to make the total no more than 100%.
3. The supervisor on the RA work (might or might not be the advisor) will need to accept the reduction in effort on the work. He/she might need a full time student and not be willing to accept a reduced level. In this situation, the student and advisor (each individually and together) have a choice on whether to continue the appointment at CU.
4. Confirm that the campus work plus outside work will not interfere with the ability of the student to perform adequately academically.
5. Confirm that the DEPA has been updated and that the Committee on Conflict of Interest has been engaged to confirm management of any real or potential COI.
6. Confirm that no university property or equipment will be utilized or contact Office of Industry Collaboration.