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GENERAL ADMINISTRATION**

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OVERVIEW

11.1 What is the purpose of this chapter? This chapter explains what U.S. Fish and Wildlife Service (Service) employees may and may not do when they interact with universities or research institutes in an adjunct or affiliate faculty capacity related to their official Service duties. Employees seeking to teach at colleges/universities not related to their official Service duties must follow the standard requirements for outside employment or activity (see [212 FW 5](#) and section 11.7 of this chapter).

11.2 What are the objectives of the chapter? Our objectives are to:

- A.** Encourage and support collaborative efforts between employees and universities and research institutes to the maximum extent possible when related to their official duties, and
- B.** Ensure that employees comply with applicable Service, Departmental, and Federal ethics policies, regulations, and statutes.

11.3 What is the Service’s general policy regarding employee interaction with universities or research institutes in an adjunct or affiliate capacity? Adjunct or affiliate status at universities and research institutes can be beneficial if the relationship advances the mission of the Service, is related to an employee’s official duties, and is done in accordance with applicable ethics policies, regulations, and statutes.

- A.** We encourage employees to collaborate with academic institutions, including service as adjunct or affiliate faculty, courtesy faculty, guest lecturers, instructors, research project associates, and committee members. In these roles, you may work on course materials and research projects related

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to your official duties as long as you follow the requirements in this chapter. These activities benefit the Service by:

- (1) Helping maintain the professionalism and high standards that are an essential part of the Service's scientific and organizational culture,
- (2) Producing meaningful science applicable to the Service mission, and
- (3) Building important partnerships and professional connections that can enhance future cooperative research endeavors.

B. We encourage supervisors and managers to consider allowing their professional staff to use official time, as appropriate, to engage in adjunct or affiliate capacities with universities and research institutes where it is related to the employee's official duties and advances the Service mission.

GENERAL EMPLOYEE REQUIREMENTS

11.4 What are the general requirements for all Service employees holding adjunct/affiliate relationships with universities and research institutes? You must:

- A.** Notify and obtain supervisor and Ethics Office approval, as necessary, before beginning work as an adjunct or affiliate faculty member.
- B.** Be transparent and open regarding your relationships with universities and research institutes.
- C.** Protect the intellectual property that you create as a Federal employee and ensure appropriate protection of Government and public rights in all Service inventions in accordance with 402 FW 1, Obtaining a Patent.
- D.** Continue to comply with all Service requirements and policies while holding adjunct or affiliate relationships with the university or research institute. You should pay particular attention to:
 - (1) [117 FW 1](#), Policy Review Guidance for Scientific Publications,
 - (2) [212 FW 7](#), Scientific Integrity and Scholarly Conduct, and
 - (3) [212 FW 1](#), Standards of Conduct.

OFFICIAL CAPACITY

11.5 What activities may Service employees conduct in their official capacities as adjunct or affiliate faculty members, and what are the requirements when they do so?

A. With your supervisor's approval (complete FWS Form 3-2447, SUPERVISOR'S APPROVAL - Serving in an Adjunct or Affiliate Status at a University or Research Institute in an Official Capacity), you may use official time to conduct the following activities:

- (1) Teach full semester or quarter-long classes in your official Service capacity if the Service has specific statutory authority allowing employees to do so.
 - (a) The following authorities allow Service employees to teach in their official capacity in specific situations:

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(i) The Intergovernmental Personnel Act (IPA) enables Federal employees to be detailed or assigned (full or part-time) to State or local governments, institutions of higher education, and certain authorized non-profit entities. To use this authority, an IPA agreement must be negotiated and formalized using an [Optional Form 69 \(OF 69\)](#), *Assignment Agreement*. These IPA agreements should be used to provide salary reimbursement to the Service when an employee is teaching in an official capacity unless there is another statutory authority that authorizes it.

(ii) The Government Employees Training Act allows Federal employees to provide training to employees of other Federal agencies with or without reimbursement.

(iii) The Foreign Assistance Act enables Federal agencies to provide technical assistance, which may include training, to foreign governments and certain international organizations. Under the Act, Federal agencies may also participate in exchange visitor programs that sometimes include training participants.

(iv) Executive Order 13532, Promoting Excellence, Innovation, and Sustainability at Historically Black Colleges and Universities allows Federal employees to teach (on a limited basis) at such a college or university. The Executive Order does not extend to any other minority or ethnic group.

(b) Before you begin teaching a full semester or quarter-long class in your official Service capacity, the Service and the university or research institute must complete a written agreement providing for the university or research institute to reimburse the Service for the portion of your salary attributable to the official time you devote to teaching the class. The statement of work section of the agreement must include the "Scientific Integrity Statement" required by 305 DM 3.

(2) Present special seminars, give guest lectures, assist with laboratories (and engage in similar activities).

(3) Collaboratively develop course materials with a university employee. These activities may include presentations of course lectures and laboratories, and providing input on test questions related to the subject of the lectures and laboratories. You must not assume the primary responsibility for providing courses or laboratory classes for a university or research institute unless authorized by statute (see section 11.5A(1)(a)). Your contribution must be less than 50% of the time/effort required to prepare and present the lectures and laboratories.

(4) Advise graduate students, mentor other university students, and participate on Masters or Ph.D. thesis committees (see section 11.6 for prohibitions).

(5) Provide reports and analysis to university staff regarding the quality of students' work.

(6) Make recommendations regarding students' work to university faculty. For example, if you serve on a graduate committee that administers oral exams and reviews theses, you may make recommendations to the university or research institute regarding the conferring of awards or degrees on students. Also, you may provide recommendations to faculty regarding student involvement in research and student participation as co-Principal Investigators (co-PIs) on projects.

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(7) Collaborate with university or research institute colleagues on research. If the result of the collaboration is a written product, you must comply with [117 FW 1](#), Policy Review Guidance for Scientific Publications.

(8) Be a co-PI with university or research institute colleagues on research projects. However, you must not sign funding requests or control the funds for the project. In these situations, you and your supervisor should consult with a Service Administrative Officer to establish the appropriate process for the Service to provide funds to the university in order to avoid a real or perceived conflict of interest. (The Service must ensure that any employee who is collaborating with a university or research institute on a project is not part of the Service decisionmaking process regarding the allocation of Service funds for that project.)

B. After obtaining your supervisor's approval on FWS Form 3-2447, when performing these activities, you must:

(1) Make full (and continuing) disclosure of your Service affiliation to all third party entities while collaborating with the university or research institute to ensure that third parties are aware of your Federal employment status.

(2) Ensure that the university or research institute accurately represents your status as a Service employee on their Web sites and publications.

(3) Keep the interests of the Service paramount. As Service employees, our primary loyalty is to the U.S. Government, and we are subject to some restrictions on our activities as adjunct or affiliate faculty members. For example, we are prohibited by a criminal statute (18 U.S.C. 205) from representing the university in official interactions between the Service and the university on matters including, but not limited to, contracts, grants, and agreements. You always must be on the Federal "side of the table" during these official interactions.

(4) Accept only those benefits from a university or research institute that clearly advance the mission of the Service. Benefits that may be accepted include, but are not limited to, university or research institute library privileges, Internet access, email, parking, and gym access for Service employees (in accordance with Service wellness policy). You also may accept free or reduced tuition for courses that are related to your current or future job duties if properly approved under the Government Employees Training Act (5 U.S.C. 4111). See [205 DM 2](#) for approval procedures.

(5) Accept payment for travel expenses from the university or research institute only when prior approval has been documented. You and your supervisor must complete a Form DI-2000 before accepting these expenses. See 212 FW 3, Acceptance of Travel Expenses. The university or research institute must reimburse the Service directly using a check or through an electronic funds transfer. You may not accept a direct payment to you, or "sign over" to the Service reimbursement checks made out to you by a university or research institute.

11.6 What activities are Service employees prohibited from conducting in their official capacities as adjunct or affiliate faculty members? You must not:

A. Receive direct compensation from the university or research institute for performing Service duties. This action would violate 18 U.S.C. 209, a criminal ethics statute.

B. Personally accept funds for travel expenses directly from the university or research institute. See section 11.5B(5) above.

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- C.** Control university or research institute funds. Doing so creates a conflict of interest, subjects employees to potential personal liability for breach of fiduciary duties, and subjects the Service to potential liability.
- D.** Be involved with the grant review, award processes, or other awards of Federal funds to the university or research institute with which you serve as an adjunct or affiliate (see section 11.5B(3) above).
- E.** Direct funds to a university or research institute to avoid Service overhead charges, in violation of Service policy.
- F.** Knowingly make unauthorized commitments or promises of any kind claiming to bind the Federal Government (see [212 FW 1](#)).
- G.** Sign any document with the university or research institute that commits the Service to any legal requirements to which the Service cannot agree (e.g., obligating funds in violation of Federal appropriations law, open-ended indemnification clauses, "hold harmless" statements, liability insurance, choice of law for settlement of disputes designated in State or foreign courts).
- H.** Accept personal benefits (i.e., "perks") from a university or research institute that are for personal use only, unless exempted or excepted under 5 CFR 2635 Subpart B, "Gifts from Outside Sources."
- I.** Take official actions that benefit your own financial interests (or the financial interests of other people/organizations with whom you have a relationship, such as your spouse, minor children, or organizations in which you serve as an officer or member of a Board of Directors). If your spouse or another member of the household works at the university or research institute in the same or a related field, you must disclose this information to your supervisor to avoid any appearance of partiality or a conflict of interest.
- J.** Be listed in the course catalog as a university instructor; be involved in grading exams, papers, or labs; or be responsible for issuing grades to students unless doing so under one of the authorities listed in 11.5A(1)(a). The course syllabus may contain an explanation that you will be presenting a certain number of the lectures or laboratories, but it must list someone other than a Service employee as the primary contact. Grading is a university determination; it is a formal decision made on behalf of the university.
- K.** Use your university or research institute affiliation (i.e., not your Service affiliation) to be a PI or co-PI on a research project.
- L.** Represent the university or research institute (or any other third party) to a Federal agency. For example, you may not, in your adjunct or affiliate status, represent the university or research institute on an application for a Federal grant. You may be listed as a co-PI on a project, with full disclosure of your Service affiliation, but you may not sign the grant request documents.
- M.** Supervise university or research institute staff. There is significant potential personal liability associated with supervisory functions. Employees who act outside the scope of their Service duties are not covered by the Federal Tort Claims Act. The only exception to this prohibition would occur if a

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cooperative agreement or an IPA agreement specifically includes supervision of university or research institute staff as part of your job responsibilities.

N. Receive compensation or royalties for writing a book or article in your outside capacity that is related to your Service work or an ongoing Service program (compensation for outside writing related to official duties is barred by 5 CFR 2635.807).

O. Conduct any work or activity in your personal capacity (off-duty) with the university or research institute with which you have an official relationship, such as adjunct or affiliate status, without receiving prior Ethics Office approval (see section 11.7 below).

P. Take any action that would negatively impact the ability of the Service to protect intellectual property created by Service employees (see 402 FW 1).

Q. Disclose non-public information, which is information that you gain through your Federal employment, and that you know or should know has not been made available to the general public. See 5 CFR 2635.703. Consult your Service supervisor if you are unsure whether information is non-public or has been made available to the public.

PERSONAL CAPACITY

11.7 What are the requirements and limitations for employees who want to teach or serve as adjunct or affiliate faculty with a university or research institute in a personal capacity (off-duty status)?

A. If you want to teach at a university or research institute in a personal or off-duty capacity, particularly if you already serve in an adjunct or affiliate status with the same university or research institute in an official capacity, you must complete FWS Form 3-2441, *Notification/Request for Approval to Engage in Outside Employment or Activity* and consult with your supervisor and servicing Ethics Counselor before teaching or agreeing to teach (see [212 FW 5](#)).

B. If you want to teach in a personal or off-duty capacity at a university or research institute that receives funds from the Service, has Service personnel working in an official capacity with the university or institute, or has any other official relationship or interaction with the Service, you must request prior approval from your Ethics Counselor (see 5 CFR 3501.105). Complete FWS Form 3-2441. When reviewing a request for approval, Ethics Counselors consider whether the employee is serving in an adjunct or affiliate status in an official capacity with the same university or research institute from which the offer or invitation to teach in a personal capacity is made.

C. You must comply with 5 CFR 2635.807, which restricts compensation for outside teaching, speaking, and writing related to your official duties.

(1) Your official duties are broadly defined in 5 CFR 2635.807. If you receive an invitation to teach at a university or research institute in your personal capacity, and that offer is made because you serve as an adjunct or affiliate faculty member in an official capacity, the offer is related to your official duties and it cannot be approved.

(2) Although an exception from the restrictions on compensation for outside teaching may exist for qualifying institutions of higher education (see 5 CFR 2635.807(a)(3)), you still must obtain prior

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approval to teach in a personal or off-duty capacity at any university or research institute that is a prohibited source.

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DEPUTY DIRECTOR

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