



## 31.05.01.E1 Faculty Consulting and/or External Professional Employment

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Supplements System Policy, 31.05, System Regulation, 31.05.01

### Rule Summary

Faculty members are encouraged to make their expertise available to business, industry, government, professional societies, and other appropriate entities. Such professional engagements serve to strengthen the individual employee, serve the public, contribute to the improvement of education, leadership development, research, and service. For consulting and external professional employment, employees of the Texas A&M Engineering Experiment Station (TEES) holding joint appointments as faculty members with an academic institution within The Texas A&M University System (A&M System) are subject to the relevant rules and procedures promulgated by the institution in which they hold an eligible faculty position. This rule is required by and supplements System Regulation 31.05.01, *Faculty Consulting and/or External Professional Employment*, and establishes guidelines for the approval process for consulting and/or external professional employment activities for all faculty members. For external employment that is not directly related to the faculty member's professional discipline, see System Regulation 31.05.02, *External Employment*.

### Definitions

Faculty consulting and/or external professional employment – any work, advice or service related to a faculty's field of discipline for which a system faculty member receives compensation, services, goods, or any other item of value. The term includes, but is not limited to, any fee-for-service or equivalent relationship with a third party, employment by an individual, self-employment, or employment by an entity in which the faculty member is a principal owner. While not technically "faculty consulting and/or external professional employment," the provision of certain types of scholarly or research expertise to foreign entities without compensation must be disclosed to the member institution for purposes of System Policy 15.02, *Export Control Program Management* and System Regulation 15.05.04, *High Risk Global Engagements and High Risk International Collaborations*. These types include, but are not limited to,



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participation in scholarly or scientific research projects or publications required to be disclosed to any agency of the U.S. government, as well as communication of any information subject to export control, publication restriction or confidentiality agreement.

Faculty or faculty member – any full-time paid employees with an appointment as Instructor, Assistant Professor, Associate Professor, or Professor, a Lecturer, a Senior Lecturer, and Professional Track Faculty at any rank. Part-time and adjunct faculty are excluded from the requirements of this rule and the guiding regulation.

Release time – administratively approved time that a faculty member may spend away from the faculty member's normal work duties for the purpose of engaging in faculty consulting and/or external professional employment.

## Procedures and Responsibilities

### 1. RESPONSIBILITIES

- 1.1 The Chief Operating Officer (COO) is delegated authority, as designee of the CEO, to approve faculty consulting and/or external professional employment in accordance with System Regulation *31.05.01* and as outlined herein. The COO receives the request document for review and approval after it has been approved by Engineering Faculty Services.
- 1.2 For a proposed faculty consulting and/or external professional employment engagement (external engagement or activity), the faculty external engagement is not reasonably expected to create a conflict of interest or present a conflict of commitment with the regular work of the employee.
  - 1.2.1 Any request for external engagement with a foreign entity is routed to The Office of Research Compliance for screening and review. When the faculty member's proposed external engagement is submitted, a copy of the application and approval form and supporting documentation will also be provided to A&M System Research Security Office.
  - 1.2.2 Any potential or actual conflicts of interest or conflicts of commitment arising from faculty external engagement and/or requests with the faculty member will be coordinated through the appropriate A&M office(s) as needed.
- 1.3 In accordance with System Regulation *31.05.01* and this rule, faculty members are obligated to obtain written approval for all external engagements prior to entering into any agreement and annually thereafter for each subsequent fiscal year in which the faculty member wishes to



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continue the external engagement. Part-time and adjunct faculty are excluded from the requirements of this rule and the guiding regulation.

**2. STANDARDS OF CONDUCT**

- 2.1 Faculty members engaged in external employment or consultation should be guided by the principles of ethical conduct in System Policy *07.01, Ethics*.
- 2.2 Standards of conduct of state officers and employees are established by law, by A&M System policies and regulations, and by TEES rules and procedures. Any employee who violates such standards through a consulting and/or external professional employment engagement may be subject to appropriate disciplinary action, up to and including dismissal, regardless of approval status of the application for external engagement.

**3. CONSULTING AND/OR EXTERNAL PROFESSIONAL EMPLOYMENT**

- 3.1 Outside employment and consulting activities of faculty are considered secondary activities that may be engaged in only after approved through the process outlined in section 4 of this rule and the faculty member's duties and responsibilities are fulfilled.
- 3.2 No release time is granted for external consulting or external professional employment activities unless prior written approval is obtained. Annual leave should be taken if the faculty member accrues annual leave, and the external activity occurs during normal business hours. If applicable external activities are limiting the performance of the faculty member's primary duties, the faculty member's supervisor may limit the applicable external activity performed outside normal business hours.
- 3.3 Regular salary will continue while an employee is on approved release time for consulting or external professional employment. The salary paid during release time should not come from research projects.
- 3.4 Faculty members may enter an employment or consultation relationship provided that prior written approval is obtained through the process outlined in section 4 of this rule and that:
  - It is not reasonably expected to present a conflict of commitment; that is, interfere with the regular work of the employee;



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- It is directly related to the faculty member's academic and professional discipline;
- It avoids unfair competition with private business and those in private professional practice;
- It is not reasonably expected to create a conflict of interest;
- It does not involve the use of any resources (facilities, equipment, or personnel) of the System unless permitted by System Policy 33.04, *Use of System Resources*, and System Regulation, 33.04.01 *Use of System Resources for External Employment*, or are pursuant to collaboration with foreign entities that are approved under this regulation and are part of the normal scholarly work of the faculty member; and
- It is in accordance with all additional requirements outlined in System Regulation 31.05.01.

**4. APPROVAL PROCESS**

- 4.1 Faculty members must complete and route for approval the System Faculty Consulting and External Professional Employment Application and Approval Form prior to initiating the external activity and annually thereafter for each subsequent fiscal year in which the faculty member wishes to continue the engagement.
- 4.2 Approvals are required from the department head, the college dean, and the Office of Research Compliance. The Office of Research Compliance will forward requests to the Research Security Office and the empowered official as needed.
- 4.3 Prior to authorization approval, the Office of Research Compliance will address any potential or actual conflicts of interest or conflicts of commitment arising from faculty consulting and/or external employment request with the faculty member through the applicable dean and department head and in consultation with the appropriate A&M office(s) as needed.
- 4.4 Requests where potential or actual conflicts of interest and or commitment exist and are not able to be resolved through further vetting will not be approved.



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- 4.5 Authorizations for consulting and external employment will expire August 31<sup>st</sup> each year.
- 4.6 Approved requests will be routed to Engineering Faculty Services and will be maintained within the faculty member's personnel file in accordance with system records retention schedule, guidelines, policies, regulations, and rules.

**Related Statutes, Policies, or Requirements**

[Policy 07.01, Ethics](#)

[Policy 15.02, Export Control Program Management](#)

[Policy 31.05, External Employment and Expert Witness](#)

[Policy 33.04, Use of System Resources](#)

[Regulation 15.01.03, Financial Conflicts of Interest in Sponsored Research](#)

[Regulation 15.05.04, High Risk Global Engagements and High Risk International Collaborations](#)

[Regulation 31.05.01, Faculty Consulting and/or External Professional Employment](#)

[Regulation 31.05.02, External Employment](#)

[Regulation 33.04.01, Use of System Resources for External Employment](#)

[TEES Rule 15.02.99.E1, Export Controls Program Management](#)

[Consulting and External Professional Employment Application and Approval Form](#)

**Contact Office**

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