

31.05.01.M1 Faculty Consulting and/or External Professional Employment

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Rule Statement

Faculty wishing to engage in consulting and/or external professional employment directly related to their academic and professional discipline must obtain appropriate approval prior to initiation of the external activity. Employment by faculty members not directly related to their professional discipline is governed by System Regulation 31.05.02, *External Employment*.

Reason for Rule

This rule is required by 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 employed by Texas A&M University.

Procedures and Responsibilities

1. GENERAL

- 1.1 In accordance with System Regulation 31.05.01, *Faculty Consulting and/or External Professional Employment*, consulting and external professional employment may be authorized only if approved in advance according to appropriate procedures and all other conditions listed in System Policy 31.05, *External Employment and Expert Witness*, and related System regulations are met, using the [System Faculty Consulting and/or External Professional Employment Application and Approval form](#).

- 1.2 In addition, this rule requires the disclosure of any potential or actual conflict of interest or commitment arising from, but not limited to, consulting and/or external professional employment as directed in System Regulation 15.01.03, *Financial Conflicts of Interest in Sponsored Research*, and University Rule 15.01.03.M1, *Financial Conflicts of Interest in Sponsored Research*, SAP 15.99.99.M0.02, *Conflict of Commitment*. Therefore, it is important for the faculty member to disclose all actual or potential conflicts of interest that are applicable to their external consulting and/or external professional employment request.

2. STANDARDS OF CONDUCT

- 2.1 Texas A&M University faculty members engaged in external employment and/or consulting shall comply with the principles of ethical conduct in System Policy *07.01, Ethics*.
- 2.2 Standards of conduct of Texas A&M University officers and employees are established by law, by The Texas A&M University System policies and regulations, and by Texas A&M University 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, regardless of approval status of the application for external employment.

3. CONSULTING AND/OR EXTERNAL PROFESSIONAL EMPLOYMENT

- 3.1 Consulting and/or external professional employment activities of faculty are considered secondary activities that may be engaged in only after duties and responsibilities to Texas A&M University are fulfilled. Texas A&M University faculty members may enter into an employment and/or consultation relationship provided that:
 - 3.1.1 it does not interfere with the regular work of the faculty member;
 - 3.1.2 it is reasonable in amount;
 - 3.1.3 it is directly related to the faculty member's academic and professional discipline;
 - 3.1.4 it avoids unfair competition with private business and those in private professional practice. Faculty members are responsible for the disclosure of any potential conflict of interest and conflict of commitment that may arise from consulting and/or external professional employment;
 - 3.1.5 it complies with section 2.6 of System Regulation *31.05.01* regarding restriction on the grant to third parties of intellectual property rights; and
 - 3.1.6 it does not involve the use of any resources (facilities, equipment, or personnel) of The Texas A&M University System (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*. However, if a collaboration with a foreign entity is part of the faculty member's normal scholarly work, and the collaboration has been approved pursuant to Section 4.2 of this regulation, System resources may be used.

4. APPROVAL PROCESS

- 4.1 Full time faculty members must complete and route for approval the [External Employment and/or Consulting Application and Approval form](#) that can be found in the Appendix to System Regulation *31.05.01* prior to initiating the external activity including, specifically, engagements that may affect System intellectual property. The college dean, in consultation with the faculty member's department head, is authorized

to approve these activities. Part-time faculty are not required to request approval for external employment under this section, but are required to submit the required conflict of interest and conflict of commitment disclosures under section 4.3 and 4.4 below.

- 4.2 If a faculty member proposes to engage in faculty consulting and/or external professional employment with a foreign entity whether compensated or not, the faculty member will submit the proposed engagement for review to the University export controls Empowered Official, as per University Rule 15.02.99.M1, *Export Controls*, prior to submission to the department head for approval. A copy of the faculty member's application and approval form and supporting documentation will also be provided to the System Research Security Office.
- 4.3 All faculty members, full-time and part-time, must disclose all actual and potential conflicts of interest, regardless of their nature, in a memorandum addressed to the department head and the college dean. Full-time faculty members must submit the disclosure memorandum with the Approval Form required in section 4.1 above. The department head and dean will review the disclosed conflicts of interest and determine if a management plan is necessary. If a management plan is necessary, it will be developed by the faculty member, department head, and dean and documented.
- 4.4 Conflict of Commitment disclosures should be routed for approval according to the process specified in *SAP 15.99.99.M0.02*.
- 4.5 Faculty members are required to disclose to their department head and dean any conflict of interest that may arise after the external employment is approved. The disclosure will take the form of a memorandum and approval process as per section 4.3 above.
- 4.6 Faculty members sponsored for employment under a nonimmigrant status to work for Texas A&M University may not consult or be employed by a third party entity unless such third party entity sponsors them for employment.
- 4.7 Faculty members may not engage in external consulting or external professional employment activities unless prior written approval is obtained.
- 4.8 Authorizations for consulting and/or external professional employment will expire August 31st each year.
- 4.9 Approved requests will be maintained within the faculty's personnel file in the academic department in accordance with System records retention policy; retained for the fiscal year plus three years.

5. RELEASE TIME

- 5.1 The use of "release time" as defined in System Regulation *31.05.01* for consulting will be evaluated on a case-by-case basis.

Related Statutes, Policies, or Requirements

Supplements

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

[University Rule 15.01.03.M1, Financial Conflicts of Interest in Sponsored Research](#)

[University Rule 15.02.99.M1, Export Controls](#)

[University SAP 15.99.99.M0.02, Conflict of Commitment](#)

Contact Office

Dean of Faculties