

## UNIVERSITY RULE

### **31.05.01.M1 Faculty Consulting, Outside Professional Employment**

*Approved April 17, 2018*

*Next scheduled review April 17, 2023*

---

#### **Rule Statement**

---

Faculty wishing to engage in external employment directly related to their academic and professional discipline shall 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 External 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 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 External Professional Employment Application and Approval Form](#).
- 1.2 In addition, this rule also requires the disclosure of any potential or actual conflict of interest arising from, but not limited to, consulting or external 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*. Therefore, it is important for the faculty member

to disclose all actual or potential conflicts of interest that are applicable to their external consulting or employment request.

## 2. STANDARDS OF CONDUCT

- 2.1 Texas A&M University faculty members engaged in external employment 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 Outside employment and consulting 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 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 that may arise from consulting or external employment;
  - 3.1.5 it complies with section 2.5 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*.

## 4. APPROVAL PROCESS

- 4.1 Full time faculty members must complete and route for approval the [External Employment and 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 disclosure under section 4.2 below.
  - 4.2 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.
  - 4.3 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 4.2 above.
  - 4.4 Faculty members may not engage in external consulting or external professional employment activities unless prior written approval is obtained.
  - 4.5 Authorizations for consulting and external employment will expire August 31<sup>st</sup> each year.
  - 4.6 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 Consistent with System Policy, 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 External Professional Employment](#)

---

---

**Contact Office**

---

Dean of Faculties