

31.05.01 Faculty Consulting and External Professional Employment

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Regulation Statement

This regulation applies to consulting and external professional employment by faculty members of The Texas A&M University System (system) directly related to their academic and professional discipline. For unrelated external faculty employment, see System Regulation *31.05.02, External Employment*. A system member may require similar non-faculty employees, such as non-faculty researchers, to follow the provisions of this regulation.

Reason for Regulation

System members having faculty positions of employment may authorize faculty consulting and/or external professional employment in accordance with this regulation.

Procedures and Responsibilities

1. AFFIRMATION OF FACULTY CONSULTING AND EXTERNAL PROFESSIONAL EMPLOYMENT

The system encourages its faculty members 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 and contribute to the improvement of education, leadership development, research and service.

Certain activities, such as lecturing, collaborating on research and writing book reviews, book chapters, monographs and journal articles, are not normally considered external employment.

2. REQUESTING PERMISSION FOR FACULTY CONSULTING AND/OR EXTERNAL PROFESSIONAL EMPLOYMENT

- 2.1 A member chief executive officer (CEO) or designee is authorized to approve faculty consulting and/or external professional employment as provided in this section.

- 2.2 It is the obligation of faculty to obtain annual approval from their CEO or designee of all new and continuing consulting and/or external professional employment prior to entering into any agreement including, specifically, engagements that may affect system intellectual property.
- 2.3 Member approval of each faculty consulting and/or external professional employment engagement will be for no more than one year in duration; approvals expire at the end of August each fiscal year.
- 2.4 A request for approval of external professional employment must be made using the System Faculty Consulting and External Professional Employment Application and Approval Form. Each member CEO shall maintain a file of all approved faculty consulting and/or external professional employment requests for the fiscal year which shall be retained for the fiscal year plus three years.
- 2.5 No faculty consulting and/or external professional employment engagement shall grant third party rights to intellectual property conceived, reduced to practice or developed:
 - (a) with system or member-administered funds and/or with significant use of system resources;
 - (b) after the conclusion of the agreement; or
 - (c) outside the agreement's technical scope.
- 2.6 For faculty with joint appointments in a university and one or more member agencies, the president or designee must approve or disapprove such requests in consultation with the CEO or designee of the other member. If the joint appointment involves two agencies, the CEOs of the agencies must jointly approve or disapprove the request.
- 2.7 The faculty member's supervisor or department head will keep a record, if required by a university rule, of individual absences from the employee's official place of duty for external professional employment activities. Requests for release time must be submitted for advance approval using the form mentioned in Section 2.4.
- 2.8 The member may choose to require additional actions including, but not limited to:
 - (a) the provision of a copy of any proposed faculty consulting and/or external professional employment agreement with a third party (when available);
 - (b) a review of amendments to existing faculty consulting and/or external professional employment agreements that occur after the member's original approval of the faculty consulting and/or external professional employment;
 - (c) the provision of an information sheet summarizing system policies and regulations and member rules and procedures concerning faculty consulting and/or external professional employment to third-party external employers; and

- (d) a training course on faculty consulting and external professional employment, addressing topics such as ethics and conflicts of interest requirements or contracting best practices.

2.9 Each member having faculty positions of employment shall adopt a rule that:

- (a) designates the individuals authorized to approve faculty consulting and/or external professional employment;
- (b) identifies the part-time faculty subject to the annual consulting and/or external professional employment approval requirement of this regulation (see Section 2.2);
- (c) designates the process for disclosing, reviewing and addressing any potential or actual conflict of interest arising from faculty consulting and/or external professional employment; and
- (d) provides any additional member requirements such as those listed in Section 2.8.

3. USE OF SYSTEM PROPERTY AND PERSONNEL

3.1 External professional employment is subject to the provisions of System Policy *33.04, Use of System Resources*, and System Regulation *33.04.01, Use of System Resources for External Employment*, which permit the use of system resources for faculty consulting and/or external professional employment if:

- (a) the external professional employment has been approved in accordance with this regulation; and
- (b) the use of system resources is incidental as defined in Regulation *33.04.01*.

3.2 Any cost to the system resulting from a faculty member's use of system resources for consulting and/or external professional employment must be paid in accordance with Regulation *33.04.01*. In such a case, the member CEO or designee is authorized to approve the faculty member's use of the resource(s) and the suitable payment arrangements.

Related Statutes, Policies, or Requirements

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

[System Regulation 31.05.02, *External Employment*](#)

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

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

Definitions

Consulting and/or external professional employment – professional activity related to one’s field or discipline, where a fee-for-service or equivalent relationship with a third party exists.

Faculty or faculty member – those who hold a paid faculty position, full or part-time, as defined by the respective system member.

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

Appendix

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

Member Rule Requirements

Members having faculty positions of employment shall adopt a rule supplementing this regulation. See Section 2.9.

Contact Office

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