

## 33.04.01 Use of System Resources for External Employment

Revised [November 2, 2016](#)

Next Scheduled Review: November 2, 2021

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### Regulation Statement

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The resources of The Texas A&M University System (system) may not be used for external employment except as authorized by this regulation.

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### Reason for Regulation

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This regulation provides guidance concerning the use of system resources for external employment. Proper utilization of system resources ensures organizational risks and costs are properly managed.

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### Definitions

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Click to view [Definitions](#).

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### Procedures and Responsibilities

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#### 1. AUTHORIZED USE OF SYSTEM RESOURCES FOR EXTERNAL EMPLOYMENT

1.1 A system faculty or staff employee must not use system resources (including services) for external employment unless:

- (a) the external employment has been approved in accordance with the applicable system regulation (System Regulations *31.05.01, Faculty Consulting and External Professional Employment* or *31.05.02, External Employment*); and
- (b) the use of system resources is incidental in nature (see Section 1.2 of this regulation).

1.2 The incidental use of system resources for approved external employment must not:

- (a) cause an additional (non-reimbursed) expense to the system;

- (b) impede normal business functions;
- (c) be for non-approved private commercial purposes;
- (d) be used for illegal activity;
- (e) be used to intentionally access, create, store or transmit obscene materials; or
- (f) be used to compete unfairly with private sector entities or private consultants.

## 2. PAYMENT FOR SYSTEM RESOURCES USED FOR EXTERNAL EMPLOYMENT

Any cost to the system, including personnel time, resulting from a faculty or staff employee's use of system resources for external employment, must be paid by the employee in accordance with this section.

2.1 A system resource regularly available to private individuals or firms on a fee or per-unit basis may be secured by system employees at the same cost and under the same conditions that they are available to the general public. Each member shall be responsible for establishing guidelines to determine the amount of the fees or per-unit charges, and the guidelines should also address the method of collecting and accounting for such fees or charges.

2.2 If a system resource is not available as described in Section 2.1, a system faculty or staff employee must not use the system resource for external employment unless the use is approved by the chancellor or designee(s) in advance and suitable arrangements have been made in advance for payment of agreed upon value for the use of the resource.

## 3. MONITORING

Each member chief executive officer must monitor the use of all system resources under this regulation.

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## Related Statutes, Policies, or Requirements

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[Tex. Gov't Code § 2203.004](#)

[Texas Ethics Commission Advisory Opinion No. 372 \(as modified\)](#)

[Texas Ethics Commission Advisory Opinion No. 134 \(1993\)](#)

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

[System Regulation 31.05.02, External Employment](#)

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

[System Regulation 33.04.02, Use of Telecommunication Services](#)

## **Member Rule Requirements**

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A rule is not required to supplement this regulation.

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## **Contact Office**

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