

31.05.01 Faculty Consulting and/or External Professional Employment



Revised [April 29, 2020](#)
Next Scheduled Review: April 29, 2025
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Regulation Summary

Members of The Texas A&M University System (system) may authorize faculty consulting and/or external professional employment to its faculty members in accordance with this regulation. For external faculty employment that is not directly related to the faculty member's professional discipline, see System Regulation 31.05.02, *External Employment*. A member may require similar non-faculty employees, such as non-faculty researchers, to follow the provisions of this regulation.

Definitions

Click to view [Definitions](#).

Regulation

1. AFFIRMATION OF FACULTY CONSULTING AND/OR EXTERNAL PROFESSIONAL EMPLOYMENT
 - 1.1 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.
 - 1.2 For purposes of this regulation, activities which are traditionally compensated by payment of an honorarium are not faculty consulting and/or external professional employment unless they are reasonably expected to require more than a minimal amount of the faculty member's time.
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.

- (a) In reviewing for approval a proposed faculty consulting and/or external professional employment engagement, the CEO or designee will ensure that the faculty consulting and/or external professional employment is not reasonably expected to create a conflict of interest or present a conflict of commitment; that is, interfere with the regular work of the employee.
 - (b) If a faculty member proposes to engage in faculty consulting and/or external professional employment with a foreign entity, the member will submit the proposed engagement for review to the member's export controls empowered official prior to submission to the CEO or designee. When the member submits the faculty member's proposed engagement to the member export controls empowered official, a copy of the faculty member's application and approval form and supporting documentation will also be provided to the system Research Security Office.
- 2.2 It is the obligation of faculty to obtain annual approval from their CEO or designee of all new and continuing faculty consulting and/or external professional employment prior to entering into any agreement including, specifically, engagements that may affect system intellectual property. For full-time faculty members, this requirement applies to all faculty consulting and/or external professional employment engagements during the fiscal year, regardless of length of the faculty member's appointment (e.g., 9 months; 11 months, etc.).
- 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 faculty consulting and/or external professional employment must be made using the *System Faculty Consulting and/or External Professional Employment Application and Approval* form. Each member CEO or designee will maintain a file of all approved faculty consulting and/or external professional employment requests for the fiscal year which will be retained for the fiscal year plus three years.
- 2.5 A faculty member is responsible for ensuring that each entity with whom the faculty member enters into an agreement for faculty consulting and/or external professional employment understands that the faculty member's service is in the faculty member's private capacity and that the entity does not take actions suggesting that the member endorses the entity, such as publicizing the faculty member's title without an appropriate disclaimer that the faculty member is serving in the faculty member's private capacity.
- 2.6 No faculty consulting and/or external professional employment engagement will 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.

- 2.7 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.
- 2.8 The faculty member's supervisor or department head will keep a record, if required by a university rule, of individual absences from the faculty member's official place of duty for faculty consulting and/or external professional employment activities. Requests for release time must be submitted for advance approval using the form mentioned in Section 2.4.
- 2.9 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.
- 2.10 Each member having faculty positions of employment must 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 faculty 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 or conflict of commitment arising from faculty consulting and/or external professional employment; and
 - (d) provides any additional member requirements such as those listed in Section 2.9.

3. USE OF SYSTEM PROPERTY AND PERSONNEL

- 3.1 Faculty consulting and/or 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 faculty 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.
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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](#)

Appendix

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

Member Rule Requirements

Members having faculty positions of employment must adopt a rule supplementing this regulation. See Section 2.10.

Contact Office

System Office of Academic Affairs
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