



TEXAS A&M INTERNATIONAL UNIVERSITY

Rule

31.05.01.L1 Faculty Consulting and External Professional Employment

First Approved: January 20, 2016
Revised: April 3, 2019
September 1, 2020
Next Scheduled Review: September 1, 2025

Rule Statement and Reason for Rule

The primary responsibility of employees of Texas A&M International University (TAMIU) is the accomplishment of the duties and responsibilities assigned to their positions of appointment. Permission to engage in consulting or other outside employment may be granted in accordance with the laws of the State of Texas, The Texas A&M University System (System) policies/regulations, and with TAMIU rules/procedures.

The purpose of this Rule is to establish consistent practices for faculty regarding external consulting, requesting external employment, and related conflicts of interest issues.

Procedures and Responsibilities

1. AFFIRMATION OF FULL-TIME FACULTY CONSULTING AND EXTERNAL PROFESSIONAL EMPLOYMENT

TAMIU 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 The provost is authorized to approve faculty consulting and/or external professional employment as provided in this section.
 - 2.1.1 In approving proposed faculty consulting and/or external professional employment, the provost will ensure that the proposed activity is not reasonably expected to create a conflict of interest or present a commitment that would interfere with the regular work expected of the employee. Should the activity, once authorized by the provost, actually prove to be or even seem to be a conflict of interest, the faculty member should consult with the provost who will determine a course of action to resolve the apparent or real conflict of interest.
 - 2.1.2 If a faculty member proposes to engage in consulting and/or external professional employment with a foreign entity, the faculty member must submit the proposed engagement for review to TAMIU's export control administrator prior to submission of the proposal to the provost. TAMIU's export control administrator will supply to the System Research Security Office (RSO) a copy of the faculty member's application, approvals, and all supporting documentation.
- 2.2 It is the obligation of faculty to obtain annual approval from the provost of all new and continuing consulting and/or external professional employment prior to entering into any agreement including, specifically, engagements that may affect TAMIU or System intellectual property. This requirement applies to all faculty consulting and/or external professional employment engagements during the fiscal year, regardless of the length of the faculty member's appointment; thus, for example, faculty members on a 9-month appointment must submit for approval consulting and/or external professional employment that occurs during the 3 months not covered by their appointment. Part-time faculty members are not required to seek annual approval for new and continuing consulting and/or external professional employment unless their activities affect TAMIU or System intellectual property or present a possible conflict of interest or hinderance to the fulfillment of their duties.
- 2.3 Approval of each faculty consulting and/or external professional employment engagement will be for no more than one (1) 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 Faculty Consulting and/or External Professional Employment Application and Approval form. The provost's office shall maintain a file of all approved requests for the fiscal year, which shall be retained for the fiscal year plus three (3) years. The following also apply:
 - a. Written approvals will be given on the above form by the department head, the college dean, and the provost.
 - b. Release time, if any, will be granted on a semester-by-semester basis. Approval for faculty consulting and/or external professional employment requiring no release time will be approved on an annual basis.

- c. Faculty consulting and/or external professional employment exceeding 15 business days during any one (1) fiscal year will require specific rationale.
 - d. As part of the annual review, each faculty member will submit the *External Employment Disclosure* form which is available from the Office of the Provost and VP for Academic Affairs.
- 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 faculty 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 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.
- 2.7 The faculty member's supervisor or department head will keep a record of individual absences from the employee's official place of duty for 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.
- 2.8 In addition to the *Faculty Consulting and/or External Professional Employment Application and Approval* form, TAMIU will require, at minimum:
 - 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 TAMIU's original approval of the faculty consulting and/or external professional employment;
 - c. the provision of an information sheet summarizing System policies/regulations and TAMIU rules/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.

3. USE OF TAMIU 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 consulting and/or external professional employment has been approved in accordance with this Rule; and,
 - b. the use of System resources is incidental as defined in [System Regulation 33.04.01, Use of System Resources for External Employment](#).
- 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 [System Regulation 33.04.01, Use of System Resources for External Employment](#). 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.

4. STANDARDS OF CONDUCT

Standards of conduct of State officers and employees are established by law, System policies/regulations, and TAMIU rules/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 whether an application for the consulting and/or external professional employment has been approved.

5. ETHICAL CONSIDERATIONS AND CONFLICT OF INTEREST

- 5.1 Faculty members engaged in consulting and/or external professional employment should be guided by the principles of ethical conduct in [System Policy 07.01, Ethics](#).
- 5.2 Faculty members are responsible for the disclosure of any consulting and/or external professional employment that may constitute a potential conflict of interest. Regarding the type of activities deserving particular attention in assessing the potential for a conflict of interest, the following list of guidelines is provided, but is not considered to be all inclusive:
- a. ownership of substantial equity in a commercial enterprise that carries on activities closely-related to the employee's area of academic work;
 - b. holding of a line management position in a commercial enterprise;
 - c. participation in the day-to-day operations of a commercial enterprise;
 - d. assumption of a key, continuing role in the scientific and technical effort of a commercial enterprise;
 - e. transfer to a commercial enterprise of non-patented technology or information developed in TAMIU research programs and having potential commercial value; or
 - f. service as an expert witness or consultant in a lawsuit involving a sponsor of research or other entity having an agreement with TAMIU or any TAMIU component.

Research conducted under contracts and grants from the National Science Foundation (NSF) and the Public Health Service (PHS), as well as such other sponsored research as the provost may designate, is subject to [System Regulation 15.01.03, Financial Conflicts of Interest in Sponsored Research](#).

- 5.3 If a principle of ethical conduct, conflict of interest, or a conflict due to equity ownership and business participation of a faculty member is found, TAMIU may require that the faculty member take steps to minimize and/or eliminate such conflict. Any employee who violates standards of conduct for State employees may be subject to appropriate disciplinary action, regardless of whether an application for consulting and/or external professional employment has been approved.

Related Statutes, Policies, Regulations, or SAP's

[Texas Government Code §§ 572.001, 572.051](#)

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

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

[System Regulation 31.05.02, External Employment](#)

[System Regulation 31.05.03, Witnesses in Judicial Actions or Legislative Proceedings](#)

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

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

[System Regulation 33.99.06, Administration of Multiple Employment](#)

Definitions

Faculty Consulting and/or External Professional Employment – any work, advice, or service related to a faculty's field of discipline for which a System faculty member receives compensation, services, goods, or any other item of value. The term includes, but is not limited to, any fee-for-service or equivalent relationship with a third party, employment by an individual, self-employment, or employment by an entity in which the faculty member is a principal owner. In addition, the provision of certain types of scholarly or research expertise to foreign entities without compensation constitutes "faculty consulting and/or external professional employment" for purposes of this Rule. These types include, but are not limited to, participation in scholarly or scientific research projects or publications required to be disclosed to any agency of the U.S. government, as well as communication of any information subject to export control, publication restriction, or confidentiality agreement.

Faculty or Faculty Member – those who hold a paid faculty position, full or part-time, as defined by the respective member. For the purposes of this rule, TAMIU defines "faculty or faculty member" as any full-time employee of TAMIU with an appointment as Assistant Professor, Associate Professor, Professor, Instructor, Lecturer, Senior Lecturer, and Professional-Track Faculty at any rank. Part-time faculty obligation is addressed in Section 2.2 of this Rule.

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

Contact Office

Office of the Provost and Vice President for Academic Affairs, 956-326-2240