



Rule

31.05.01.L1 Faculty Consulting and External Professional Employment

First Approved: January 20, 2016

Revised: April 3, 2019

Next Scheduled Review: April 3, 2024

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. This Rule, required by [System Regulation 31.05.01, Faculty Consulting and External Professional Employment](#), **applies only to full-time faculty or faculty working at 75% percent.**

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.
- 2.2 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.
- 2.3 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. The provost's office 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.
- a. Written approvals will be given on the above form by the department head, the college dean, and the Provost and Vice President for Academic Affairs.
 - b. Release time, if any, will be granted on a semester-by-semester basis. Approval for consulting and/or external professional employment requiring no release time will be approved on an annual basis.
 - c. Consulting and/or external professional employment exceeding 15 business days during any one fiscal year will require specific rationale.
 - d. As part of the annual review, each faculty member will submit the External Employment Disclosure form.
- 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 provost must approve or disapprove such requests. If the joint appointment involves two agencies, the CEO's of the agencies must jointly approve or disapprove the request.
- 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 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 System Faculty Consulting and 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

Use of TAMIU resources in the conduct of external professional employment, including consulting, is prohibited under TAMIU Rule 33.04.01.L1, Use of University Resources for External Employment. A TAMIU employee with questions about the use of TAMIU resources for non-TAMIU purposes should contact his or her supervisor.

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 external employment has been approved.

5. ETHICAL CONSIDERATIONS AND CONFLICT OF INTEREST

5.1 Faculty members engaged in external 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 external employment that may constitute a potential conflict of interest. As guidelines regarding the type of activities deserving particular attention in assessing the potential for a conflict of interest, the following list 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 external 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 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

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. This term includes any regular, part-time, or team teaching employment with another institution or agency.

Faculty or Faculty Member – 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 employed at less than 75% and adjunct faculty are excluded from this Rule.

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.

Contact Office

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