

31.05.01.K1 Faculty Consulting and/or External Professional Employment

Approved: September 27, 2016
Revised: September 20, 2019
Revised: August 24, 2020
Revised: December 8, 2020
Next Scheduled Review: December 8, 2025



Rule Summary

The primary responsibility of faculty members at Texas A&M University-Kingsville is the accomplishment of the duties and responsibilities assigned to their respective positions of appointment. Permission to engage in faculty consulting and external professional employment may be granted in accordance with the laws of the State of Texas, Texas A&M University System policies and regulations, and with this rule. This rule is required by System Regulation *31.05.01, Faculty Consulting and/or External Professional Employment*. It establishes the parameters of the approval process for consulting and external professional employment activities for all faculty members employed by Texas A&M University-Kingsville.

Definitions

Click to view [Definitions](#).

Rule

1. GENERAL

1.1 This rule applies to consulting and external professional employment of faculty that is directly related to their academic and professional discipline and supplements System Regulation *31.05.01, Faculty Consulting and/or External Professional Employment*.

1.1.1 Full-time faculty are required to obtain annual approval from the university president, or designee, of all new and continuing consulting and/or external professional employment prior to commencement of any consulting or external employment agreement, including those which may affect system and/or university intellectual property. For full-time faculty members, this requirement applies to all faculty consulting and/or external professional engagements during the fiscal year, regardless of length of the faculty member's appointment (e.g., 9 months; 11 months, etc.).

1.1.2 Part-time faculty are required to obtain approval from the university president, or designee, of any consulting or external employment agreement that may affect system and/or university intellectual property.

1.2 Unrelated external employment is covered in System Regulation *31.05.02, External Employment*.

2. CONSULTING AND EXTERNAL PROFESSIONAL EMPLOYMENT

Consulting or external professional employment may be authorized provided that:

2.1 It does not interfere with proper performance of the regular duties of the faculty member and does not create a conflict of interest or a conflict of commitment. The duration of any single consulting or external professional employment engagement must be of a reasonable length of time, not to exceed one year. Faculty consulting and/or external professional employment with a foreign entity, is subject to further review as provided in subsection 3.2 of this rule.

2.2 No materials, supplies or equipment belonging to the university are to be used without compensation to the university as provided in System Regulation *33.04.01, Use of System Resources for External Employment*. However, if a collaboration with a foreign entity is part of the faculty member's normal scholarly work, and the collaboration has been approved pursuant to this rule, university resources may be used.

2.3 The faculty member is acting as an individual and not as an agent of the university.

2.4 The employment or consulting serves to strengthen the individual professionally and improve the educational status of the university.

3. APPROVAL OF CONSULTING AND EXTERNAL PROFESSIONAL EMPLOYMENT ACTIVITIES

3.1 It is the obligation of faculty to obtain annual approval from the 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 or university intellectual property.

3.2 If a faculty member proposes to engage in faculty consulting and/or external professional employment with a foreign entity, the export controls empowered official will review prior to submission to the CEO or designee. When the faculty member submits the proposed engagement to the export controls empowered official, a copy of the faculty member's application and supporting documentation will also be provided to the system Research Security Office.

3.3 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 year.

3.4 Request for approval of consulting or external professional employment must be submitted using the [System Faculty Consulting and/or External Professional](#)

[Employment Application and Approval Form](#) 60 days in advance or, as soon as possible. The university president shall maintain a file for 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.

3.5 Request for approval must certify the requested employment will not interfere with the performance of the faculty member's assigned duties and responsibilities and that the employment poses no conflict of interest with the system or the university.

3.6 Written approvals will be documented on the approval form by the department chair, college dean, provost and vice president for Academic Affairs (or designee), and the president (or designee). Release time, if any, can be granted on a semester-by-semester basis. Approval for consulting or external professional employment requiring no release time can be approved on an annual basis. Consulting or external professional employment exceeding 15 business days during any one fiscal year will require specific rationale and approval before the employment or consulting engagement begins. If this involves a foreign entity the dean will have their export control designee review. Then the dean will forward to the export control office for empowered official review. The empowered official would then send to the provost.

3.7 Faculty members must furnish details on the outside employment as requested.

4. REPORTING OF CONSULTING AND/OR EXTERNAL PROFESSIONAL EMPLOYMENT ACTIVITY

The Provost's Office will retain and prepare an annual report for review by the president on or before May 31 of each faculty members consulting and external professional employment activity.

Related Policies and Regulations

[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, Witness 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](#)

Appendix

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

Contact Office

Office of Academic Affairs
(361) 593-3106