

## Texas A&M AgriLife Research Rules

### 31.05.01.A1 | Faculty Consulting and/or External Professional Employment



Revised: November 17, 2020

Next Scheduled Review: November 17, 2025

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#### **RULE SUMMARY**

Texas A&M AgriLife Research (AgriLife Research) recognizes that consulting and other external employment is beneficial to faculty and to Texas A&M AgriLife (AgriLife). AgriLife Research encourages the involvement of its faculty in outside professional activities that are consistent with their primary responsibilities and mission of the agency. AgriLife Research is committed to allowing faculty members to make their expertise available to business, industry, government, professional societies, and other appropriate entities to the extent that such outside services contribute to the professional development of the individual employee and to the improvement of education, leadership development, research, and service.

At the same time, the primary mission of The Texas A&M University System (System) and AgriLife Research is to serve the needs of the people of the State of Texas through education, research, and service. The priority of all faculty is the accomplishment of the duties and responsibilities assigned to their position of employment within AgriLife.

This rule applies to consulting and external professional employment directly related to a faculty member's academic and professional field or discipline. External employment and equity interests of faculty members that are not related to their academic and professional field or discipline and the external employment of non-faculty employees are covered in System Regulation 31.05.02, *External Employment* and AgriLife Research Procedures 31.05.02.A0.01, *Outside Employment and Consulting for Nonfaculty Employees*.

This rule is required by System Regulation 31.05.01, *Faculty Consulting and/or External Professional Employment*.

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#### **PROCEDURES AND RESPONSIBILITIES**

##### **1.0 PREREQUISITES FOR APPROVAL**

- 1.1 For purposes of this rule and in accordance with System Regulation 31.05.01, 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.
- 1.2 Consulting and external professional employment may be authorized only if approved in advance according to appropriate procedures, and if all other conditions listed in System Policy 31.05, *External Employment and Expert Witness*, System Regulation 31.05.01, *Faculty Consulting and/or External Professional Employment*, and other relevant System regulations are met.
- 1.3 Prior to approval, the Director or designee will ensure that the proposed faculty consulting and/or external professional employment is not reasonably expected to create a conflict of interest or present a conflict of commitment; i.e., interference with the regular work of the employee. Refer to System Regulation 15.01.03, *Financial Conflict of Interest in Sponsored Research*, AgriLife Research Rule 15.01.03.A1 *Financial Conflicts of Interest in Sponsored Research*, and AgriLife Research Procedures 15.01.03.A1.01, *Financial Conflict of Interest in Research*, for additional guidance.
- 1.4 If the faculty member's proposed consulting and/or external professional employment is with a foreign entity, the unit must submit the faculty member's application/approval form and supporting documentation to AgriLife Ethics and Compliance, who will provide a copy to the member's export

controls empowered official prior to submission to the CEO or designee. A copy will also be provided to the system Research Security Office (RSO), The System *Faculty Consulting and/or External Professional Employment Application and Approval* form and *AgriLife Faculty Consulting and/or External Professional Employment Addendum* form should both be submitted.

- 1.5 It is the faculty member's obligation to obtain annual approval from the Director, 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.).

## 2.0 RELEASE TIME

- 2.1 Use of "release time," as defined in System Regulation 31.05.01, [\*Faculty Consulting and/or External Professional Employment\*](#), will be evaluated by the Director or designee annually to determine the number of days granted to a faculty member for consulting or external professional employment purposes. Release time is reviewed on a case by case basis.
- 2.2 Release time may not be used when serving as an expert witness.

## 3.0 REQUESTING APPROVAL FOR CONSULTING AND/OR EXTERNAL PROFESSIONAL EMPLOYMENT

- 3.1 Employees should ensure the request has been approved before consulting or leaving the workplace to consult. Employees who consult and/or participate in external employment activities prior to approval by the Director or designee, are subject to disciplinary action in accordance with System regulations.
- 3.2 Requests for approval of consulting and/or external professional employment should be in writing and should follow the procedures below:
  - 3.2.1 Both completed forms, System *Faculty Consulting and/or External Professional Employment Application and Approval* and AgriLife form AG-406, *Faculty Consulting and/or External Professional Employment Addendum*, and any supporting documentation, should be submitted to AgriLife Human Resources a minimum of 10 days in advance of the faculty consulting and/or external professional employment start date.
  - 3.2.2 AgriLife Human Resources will review and route to AgriLife Ethics and Compliance for additional reviews prior to sending to the Director, or designee, for final approval. Authority to approve requests from faculty with joint appointments has been delegated to the Director, or designee, of the employing member's adloc.
  - 3.2.3 The faculty member agrees to furnish, upon request, additional details regarding the employment arrangement, including copies of any written agreements or contracts in which the faculty consulting and/or external professional employment offer is made.
  - 3.2.4 The completed forms will be returned to the unit upon completion of the approval process and will be retained by AgriLife Research in the employee's personnel file.
  - 3.2.5 Approval of each faculty consulting and/or external professional employment engagement will be for no more than one year in duration; approvals expire on August 31 of each year.
  - 3.2.6 The faculty member is responsible for ensuring that each entity with whom he or she 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. Also, that the entity does not take actions suggesting that AgriLife Research endorses the entity, such as publicizing the faculty member's title without an appropriate disclaimer that the faculty member is serving in a private capacity.
  - 3.2.7 Individual absences from the employee's official place of duty for external employment or consulting activities will be recorded in Workday.

## 4.0 USE OF SYSTEM PROPERTY AND PERSONNEL

Use of System property and personnel will be in accordance with System Regulation 31.05.01, *Faculty Consulting and/or External Professional Employment*, and all other applicable System Policies and Regulations. Faculty consulting and /or external employment should not involve the use of any resources (facilities, equipment, or personnel) of the System, unless permitted by System Policy 33.04, *Use of System Resources*, and Regulation, 33.04.01 *Use of System Resources for External Employment or is pursuant to collaboration with foreign entities that are approved under this regulation and are part of the normal scholarly work of the faculty member*.

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### RELATED STATUTES, POLICIES, OR REQUIREMENTS

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

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

AgriLife Research Procedures, 33.04.01.A0.01, *Use of Agency Resources for External Employment System Form*, [System Faculty Consulting and/or External Professional Employment Application and Approval](#)

[AgriLife Form AG-406](#), *Faculty Consulting and/or External Professional Employment Addendum*

AgriLife Faculty Consulting and/or External Professional Employment Application and Approval Guidelines

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### DEFINITIONS

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**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 regulation. 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 with the following titles: Professor Associate Professor or Assistant Professor For purposes of this rule, the title of faculty only allows for release time to be considered. It does not convey any other rights afforded under System Policy 12.01. All employees of AgriLife Research are considered "at-will".

**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. Release time will not be granted for providing expert witness testimony.

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### CONTACT OFFICE

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Questions regarding this rule should be referred to AgriLife Human Resources at 979-845-2423.

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***REVISION HISTORY***

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Approved: April 28, 2000  
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