Reason Statement

In accordance with System Policies 31.05 External Employment and Expert Witness and 31.01 Compensation and System Regulation 31.05.01 Faculty Consulting, External Employment and Conflicts of Interest, Texas A&M University-San Antonio (TAMU-SA) has established this Rule to oversee the University’s process for faculty external consulting, external employment and related conflicts of interest issues.

Reason for Rule

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 is required by System Regulation 31.05.01 Faculty Consulting, External Employment and Conflicts of Interest.

Official Process

1. GENERAL

1.1. System policies and regulations governing faculty external consulting and external employment include, but are not limited to, System Policy 07.01, Ethics; System Policy 31.05, External Employment and Expert Witness; and System Regulation 31.05.01, Faculty Consulting, External Employment and Conflicts of Interest. System Regulation 31.05.01 applies to external consulting and external professional employment that is directly related to a faculty member’s academic and professional discipline. Full-time faculty members are encouraged to engage in outside activities which enable them to use their professional expertise and to increase the quality and quantity of public services offered through the University. For external employment by faculty members that is unrelated to their professional discipline, see System Regulation 31.05.02. Faculty members participating in sponsored research should also reference System Regulation 15.01.03, Conflict of Interest in the Design, Conduct and Reporting of Sponsored Research and Educational Activities, and related University Rule and procedure, 15.01.03.O1 and 15.01.03.O1.01.

1.2. System Regulation 33.99.07, Internal Faculty Consulting and Professional Services, states, “Requests to engage in compensable internal consulting and professional
services must be approved in advance by the CEO or designee of both the consultant and the unit receiving the consulting or professional services. Any exception to these provisions requires the advance approval of the CEO of the faculty member’s component.” The President hereby delegates approval of internal faculty consulting and professional services, to the appropriate school head. Time spent on compensable internal consulting and professional services are to be counted against an individual’s allowable external employment privileges. For more information, see the regulation.

2. ETHICAL CONSIDERATIONS AND CONFLICT OF INTEREST

2.1. Faculty members engaged in external employment should be guided by the principles of ethical conduct in System Policy 07.01.

2.2. Faculty members are responsible for the disclosure of any external employment that may constitute a potential conflict of interest. System Regulation 31.05.01 provides guidelines for assessing whether external employment activities constitute a potential conflict of interest. See sections 4.2 and 4.3.

2.3. If a potential violation of a principle of ethical conduct, potential or actual conflict of interest or a potential or actual conflict of interest due to equity ownership and business participation of a faculty member is found, the University may require that the faculty member take steps to minimize and/or eliminate such potential or actual 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.

3. USE OF UNIVERSITY RESOURCES

3.1. No use of University resources is allowed for external consulting or professional employment activities except as permitted by System Policy 33.04, Use of System Resources, and System Regulation 33.04.01, Use of System Resources for External Employment.

4. REQUEST FOR PERMISSION FOR EXTERNAL PROFESSIONAL EMPLOYMENT

4.1. Full-time faculty members must complete HR Form 202A. Approvals, annotated on HR Form 202A, will include those of the Department Chair, School Head, the Provost and Vice President for Academic Affairs, and the President. If additional information is required a memorandum may be requested. This memorandum must include, at a minimum:
   4.1.1. Nature of the outside employment.
   4.1.2. Times and period during which the work will be performed.
   4.1.3. Statement that the work will not constitute a conflict of interest and will not interfere with full-time duties.
   4.1.4. Indication of whether institutional facilities, resources, or services will be used and, if so, to what extent.

4.2. No release time is granted for external consulting or external professional employment activities unless prior approval is obtained. Annual leave should be taken if the faculty member accrues annual leave and the activity occurs during normal business hours. Activity outside normal business hours may be limited by appropriate supervisors if these activities are limiting performance of primary duties.
4.3. Texas A&M University-San Antonio assumes that faculty members engaging in approved external consulting and outside employment for twenty percent of their time or less in accordance with the requirements of this rule will not normally conflict with their primary duties as full-time faculty members at the university.

4.4. Approval of external consulting or employment on an ongoing basis will be for no more than one fiscal year in duration (i.e., the period of approved external consulting or employment cannot extend beyond the end of a fiscal year). A separate request must be submitted for external consulting or employment occurring during the next fiscal year.

4.5. As per System Regulation 31.05.01, section 3.1, activities such as writing book reviews and journal articles are not considered external professional employment.

4.6. In addition, for purposes of this rule, the following categories of contracts are not considered external professional employment: books, textbooks, textbook instructor’s manuals, study guides, and other textbook peripherals, edited volume royalties, occasional honoraria for professional lectures and awards, stipends for journal editorship, and occasional payments for review and assessment of proposals for awards or fellowships and stipends granted to scholars by non-governmental organizations (NGOs), governmental and organizations. If in doubt, faculties are encouraged to gain approval before signing any contract.

Related Policies and Regulations

- HR Form 202A – External Employment and Consulting Application and Approval

Related Policies and Regulations

- 07.01 Ethics Policy
- 31.05 External Employment and Expert Witness
- 31.05.01 Faculty Consulting, External Employment and Conflicts of Interest
- 31.05.02 External Employment
- 33.99.07 Internal Faculty Consulting and Professional Services
- 33.04 Use of System Property
- 33.04.01 Use of System Resources for External Employment

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