

31.05.01.01 FACULTY CONSULTING, EXTERNAL PROFESSIONAL EMPLOYMENT AND CONFLICTS OF INTEREST

Revised: July 15, 2019

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RULE STATEMENT

Texas A&M University-San Antonio (A&M-San Antonio or University) encourages faculty members to engage in activities that hone their skills, serve the public, and strengthen the University's presence in the community. This rule establishes standards and requirements for faculty who wish to pursue outside consulting work or external professional employment that is directly related to their academic discipline.

REASON FOR RULE

System Regulation [31.05.01 Faculty Consulting and External Employment](#) requires A&M-San Antonio to adopt this rule.

Official Rule

I GENERAL

- I.1 This rule applies to a full-time faculty member who seeks outside consulting work or external professional employment that is directly related to his or her academic discipline. This rule does not apply to part-time or adjunct faculty.
- I.2 The President delegates to the Provost authority to approve faculty outside consulting work and external professional employment under this rule.
- I.3 This rule does not apply to compensated activities or engagements that a faculty member undertakes on a discrete or one-time basis, such as giving a lecture, writing a book review, article, textbook, or like publication, or reviewing or editing a proposal for funds from a non-governmental organization. A faculty member shall confirm with his or her Dean whether a proposed activity or engagement is

covered by this rule prior to contracting or committing to perform.

I.4 Faculty consulting and employment arrangements that are not covered by this rule may be subject to other System and University requirements, including:

I.4.01 System Regulation [31.05.02 External Employment](#) covers outside consulting work or external professional employment that is not directly related to a faculty member's academic discipline.

I.4.02 System Regulation [33.99.07 Internal Faculty Consulting and Professional Services](#) covers internal consulting or professional services that a faculty member renders, for compensation, to a University department other than his or her own. The President delegates authority to approve internal consulting arrangements to (a) the Dean of the rendering faculty member's College and (b) the Dean of the College or Vice President of the Division that receives the services.

2 ETHICAL CONSIDERATIONS AND CONFLICTS OF INTEREST

2.1 The standards in System Policy [07.01 Ethics](#) apply to faculty engaged in outside consulting work or external professional employment.

2.2 Faculty engaged in outside consulting work or external professional employment shall disclose to the Dean of his or her College actual or potential circumstances that conflict or may conflict with the performance of his or her duties to the University.

2.2.01 The Dean shall review the disclosure and A&M-San Antonio may require a faculty member to mitigate or eliminate an actual or potential conflict of interest arising from the faculty member's outside consulting work or external professional employment.

2.2.02 If the Dean and the faculty member cannot resolve an actual or potential conflict of interest, the Dean shall refer the matter to the Provost for resolution.

2.3 A faculty member engaged in outside consulting work or external professional employment shall observe the limits on the use of System and University resources

set forth in System Policy [33.04 Use of System Resources](#) and System Regulation [33.04.01 Use of System Resources for External Employment](#).

2.4 A&M-San Antonio may discipline faculty who, in connection with outside consulting work or external professional employment, (a) violates applicable ethical standards, (b) fails to disclose circumstances that create an actual or potential conflict, (c) fails to mitigate or eliminate an actual or potential conflict of interest, or (d) misuses System or University resources, regardless of whether the University approved the employee's request to engage in the outside consulting work or external professional employment.

3 AUTHORIZATION TO ENGAGE IN OUTSIDE CONSULTING WORK OR EXTERNAL PROFESSIONAL EMPLOYMENT

3.1 A faculty member shall complete and submit to his or her Department Chair the System-approved [Consulting and External Professional Employment Application](#).

3.1.01 The Department Chair, Dean of the relevant College, and the Provost must review and approve the application to authorize the outside consulting work or external professional employment.

3.1.02 When deciding whether to approve outside consulting work or external professional employment, a reviewer should consider whether the applicant's additional duties:

3.1.02.1 would interfere with the faculty member's work for the University;

3.1.02.2 are reasonable in scope and duration;

3.1.02.3 create an actual, potential, or apparent conflict of interest and, if so, whether that conflict can be mitigated or eliminated;

3.1.02.4 would be imputed to or reflect on the University; or

3.1.02.5 would generate other circumstances that might affect the University or community.

3.1.03 Prior to approving or rejecting an application, a reviewer may request additional information from the applicant, including:

3.1.03.1 Nature and description of the outside employment.

3.1.03.2 Identity of the outside client or external employer.

3.1.03.3 Work or employment schedules, times, or dates.

3.1.03.4 A copy of the contract or agreement for outside consulting work or external professional employment.

3.1.03.5 Assurance that outside consulting work or external professional employment will not (a) interfere or create a conflict of interest with the applicant's full-time duties to the University, or (b) use University facilities, resources, or services, unless authorized.

4.1 A faculty member's authorization to engage in outside consulting work or external professional employment shall last for no more than one year and shall expire on the last day of the fiscal year in which the authorization was granted. To continue the outside consulting work or external professional employment, a faculty member must reapply and receive a new authorization.

4.2 A faculty member must perform University job duties during normal business hours or the member's approved schedule, and may not perform outside consulting work or external professional employment during these times. A faculty member must request and receive approval for release time, leave, or other appropriate authorization prior to performing outside consulting work or external professional employment during normal business hours or the member's approved schedule.

4.3 The Provost, on behalf of the President's Office, shall keep a file of approved faculty outside consulting and external employment applications for each fiscal year and shall maintain those files for the required retention period.

RELATED STATUTES, POLICIES, OR REQUIREMENTS

System Policy [07.01 Ethics](#)

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 Policy [33.04 Use of System Resources](#)

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

System Regulation [33.99.07 Internal Faculty Consulting and Professional Services](#)

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

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