

**Faculty Consulting and/or External Professional Employment**

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**Rule Summary**

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The mission of Texas A&M University-Central Texas (A&M-Central Texas) is to prepare students for lifelong learning through teaching, service, and research. The priority of full-time faculty is the accomplishment of the duties and responsibilities assigned to their position of employment within the university.

This rule applies to consulting and outside employment of faculty members that is directly related to their academic field or discipline. For external faculty employment that is not directly related to the faculty member's professional discipline, see System Regulation *31.05.02, External Employment*.

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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 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. The term "faculty consulting and/or external professional employment" is also referred to as "external activity" in this rule.

**Faculty or faculty member** – those who hold a paid faculty position, full or part-time.

**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.

**Equity ownership**—the employee’s holdings amount (e.g., stocks, stock options, retained earnings, warrants, or ownership interest regardless of value) in a private or public entity (e.g., business or corporation)

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## Rule

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### 1. AFFIRMATION OF FACULTY CONSULTING AND/OR EXTERNAL PROFESSIONAL EMPLOYMENT:

- 1.1 Faculty members are encouraged to make their expertise available to business, industry, government, professional societies, and other appropriate entities. Such professional engagements serve the public and strengthen the employee by fostering the improvement of education, leadership development, research, and service.
- 1.2 Activities which are compensated by payment of an honorarium are not considered to be 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.

### 2. REQUEST FOR PERMISSION FOR CONSULTING AND/OR OUTSIDE PROFESSIONAL EMPLOYMENT

- 2.1 Full-time faculty members must complete the [System Faculty Consulting and/or External Professional Employment Application and Approval form](#) (Application and Approval form) and obtain the appropriate approvals prior to the acceptance and engagement of the external activity. Once the faculty submits the form, it will automatically be routed for review.
  - 2.1.1 The faculty’s department chair provides the initial review and gives a recommendation regarding approval of external employment and, if applicable, granting of release time. If approval is not recommended, the chair will note their justification for the negative recommendation
  - 2.1.2 The request is routed to the dean who likewise provides a recommendation regarding approval of external employment. If approval is not recommended, the dean will note their justification for the negative recommendation.
  - 2.1.3 If either the chair or dean recommends against approval, the faculty will be given an opportunity to provide written comment addressing their concerns before forwarding the request for final approval.
  - 2.1.4 The request, with all attendant materials, is then routed to the president (or their designee) for review and a decision on approval. Their decision is final.
- 2.2 It is the faculty member’s responsibility to submit the request in a timely manner and to ensure it has been approved before accepting or engaging in the external activity. Faculty members who accept or engage in consulting and/or external employment prior to approval will be subject to disciplinary action according to System Regulations. Part-time faculty are not required to request approval for external employment under this section, but they are required to submit the required conflict of interest and conflict of commitment disclosures.

- 2.3 When describing the nature of work on the Application and Approval form, the employee must provide:
- 2.3.1 the anticipated average number of hours per week the faculty member will engage in consulting and/or external employment;
  - 2.3.2 the anticipated maximum number of hours the faculty member will engage in consulting and/or external employment in each week; and
  - 2.3.3 whether consulting and/or external employment will be with a foreign entity.
- 2.4 Individuals holding full-time academic appointments at a university should devote their teaching efforts primarily to the education of the institution's students. External professional employment may include outside teaching at other universities and colleges. Full-time faculty wishing to teach at another institution of higher education during the long semesters and/or the summer semester must seek approval via the processes described in this rule. For requests in the long semester, approval may be granted in exceptional circumstances when that experience will serve the mission of the university. Requests to teach externally in the summer semester will be approved provided faculty have provided sufficient documentation that this work does not present a conflict of interest or conflict of commitment.
- 2.5 Faculty members are responsible for the disclosure of any external activity (actual or giving the appearance) that may constitute a potential conflict of interest. Disclosure includes, but is not limited to, equity ownership in a business, sole proprietorship, partnership, limited liability company, or corporation, which relates to the faculty member's institutional responsibilities. The information must be submitted with the Application and Approval form. If a conflict is found during the approval process, the university will require the faculty member take steps to minimize and/or eliminate such conflict.
- 2.6 Any employee who violates standards of conduct for The Texas A&M University System (System) employees may be subject to appropriate disciplinary action, regardless of whether an application for external employment has been approved.
- 2.7 If a faculty member proposes to engage in faculty consulting and/or external professional employment with a foreign entity, the faculty member must submit the proposed engagement for review to the university's designated export control official prior to submitting Application and Approval form to the faculty member's department head. The proposed engagement for review may be the same form as Application and Approval form. The proposed engagement must comply with System Policy *15.02 Export Control Program Management* and university Rule *15.02.99.D1 Export Controls Program Management* and include information about, as applicable, the foreign entity's country; whether the faculty member will export or travel abroad with research equipment, chemicals, biological materials, encrypted software, or Controlled Physical Items; or whether the faculty member will travel abroad with laptops, cell phones, or other devices with Controlled Information. If the faculty consulting and/or external professional employment is considered high risk global, the proposed engagement must comply with System Policy *15.05.04 High Risk Global Engagements and High Risk International Collaborations* and university Rule *15.05.04D1 High Risk Global Engagements and High Risk International Collaborations*. If the external activity is deemed high risk

global, the faculty member must certify completion of export control training within the last two years of submitting the proposed engagement. A copy of the faculty member's Application and Approval form and supporting documentation will also be provided to the System Research Security Office.

- 2.8 A faculty member is responsible for ensuring that each entity with whom the faculty member 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 and that the entity does not take actions suggesting that the university endorses the entity, such as publicizing the faculty member's title without an appropriate disclaimer that the faculty member is serving in the faculty member's private capacity.
- 2.9 Full-time faculty members are expected to devote their time to their assigned duties and responsibilities on a full-time basis. A potential conflict of commitment exists when a faculty member's external relationships or activities may have the possibility (actual or giving the appearance) of interfering or competing with the faculty member's ability to perform the assigned duties and responsibilities associated with his or her position. An employee is responsible to disclose any potential for a conflict of commitment (actual or giving the appearance). The information must be submitted with the Application and Approval form. If a conflict is found during the approval process, the university will require the faculty member take steps to minimize and/or eliminate such conflict. Examples include time allotted to the external activity that compromises the faculty member's duties or using of the university's resources to support the external activity. If participation in any external activity limits the faculty member's performance of primary duties, the appropriate supervisor(s) may limit the external activity outside normal business hours.
- 2.10 To request release time, the faculty member must affirmatively indicate the selection on the Application and Approval form. No release time is granted for external consulting and/or external professional employment activities unless prior approval is obtained. If participation in the external activity is approved but release time is not granted, annual leave must be taken if the faculty member accrues annual leave, the external activity occurs during normal business hours, and the leave to participate in the external activity does not interfere with the regular work of the faculty member.
- 2.11 Approval of faculty consulting and/or external professional employment will occur on an ongoing basis. Approval for external activity will not exceed one year in duration; approvals expire at the end of August each year. Application and Approval forms will be retained for the fiscal year end plus three years by the president.
- 2.12 In addition, for purposes of this rule, the following categories of contracts are not normally included as external professional employment: books, textbooks, textbook instructor's manuals, study guides, and other textbook peripherals, edited volume royalties, occasional honoraria for professional lectures, presentations at conferences and other related meetings, and awards, stipends for journal editorship, external program reviews at other universities/colleges, external peer reviews of faculty tenure and promotion, community service on boards and organizations that are not reimbursed, appointed positions in government agencies that are not reimbursed, and occasional payments for review and assessment of proposals for awards or fellowships and stipends granted to scholars by non-governmental organizations (NGOs), governmental

organizations, and community outreach. If in doubt, faculty are encouraged to gain approval before signing any contract. These activities are still subject to all other applicable policies, regulations, and rules, including but not limited to System Policy *07.04, Benefits, Gifts and Honoraria*.

- 2.13 The department chair will keep a record of individual absences from the employee's official place of duty for external employment and/or consulting activities. Approval for such absences must be requested in advance in writing with the approved Application and Approval form.

### 3 USE OF UNIVERSITY RESOURCES

No use of university property is allowed for faculty consulting and/or external professional employment activities except as permitted by System Policy *33.04, Use of System Property*, and System Regulation *33.04.01, Use of System Resources for External Employment*. Any cost to the system resulting from a faculty member's use of System resources for faculty consulting and/or external professional employment must be paid in accordance with Regulation *33.04.01*. In such a case, the president or provost and vice president for Academic and Student Affairs is authorized to approve the faculty member's use of the resource(s) and the suitable payment arrangements.

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## Related Statutes, Policies, or Requirements

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System Policy [\*15.02, Export Control Program Management\*](#)

System Policy [\*15.05.04 High Risk Global Engagements and High Risk International Collaborations\*](#)

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\*](#)

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## Contact Office

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