Rule Statement

In accordance with System Policy 31.05 External Employment and Expert Witness and System Regulation 31.05.01 Faculty Consulting and External Professional Employment, Prairie View A&M University (PVAMU) has established this Rule to govern consulting and external professional employment by faculty members and research scientists who assume teaching duties as part of their assigned duties. Consulting and external professional employment applicable to this Rule refers to that directly related to the academic and professional discipline of the faculty member or research scientist. For unrelated external faculty employment, see System Regulation 31.05.02 External Employment.

Reason for Rule

The purpose of this Rule is to authorize faculty and research scientists who assume teaching duties to consult and to hold external professional employment in accordance with System Regulation 31.05.01 Faculty Consulting and External Professional Employment. Teaching, research and service shall remain as central responsibility for faculty and, as appropriate, for research scientists.

Official Procedures and Responsibilities

1. AFFIRMATION OF FACULTY CONSULTING AND EXTERNAL PROFESSIONAL EMPLOYMENT

1.1 Both the University and the faculty members and applicable research scientists benefit when these professionals extend their expertise to public education, higher education, corporations, state and federal entities, research centers, non-profit organizations and other entities. Such professional engagement serves to strengthen the expertise of faculty members or research scientists who serve the profession, contribute to the community, improve the quality of education, promote leadership, and enhance research and service. While delivery of speeches or lectures; working with other researchers; and collaborating on book chapters, monographs, journal articles and other scholarly/creative products are not generally regarded as external employment, they may become such when they come to require extensive commitment of time thus interfering with the full performance of regular duties and responsibilities. The activity should be fully approved prior to its initiation. Failure to do so could place one’s employment with the University at risk.
2. REQUESTING PERMISSION FOR FACULTY CONSULTING AND/OR EXTERNAL PROFESSIONAL EMPLOYMENT

2.1 The President delegates approval of consulting and/or external professional employment for faculty members and research scientists to the Provost and Senior Vice President for Academic Affairs and, as appropriate, to the Vice President for Research & Dean of the Graduate School. The faculty member or research scientist is expected to consult with his or her immediate supervisor before entering a verbal or written agreement to share outside the University his or her expertise which is the basis for his or her employment at the University. The request for approval must be acquired as outlined in this Rule.

2.2 It is the obligation of faculty members and research scientists to obtain annual approval, in writing, of all new and continuing consulting and/or external professional employment prior to entering into any agreement including, specifically, engagements that may affect PVAMU intellectual property. All approval requests should be directed to the Provost and Senior Vice President for Academic Affairs. When appropriate, the Vice President for Research and Dean of the Graduate School will take action as well in consultation with the Provost and Senior Vice President for Academic Affairs.

2.2.1 Faculty members and research scientists whose percent effort is at or below 50% are not subject to the annual consulting and/or external professional employment approval requirement of this Rule; however, all faculty members and research scientists are expected to satisfy the conditions of employment included in their contract regardless of percent effort.

2.3 Approval of each individual’s consulting and/or external professional employment engagement will be for no more than one year in duration; approvals expire on August 31st of each fiscal year.

2.4 A request for approval of external professional employment must be made using the Texas A&M University System (TAMUS) Faculty Consulting and External Professional Employment Application and Approval Form. All approved faculty consulting and/or external professional employment requests shall be maintained by the Office of the Provost and Senior Vice President for Academic Affairs and the Office of Human Resources for the current fiscal year plus three years. In those instances where the Vice President for Research and Dean of the Graduate School is involved in the approval, that official shall also maintain a copy of the form.

2.5 No faculty member’s or research scientist’s consulting and/or external professional employment engagement shall grant third party rights to intellectual property conceived, reduced to practice or developed:

2.5.1 With TAMUS or PVAMU administered funds and/or with significant use of system resources;

2.5.2 After the conclusion of the agreement; or,

2.5.3 Outside the agreement’s technical scope.
2.6 For faculty and research scientists with joint appointments in a university and one or more TAMUS member academic institutions or agencies, the Provost and Senior Vice President for Academic Affairs and, the Vice President for Research and Dean of the Graduate School, as appropriate, shall approve or disapprove such requests in consultation with the chief academic officer generally the Provost and Vice President for Academic Affairs and, when appropriate, the Vice President for Research or the equivalent to this position at the other academic or research entity.

2.7 The faculty member’s or research scientist’s supervisor or department head will keep a record of individual absences from the employee’s official place of duty for external professional employment activities. Requests for release time must be submitted in writing for advance approval using the Faculty Consulting and External Professional Employment Application and Approval Form.

2.8 The University reserves the right to do one or more of the following during the review of the request for consulting and external professional employment:

2.8.1 Request that a faculty member or research scientist provide a copy of any proposed consulting and/or external professional employment agreement with a third party (when available);

2.8.2 Review any amendments to existing faculty consulting and/or external professional employment agreements that occur after the faculty member’s or research scientist’s original approval of the faculty consulting and/or external professional employment;

2.8.3 Provide to faculty members and research scientists, a printed or electronic reference to System Policies and Regulations and University Rules and Administrative Procedures concerning faculty consulting and/or external professional employment to third-party external employers; and,

2.8.4 Require faculty members and research scientists requesting consulting and external professional employment approval to complete training addressing topics such as ethics and conflicts of interest requirements.

2.9 Any potential conflicts of interest shall be reported in writing to the department head or other immediate supervisor, who shall present the faculty member’s or research scientist’s self-disclosure to the Dean of the School or College and the Provost and Senior Vice President for Academic Affairs as well as to the Vice President for Research and Dean of the Graduate School. At the discretion of the Provost and Senior Vice President for Academic Affairs and, as appropriate, the Vice President for Research and Dean of the Graduate School, the matter may be referred to a three-member ad hoc Conflict of Interest Review Committee which shall include faculty members and research scientists. Though not a member of the committee, an observer from the Office of University Compliance may be asked to observe the committee’s deliberations and to provide technical advice on the definition and interpretation of conflict of interest.

3. USE OF UNIVERSITY PROPERTY AND PERSONNEL
3.1 Faculty members and research scientists who are approved for consulting and external professional employment may make reasonable use of equipment, facilities and other PVAMU resources in accordance with System Policy 33.04 Use of System Resources and System Regulation 33.04.01 Use of System Resources for External Employment.

3.2 Where the faculty member's or research scientist's use of equipment, facilities, personnel and other PVAMU resources will result in cost to the University, the faculty member or research scientist shall be required to pay in accordance with a schedule approved by the Senior Vice President for Business Affairs. The President designates authority to the Senior Vice President for Business Affairs for the establishment and collection of payment for use of PVAMU resources upon receipt of notification from the Provost and Senior Vice President for Academic Affairs and, as appropriate, the Vice President for Research and Dean of the Graduate School. The determination of cost, method of payment, and schedule of payment shall be determined before the consulting and/or external professional employment is initiated.

Related Policies and Regulations

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

Definitions

Consulting and/or external professional employment - professional activity related to one’s field or discipline, where a fee-for-service or equivalent relationship with a third party exists.

Faculty or faculty member - those who hold a paid faculty position, full or part-time, as defined by the respective system member.

Release time - administratively approved time that a faculty member may spend away from his or her normal work duties for the purpose of engaging in consulting and/or external professional employment.