

**PRAIRIE VIEW A&M UNIVERSITY
UNIVERSITY RULE**



31.05.01.P1 Faculty Consulting and/or External Professional Employment

Approved February 11, 2014

Revised May 8, 2019

Revised August 3, 2020

Next Scheduled Review: August 2025

Rule Statement

In accordance with System Policy [31.05 External Employment and Expert Witness](#) and System Regulation [31.05.01 Faculty Consulting and/or External Professional Employment](#), Prairie View A&M University (PVAMU) has established this Rule to govern consulting and/or external professional employment directly related to the faculty member's professional discipline or research scientists who assume teaching duties as part of their assigned duties. For external faculty employment that is not directly related to the faculty member's professional discipline, 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 hold external professional employment in accordance with System Regulation [31.05.01 Faculty Consulting and/or 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 The university, 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.
- 1.2 For purposes of this Rule, 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. The consulting and/or professional employment 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 (Provost) and, as appropriate, to the Vice President for Research and Innovation. 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.
- 2.1.1 In reviewing for approval a proposed faculty consulting and/or external professional employment engagement, the Provost or designee, and the faculty's immediate supervisor will ensure that the faculty consulting and/or external professional employment is not reasonably expected to create a conflict of interest or present a conflict of commitment; that is, interfere with the regular work of the employee.
- 2.1.2 If a faculty member proposes to engage in faculty consulting and/or external professional employment with a foreign entity, prior to submission to the Provost or designee, the member must submit the proposed engagement to the Vice President for Research and Innovation/ Export Controls Empowered Official or designee for review. If the proposed engagement involves countries of concern determined by the Texas A&M University System Research Security Office (RSO), the Vice President for Research and Innovation will send a copy of the faculty member's application and approval form and supporting documentation to the RSO.
- 2.2 It is the obligation of faculty members and research scientists to obtain annual approval in writing of all new and continuing faculty consulting and/or external professional employment prior to entering into any agreement including, specifically, engagements that may affect PVAMU 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.). All approval requests should be directed to the Provost. When appropriate, the Vice President for Research and Innovation will take action as well in consultation with the Provost.
- 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, they must disclose all actual and potential conflicts of interest or conflicts of commitment, regardless of their nature, in a memorandum addressed to the department head and the dean. The department head and dean will review the disclosed conflicts of interest and/or commitment and determine if a management plan is necessary. All faculty members and research scientists are expected to satisfy the conditions of employment included in their contract regardless of percent effort.

- 2.2.2 Generally, no more than eight (8) hours per week of consulting or other external employment aligned with the faculty member's or research scientist's position duties will be approved. Any hours above eight require a full justification from the immediate supervisor and dean for consideration by the Provost and when appropriate, the Vice President for Research and Innovation.
- 2.2.3 Generally, no more than one external teaching assignment of three (3) semester credit hours per semester will be approved. Any hours above three semester credit hours require a full justification from the immediate supervisor and dean for consideration by the Provost and when appropriate, the Vice President for Research and Innovation.
- 2.3 Approval of each faculty member'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 faculty consulting and/or external professional employment must be made using the [System Faculty Consulting and/or 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 Innovation is involved in the approval, that official shall also maintain a copy of the form.
- 2.5 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 PVAMU 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.
- 2.6 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:
 - 2.6.1 With TAMUS or PVAMU administered funds and/or with significant use of system resources;
 - 2.6.2 After the conclusion of the agreement; or,
 - 2.6.3 Outside the agreement's technical scope.
- 2.7 For faculty and research scientists with joint appointments in a university and one or more TAMUS member academic institutions or agencies, the Provost and /or the Vice President for Research and Innovation, as appropriate, shall approve or disapprove such requests, in consultation with the CEO or designee of the other member institution.

- 2.8 The faculty member's or research scientist's supervisor or department head will keep a record of individual absences from the faculty member's official place of duty for faculty consulting and/or external professional employment activities. Requests for release time must be submitted in writing for advance approval using the [System Faculty Consulting and External Professional Employment Application and/or Approval Form](#).
- 2.9 PVAMU reserves the right to do one or more of the following during the review of the request for consulting and/or external professional employment:
- 2.9.1 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);
- 2.9.2 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;
- 2.9.3 Provide to faculty members and research scientists, a printed or electronic reference to System Policies and Regulations and University Rules, Administrative Procedures and Guidelines concerning faculty consulting and/or external professional employment to third-party external employers; and,
- 2.9.4 Require faculty members and research scientists requesting consulting and/or external professional employment approval to complete training addressing topics such as ethics and conflicts of interest requirements.
- 2.10 Any potential conflicts of interest or conflict of commitment 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 as well as to the Vice President for Research and Innovation. At the discretion of the Provost and, as appropriate, the Vice President for Research and Innovation, 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 or conflict of commitment.

3. USE OF UNIVERSITY PROPERTY AND PERSONNEL

- 3.1 Faculty members and research scientists who are approved for consulting and/or 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 costs to PVAMU, 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, as appropriate, the Vice President for Research and Innovation. 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 and/or External Professional Employment](#)

[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 Prairie View A&M University.

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.

Contact Office

Office of Academic Affairs 936-261-2175
