



LAMAR UNIVERSITY  
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Academic Affairs

MAPP 02.02.12

AREA: Faculty

Outside Employment of Faculty

I. POLICY

- A. Lamar University faculty members may accept outside employment of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions as long as these activities do not conflict with the individual's work at the University. The consideration to Lamar University of these activities is the improvement of the individual faculty member through contact with the non-academic world.
- B. Lamar University discourages faculty members from accepting regular employment outside the University because such does not directly benefit the University as indicated herein.

II. PURPOSE AND SCOPE

- A. This policy falls under the authority of all applicable federal, State of Texas, and Texas State University System (TSUS) statutes, rules, and regulations, including, but not limited to, the Texas Education Code, Title 3, Higher Education; the Texas Government Code, Chapter 572; the Texas Administrative Code, Title 19, Education; and the TSUS *Rules and Regulations*, Chapter V, Subparagraph 4.83 and Subparagraph 5.4.
- B. This policy applies to regular, full-time faculty members employed by Lamar University.

III. DEFINITION

- A. **Conflict of Interest.** A conflict of interest occurs when a Lamar University employee holds a direct or indirect interest, including financial and other interests, or engages in a business transaction or professional activity, or incurs any obligation of any nature that is in substantial conflict with the proper discharge of the employee's duties in the public interest (adapted from the Texas Government Code § 572.001).
- B. **Outside Employment.** Services provided or activities performed for remuneration or other compensation for parties other than Lamar University. This policy considers "outside employment" to be employment of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions. Regular employment (i.e., "regular" positions that are not consultative or advisory) is excluded from the definition of "outside employment" that would be acceptable under this policy.

**IV. PROCEDURES**

- A. Conflict of interest must be avoided in all instances of outside employment. Conflict of interest includes any outside activity, including outside employment, that intrudes upon a faculty member's responsibility to Lamar University.
- B. The ethical standards provisions of the Texas Government Code, Chapter 572, and the TSUS *Rules and Regulations* require the disclosure by all State employees, including Lamar University faculty, of any business affiliation, whether by ownership, employment, or kinship, with any organization that does business with the University. Failure by a Lamar University faculty member to disclose such relationships may result in the violation of ethical standards policies and State law regarding conflict of interest.
- C. A faculty member may not engage in any outside work or receive compensation from an outside source that creates a conflict of interest with the faculty member's duties at Lamar University. A faculty member shall not engage in prohibited actions that include, but are not limited to, the following:
  - 1. Accept or solicit any gift, favor, or service that might reasonably tend to influence the faculty member in the discharge of official duties.
  - 2. Use an official position to secure special privileges or exemptions for the faculty member or others, except as may be otherwise authorized by law.
  - 3. Accept employment or engage in any business or professional activity that might reasonably be expected to require or induce the faculty member to disclose confidential information acquired through the faculty member's position with Lamar or impair the faculty member's independence of judgment in the performance of public duties.
  - 4. Disclose confidential information gained through the faculty member's employment with Lamar, or otherwise use such information for personal gain or benefit.
  - 5. Transact any business in an official capacity with any business entity of which the faculty member is an officer, agent, or member or in which the faculty member owns a controlling interest unless the TSUS Board of Regents has reviewed the matter and determined no conflict of interest exists.
  - 6. Make personal investments in any enterprise that could reasonably be expected to create a substantial conflict between the private interest of the faculty member and the public interests of Lamar University.
  - 7. Receive any compensation for services as a State employee from any source other than the State of Texas, except as otherwise provided by law.
  - 8. Commit any act of fraud, dishonesty, or illegality in office, including (by way of example and not limitation) assisting others to obtain personal or financial benefits to which they are not entitled by law or policy; forging or altering checks, bank drafts, or other documents, financial or otherwise; and knowingly authorizing improper claims.
  - 9. Engage in any form of harassment prohibited under federal or State law, the TSUS *Rules and Regulations*, or Lamar University policies.

- D. No Lamar University faculty member engaged in outside employment shall use in connection with these activities the official stationery, supplies, equipment, personnel services, information technology, or other resources of the University. Nor shall a faculty member accept pay from private persons or corporations for tests, assays, chemical analysis, computer programming, bacteriological examinations, or other work of a routine character that involves the use of property owned by the University.
- E. Every faculty member who gives professional opinions must protect Lamar University against the use of such opinions for advertising purposes. That is, when work is done in a private capacity, the faculty member must make it clear to the employer that this work is unofficial and that, absent the Lamar University President's prior approval, the name of the University is not in any way to be connected with the faculty member's name. Exceptions may be made for the name of the author attached to books, pamphlets, and articles in periodicals, and the identification of an individual in publications of corporations or companies related to service as a member of an advisory council, committee, or board of directors.
- F. No faculty member shall be employed in any outside work or activity, or receive from an outside source a regular retainer fee or salary, during the period of employment by Lamar University until a description of the nature and extent of the employment has been filed with and approved by the appropriate University administrators as set forth in this policy.
- G. Before accepting outside employment, a faculty member should consult with his/her Department Chair to ensure that there is no conflict with the individual's University responsibilities. A faculty member should inform his/her Chair in writing using the appropriate form available from Human Resources. A faculty member must inform the Chair of the nature, duration, and weekly time expenditure of the proposed employment. Administrative approval is required before a faculty member may begin outside employment. The approval process shall begin with the Chair and follow academic channels through the Dean to the Provost (or designee). The Provost (or designee) will issue the final decision regarding approval.
- H. To determine whether to approve or deny a request for outside employment, Lamar University administration will consider several factors. These factors include, but are not limited to, whether the outside employment:
1. unreasonably interferes or conflicts with the faculty member's obligations or duties to the University;
  2. serves a public purpose;
  3. contributes to the mission and goals of the University;
  4. contributes to the faculty member's professional growth, which will, in turn, benefit the University;
  5. conflicts with any federal or State law, the *TSUS Rules and Regulations*, or University policy;
  6. could reflect adversely on Lamar University.
- I. Lamar University administration has oversight of a faculty member's outside employment. When outside employment interferes with a faculty member's University obligations, such cases shall be brought to the attention of the Department Chair, Dean, and Provost (or designee). If it is determined that a faculty member's outside employment must be curtailed or eliminated, the

faculty member will be informed in writing by the Chair. This policy does not apply during calendar periods when the faculty member is not under contract with the University or not normally expected to carry out his/her professional duties to the University.

- J. It is a faculty member's responsibility to disclose to his/her Department Chair any additional paid employment *within* Lamar University in advance of accepting the employment. This includes instructional, scholarly, or service activities for other departments or divisions of the University. If the Chair is concerned that this additional employment within the University may present a conflict of interest or cause the faculty member's workload to exceed standards set by law or policy, the Chair will consult with the Dean and Provost (or designee) to determine whether the request for additional employment should be approved or denied. The Chair will inform the faculty member of the resulting decision.

#### V. REVIEW AND RESPONSIBILITY

Review Schedule: Every three years on or before the date the policy was last revised and/or approved.

Responsible Party: Academic Policy Advisory Council

#### VI. APPROVAL

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Provost and Vice President for Academic Affairs

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Date

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Lamar University President

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Date

#### POLICY LOG

Version	Date	Description of Changes
1		Policy draft completed.
		Reviews by constituency groups completed.
		Review by campus community completed.
		Policy approved by President.