



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

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Advisory Opinion – AOR #12 (2014)

What is the distinction between academic research and the public practice of geoscience?

Most public institutions of higher education are members of a larger administrative system. Examples of such systems would be the University of Texas and the Texas A&M University Systems. Members of these systems include universities, colleges, extensions, and research entities. Each has specific responsibilities and tasks that may include basic and applied research activities by professionals of these agencies. These public institutions and agencies commonly “educate” the public and provide our state with expertise in wide ranging disciplines, including geosciences.

An exemption exists in the Texas Geoscience Practice Act (Act) Section 1002.252 (4) that relates to work conducted by individuals who are employees of universities (public and private), colleges, and member institutions of university systems, where the work is performed for the benefit of the institution and under contract between the employee and the institution. This document seeks to clarify the position of the TBPG regarding when an individual is performing tasks that are, or are not, exempted by TBPG rules and regulations.

Specifically, when an individual is performing work as a representative of a university (public and private), college, or member institutions of university systems, then that work would qualify for exemption under Section 1002.252 (4) of the Act. Two criteria would be expected for this exception to remain valid.

1. The salary of the individual developing the research product is paid by the institution.
2. The liability for the research work product is covered by the institution, not the employee.

For cases where university or college employees perform geologic-related work outside the system, their salary and liability are not covered by the university; and, when that employee represents himself/herself and not the university or college, these activities are not exempt under Section 1022.252(4) of the Act. The activities then constitute the public practice of geoscience, if the activity (research or not) is a geoscience product and meets the standards of public practice.