



Origination Date: 07/2016
Last Approved: 05/2019
Last Revised: 05/2019
Next Review: 05/2022
Owner: *Kimberly Ashley: Exe Dir Of Univ & Comm Affair*
Policy Area: *Governance*
References:

Conflicts of Interest, Conflicts of Commitment, and Outside Activities

Scope

All University of Texas Health Science Center at Tyler (the "University") employees.

Purpose

To provide best practices, ensure compliance with the law, and protect the credibility and reputation of The University of Texas System (UTS), the University and its employees, by providing a framework to address conflicts of interest, conflicts of commitment, and outside activities.

Definitions

Compensation - Any form of benefit including but not limited to salary, retainer, honoraria, intellectual property rights or royalties, or promised, deferred, or contingent interest.

Conflict of Commitment - A state in which the time or effort that a University employee devotes to an outside activity directly or significantly interferes with the employee's fulfillment of his/her institutional responsibilities or when the employee uses State property without authority in connection with the employee's outside employment, board service, or other activity (Sec. 8, RR 30104). Exceeding the amount of total time permitted by UTS or University policy for outside activities creates the appearance of a conflict of commitment.

Conflict of Interest - A significant outside interest of a University employee or one of the employee's immediate family members that could directly or significantly affect the employee's performance of the employee's institutional responsibilities. The proper discharge of an employee's institutional responsibilities could be directly or significantly affected if the employment, service, activity or interest: (1) might tend to influence the way the employee performs his/her institutional responsibilities, or the employee knows or should know the interest is or has been offered with the intent to influence the employee's conduct or decisions; (2) could reasonably be expected to impair the employee's judgment in performing his/her institutional responsibilities; or (3) might require or induce the employee to disclose confidential or proprietary information acquired through the performance of institutional responsibilities.

Immediate Family Members - include:

- A. spouse;
- B. dependent child, stepchild or other dependent, for purposes of determining federal income tax liability during the period covered; and
- C. any related or non-related, unmarried adult who resides in the same household as the employee and with whom the employee is financially interdependent (maintenance of a joint bank account, mortgage, investments, etc.).

Outside Board - A board, council, governing or advisory body of a business, civic, professional social, or religious organization, whether for profit or nonprofit.

Outside Employment - Any activity performed by an employee, other than fulfilling employment obligations at the University, for which remuneration is received, including distance teaching.

Interests that are Not Significant Financial Interests and need not be disclosed on the disclosure statement:

- A. salary, royalties, or other remuneration paid by the University to the covered individual, if the covered individual is currently employed or otherwise appointed by the University;
- B. income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government, an institution of higher education as defined by 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education;
- C. income from service on an advisory committee or review panel for a federal, state, or local government, an institution of higher education as defined by 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education;
- D. income from investment vehicles, such as mutual funds or retirement accounts, as long as the covered individual does not directly control the investment decisions made in those vehicles; or
- E. travel reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education as defined by 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

POLICY

Appropriate oversight of outside activities in order to successfully manage potential conflicts of interest and conflicts of commitment is critical to the success of the University. The primary responsibility of employees of the University is the accomplishment of the duties and responsibilities assigned to their positions of employment.

Outside Activities.

Regents' Rule 30104 permits employees of the University to engage in outside work or activities, subject to State laws, UTS and University rules and policies. The University encourages certain outside activities that clearly contribute to the mission of the University and/or provide important elements of faculty or staff development related to University responsibilities, including the following:

Serving on a federal, state, or local government agency committee, panel, or commission.

Acting in an editorial capacity for a professional journal.

Reviewing journal manuscripts, book manuscripts, or grant or contract proposals.

Attending and presenting talks at scholarly colloquia and conferences.

Developing scholarly communications in the form of books or journal articles, movies, television productions, and similar works, even when such activities result in financial gain, consistent with intellectual property and

other applicable UTS and University policies and guidelines.

Serving as a committee member, officer, or board member of a professional or scholarly society.

University employees may also engage in activity that does not necessarily contribute to the mission of the University or provide elements of professional development related to their University duties and responsibilities, so long as the activity does not reasonably appear to create a conflict of interest or a conflict of commitment with the employee's University duties and responsibilities. Any such activity must take place only outside of normal operating hours, without use of University resources, and be approved if required by this policy.

Unmanaged Conflicts of Interest and Conflicts of Commitment Prohibited.

University employees may not have a direct or indirect interest, including financial and other interest, or engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the employees' duties to the University.

Activities on behalf of outside entities or individuals must not interfere with a University employee's fulfillment of his/her duties and responsibilities to the University. Such conflicts of commitment may arise regardless of the location of these activities, the type of outside entity, or the level of compensation.

Approval for Certain Outside Activities Required.

All employees must utilize the **Conflicts of Interest / Outside Activity Portal (accessible via myLINKS)** to **electronically request and receive prior approval** from their direct supervisor for the following activities:

- i. any outside activity (including employment and board service) for which the employee receives compensation (except activities primarily personal in nature as further described below); and
- ii. any outside activity, regardless of compensation, that reasonably appears to create a conflict of interest or a conflict of commitment.

While the following items already require disclosure under subparts (i) and/or (ii) above, for the sake of clarity, each employee must disclose any substantial relationship between themselves and any programs sponsored, funded, directed or controlled by a foreign government, foreign agency or foreign institution.

Outside activities that clearly contribute to the mission of the University and are important to faculty and staff development related to University responsibilities (listed under *Outside Activities and Definitions of Interests* that are *Not Significant Financial Interests* in the earlier section) do not require prior approval, nor disclosure, granted the outside activity does not interfere with employee's fulfillment of his/her institutional responsibilities and the honorarium/compensation does not exceed \$1,000.

Service which is primarily personal rather than professional in nature and does not require time away from University responsibilities is permitted without disclosure or advance approval if it does not create, or appear to create, a conflict of interest or conflict of commitment. (For example: service on the board of a municipality; local religious congregation; neighborhood association; public, private or parochial school; political organization; youth sports or recreation league; affinity group such as the local gardening society)

Outside activity disclosed under IHOP Disclosure of Significant Financial Interests and Management and Reporting of Financial Conflicts of Interest in Research, developed pursuant to UTS 175, need not be re-disclosed. Once approved, an outside activity approval will carry forward unless or until it is rescinded or revoked.

Procurement and Contract Management Conflicts of Interest.

To protect the University from unmanaged conflicts of interest in the context of procurement and contract management, University employees involved in procurement and/or contract management activities will abide by the requirements set out in the University's Contract Management Handbook.

University President.

The President is required by State law to file Personal Financial Statements with the Texas Ethics Commission. In lieu of filing the information listed above, the President shall file a duplicate copy of his/her Personal Financial Statement with the Office of the Chancellor of UTS at the time that it is filed with the Ethics Commission. If the President seeks an extension of the time to file a Personal Financial Statement with the Texas Ethics Commission, the President must also notify the Chancellor's Office of the extension.

Management Plans.

Management plans must be in place for all employees for outside activities that create a conflict of interest or a conflict of commitment, preferably before activity begins. Management plans will be developed by the employee in conjunction with his/her supervisor and approved by the next senior authority, then submitted to the Institutional Conflicts of Interest Committee for review and approval.

Appeals.

Employees whose request for approval of outside activity is denied may request that the denying authority reconsider the decision and provide an explanation in writing. If the employee remains unsatisfied with the decision, he/she may access standard grievance procedures to the extent that they are otherwise applicable.

Retrospective Approvals.

In rare instances, outside activity may be approved retrospectively when the employee is called upon to assist in an emergency or urgent situation where it would be impossible or unreasonable to obtain advance approval. In such cases, the activity must be fully disclosed and approval sought from the supervisor as soon as reasonably possible.

Confidential Outside Activity.

If an employee wishes to engage in an activity for which some or all of the relevant information is confidential, his/her supervisor may nonetheless approve the activity without requiring full written disclosure, upon satisfaction that there is a compelling reason to treat the information confidentially and the activity is otherwise fully compliant with this policy and all other applicable laws and University and UTS policies.

Rescinding Approvals.

Approval for an approved outside activity may be rescinded upon receipt of information indicating that the activity is not consistent with this policy or any applicable law or University or UTS policy. The affected employee will be given notice of the information and an opportunity to respond.

Noncompliance.

Noncompliance with this policy may subject one to discipline in accord with applicable procedures, up to and including termination of employment.

References

Board of Regents' Rules and Regulations, Rule 30104, Conflict of Interest, Conflict of Commitment, and Outside Activities

UTS180 Conflicts of Interest, Conflicts of Commitment, and Outside Activities

IHOP Disclosure of Significant Financial Interests and Management and Reporting of Financial Conflicts of Interest in Research

The University of Texas Health Science Center at Tyler Contracts Management Handbook

Conflicts of Interest / Outside Activity Portal

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
	Kirk Calhoun: President/Prof of Medicine	05/2019
Executive Cabinet	Michelle Harris: Executive Assistant Senior	05/2019
Office of Legal Affairs	Carl Baranowski: VP Legal & General Counsel	04/2019
Faculty Senate	Vijaya Lella: Prof Of Biochemistry	04/2019
	Kimberly Ashley: Exe Dir Of Univ & Comm Affair	04/2019