Title

Outside Activity Policy

Sec. 1 Purpose

This policy is intended to protect the credibility and reputation of the U. T. System Administration and their employees by providing a framework to address conflicts of interest, conflicts of commitment, and outside activities.

Sec. 2 Principles

The primary responsibility of an employee of the U. T. System is the accomplishment of all duties and responsibilities assigned to his or her position. Outside activities must be compatible with the interests of the U. T. System and must not detract from the performance of the employee. Outside activities that interfere with an employee’s duties and responsibilities will not be authorized.

Sec. 3 Applicability

This policy applies to all U. T. System Administration employees. Because approval for outside activities of institution presidents occurs at the System Administration level, this policy also applies to institution presidents.

Sec. 4 Value in Certain Outside Activities

U. T. System Administration encourages outside activities that clearly contribute to the mission of the institution and/or provide important elements of professional development related to their institution responsibilities.

Sec. 5 Approval for Outside Activities Required

All employees must electronically request and receive prior approval for the following activities:

a) all outside employment or other compensated activity, unless preapproved as described in section 6.4(a) below;

b) any outside activity, regardless of compensation, that reasonably appears to create a conflict of interest or a conflict of commitment;

c) outside board service as described in Section 6.5 below.

Approval for outside activities continues unless rescinded.

Sec. 6 Outside Activity Guidelines

6.1 Electronic Database. U.T. System Administration has developed an electronic reporting system that is consistent with this policy. Employees requesting approval for outside activities must utilize this system to document outside activity approvals.
6.2 Approval Authorities. The Chancellor has delegated the responsibility of approving requests for outside activity to the requesting person’s supervisor. For Presidents, the Chancellor has delegated the responsibility of approving requests for outside activity to the appropriate Executive Vice Chancellor.

6.3 Time Commitment. No outside activity may be approved if it creates a conflict of commitment. The time commitment of outside activities must not interfere with an employee’s primary responsibility to U.T. System.

6.4 Categories of Outside Activity.

   a) Pre-approved Activities: So long as a proposed activity is performed on the employee’s own personal time and does not reasonably appear to create a conflict of interest, the following activities are considered pre-approved and do not require documented approval:

   i) Serving on a federal, state, or local government agency committee, panel, or commission. Please note, for certain governmental positions, Regental approval is required under Regents Rule 30103, Section 4.

   ii) Acting in an editorial capacity for a professional journal.

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

   iv) Attending and presenting talks at scholarly colloquia and conferences.

   v) 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 U. T. System policies and guidelines.

   vi) Serving as a committee member or as an officer of a professional or scholarly society.

   b) Activity that clearly contributes to the mission of U.T. System. Some outside activities clearly contribute to the mission of U.T. System and/or provide important elements of professional development related to the employee’s U.T. duties and responsibilities. These activities, when approved, are permitted, can be encouraged, and may be performed during normal operating hours. Examples of these activities include:

   Engaging in professional activity such as providing expert testimony, providing consulting services, professional/clinical practice, and serving on a board of directors.
c) Employees may also engage in activity that does not necessarily contribute to the mission of U.T. System or provide elements of professional development related to their U.T. System duties and responsibilities, so long as it does not reasonably appear to create a conflict of interest or a conflict of commitment with the employee's U.T. duties and responsibilities. Any such activity must take place only on the employee's personal time, without use of U.T. resources, and be approved as required by this policy.

6.5 Accounting for Outside Board Service

a) Recognizing the benefit to be derived by U.T. System from outside board service, and after thorough consideration of the time commitment that might be involved, time spent on uncompensated service on nonreligious boards, other than for reimbursement of usual and customary expenses, may be deemed to be of service to the U.T. System and may not require the use of a person's own time, with prior approval before engaging in such service.

b) Service on an outside board for which the employee is compensated, and any service to a religious organization whether or not compensated, must be on the person's own time. If the service occurs during normal office hours, the person must use vacation time, compensatory time, or other appropriate leave while providing the service. The service should be without cost to U.T. System; and, except for service to religious organizations, must be approved prior to engaging in such service.

c) Participation 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 orchid society or model train collectors club; and other similar outside boards on which the service is primarily personal rather than professional in nature and does not require time away from U.T. System responsibilities, is permitted without the requirement of approval if it does not create a conflict of interest or conflict of commitment or the appearance of a conflict of interest or conflict of commitment.

6.6 In determining whether approval should be sought, the individual should resolve the doubt in favor of seeking approval.

Sec. 7 Additional Process Requirements

7.1 Management Plans. Management plans must be in place for all employees for outside activities that may create a conflict of interest or a conflict of commitment before activity begins. Management plans will be developed by the Ethics Officer and approved by the employee's supervisor.

7.2 Appeals. Individuals 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 individual remains unsatisfied with the decision, he or she may access standard grievance procedures to the extent that they are otherwise applicable.
7.3 Retrospective Approval. In rare instances, outside activity may be approved retrospectively when the individual 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 appropriate authority as soon as reasonably possible.

7.4 Confidential Outside Activity. If an individual wishes to engage in an activity for which some or all of the relevant information is confidential, the approving authority 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 U. T. System policies.

7.5 Rescinding Approvals. An approving authority may rescind approval of an outside activity upon receipt of information indicating that the activity is not consistent with this policy or is in violation of any applicable law or U. T. System policy. The individual for whom the activity may be rescinded shall be given notice of the information and an opportunity to respond.

Sec. 8 Education and Training

System Administration shall provide training for those responsible for approving and managing outside activities and interests.

Sec. 9 Implementation

Under the prior policy, approval for outside activities needed to be re-authorized on an annual basis. Under the current policy, approval for outside activity continues unless the approval is rescinded. All outside activities with documented approval in the electronic system described in section 6.1 that are in effect as of the date that this policy is implemented shall continue to be approved activities unless that approval is rescinded by the employee’s supervisor.

Definitions

Conflict of Commitment - A state in which the time or effort that a U. T. employee devotes to an outside activity directly or significantly interferes with the employee’s fulfillment of their institutional responsibilities or when the employee uses State property without authority in connection with the employee’s outside employment, board service, or other activity (See Sec. 8, RR 30104). Exceeding the amount of total time permitted by U.T. System Administration or institution policy for outside activities creates the appearance of a conflict of commitment.

Conflict of Interest - A significant outside interest of a U. T. 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 or 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 or 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) a spouse;

b) a dependent child or stepchild or other dependent, for purposes of determining federal income tax liability during the period covered by the disclosure statement; and

c) a related or non-related, unmarried adult who resides in the same household as the individual and with whom the individual is financially interdependent as evidenced, for example, by the maintenance of a joint bank account, mortgage, or investments.

Outside Board - The board, council, or other 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 U.T. System Administration or a U.T. System institution, for which remuneration is received, including distance teaching.

Resources

INT123, Grievance

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

INT180, Conflicts of Interest and Conflicts of Commitment

Conflicts of Interest Reporting Tool (Outside Activity Portal)

Applicable Law and Regulation

The University of Texas System Regents’ Rules and Regulations, Rule 30103, Standards of Conduct

Texas Government Code, Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest

Texas Government Code, Chapter 667, Multiple Employments with State

Texas Attorney General Opinion No. JM-93 (1983)

Responsible System Administration Office

Systemwide Compliance Office

Contact Information

Questions or concerns should be directed to the Office of Systemwide Compliance.

Dates Approved, Amended, or Reviewed

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