Title: Conflict of Commitment and Outside Activities

Overview

A. This policy applies to all employees of the University of Texas Health Science Center at San Antonio (“UT Health San Antonio”). This policy does not address Conflicts of Interest in Research and Disclosure nor Conflict of Interest in Procurement Activities. Refer to the Handbook of Operating Policies (HOP), Section 10.1.6, “Conflicts of Interest in Research and Disclosure” and Section 10.1.9, “Conflict of Interest in Procurement Activities.”

General Principles

A. The primary responsibility of employees of UT Health San Antonio is the accomplishment of the duties and responsibilities assigned to one’s position of appointment. External consulting, outside employment or other outside activities that interfere with those duties and responsibilities are not acceptable. Nor are any activities that allow an individual to unfairly benefit from the public trust or the reputation of UT Health San Antonio. External relationships that enable illicit activities with a foreign government or facilitate the access or exchange of research data or intellectual property with such entities are explicitly prohibited.

B. At the same time, UT Health San Antonio recognizes the benefits of employees’ participation in outside activities that clearly enhance the mission of UT Health San Antonio and/or provide important elements of employee development related to their UT Health San Antonio responsibilities. This may include consultative or advisory activities with governmental agencies, other institutions, or private industry that do not interfere with the proper discharge of their duties and responsibilities in the public interest. In keeping with
UT Health San Antonio’s mission of education, research, and clinical practice, UT Health San Antonio believes these outside activities have the potential to improve the performance of an employee through continuing contact with issues/problems in the non-academic fields that promote UT Health San Antonio’s mission. Specific outside activities that contribute to the mission of UT Health San Antonio are considered pre-approved and are allowed during regular work hours.

C. This policy is intended to protect the credibility and reputation of UT Health San Antonio, the UT System, and members of the faculty and staff by providing a transparent system of approval, disclosure, and documentation of employee activities outside UT Health San Antonio that might otherwise raise concerns about conflicts of commitment.

D. Such conflicts of commitment may arise regardless of the location of these activities (on or off campus), the type of outside entity (individual, for-profit, not-for-profit, or government), or the level of compensation (compensated or non-compensated).

IV. Definitions

A. COMPENSATION: Any form of benefit including, but not limited to, salary, retainer, honoraria, intellectual property rights or royalties, equity and in-kind, promised, deferred, or contingent interests. Compensation also includes sponsored or reimbursed travel.

B. CONFLICT OF COMMITMENT: includes: (a) A situation in which the time or effort that a UT Health San Antonio employee devotes to outside activities directly or significantly interferes with the fulfillment of the employee’s UT Health San Antonio’s responsibilities, or (b) when an employee receives in excess of 30% of their institutional base salary in consideration for outside activities, or (c) when the employee uses State property or other resources without authority in connection with the employee’s outside employment, board service, or other activity. For example, a faculty member who cancels UT Health San Antonio teaching or clinic responsibilities in order to perform work for an outside entity creates the appearance of a conflict of commitment.

C. COVERED EMPLOYEES: includes: (a) all faculty, including full-time, part-time and clinical faculty and (b) executive officers. Executive officers are the president and all individuals who report directly to the president or members of the Executive Committee (other than administrative support positions).

D. INDUSTRY: Any for-profit entity or representative of such entity that develops, produces, markets, sells, or distributes any goods, services, or equipment for use by UT Health San Antonio or participates in a contractual relationship with UT Health San Antonio.

E. OUTSIDE ACTIVITIES: Work or other activity with non-UT Health San Antonio entities or individuals that are not part of one's UT Health San Antonio responsibilities. This may include work or other activity with governmental agencies, industry, foreign entities or other educational institutions. Outside activities do not include performance of UT Health San Antonio duties, regardless of location. For example, work on a UT Health San Antonio grant at a subcontractor's site or attending meetings of U.T. System committees do not constitute outside activities. Outside activities may also be governed by a School's practice plan.
F. **OUTSIDE BOARD**: A board, council, or other governing or advisory body of a business, civic, professional, social, or religious organization, whether for-profit or non-profit.

G. **OUTSIDE EMPLOYMENT**: Any appointment of or activity performed by a UT Health San Antonio employee for an organization other than The Health Science Center of Texas System Administration or a Health Science Center of Texas institution for which remuneration is received. Outside employment may also be governed by a School’s practice plan.

V. **Required Disclosures**

A. **Activities that must be disclosed.**

1. Covered Employees are required to disclose the following categories of outside activities. A summary of the disclosure requirements, including those activities that may be excluded from disclosure, is provided in the iDisclose application and Appendix 1 - Decision Matrix for Outside Activities.

   a. All outside employment, consulting, honoraria, speaker fees or other compensated activities, including compensation earned.

   b. Any outside (on-site or distance) teaching that is related to the same discipline as the employee’s area of UT Health San Antonio teaching.

   c. All service on outside boards, regardless of compensation, except as noted in the “Unrelated Personal Activities” section.

   d. All outside employment or outside professional activities with foreign entities, regardless of compensation.

   e. All positions and scientific appointments regardless of compensation, including full-time, part-time, voluntary (including adjunct, visiting, or honorary), and grant/project roles (including program director, principal investigator, or associate investigator).

   f. Research supported by a non-U.S. resource that is not administered by UT Health San Antonio.

   g. Any other activity, regardless of compensation, that would reasonably appear to create a conflict of commitment.

   h. Reimbursed or sponsored travel.

B. **Additional Guidelines.**

1. The President must comply with Section A above and a request for approval of the President’s activities will be submitted to the UT System Office of the Executive Vice Chancellor (EVC).

C. **When to Disclose.**
1. All Covered Employees are required to disclose outside activities through the disclosure process (i.e., submit an annual report and individual outside activity disclosure) using the iDisclose application. Additional disclosure may be required by individual schools or units at UT Health San Antonio.

2. The annual disclosure report is submitted once per calendar year during “open season” that corresponds with conflict of interest reporting. All Covered Employees are required to submit an annual report even if they have no activities to disclose.

3. New Covered Employees must submit a disclosure for applicable outside activities planned for the remainder of current calendar year.

4. All Covered Employees are required to submit a change to an existing disclosure that was previously determined to be a conflict of commitment.

5. In addition to the requirements of this policy, the President of UT Health San Antonio shall fully comply with UTS HOP 1.1.2, “Outside Activity Policy,” concerning service on outside boards and shall provide justification for how the outside board service benefits his or her duties and responsibilities.

D. Compliance with Disclosure.

1. Each Executive Committee (EC) member will designate an administrator to monitor compliance with annual disclosure.

2. After annual reporting season has closed, the names of the Covered Employees who did not complete an annual report will be provided to the applicable Department Chair or supervisor for appropriate corrective action(s).

3. The Department Chair or supervisor will certify completion of corrective actions to the applicable Dean or EC member who will attest to completion of the process.

4. Status of corrective actions by the Deans/EC member will be reported to the Senior Executive Vice President and Chief Operating Officer until the issue is closed.

VI. Prior Institutional Approval

A. General Provisions.

1. Covered Employees must obtain prior institutional approval before engaging in certain outside activities and obtain reapproval on an annual basis. Requests must be submitted prior to initiation of the activity and must use UT Health San Antonio’s iDisclose application. Additional guidance is provided in Appendix 1 - Decision Matrix for Outside Activities.

2. Unless exempted as noted in the “Activities That Do Not Require Prior Approval” section, Covered Employees must obtain prior approval before engaging in the following:

   a. all outside employment;
b. consulting;
c. speaking engagements with foreign or for-profit entities;
d. other compensated activities;
e. reimbursed or sponsored travel by a foreign or for-profit entity;
f. service on outside boards regardless of whether compensation is received;
g. any outside activity or outside employment with a foreign entity; and,
h. any uncompensated activity that would reasonably appear to create a conflict of commitment.

3. The President has appointed the following individuals as the approval authorities for requests to engage in outside activity:

a. For members of the faculty: The Department Chair. Institute/Center Director, or Vice Dean, as appropriate to the School, then the School Dean or appropriate Executive Committee member, then Senior Executive Vice President Chief Operating Officer.

b. For Department Chairs, Directors, or Vice/Associate/Assistant Deans: Dean or appropriate Executive Committee member, then Senior Executive Vice President Chief Operating Officer.

c. For Deans and VPs or other Executive Officers: The President.

d. For the President, the Executive Vice Chancellor for Health Affairs.

e. For all other employees: The supervisor, then the appropriate Executive Committee member.

4. Management plans must be in place for outside employment or other compensated activities, where the renumeration is greater than 30% of the employee’s institutional base salary. The management plans must be approved by the Dean or Executive Committee member.

B. **Retrospective or Prospective Approval.**

1. 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.

2. Some activity may also be prospectively approved, for up to one year, when an individual describes to the approving authority as fully as reasonably possible the general nature and extent of anticipated, but not confirmed, outside opportunities.
3. In any event, whether previously approved or not, employees should ensure they notify their chair, dean, or supervisor in advance when they will be missing specific responsibilities.

C. Compliance with Prior Approval.

1. Each Executive Committee (EC) member will designate an administrator to monitor compliance with prior approval. The administrator will identify individuals who report activities in the annual report that should have been submitted earlier for prior approval.

2. After annual reporting season has closed, the names of the employees who did not obtained prior approval will be provided to the applicable Department Chair or supervisor for appropriate corrective action(s).

3. The Department Chair or supervisor will certify completion of corrective actions to the applicable Dean or EC member.

D. Confidential Outside Activity.

1. If an individual wishes to engage in an activity for which some or all of the relevant information is confidential (i.e., classified government work or other information made confidential by law), the approving authority may nonetheless approve the activity (disclosure may still be required) 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 UT Health San Antonio and UT System policies.

VII. Activities That Do Not Require Prior Institutional Approval

A. Activities That Contribute to the Mission of UT Health San Antonio.

1. Certain outside activities that clearly contribute to the mission of UT Health San Antonio and/or provide important elements of employee development related to their UT Health San Antonio responsibilities need not be approved by the institution prior to engagement in the activity. These activities are considered pre-approved even when the employee retains any offer of honoraria, compensation, or other benefits as personal funds so long as the activity does not reasonably appear to create a conflict of commitment. Such activities will need to be approved by the individual’s chair or supervisor and disclosed annually in accordance with this policy (see Required Disclosures section).

2. Examples of such categories of activities would include:
   a. serving on a U.S. federal, state, or local government agency committee, panel, review panel or commission;
   b. acting in an editorial capacity for a professional journal;
   c. reviewing journal manuscripts, book manuscripts, or grant or contract proposals;
d. attending and presenting talks at scholarly colloquia, seminars, lectures and conferences in the United States for the benefit of U.S. entities;

e. developing or editing scholarly communications in the form of books or journal articles, movies, television productions, and similar scholarly works, even when such activities result in financial gain, consistent with intellectual property and other applicable UT System and institution policies and guidelines; and

f. serving as a committee member, an officer, or board member of a professional or scholarly society or advisory committee for U.S. or local government or U.S. non-profit entities.

g. reimbursement of travel expenses only from a non-profit organization.

h. membership in the reserve military units of Texas or of the United States.

3. Note: Such activities may be subject to working days limitation on faculty outside activities. See “Faculty Outside Activities Approved During UT Health San Antonio Time” section and Appendix 1 - Decision Matrix for Outside Activities.

B. Unrelated Personal Activities.

1. 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 UT Health San Antonio responsibilities, does not require advance approval and disclosure if it does not create a real or perceived conflict of commitment. This exception does not include service on the board of a religious organization that provides services that UT Health San Antonio provides, such as a religious hospital or academic institution, which does require prior approval and must be disclosed.

2. Additional guidance for faculty on activities that do not require prior approval is provided in Appendix 1 - Decision Matrix for Outside Activities.

VIII. Disclosure Review.

A. Prior Approval Review.

1. Covered Employees will submit a disclosure to request prior institutional approval for certain outside activities through the iDisclose application.

2. Upon receipt of the disclosure the iDisclose administrator will flag any activity that may be considered a conflict of commitment and route the disclosure electronically to the Covered Employee’s supervisor, or their delegate, for review.

3. The supervisor will review the disclosure and a summary of previously reported activities to ensure the Covered Employee is not improperly managing their time and
the outside activity is in compliance with this policy and approve or disapprove the outside activity that is the subject of the disclosure.

B. Annual Report Review.

1. Covered Employees will submit an annual report of their outside activities through iDisclose.

2. Upon receipt of the annual report, the iDisclose administrator will flag any outside activities that may be considered a conflict of commitment.

3. The Covered Employee’s supervisor will review their annual report to ensure they did not improperly manage their time and outside activities in compliance with this policy.

C. Determination of Conflict of Commitment.

1. Upon review of a Covered Employee’s prior approval disclosures or annual report their supervisor may determine one or more of their activities constitutes a Conflict of Commitment.

2. The employee’s supervisor or any approving authority has the right to limit an employee’s outside activities if they conflict with the employee’s ability to perform the obligations of his or her UT Health San Antonio responsibilities (conflict of commitment). Approval may also be rescinded upon receipt of information indicating that the activity is not consistent with this policy or any applicable law or UT Health San Antonio or UT System policy. The employee for whom the activity has been rescinded shall be given notice of the information by the approving authority and an opportunity to respond.

IX. Management of Conflicts of Commitment

A. General Provisions.

1. Covered Employees with a full-time UT Health San Antonio appointment are prohibited from holding any appointment with a foreign entity.

2. In general, outside activities (e.g., outside employment, outside board service for which an employee is compensated, and any service to a religious organization) must be performed on the employee’s own time. If the service occurs during normal office hours, the employee must use vacation time, compensatory time, or other appropriate leave while providing the service. The service should be without cost to UT Health San Antonio and, except as noted in the “Outside Activities That Do Not Require Prior Approval” section, must be disclosed and approved prior to engaging in such service.

3. If the outside employment is with another Texas state agency or institution of higher education, refer to Regents’ Rules and Regulations, Rule 30104, Conflict of Interest, Conflict of Commitment and Outside Activities.

4. If the outside employment is with an external nonprofit corporation or an external entity, that has as its primary objective the provision of funds or services for the
furtherance of the purposes and duties of The University of Texas System or the institutions, refer to Regents' Rules and Regulations, Rule 60305, University-Affiliated Foundations.

B. **Outside Activities Approved During UT Health San Antonio Time.**

1. With supervisory approval, full-time faculty members and executive staff may devote up to one working day per week in any fiscal year to activities that clearly contribute to the mission of UT Health San Antonio or provide important elements of faculty development related to their UT Health San Antonio responsibilities, as long as these activities are not in conflict with the proper discharge of their duties and responsibilities in the public interest or expressly prohibited herein. Examples are provided in the “Activities That Contribute to the Mission of UT Health San Antonio” section. Further guidance is provided in Appendix 1 - Decision Matrix for Outside Activities. Approval of the President or the President’s designee is required if the outside activity exceeds on average one day per week during the fiscal year, which in the aggregate cannot exceed 48 days per year. Information on the appropriate documentation of time and attendance is outlined in other general personnel policies.

C. **Management Required for Conflicts of Commitment.**

1. If the supervisor determines that a Covered Employee has a conflict of commitment, the supervisor must take corrective action to mitigate the conflict and any improper use of UT Health San Antonio resources. Corrective action can include, but is not limited to, (1) the reduction in the Covered Employee’s faculty appointment (2) limiting the scope or prohibiting specific outside activities. In extreme circumstances the Covered Employee may be terminated.

D. **Management Plan Design and Agreement.**

1. A COC management plan may impose any condition and prescribe any action necessary to manage a conflict of commitment, including an action reducing or eliminating outside activities.

2. A management plan must be in the form of a written agreement and must:
   a. provide that the covered employee acknowledges receipt of the plan and understands the requirements of this policy and the required actions and other terms of the plan, including the time frames for required actions; and
   b. clearly identify each specific person responsible for monitoring compliance with the management plan.

E. **Monitoring and Compliance.**

1. Each person that is determined to have a conflict of commitment shall comply fully and promptly with the corrective actions prescribed by their supervisor. Each person identified in the management plan as having responsibility for monitoring compliance with the plan shall carefully and fully monitor that compliance.
X. Policies and Relevant Statutes

A. Individuals subject to this policy should also be aware of and in compliance with the following policies:

1. **UT Health San Antonio:**
   
   a. HOP [Section 10.1.2](#), Code of Ethics and Standards of Conduct
   
   b. HOP [Section 10.1.3](#), Personal Use of University Resources, Equipment, and Assets
   
   c. HOP [Section 10.1.4](#), Giving and Receiving Benefits
   
   d. HOP [Section 10.1.5](#), Political Activities
   
   e. HOP [Section 10.1.6](#), Conflicts of Interest in Research and Disclosure
   
   f. HOP [Section 10.1.9](#), Conflict of Interest in Procurement Activities
   
   g. HOP [Section 10.1.11](#), Guidelines for Interactions Between Clinicians and Researchers with Industry
   
   h. HOP [Section 10.1.12](#), Institutional Conflicts of Interest

2. **The University of Texas System:**

   a. UTS 180, Conflicts of Interest, Conflicts of Commitment, and Outside Activities
   
   b. UTS HOP 1.1.2, Outside Activity Policy
   
   c. UTS 134, Code of Ethics for Financial Officers and Employees
   
   d. UTS 175, Disclosure of Significant Financial Interests and Management and Reporting of Financial Conflicts of Interest in Research

3. **The University of Texas System Board of Regents:**

   a. Regents’ Rules and Regulations, Rule 30104, Conflict of Interest, Conflict of Commitment and Outside Activities
   
   b. Regents’ Rules and Regulations, Rule 60305, University-Affiliated Foundations
   
   c. Regents’ Rules and Regulations, Rule 60306, Use of University Resources

4. This policy has also been predicated on the following **State of Texas Statutes:**

   a. Texas Government Code Chapter 572 – Personal Financial Disclosure, Standards of Conduct and Conflict of Interest
   
   b. Texas Government Code Chapter 574 – Dual Office Holding
   
   c. Texas Constitution, Article 16, Section 40 – Holding More Than One Office