

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

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|----------------------|--|-----------------|-----------------------------|
| Chapter 10 | Ethics, Standards of Conduct, and Relationships with External Entities | Effective: | October 2008 |
| Section 10.1 | Ethics, Standards of Conduct, and Relationships with External Entities | Revised: | |
| Policy 10.1.8 | Conflict of Commitment (Faculty and A&P Staff) | Responsibility: | Vice President for Research |

CONFLICT OF COMMITMENT (FACULTY AND A&P STAFF)

Overview

The University of Texas Health Science Center at San Antonio’s (Health Science Center) policy on conflict of commitment and outside activities of faculty and Administrative and Professional (A&P) staff (hereinafter collectively referred to as “faculty”) is set forth in the following pages.

This policy affirms faculty responsibilities as members of the Health Science Center and provides guidelines and mechanisms to ensure that activities outside the Health Science Center do not interfere with fulfillment of these responsibilities. It provides general guidance for: i) addressing potential conflicts of commitment for compensated and uncompensated outside professional activities; ii) addressing compensated and uncompensated outside non-professional activities; and, iii) involving students in the outside professional activities of faculty.

This policy reinforces but does not replace other Health Science Center and The University of Texas System policies. An activity that is authorized by this policy may still involve a conflict of interest or be otherwise prohibited by other Health Science Center policies. This policy does not directly address whether a faculty member may retain all or part of income obtained through outside professional activities. Health sciences faculty must manage outside income in accordance with Health Science Center compensation plan policies.

This policy applies to full- and part-time Health Science Center compensated faculty members. In addition, this policy applies to all academic or other administrators who hold academic appointments in a faculty title series regardless of the current percentage of time related to the academic appointment.

Definitions

ACADEMIC-YEAR APPOINTMENT: An appointment in which the individual renders services to the Health Science Center during the academic year, from the beginning of September to the end of August. If a faculty member is appointed on a nine-month basis (September through May) for the purposes of this policy, the academic-year includes the nine months plus any compensated appointment in the remaining three.

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COMPENSATION: Income, assets, or capital, either realized or having the potential to become realized.

INDUSTRY: Any for-profit pharmaceutical, medical device, biotechnology, or related industries or a representative of such industries.

INSTITUTIONAL BASE SALARY: Institutional Base Salary (IBS) is defined as the core and specialty-associated components as defined in the faculty compensation plan and represents the individual’s time spent on research, teaching, patient care, and/or, other activities. IBS does not include fringe benefit payments; reimbursed expenses; temporary, supplemental compensation for incidental work; income earned outside of duties to the institution; and, any incentive payments. IBS does not include additional payments made for the temporary assumption of administrative duties, but does include such additional payments when included as part of an individual’s permanent, guaranteed annual compensation.

OUTSIDE PROFESSIONAL ACTIVITIES: Those activities that are within a faculty member’s area of professional, academic expertise and that advance or communicate that expertise through interaction with industry, the community, or the public, and through consulting or professional opportunities.

OUTSIDE NON-PROFESSIONAL ACTIVITIES: Activities that are not directly related to a faculty member’s area of professional, academic expertise and that take place outside the Health Science Center context.

General Principles

Full-time faculty members are expected to dedicate their entire professional effort to the Health Science Center. As long as a faculty member is fulfilling all of his or her Health Science Center obligations, a faculty member may pursue outside professional activities that advance or communicate knowledge through interaction with government, industry, the community, or the public, and through consulting or other professional opportunities. Such activities give the faculty member experience and knowledge valuable to teaching, research, and creative work activity and/or provide a Health Science Center related public

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service. The Health Science Center sees great value in such activities. However, faculty members should not seek to participate in outside professional activities simply for financial gain.

Participation in outside professional activities, whether compensated or uncompensated, is only allowable if the activity is in keeping with the academic mission of the Health Science Center and the faculty member is meeting all assigned duties, responsibilities, including research, clinical and/or financial benchmarks. Decisions about whether an activity meets either of these two criteria are ultimately at the discretion of the Health Science Center President. Faculty members shall not allow outside activities to interfere with primary Health Science Center duties. Outside activities of any kind may on occasion present the appearance, or the reality, of a conflict of commitment. As part of his or her faculty appointment at Health Science Center, a faculty member is obligated to have a significant presence on campus, to meet classes, to keep office hours, to hold examinations as scheduled, to be accessible to students and staff, to be available to interact with Health Science Center colleagues, to provide clinical services, and/or to share service responsibilities. Faculty members are expected to participate in Health Science Center activities and to use their professional expertise to contribute to their professions and to the community. Administrators who hold faculty appointments are expected to be available to meet all administrative as well as faculty responsibilities.

If the faculty member anticipates that any such outside activity could interfere with performance of Health Science Center duties and responsibilities, then under certain circumstances the Health Science Center may grant the faculty member a leave to pursue the activity. Leaves for this purpose must be reviewed annually and are subject to approval of an exception by the department Chair, Dean, and President.

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Time and Compensation Limit for Compensated or Uncompensated Outside Professional Activities

The Health Science Center has established limits on the amount of time away allowed for participation in outside professional activities. This time limit is not an entitlement to take time off for these types of activities and approval for participation is not guaranteed. It is an estimate of the maximum reasonable time away beyond which most faculty members would almost certainly begin to have a significant conflict of commitment. The actual amount of time devoted to outside activities that will adversely affect an individual faculty members ability to meet all of his or her Health Science Center responsibilities will vary substantially from person to person and for the same person at different times of year or at different stages of career progression. For some faculty members, any amount of time away will pose a problem and for a small number of others, a larger amount of time away may be justifiable. Ultimately, decisions about whether participation in outside professional activities is approved will reside with the Health Science Center President, School Dean, and/or, department Chair when so designated by the President.

Assuming that all assigned duties, responsibilities, and research, clinical and/or financial benchmarks are being fully met, a full-time faculty member may engage in compensated or uncompensated outside professional activities for up to a cumulative average of no more than four (4) days per month during each academic year. Allowable days not used during one academic year may not be carried forward to the next academic year. There are no restrictions on the number of days of compensated outside professional activity during periods of vacation leave, although these activities should be reported as part of the annual reporting mechanism associated with this policy.

For part-time faculty (i.e., those with less than a full-time appointment), the applicable time limit is prorated based on their percentage appointment at the Health Science Center.

The aggregate of all compensated outside professional activities may not exceed 30% of the individual's Health Science Center institutional base salary.

The President may approve in writing compensated outside professional activities that exceed these time or compensation limits for an individual

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faculty member, or a group of faculty, when in the President's opinion the activity benefits the Health Science Center.

Examples of Activities Generally Not Allowed Due to Inherent Conflict of Interest and/or Commitment

Certain types of activities inherently involve a high likelihood of a conflict of commitment and/or the potential for a serious conflict of interest irrespective of whether they fall within the established time limit or are conducted during leave. These activities are generally not allowable without written permission from the Health Science Center President. Questions about whether an outside activity requires Presidential approval should be directed to the Dean of the appropriate Health Science Center School. Common examples of activities that fall into this category are provided below:

- Assuming an executive or managerial position in a for-profit or not-for-profit business.
- Administering a grant or other sponsored program outside the Health Science Center that should be conducted under the auspices of the Health Science Center.
- Establishing a relationship as a salaried employee outside the Health Science Center.
- Holding a salaried faculty appointment at another institution while serving as a full time faculty member at the Health Science Center.
- Engaging in other compensated outside professional activities which common sense and good judgment would indicate are likely to raise issues of conflict of commitment.

Examples of Activities That Are Usually Allowable

Within the framework described in this policy, certain outside professional activities that provide the faculty member experience and knowledge valuable to teaching, research, or creative work activity and/or provide a Health Science Center related public service are allowable as long as they do not interfere with the faculty member's ability to fully meet all assigned duties, responsibilities, and research, clinical and/or financial

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benchmarks. The time involved in these activities is counted towards the yearly time limit and must be reported annually. Selected examples of such activities include the following which take place during the time an individual would normally devote to Health Science Center activities:

- Provision of expert testimony in administrative, legislative, or judicial proceedings.
- Consulting to government, industry, or any public or private organization.
- Serving as a member of the board of directors of an outside entity.
- Providing or developing a workshop, seminar, or lecture for government, industry, or any public or private organization.
- Serving as a visiting scholar or visiting professor at another institution.

Annual Report

An annual report, listing all compensated and uncompensated outside professional activities (including those activities during leave time) for each Calendar Year listing the nature and extent of such activities, whether leave was taken, and the amount of financial compensation received will be part of the annual Conflict of Interest Reporting Form.

Guidance for Compensated and Uncompensated Outside Non-Professional Activities

While fulfilling Health Science Center obligations, faculty members may from time to time pursue sustained outside compensated and/or uncompensated non-professional activities, as defined in this policy. Outside non-professional activities are part of the faculty member's private life and are not expressly governed by Health Science Center regulations or by the guidelines on outside professional activities. However, such endeavors must not interfere with a faculty member's full-time commitment to the Health Science Center or be conducted during a faculty member's Health Science Center working hours.

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If the Chair, Dean, or other official designated by the President believes that a faculty member is failing to meet his/her Health Science Center obligations due to outside non-professional activities or has undertaken outside nonprofessional activities that create a possible conflict of commitment, then the President’s designee(s) may use the guidelines for compensated outside professional activities as a model to address possible conflicts of commitment.

Disciplinary Action

Violations of these guidelines are subject to disciplinary action as described in [Section 2.1.2](#) of the *Handbook of Operating Procedures HOP*, “Handbook of Operating Procedures” or in Graduate Medical Education [Policy 2.1.1](#), “GME General Policies”.

Related University Policies

HOP [Section 3.2.3](#), “Code of Ethics”
HOP [Section 10.1.6](#), “Conflicts of Interest in Scholarly, Research, and Clinical Activity”
HOP [Section 10.1.9](#), “Outside Activities for Pay and Relationships Which May Involve Potential Conflict of Interest”
HOP [Section 10.1.10](#), “Service on Outside Boards”
HOP [Section 10.1.11](#), “Guidelines for Interactions Between Clinicians and Industry”
Health Sciences Center Compensation Plan
UT Medicine Policies