

UT HEALTH SAN ANTONIO HANDBOOK OF OPERATING PROCEDURES

Chapter 10	Ethics, Standards of Conduct, and Relationships with External Entities	Effective:	April 2000
Section 10.1	Ethics, Standards of Conduct, and Relationships with External Entities	Revised:	January 2017
Policy 10.1.9	Conflict of Interest, Conflict of Commitment and Outside Activities	Responsibility:	Vice President for Research

CONFLICT OF INTEREST, CONFLICT OF COMMITMENT AND OUTSIDE ACTIVITIES

Overview

This policy applies to all employees of UT Health San Antonio. This policy does not address Research Conflicts of Interest. Refer to [Section 10.1.6](#), “Conflicts of Interest in Research and Disclosure” in the *Handbook of Operating Procedures* (HOP).

General Principles

The primary responsibility of employees of UT Health San Antonio is the accomplishment of the duties and responsibilities assigned to their positions at UT Health San Antonio. External consulting, outside employment or other outside activities that interfere with those duties and responsibilities are not acceptable. 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 are not in conflict 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.

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 interest or conflicts of commitment.

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Accordingly, UT Health San Antonio employees may not have a direct or indirect interest, including financial and other interests, 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 employee’s duties for the UT Health San Antonio (i.e., conflict of interest). In addition, activities on behalf of outside entities or individuals must not interfere with a UT Health San Antonio employee’s fulfillment of his/her duties and responsibilities to the UT Health San Antonio (i.e., conflict of commitment). 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).

Definitions

CLINICIANS: Faculty members and trainees at all levels (i.e., students, interns, residents, fellows, post-doctoral trainees) in any patient care discipline, including specialties of medicine, dentistry, nursing, and allied health sciences.

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.

CONFLICT OF COMMITMENT: A situation in which the time or effort that a UT Health San Antonio employee devotes to an outside activity directly or significantly interferes with the employee’s fulfillment of his or her UT Health San Antonio responsibilities, when an employee receives in excess of 30% their institutional base salary in consideration for outside activities, or 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.

CONFLICT OF INTEREST: An outside activity or financial interest of a UT Health San Antonio employee (or one of the employee’s family

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members) that could directly or significantly affect the employee's performance of his or her UT Health San Antonio responsibilities. The proper discharge of an employee's UT Health San Antonio responsibilities could be directly or significantly affected if the outside employment, service, activity, or interest:

- Might tend to influence the way the employee performs his or her UT Health San Antonio 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;
- Could reasonably be expected to impair the employee's independence of judgment in the performance of his or her UT Health San Antonio responsibilities; or
- Might require or induce the employee to disclose confidential or proprietary information acquired through the performance of UT Health San Antonio responsibilities.

COVERED EMPLOYEES: Covered employees include: (a) faculty; (b) executive officers; (c) employees who exercise broad and significant discretion over key institution functions, and (d) employees who are involved in procurement or contract management. Executive officers are the president and all individuals who report directly to a president (other than administrative support positions). Employees who exercise discretion over key functions are the members of the Executive Committee (EC). Employees who are involved in procurement include, but are not necessarily limited to, employees who are authorized to execute contracts or who exercise discretion with regard to the award of contracts or other pecuniary transactions.

FAMILY MEMBER: A spouse, 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 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.

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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.

INSTITUTIONAL OFFICIAL: Any employee or other individual with the authority to make decisions to commit resources of UT Health San Antonio including, but not limited to:

Level I Official: President

Level II Officials:

- Vice Presidents, Executive Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents
- Deans, Vice Deans, Associate Deans, and Assistant Deans
- Department Chairs and Director of Centers or Institutes as well as Directors of Organized Business or Research Units (such as Business Affairs, Purchasing, Sponsored Projects, Compliance, and the like)
- All licensing, marketing, and commercialization professionals in the Office of Technology Transfer and Commercialization who have the authority to bind UT Health San Antonio
- Any other person designated by the President as an Institutional Official for the purposes of this policy

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, 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

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Antonio grant at a subcontractor's site or attending meetings of UT System committees do not constitute outside activities.

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.

OUTSIDE EMPLOYMENT: Any activity performed by an 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.

RESEARCH EMPLOYEES: UT Health San Antonio employees, regardless of job title or status, who participate in research as Principal Investigators, Co-Investigators, or other roles and have been designated on any research project as a "Covered Individual," i.e., responsible for the design, conduct, or reporting of research as defined in [Section 10.1.6](#), "Conflicts of Interest in Research and Disclosure" in the HOP.

SUBSTANTIAL INTEREST IN A BUSINESS ENTITY: For purposes of this policy:

- a controlling interest;
- ownership of more than 10 percent of the voting interest;
- ownership of more than \$5,000 of the fair market value;
- a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains; or
- service as an officer.

It does not include investments in mutual funds or retirement accounts, so long as the individual does not directly control the investment decisions made in those vehicles.

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Prior Institutional Approval

General Provisions

Covered employees must obtain prior institutional approval before engaging in certain outside activities and obtain re-approval on an annual basis. This does not include work or other activity with non-UT Health San Antonio entities or individuals that is part of one's UT Health San Antonio's responsibilities. Requests must be submitted prior to initiation of the activity and must use the UT Health San Antonio's [iDisclose](#) application provided and maintained by the Office of the Vice President for Research (VPR). Additional guidance for faculty is provided in [Appendix 1 - Decision Matrix for Outside Activities](#).

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:

- all outside employment or other compensated activities;
- service on outside boards regardless of whether compensation is received; and
- any uncompensated activity that would reasonably appear to create a conflict of interest or conflict of commitment.

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.

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.

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

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- a. For members of the faculty: The Department Chair or Institute/Center Director, then Dean or appropriate Executive Committee member, then Vice President for Business Affairs/Chief Financial Officer
 - b. For Department Chairs or Directors: Dean or appropriate Executive Committee member, then Vice President for Business Affairs/Chief Financial 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 administrative and professional staff: The supervisor, then the appropriate Executive Committee member.
 - f. For other employees: The supervisor, then the appropriate Executive Committee member.

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.

Retrospective or Prospective 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.

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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.

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.

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 obtain prior approval will be provided to the applicable Department Chair for appropriate corrective action(s).
3. The Department Chair will certify completion of corrective actions to the designated administrator. The applicable Dean or EC member will attest to completion of the process.
4. Status of corrective actions by the Deans/EC member will be reported to the Conflict of Interest (COI) Committee until the issue is closed.

Confidential Outside Activity

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

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with this policy and all other applicable laws and UT Health San Antonio and UT System policies.

Activities That Do Not Require Prior Institutional Approval

Activities That Contribute to the Mission of UT Health San Antonio

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 interest or conflict of commitment. Such activities will need to be approved by the individual's chair and may need to be disclosed annually in accordance with this policy (see [Required Disclosures](#) section).

Examples of such categories of activities would include:

- serving on a federal, state, or local government agency committee, panel, review 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, seminars, lectures and conferences in the United States for the benefit of U.S. entities;
- 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

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- serving as a committee member, an officer, or board member of a professional or scholarly society or advisory committee for government or non-profit entities.
 - reimbursement of travel expenses only from a non-profit organization
 - membership in the reserve military units of Texas or of the United States
 - 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](#) for further guidance.

Unrelated Personal Activities

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 interest or 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. Additional guidance for faculty on activities that do not require prior approval is provided in [Appendix 1 - Decision Matrix for Outside Activities](#).

Required Disclosures

All covered employees are required to disclose outside activities and financial interests through the disclosure process (i.e., annual report, new employee and new outside activity report) using the [iDisclose](#)

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application. Additional disclosure may be required by individual schools or units at UT Health San Antonio. The annual disclosure report is submitted during “open season” defined by the VPR. In addition, new covered employees and any change to an existing employee’s annual disclosure (e.g., a new outside activity or a newly acquired financial interest) must be disclosed within 30 days.

In addition to the requirements of this policy, the President of UT Health San Antonio shall fully comply with [UTS 180](#) concerning service on outside boards and shall provide justification for how the outside board service benefits his or her duties and responsibilities.

Covered Employees

Covered employees are required to disclose the following categories of outside activities and financial interests. Further clarification regarding disclosure requirements, including those activities and interests that may be excluded from disclosure, is provided in the [iDisclose](#) application and [Appendix 1 - Decision Matrix for Outside Activities](#).

- All outside employment or other compensated activities, including compensation earned;
- 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;
- All service on outside boards, regardless of compensation, except as noted above in the Section titled “Activities That Do Not Require Prior Institutional Approval”;
- Any other activity, regardless of compensation, that would reasonably appear to create a conflict of interest or a conflict of commitment;
- Substantial interests in outside entities with which the employee has the potential to interact in their UT Health San Antonio responsibilities or which otherwise reasonably appear to create a conflict;

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- Income from intellectual property rights held and any agreements to share in royalties related to those rights, if income is received from any entity other than UT Health San Antonio;
 - All gifts that exceed \$250 in value to the employee or his/her family member that would reasonably appear to create a conflict of interest;
 - Reimbursed or sponsored travel (i.e. provided by outside entities with which the employee has the potential to interact in their UT Health San Antonio responsibilities or which otherwise reasonably appear to create a conflict); and
 - Outside activities and financial interests of family members if they would reasonably appear to create a conflict of interest (i.e. the activity or interest is with an entity with which the employee has the potential to interact in their UT Health San Antonio responsibilities).

All Other Employees

Non-covered employees are required to disclose outside activities and financial interests only if the activity or interest would reasonably appear to create a conflict of interest. Employees in this category are not required to disclose for family members.

Level I Officials

The President must comply with the annual disclosure requirements noted 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) that is reviewed by the Conflict Of Interest (COI) Committee.

Compliance with Disclosure

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

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2. After annual reporting season has closed, the names of the employees who did not complete an annual report will be provided to the applicable Department Chair for appropriate corrective action(s).
 3. The Department Chair will certify completion of corrective actions to the designated administrator. The applicable Dean or EC member will attest to completion of the process.
 4. Status of corrective actions to the Deans/EC member will be reported to the COI Committee until the issue is closed.
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Disclosure Review

Disclosure Review; Determination of Conflict of Interest or Conflict of Commitment

1. The conflict of interest official for the institution is the Vice President for Research (VPR). The day-to-day activities of policy compliance will be handled by the Assistant Vice President of Research Operations and the Conflict of Interest Manager. The appropriate conflict of interest official(s) and the Conflict of Interest Committee (if necessary) shall review each outside activity disclosure and make the following determinations:
 - a. whether a covered individual's outside activity or financial interest (or applicable family member) represents a conflict of interest (could directly or significantly affect the employee's performance of his or her UT Health San Antonio responsibilities),
 - b. whether a covered individual's outside activity requires prior approval. In this situation, the disclosure is directed to the appropriate approving officials using the [iDisclose](#) application.
 - c. whether a covered individual's outside activity or financial interests should be reported to external entities in accordance with applicable regulations.
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2. The appropriate conflict of interest official(s) shall review each outside activity disclosure and notify the individual's supervisor of the appearance of a Conflict of Commitment. The supervisor is responsible for managing the faculty's time and ensures compliance with UT Health San Antonio policy ([below](#)) on outside activities approved during UT Health San Antonio time.
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Management of Conflicts

Management Required for Conflicts of Interest

1. If the conflict of interest official(s) determines that a covered individual has a conflict of interest, the official, in cooperation with the covered individual, the Conflict of Interest Committee and other appropriate individuals designated by the conflict of interest official, shall develop a management plan governing that conflict of interest.
2. If the conflict of interest official learns of a conflict that was not timely disclosed or was not timely reviewed or if a covered individual fails to comply with a management plan, the conflict of interest official shall present the issue to the Conflict Of Interest Committee for review.

Management Plan Design and Agreement

1. A management plan may impose any condition and prescribe any action necessary to manage a conflict of interest, including an action reducing or eliminating the conflict of interest. Examples of conditions or actions that may be prescribed include:
 - a. public disclosure of the conflict of interest in presentations and publications;
 - b. change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research;

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- c. divesture or reduction of the financial interest; or
 - d. severance of relationships that create an actual or potential financial conflict of interest.
2. A management plan must be in the form of a written agreement and must:
- a. provide that the covered individual 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.

Monitoring and Compliance

Each person under a management plan shall comply fully and promptly with the plan, and each person identified in the management plan as having responsibility for monitoring compliance with the plan shall carefully and fully monitor that compliance.

Level I Officials

Management plans for the President are forwarded to the Office of the EVC for approval. The EVC holds the authority to reviewing compelling circumstances regarding potential conflicts, and to approve plans for managing, reducing or eliminating Institutional COI involving the President.

Use of UT Health San Antonio Time for Outside Activities

General Provisions

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

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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.

Faculty Outside Activities Approved During UT Health San Antonio Time

With supervisory approval, full-time faculty members 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 and/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. 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 are 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.

Policies and Relevant Statutes

Posting of this Policy

This policy and each update of this policy must be publicly accessible through the Internet in the *Handbook of Operating Procedures* (HOP), [Chapter 10](#).

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

UT Health San Antonio:

HOP [Section 10.1.2](#), Code of Ethics and Standards of Conduct

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HOP [Section 10.1.3](#), Personal Use of University Resources, Equipment, and Assets

HOP [Section 10.1.4](#), Giving and Receiving Benefits

HOP [Section 10.1.5](#), Political Activities

HOP [Section 10.1.6](#), Conflicts of Interest in Research and Disclosure

HOP [Section 10.1.11](#), Guidelines for Interactions Between Clinicians and Researchers with Industry

HOP [Section 10.1.12](#), Institutional Conflicts of Interest

The University of Texas System:

[UTS 180](#), Conflicts of Interest, Conflicts of Commitment, and Outside Activities

[UTS 134](#), Code of Ethics for Financial Officers and Employees

[UTS 175](#), Disclosure of Significant Financial Interests and Management and Reporting of Financial Conflicts of Interest in Research

The University of Texas System Board of Regents:

[Regents' Rules and Regulations, Rule 30104](#), Conflict of Interest, Conflict of Commitment and Outside Activities

[Regents' Rules and Regulations, Rule 60306](#), Use of University Resources

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

[Texas Government Code Chapter 572](#) – Personal Financial Disclosure, Standards of Conduct and Conflict of Interest

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[Texas Government Code Chapter 574](#) – Dual Office Holding

[Texas Constitution, Article 16, Section 40](#) – Holding More Than One Office
