

UT SOUTHWESTERN POLICY HANDBOOK

EMP-158 OUTSIDE ACTIVITIES (INCLUDING OUTSIDE EMPLOYMENT OR BOARD SERVICE)

CHAPTER 9: EMPLOYEES

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ADMINISTRATIVE INFORMATION

Responsible Office: Conflict of Interest Office
Executive Sponsor: Provost
Effective Date: 01/31/1998
Last Reviewed: 02/01/2019
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Contact: policyoffice@utsouthwestern.edu

POLICY RATIONALE AND TEXT

The primary responsibility of UT Southwestern employees and faculty members is, at all times, the accomplishment of their assigned institutional responsibilities. In carrying out these responsibilities, UT Southwestern expects employees and faculty members to adhere to institutional standards of integrity, honesty, accountability, and transparency.

It is UT Southwestern policy that no UT Southwestern employee or faculty member may engage in any outside activity that has the potential to negatively influence the way they perform their institutional responsibilities, could reasonably be expected to impair their judgment in performing institutional responsibilities, or might require or induce them to disclose confidential or proprietary information acquired through the performance of institutional responsibilities. Further, a UT Southwestern employee's or faculty member's outside activities must not create a conflict of commitment with their institutional responsibilities.

At the same time, UT Southwestern recognizes that certain outside activities may enhance UT Southwestern's clinical research and educational missions, and that both the institution and individuals benefit from such interactions by virtue of their exposure to challenges presented outside the University. UT Southwestern employees and faculty members may be permitted to engage in outside employment, outside board service, or other outside activities so long as all requirements of this policy are fully met, and so long as the employment, service, or activity does not violate state law, federal law, or other University of Texas System (UT System) or UT Southwestern rules or policies.

This policy applies in addition to, and not instead of, [ETH-104 Conflicts of Interest, Conflicts of Commitment, and Outside Activities](#) and [RES-401 Financial Conflicts of Interest in Research: Disclosure, Management, and Reporting](#), and this policy must be read in conjunction with those policies.

SCOPE

This policy applies to all UT Southwestern employees – including Faculty Members as defined in this policy, regardless of whether they are paid by UT Southwestern or other third party affiliated entities (e.g., Veterans Administration or Howard Hughes Medical Institute). It does not apply to those employed on a temporary or “as needed” basis.

PROCEDURES

Requesting Approval for Outside Employment, Activities, and Board Service

1. Any employee or faculty member considering participating in outside employment, activities, and/or board service must make a request for approval of that activity according to the procedures outlined in this policy. No employee or faculty member may engage in these pursuits without first having obtained approval unless otherwise noted in this policy.
 - a. Special exception for board service unrelated to institutional responsibilities:
 - Participation, regardless of compensation level, in which board service is primarily personal rather than professional in nature, is done on the individual’s own time, and does not create a conflict of interest or commitment or the appearance of a conflict of interest or commitment does not require approval – e.g., board service for a local 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.
 - b. Service on the board of a religious organization that provides services similar to those UT Southwestern also provides – such as a religious hospital or academic institution of higher education – requires prior institutional approval.
 - After thorough consideration of the time commitment, certain service on outside, nonreligious boards may be deemed to be of sufficient benefit to UT Southwestern or the UT System that the institution may permit the service to be performed on University time. Such service must be uncompensated, other than for reimbursement of usual and customary expenses, and still requires prior approval under this policy.
2. Pre-approved activities that do not require disclosure and approval are those that clearly contribute to UT Southwestern’s mission or provide important elements of professional development related to institutional responsibilities. Accordingly, these activities only need be documented on the individual’s annual performance evaluation, at the time approval for travel is requested, if applicable, or other documentation:
 - a. Serving on an international, federal, state, or local government agency committee, 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. 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 UT System and UT Southwestern policies and guidelines;
 - e. Serving as a committee member of a professional or scholarly society/association (non-fiduciary role) and/or;
 - f. Attending and presenting talks at professional or scholarly colloquia and conferences when no more than the actual travel expenses are reimbursed by the sponsoring organization, provided the activity

meets relevant continuing education guidelines, is part of ongoing professional development, and/or is nationally recognized as being science-based or relevant to an individual's institutional responsibilities.

3. Specific requirements that apply to outside activities requests include:
 - a. When honoraria or payments are made above and beyond travel expenses/reimbursements for attending and presenting talks at professional or scholarly colloquia, those activities must be disclosed and approved as an Outside Activity.
 - b. Medical consulting or expert witness work on legal cases is considered an Outside Activity. If a faculty member who participates in the Medical Services Research and Development Plan ("MSRDP") receives fees for court appearance, depositions, expert testimony or legal consultations, all payments must be deposited in the MSRDP.
 - c. Faculty members who are 100% paid directs, e.g., Veterans Administration or Howard Hughes Medical Institute funded, must also request approval for outside activities.
 - d. Promotional speaking engagements are not permitted. This includes marketing and training programs designed solely or predominantly for sales, marketing, or promotional purposes, and industry-sponsored speaking engagements typically referred to as "speakers bureaus" (i.e., contractual relationships to give talks in which the topic(s) and/or content are provided by the company) that are solely or predominantly promotional in nature. Employees and faculty members must retain full control and authority over any professional materials they present. Such communications or presentations may not be subject to approval by any commercial interest other than approval for the use of proprietary information.
4. When in doubt as to whether approval should be sought for an outside activity, the individual should resolve the doubt in favor of seeking approval. The Conflict of Interest Office may also require disclosure of outside activities based on reviews of personal financial and institutional conflicts.
5. Covered individuals, as defined in [ETH-104 Conflicts of Interest, Conflicts of Commitment, and Outside Activities](#), must also request approval for outside activities when such activities are noted on their Statement of Financial Interest.

Reviewing and Approving Requests to Engage in Outside Employment, Activities, and Board Service

Any employee or faculty member considering participation in outside employment, activities, or board service requiring approval must make an electronic request for that approval according to the procedures outlined below:

1. The request should be submitted 30 calendar days before initiation of the outside employment, board service, or activity, and at a minimum before any binding commitment has been made to engage in the employment, board service, or activity.
2. In rare instances, outside employment, board service, or other activities may be approved retrospectively when the employee or faculty member 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 employment, board service, or activity must be fully disclosed and approval sought from the appropriate approval authority as soon as reasonably possible.
3. If outside employment, activities, or board service, are currently being undertaken for which prior approval has not previously been received, a request to continue such outside employment, activities or board service, must be immediately submitted.

4. Some outside employment, board service, or other activity may also be prospectively approved, for up to one year, when an employee or faculty member describes to the approving authority as fully as reasonably possible the general nature and extent of anticipated, but not confirmed, outside opportunity.
5. In completing a request, the employee or faculty member must include all requested information – including clear beginning and end dates for the activity – and other pertinent information, such as whether the outside employment has any relationship to the employee’s or faculty member’s institutional responsibilities. Incomplete requests will not be approved.
 - a. In the rare situation in which an employee or faculty member wishes to engage in an activity for which some or all of the relevant information is confidential (e.g., service implicating national security considerations, etc.), the approval 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 compliant with this policy and all other applicable laws and UT Southwestern and UT System policies.
6. A copy of any proposed written agreement (including consulting agreements) intended to be signed in connection with the outside employment, board service, or other activity must be provided. The agreement must include the UT Southwestern Medical Center Uniform Terms & Conditions as discussed later in this policy. Incomplete agreements without the Uniform Terms & Conditions and a scope of work (SOW) will result in a delay or denial of activity approval.
7. The Conflict of Interest Office will review all requests to ensure compliance with this policy, [ETH-104 Conflicts of Interest, Conflicts of Commitment, and Outside Activities](#) as well as [RES-401 Financial Conflicts of Interest in Research: Disclosure, Management, and Reporting](#).
 - a. After the COI Office review, the request will be sent to the employee’s or faculty member’s immediate supervisor for approval.
 - b. For non-faculty, a second-level approver then reviews the request after the immediate supervisor’s approval.
8. Supervisors have specific responsibilities when approving employee or faculty member requests for outside employment, activities and board service:
 - a. For part-time employees or faculty members, no work time should be utilized for outside activities, including pre-approved activities.
 - b. As part of the approval process, the supervisor should discuss with the individual how the activity may influence their institutional responsibilities, induce them to disclose confidential or proprietary information of UT Southwestern, interfere with the time and effort necessary to fulfill institution responsibilities or may not be approved based on their international visa status.
 - c. Supervisors are requested to address employee or faculty member requests through the current electronic system in a timely manner.
9. If an employee’s or faculty member’s request for approval of outside employment, activities, or board service is denied, the employee or faculty member may request in writing within five (5) business days of the denial that the supervisor reconsider the decision and provide an explanation of the decision in writing. The supervisor has ten (10) business days to reconsider the decision and provide a written explanation of the decision. If the

requesting employee or faculty member remains unsatisfied with the decision, he or she may access standard grievance procedures to the extent they are otherwise applicable.

10. If an employee's or faculty member's request for approval of outside employment, activities or board service goes unaddressed by the supervisor, the Conflict of Interest Office may request that the supervisor act on the request. Supervisors will need to act within 30 calendar days, otherwise the request will be administratively denied and the individual notified.
11. Any approving authority including the Conflict of Interest Official or Committee may rescind an approved outside employment, board service, or other activity upon receipt of credible information indicating that the employment, board service, or activity is not consistent with this policy, any applicable state or federal law, or any other UT Southwestern or UT System policies. The employee or faculty member for whom the activity may be rescinded shall be given notice of the credible information and an opportunity to respond before approval is rescinded.
12. Employees or faculty members using the following types of leave may not engage in outside employment, board service or activities without written authorization from the Vice President of Human Resources or their designee. Any currently approved outside activity requests in the system are considered to be suspended under these circumstances:
 - a. Family and Medical Leave Act (FMLA)
 - b. Disability leave
 - c. Workers' compensation
 - d. Unpaid leave of absence
13. Questions regarding requests for approval of outside employment from non-faculty employees should be initially directed to the Conflict of Interest Office. The COI Office will then determine next steps. Questions regarding faculty requests for approval of outside employment should be directed to the appropriate dean's office or Conflict of Interest Office.
14. The Conflict of Interest Office may require that a management plan be issued for any outside employment, activities or board service, according to guidelines set forth in [RES-401 Financial Conflicts of Interest in Research: Disclosure, Management, and Reporting](#) even when the outside activities do not involve research. Supervisors may request that the Conflict of Interest Office establish management plans as well.
15. Full-time faculty members are expected to devote their primary professional loyalty, time, and energy to their teaching, research, clinical, and other institutional responsibilities, and they must arrange any outside employment, board service, or other activity so as not to interfere with the overriding primacy of their commitment to UT Southwestern. That said, members of the faculty have flexibility in using their time to prepare for teaching and engage in research and other scholarly activity. Accordingly, faculty members may be permitted to engage in up to eight (8) hours of approved outside employment, outside board service, or outside activity each week, so long as their activities do not create a conflict of commitment.
16. Non full-time faculty members are expected to devote professional loyalty, time, and energy to their teaching, research, clinical, or other institutional responsibilities in accordance with their agreed-upon time commitments.

Employee Consulting Relationships

1. Consulting agreements with outside entities are personal agreements, signed in an individual's capacity and not as a UT Southwestern employee or faculty member.
 - a. Employees and faculty members have no authority to alter their obligations under UT System or UT Southwestern rules and policies through the terms of their consulting agreements.
 - b. Employees and faculty members do not have the authority to bind UT Southwestern to any commitments or obligations through their consulting agreements.
 - c. Employees and faculty members must advise outside entities with which they consult that their consulting agreements are not binding on UT Southwestern or the UT System, and of their obligations as an employee of UT Southwestern and the State of Texas.
 - d. Employees and faculty members must ensure that the UT Southwestern Medical Center Uniform Terms and Conditions must be attached to any faculty consulting agreement, and the following language included in the agreement itself:

Attached to this Agreement are the uniform consulting agreement terms and conditions required for approval of this activity by UT Southwestern Medical Center (the "Uniform Terms and Conditions"). The parties agree that the Uniform Terms and Conditions are an integral part of this Agreement, and this Agreement shall have no force or effect unless these Uniform Terms and Conditions are signed by both parties. In the event there is any conflict between this Agreement and the Uniform Terms and Conditions, the Uniform Terms and Conditions shall govern.
2. Employees and faculty members are not permitted to disclose confidential or proprietary information of UT Southwestern through personal consulting relationships, such as:
 - a. Current research being conducted by the individual and in their laboratory and any unpublished information;
 - b. The direction or potential outcome of future research to be conducted by the individual in their laboratory;
 - c. Research being conducted or discussed with the individual by others at UT Southwestern; or
 - d. Any information disclosed to the individual on a confidential basis by third parties.
3. Many consulting agreements provide that any new inventions or ideas related to the scope of consulting will be assigned to the outside entity retaining the employee or faculty member as a consultant. Under the UT System Regents' *Rules and Regulations*, however, rights to inventions or ideas within the scope of an individual's responsibilities to UT Southwestern, or that are developed using any UT Southwestern resources (including facilities or funding), are automatically owned by the UT System Board of Regents on behalf of UT Southwestern irrespective of the terms included in any consulting agreement. All individuals subject to Rule 90101 of the *Rules and Regulations* of the UT System Board of Regents must assign and have assigned their rights in such intellectual property to the UT System Board of Regents. Consequently, employees and faculty members are responsible for ensuring that no UT Southwestern facilities or resources are used in any way in the performance of outside employment, outside board service, or other outside activity, and that the subject matter of any inventions to be assigned to a business entity is not within the scope of the individual institutional responsibilities to UT Southwestern.

4. Except for consulting agreements with documented approval before the effective date of this policy, agreements that do not include these Uniform Terms and Conditions are not considered approved, regardless of supervisor approval.

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. It also includes sponsored travel or reimbursement, except for travel reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education.

Conflict of Commitment – occurs when the time or effort an employee devotes to an outside activity directly or significantly interferes with the fulfillment of assigned institutional responsibilities, or when the employee uses UT Southwestern property without authority in connection with the employee’s outside employment, board service, or other activity. Exceeding the amount of total time permitted for approved outside activities creates the appearance of a conflict of commitment.

Conflict of Interest – refers to any situation in which an outside interest of a UT Southwestern employee, faculty member, or a member of one of the employee’s or faculty member’s immediate family could directly or significantly affect the proper discharge of their institutional responsibilities. The proper discharge of an individual’s institutional responsibilities could be directly and significantly affected if the employment, service, activity, or interest:

1. might tend to influence the way the individual performs his or her institutional responsibilities, or the individual knows or should know the interest is or has been offered with the intent to influence their conduct or decisions;
2. could reasonably be expected to impair the individual’s judgment in performing his or her institutional responsibilities; or
3. might require or induce the individual to disclose confidential or proprietary information acquired through the performance of institutional responsibilities.

Conflict of Interest Committee – the Conflict of Interest (COI) Committee is an Institutional Standing Committee. Members are appointed by the President. The Committee assists the COI Office in developing policy, reviewing conflict of interest or commitment issues, developing management plans, and monitoring compliance.

Conflict of Interest (COI) Official – the Conflict of Interest (COI) Official is appointed by the President, or their designee, and is responsible for the development, implementation, and enforcement of this policy.

Consulting Agreement – any agreement in which a UT Southwestern employee or faculty member agrees to provide services of an advisory or consultative nature to an outside entity for compensation, including without limitation speaker agreements, scientific advisory board agreements, and other similar agreements.

Faculty Member – any individual who holds a full-time or part-time academic appointment with UT Southwestern, including Employed Faculty and Paid Direct Faculty, as defined in this policy. This definition does not include individuals holding volunteer faculty appointments or emeritus faculty appointments unless they serve as research study team members.

Employed Faculty – any individual who holds a full-time or part-time academic appointment with UT Southwestern and is paid by UT Southwestern for any percentage of their compensation.

Institutional Responsibilities – any duties or responsibilities assigned to a position, including without limitation essential and other functions, research, research consultation, teaching, administrative responsibilities, professional practice, institutional committee membership, or service on an institutional panel.

Management Plan – a plan imposing any condition or prescribing any action necessary to manage a conflict of interest or conflict of commitment, including an action reducing or eliminating the conflict of interest or conflict of commitment.

Nature and Extent – shall include a description of the outside employment, board service, or other activity, the time commitment, and the anticipated length of time the commitment is expected to continue.

Outside Activity – any activity, including outside employment, board service, speaking engagement, or non-remunerated activity that is otherwise not pre-approved or does not require disclosure.

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 Entity – any business entity, association, organization, or any other legal entity organized for profit or non-profit (charitable) purposes, except for (a) the UT Southwestern affiliated hospitals or (b) any non-profit health care corporation or any other entity controlled by, controlling, or under common control with UT Southwestern.

Outside Employment – any activity performed by an employee or faculty member, other than fulfilling obligations at The University of Texas System Administration or any University of Texas institution, for which remuneration is received, including distance teaching.

Paid Direct Faculty – any individual who holds a full-time or part-time academic appointment with UT Southwestern and is paid direct from third party affiliated entities, (e.g., Veterans Administration or Howard Hughes Medical Institute) for 100% of their compensation.

University Time – for faculty, the number of hours per week necessary for the performance of institutional responsibilities. For some staff this is defined by a work day with set hours, and for other staff this time is defined as a work day with set hours plus on call service as needed.

FORMS, TOOLS, ONLINE PROCESSES

www.utsouthwestern.net/coi-oe

RELATED STATUTES, POLICIES, OR STANDARDS

UT System Board of Regents' *Rules and Regulations* 30104 Conflict of Interest, Conflict of Commitment, and Outside Activities

UT System Board of Regents' *Rules and Regulations* 90101 Rules for Intellectual Property: Purpose, Scope, Authority

UT System Board of Regents' *Rules and Regulations* 90102 Intellectual Property Rights and Obligations

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

UTS175 Disclosure of Significant Financial Interests and Management and Reporting of Financial Conflicts of Interest in Research

[ADM-201 Use of UT Southwestern Name, Logo, Logo Signature, and Seal](#)

[ADM-203 Use of UT Southwestern's Name for Commercial Purposes](#)

[ADM-302 Communication with Public Officials and Government Agencies](#)

[EMP-159 Employment in Multiple State Positions](#)

[EMP-256 Family and Medical Leave](#)

[EMP-266 Leave Without Pay](#)

[EMP-303 Workers' Compensation Insurance Program](#)

[ETH-104 Conflicts of Interest, Conflicts of Commitment, and Outside Activities](#)

[ETH-105 Relationships of UT Southwestern Faculty, Employees, and Trainees with Vendors](#)

[ETH-152 Reasonable Accommodations for Qualified Applicants and Employees with Disabilities](#)

[FSS-601 International Employees, Interns, and Trainees](#)

[FSS-602 Nonimmigrant \(Temporary\) Visa Holders](#)

[INP-101 Technology Development and Intellectual Property Management](#)

[RES-401 Financial Conflicts of Interest in Research: Disclosure, Management, and Reporting](#)

UT Southwestern Medical Center Uniform Terms and Conditions

CONTACTS/FOR FURTHER INFORMATION

Conflict of Interest Office 214-648-5300

POLICY HISTORY

January 31, 2019: Completed scheduled review; updated policy as necessary.

August 3, 2016: Updated the scope to clarify that the policy applies to all employees and faculty members, but not to temporary employees.

December 23, 2013: Developed as new policy; published as EMP-158 Outside Activities (including Outside Employment or Board Service).

August 23, 2011: Transferred HR Policy Memorandum 1.041 Outside Employment to online *Handbook*

July 30, 2008: Posted HR Policy Memorandum 1.041 Outside Employment.

January 1998: Published as 5.12.17 Outside Employment (Including Other State Employment).