

Policy Q&A

Below you will find some questions and answers that may help expand your understanding of Conflicts of Interest, Conflicts of Commitment and Outside Activities and how it applies to you. These are general questions and scenarios. If you have any questions about your specific situation, you should contact your Compliance and Ethics Officer at compliance@uta.edu or extension 22080.

Where is the policy located?

The University of Texas at Arlington's (UTA) policy can be found in the [Handbook of Operating Procedures, Policy 5-508](#).

To whom does the policy apply?

This policy applies to all UTA employees.

Am I allowed to have outside employment?

The policy does not prohibit outside employment. However, you must request prior approval in most cases. It is up to UTA to determine whether or not such employment – when considered in combination with your job duties and any other outside activities – represents a potential conflict of interest or conflict of commitment.

When do I need to get prior approval for an outside activity?

All full-time members of the faculty and staff must electronically request and receive *prior* approval for the following activities:

- **All outside employment or other compensated activity;**
- **Any outside activity, regardless of compensation, that reasonably appears to create a conflict of interest or a conflict of commitment;**
- **Outside board service as described in Section E.4. of the Policy**

Part-time faculty and staff need only request prior approval if the activity may create or reasonably appear to create a conflict of interest.

Annual review and re-approval is required for ongoing activities.

Do I always need prior approval for outside employment?

- In most cases, yes, BUT...
- There are a few exceptions:
 - There are activities that are considered pre-approved as long as the activity does not reasonably appear to create a conflict of interest and the amount of time committed does not interfere with an Employee's UTA duties and responsibilities. These activities include
 - Serving on a federal, state, or local government agency committee, 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 and conferences;

- Developing scholarly works in the form of books or journal articles, movies, television productions, artistic expressions and similar works, even when such activities result in financial gain, consistent with intellectual property and other applicable UT System and UTA policies and guidelines; and
- Serving as a committee member, an officer, or a board member of a professional or scholarly society.
- If you have questions about these pre-approved activities, please contact the Compliance and Ethics Officer at compliance@uta.edu or extension 22080.
- Part-time employees are not required to request prior approval unless the activity may reasonably appear to create a conflict of interest
- Outside employment during those months in which a member of the faculty, who is appointed on a 9-month basis (or anything less than 12 months), is not appointed can be considered pre-approved. It requires no further approval, unless the outside employment reasonably appears to create a conflict of interest, in which case prior approval is required.
- In rare instances, outside activity may be approved retrospectively when the employee 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, approval must be sought from the appropriate authority as soon as reasonable possible, by selecting that option in the online request form at <http://outsideactivity.utsystem.edu>.

How do I get prior approval?

- You must request prior approval via the Outside Activity Online Portal (Portal) at <http://outsideactivity.utsystem.edu>. This electronic database is maintained by UT System.
- Once you have successfully logged on using your Net ID and password, click on “Request Approval” on the top line and enter the requested information. After all information has been entered, route your request for approval as indicated Section II.E.1. in the policy.

Who approves my outside activity request?

The President has appointed the following individuals as the approval authorities under this policy:

- For executive officers: the President, or for the President, the Executive Vice Chancellor;
- For employees involved in procurement activities and/or contract management: Chief Financial Officer and Vice President;
- For members of the faculty: the appropriate dean;
- For deans and department chairs: the Vice President of Academic Affairs and Provost;
- For administrative and professional staff: the department head and then the appropriate vice president; and
- For all other employees: the department head and then the appropriate vice president.

Do I have any options if my request is rejected?

Yes, you can appeal the decision.

You may within 10 calendar days of receiving the decision request that the denying authority reconsider the decision and provide an explanation in writing. If you remain unsatisfied with the decision *after* the explanation is provided, you may access the standard grievance procedures to the extent that they are applicable.

What is a conflict of commitment?

A state in which the time or effort that a UTA employee devotes to an outside activity directly or significantly interferes with the employee's fulfillment of his/her UTA responsibilities or when the employee uses State property without authority in connection with the employee's outside employment, board service, or other activity (See Sec. 8, RR 30104). Exceeding the amount of total time permitted by UTA policy for outside activities creates the appearance of a conflict of commitment.

Conflict of commitment is generally an issue of time.

Only an employee – not a member of the immediate family – can have a conflict of commitment. Part-time employees generally do not have conflicts of commitment.

Examples

Example 1. This is the most obvious and easily recognizable example of conflict of commitment. A full-time UTA employee has a second job in the evenings. The employee is often late to the office, frequently lethargic and unproductive, and sometimes leaves early to get to his other job. The quality of his work and his dependability have declined. This employee has a conflict of commitment. His outside employment is interfering with his ability to fulfill his responsibilities to UTA.

Example 2. It is not always one single activity but the sum total of a variety of activities that may result in a conflict of commitment. For instance, in addition to her teaching and research duties, a faculty member served as a reviewer for two journals, gave the keynote address at four conferences, and also gave lectures at three medical campuses. There is value in these outside activities, and the University encourages faculty to engage in them. However, in this instance, the chair of the department is concerned that the combination of all of these activities for one faculty member may be creating a conflict of commitment. They have put a conflict management plan in place to provide checkpoints to ensure that her teaching and research responsibilities are being met.

What is a conflict of interest?

A significant outside interest of a UT employee or one of the employee's immediate family members that could directly or significantly affect the employee's performance of the employee's institutional responsibilities. The proper discharge of an employee's institutional responsibilities could be directly or significantly affected if the employment, service, activity, or interest: (1) might tend to influence the way the employee performs his/her institutional responsibilities, or the employee knows or should know the interest is or has been offered with the intent to influence the employee's conduct or decisions; (2) could reasonably be expected to impair the employee's judgment in performing his or her institutional responsibilities; or (3) might require or induce the employee to disclose confidential or proprietary information acquired through the performance of institutional responsibilities.

Conflict of interest can arise because of the employee's own activities or financial interests or those of the employee's immediate family members.

Conflict of interest is usually an issue of financial or other personal gain. In most cases, the activity or interest must be related to your UTA responsibilities in order to create a conflict of interest.

Examples

Example 3. As part of her responsibilities, a UTA employee has some influence in awarding the contract for facilities maintenance. Her son owns and operates a company that performs this type of service and has submitted a bid. This is a potential conflict of interest arising from her son's substantial interest in a business entity that is related to her job responsibilities.

If her son were an employee of the company instead of owner, this could still be a potential or perceived conflict of interest. She should discuss with her supervisor and/or compliance officer whether or not she should disclose this under UTS 180. If her son's company was not submitting a bid for this contract, this would *not* be a conflict of interest and would not need to be disclosed.

What does "immediate family" mean?

Immediate family members include:

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

Are faculty with nine-month appointments required to request pre-approval for outside employment?

Yes. This is considered a full-time appointment and a continuing position. Any outside employment must be pre-approved. However, if it occurs during the time when an employee is not appointed, it does not require prior approval.

Does "substantial interest" include mutual funds?

No. Income from investments in mutual funds or retirement accounts is not a substantial interest as long as the individual does not directly control the investment decisions made in those vehicles.

What does "primarily personal" mean in regard to Service on Outside Boards?

This refers to service that is unrelated to your position at UTA or your UTA responsibilities. Examples include boards of the following nature – 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.

I was told I need a conflict management plan. What is that?

Whenever you are engaged in an outside activity or have an outside interest that may appear to create a conflict of interest or a conflict of commitment, you must have a management plan in place *before the activity begins*.

Your management plan will be developed by you in conjunction with the Compliance and Ethics Officer and it will be approved by the University Attorney.

Conflict management plans are put in place to provide checkpoints to ensure that your outside activity does not interfere with the discharge of your UTA responsibilities.

What does it mean when the approval for my activity has been rescinded?

Approvals may be rescinded if information is received that indicates the activity is not consistent with this policy or any applicable law or any other UTA or UT System policy.

You should be given notice in writing and have an opportunity to respond.

I have disclosed outside activity in accordance with UTS 175, “Disclosure of Significant Financial Interests and Management and Report of Financial Conflicts of Interest in Research.” Does this policy apply to me?

Yes. All outside activity must be pre-approved via the Outside Activity Portal at <https://outsideactivity.utsystem.edu> .

Who do I contact with policy questions?

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