

Policies of the University of North Texas System Administration	Chapter 03
03.801 Outside Employment and Other Activities	Human Resources

Policy. The primary responsibility of University of North Texas System Administration (System Administration) employees is to fulfill the duties and responsibilities of their respective positions. The System Administration recognizes that employees may endeavor to engage in work or service outside of their employment responsibilities with the System Administration. Any type of outside work or service, whether paid or unpaid, must not interfere or conflict with those responsibilities and duties an individual performs as an employee with System Administration.

Application of Policy. All Employees.

Definitions.

1. **Conflict of Commitment.** “Conflict of Commitment” means the situation in which an employee dedicates time to outside activities in excess of the time permitted by System Administration policy, or to outside activities that detract from his or her primary responsibility to the System Administration.

2. **Conflict of Interest.** “Conflict of interest” means a significant outside interest of an 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 or 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.

3. **Dual Employment.** “Dual employment” means activities performed by a System Administration employee for another Texas state agency or a Texas public institution of higher education for remuneration, including all components of the University of North Texas System. Having multiple jobs within the System Administration does not constitute dual employment.

4. **Employee.** “Employee” means an individual who is employed part-time, full-time, or in a temporary capacity, or who is required to be a student as a condition of employment.

5. Executive Leader. “Executive Leader” means a System Administration official who reports directly to the Chancellor with a title of Vice Chancellor, Chief, or equivalent.
6. Management Plan. “Management plan” means a document that outlines and implements measures to actively reduce, mitigate, or eliminate an actual, potential, or perceived conflict of commitment or conflict of interest held by an employee.
7. Outside Activity. “Outside Activity” means engaging in outside employment, outside service outside boards, or professional service.
8. Outside Board. “Outside Board” means the governing body of a corporate, civic, professional, social, or religious organization, whether for-profit or nonprofit and whether compensated or uncompensated.
9. Outside Employment. “Outside Employment” means activities performed by an employee for another enterprise or entity (excluding those defined in System Administration Policy Dual Employment with Another State Agency or Institution) for remuneration.
10. Outside Service. “Outside Service” means activities performed or positions held by an employee for an external enterprise or entity, with or without remuneration. The activities performed or positions held may include but are not limited to elective or non-elective offices or positions of honor, trust, or profit with any governmental entity non-elective offices with Outside Boards, Commissions, and other state and federal entities; and service as a member of a governing body representing a school district, municipality, or other governmental districts. For purposes of this policy, Outside Service does not include service to an external entity or service on an outside board that is personal in nature and does not require time away from job duties.
11. Professional Service. “Professional service” means activities related to areas of expertise voluntarily performed by an employee on behalf of an external enterprise or entity, with or without remuneration. These activities should clearly contribute to the System Administration’s mission or serve to enhance its reputation. They may include activities that provide significant development opportunities to the individual in the performance of their responsibilities as a System Administration employee.

Procedures and Responsibilities.

1. General

- A. Employees may be permitted to engage in Outside Activity provided that the activity does not create a conflict of interest or conflict of commitment with the responsibilities and duties related to employment with the System Administration.

1. Employees may not have a direct or indirect interest, including financial or other interests, or engage in a business transaction or outside activity, or incur any obligation of any kind that is in substantial conflict with the proper discharge of the employee's duties.
 2. Activities on behalf of outside entities or individuals must not interfere with an employees' fulfillment of his or her duties and responsibilities. Such conflicts of commitment may arise regardless of the location of these activities, the type of outside entity, or the level of compensation.
- B. Use of UNT System Administration resources in connection with Outside Activity is prohibited except in instances where such service clearly provides a legitimate public purpose and adequate controls are in place to ensure the public purpose is met, and the Chancellor or the Chancellor's designee approves such service in writing. When it is permissible to use UNT System Administration resources in connection with this service, the employee is responsible for obtaining approval from the Chancellor or the Chancellor's designee in writing through normal administrative channels, before resources may be used.
 - C. Outside Activity that does not benefit the UNT System Administration must be on an employee's own time. If such activity occurs during normal business hours, the employee must use applicable accrued leave while providing the service and must obtain approval to use such leave in accordance with System Administration policies.
 - D. Employees who engage in Outside Activity are not entitled to legal representation and indemnification from the State of Texas, and are responsible for evaluating the risks associated with such activity.
2. Approval.
 - A. Employees endeavoring to engage in any type of Outside Activity must request and obtain approval from their supervisor and department head prior to engagement. To be considered, all requests must be submitted in writing using the official form.
 - B. An employee's request to engage in Outside Activity may be approved by the employee's supervisor and department head, provided:
 - i. It does not interfere with the regular work of the employee;
 - ii. It involves only a reasonable amount of time, involvement, and duration;
 - iii. It avoids unfair competition with legitimate private enterprises;
 - iv. It does not use the employee's official capacity or connection with the outside employment or service;

- v. It does not conflict with any federal or state law, other System Administration policy or Regents Rule, or present the potential for such a conflict;
 - vi. It does not create a conflict of interest; or
 - vii. It does not create a conflict of commitment.
- C. Prior administrative approval is required for an employee to hold elective or non-elective office or position of honor, trust or profit with any governmental entity. In these instances, the Chancellor is authorized by the Board of Regents to determine whether such employment or position held or sought may create a potential conflict for the employee in effectively performing the duties and responsibilities of their position for System Administration.
- D. Authorization to engage in an outside activity or service remains in effect for up to one year from the date of approval. The authorization must be renewed annually until the employee no longer engages in the approved outside activity or service.
- E. Employees must submit a new request to engage in an Outside Activity if they change supervisors.

3. Denial and Revocation

- A. Nothing in this policy grants an employee a right to engage in any Outside Activity or service. If the appropriate System Administration official determines that the Outside Activity being requested by the employee does not comply with this or other System Administration policies after approval has been granted pursuant to this policy, the employee must stop engaging in the Outside Activity immediately. Upon being notified, if the employee does not cease the Outside Activity or service, the System Administration may take disciplinary action, including termination of employment.
- B. Employees whose requests are denied may not engage in the Outside Activity.
- C. An employee whose request to engage in an Outside Activity has been denied, or who has been directed to terminate cease a previously approved Outside Activity after it has been approved, may request a review of the decision in accordance with the Employee Grievance policy.
- D. Failure to comply with this policy may be cause for disciplinary action, up to and including termination of employment.
- E. When an employee no longer engages in the approved Outside Activity they must, in writing, inform their supervisor and department head.

4. Service on Outside Boards as a Function of Employment.

- A. Employees who wish to serve on an Outside Board as a function of employment must obtain approval from the UNT Board of Regents before commencing service to be entitled to legal representation and indemnification by the State of Texas. The employee is responsible for obtaining an endorsement from the Chancellor, through normal administrative channels, before the request is submitted to the Board of Regents. Individuals who serve without approval from the Board of Regents are personally liable for all risks associated with the service, including adverse judgments, attorney's fees and costs
- B. Use of UNT System Administration resources in connection with Outside Service or service on an Outside Board as a function of employment is prohibited except in instances where such use clearly serves a legitimate public purpose, use is infrequent and accounting for it is impractical, and adequate controls are in place to ensure the public purpose is met. When it is permissible to use UNT System Administration resources in connection with serving on an Outside Board, the employee is responsible for obtaining approval from the Chancellor, in writing through normal administrative channels, before resources may be used.
- C. Employees are not required to notify the System Administration for service on an outside board that is personal in nature and does not require time away from job duties. Examples of such service include a neighborhood association, school Parent Teacher Association, sports leagues, or affinity groups such as a garden club.

5. Outside Activity Related to Non-Elective and Elective Office.

- F. Employees may hold non-elective offices with boards, commissions, and other state and federal entities provided holding of such office: (1) is of benefit to the State of Texas or is required by state or federal law; and (2) is not in conflict with the employee's position. The Chancellor must approve such appointments in writing before the employee accepts the position.
- G. Employees may serve as members of the governing bodies of school districts, cities, towns, or other governmental districts; provided, however, that they receive no salary for serving as members of such governing bodies; subject to prior administrative approval by the Chancellor.

6. Uncompensated Board Service and Service to a Religious Organization.

With supervisory approval, time spent on uncompensated service on a nonreligious board may not require the use of vacation, compensatory time, or other leave even though it occurs during normal office hours if such service is beneficial to the System Administration and the amount of time is reasonable. In instances where such service reasonably may create a conflict with the public and religious interests and occurs during normal office hours, the employee must use vacation time, compensatory time, or other appropriate leave while providing the service and must obtain approval to use such leave in accordance with System Administration policies.

7. Management Plan

- A. If the outside activity may reasonably create a conflict of interest or conflict of commitment, or the appearance thereof, a written management plan must be created and implemented to control the potential conflict before the employee undertakes the Outside Activity.
- B. If an Outside Activity presents actual or potential conflicts of interest or conflicts of commitment that cannot be reasonably mitigated by a management plan, the employee may not participate in the Outside Activity.

Forms and Tools.

Annual Request for Outside Employment or Service or Dual Employment form

References and Cross-References.

Sec. 574.001, Texas Government Code; Article XVI, Sections 33 and 40, Constitution of the State of Texas.

Texas Education Code, Section 61.0815

Sec. 666, Texas Government Code. Regents Rule 05.800 Service on Outside Boards

System Regulation 03.2000, Supplemental Pay

System Administration Policy 03.101, Office Working Hours

System Administration Policy 03.120, Flexible Work Arrangement

System Administration Policy 03.602, Compensatory Leave and Overtime

System Administration Policy 03.701, Ethics and Standards of Conduct

System Administration Policy 03.1001, Employee Grievances

System Administration Policy 03.702, Dual Employment and Other Activities

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