



Handbook of Operating Procedures

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OUTSIDE EMPLOYMENT, SECONDARY APPOINTMENTS, NON-ELECTIVE POSITIONS OF HONOR, PROFIT, OR TRUST, AND SERVICE ON OUTSIDE BOARDS

A. Purpose

The purpose of this policy is to provide guidelines to employees and to give notice of The University of Texas System Board of Regents' *Rules and Regulations* governing acceptance of outside employment, non-elective positions of honor, profit, or trust, and service on outside boards, councils, or other governing or advisory bodies of various business, civic, professional, social, and religious organizations, both for profit and not-for-profit and in compensated and non-compensated positions.

The policy also establishes notification and approval requirements for secondary appointments within The University of Texas-Pan American.

B. Persons Affected

This policy applies to employees.

C. Policy

The policy of The University of Texas-Pan American is:

1. **Advisory Positions.** Employees are not discouraged from accepting appointments of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions. The consideration to the University of such activity is the improvement of the individual by virtue of his or her continuing contact with nonacademic problems in the nonacademic world.
2. **Primary Responsibility.** The primary responsibility of employees of the University is the accomplishment of the duties and responsibilities assigned to one's position of appointment; external consulting or other outside employment that interferes with those duties and responsibilities should not be accepted. In connection with any outside employment, employees must comply with State laws governing the conduct of State employees, including ethics standards and provisions prohibiting conflict of interest as stated in [Regents' Rules Rule 30104, Conflict of Interest](#) and [HOP 2.4.2 Conflicts of Interest Policy](#), and use of State resources.
3. **Free Advice.** Even in the case of employees specifically engaged only in residence work, there exists an obligation, usually intermittent, to furnish expert knowledge and counsel for public benefit free of charge, provided that the meeting of this obligation



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- by an employee does not interfere with his or her regular duties, and provided further that in meeting this obligation a full-time employee shall avoid undue competition with legitimate private agencies.
4. **Separation of Activities.** No employee engaged in outside remunerative activities shall use in connection therewith the official stationery of the System or the University, or give as a business address any building or department of the University, or any University telephone.
 5. **Filing Requirement.** No full-time employee of the University on a 12-month or nine-month basis shall be employed in any outside work or activity, accept any secondary appointment with the University, or receive from an outside source a regular retainer fee or salary until a description of the nature and extent of the employment has been filed with and approved at the Vice President level. Such approval shall be contingent upon compliance with all applicable aspects of the *Regents' Rules and Regulations* [Series 30103](#), and [HOP 2.4.2.C.2](#).
 6. **Opinions for Advertising Purposes.** Every employee who gives professional opinions must protect the UT System or any of its institutions against the use of such opinions for advertising purposes. If the employee does work in a private capacity, the employee must make it clear to those who employ him or her that the work is unofficial and that the name of the UT System or any of its institutions is not in any way to be connected with the employee's name, except when used to identify the faculty member as the author of work related to the faculty member's academic or research area as more fully described in [Series 90101](#) of the *Regents' Rules and Regulations* concerning general rules for intellectual property.
 7. **Use of UT System or University Property.** No employee shall accept pay from private persons or corporations for tests, assays, chemical analyses, bacteriological examinations, or other such work that involves the use of property owned by the UT System or the University, unless advance permission has been obtained from the President and provision has been made for compensation to the System or the University.
 8. **Public Office.** Subject to the other provisions of this policy, an employee of the University may hold other non-elective offices or positions of honor, trust, or profit with the State of Texas or the United States if holding the other offices or positions is of benefit to the State of Texas or is required by State or federal law and if there is no



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conflict between holding the office or position and holding the office or position with the University for which the employee receives salary or compensation.

- a. Before an employee of the University may accept an offer to serve in other non-elective offices or positions of honor, trust, or profit with the State of Texas or the United States, the employee must obtain from the President and the Board a finding via the Docket that the requirements of this policy have been fulfilled. The docket entry shall also record any compensation the employee is to receive from the non-elective office or position, including salary, bonus, or per diem payment.

9. **Outside Boards.** It is recognized that employees may be asked to serve on the boards, councils or other governing or advisory bodies (“outside boards”) of various business, civic, professional, social, and religious organizations, both for profit and not-for-profit, and in compensated and non-compensated positions. Such service is generally deemed to be in the best interest of the University because it broadens the experience of the individuals involved and exposes the University to a larger audience of business, civic, professional, and social leaders. In compliance with [HOP 2.4.2.C.3](#), the employee must disclose the situation through the appropriate vice president to the Institutional Compliance Ethics Officer before accepting a position on an outside board.

- a. Risks of Liability

Employees should be aware of the potential risk of liability associated with outside board service, whether on the boards of for profit or not-for-profit entities and whether or not compensated, and should evaluate those risks and the need for appropriate insurance and indemnification. Such persons should also be aware that statutory limitations on liability of state officials and employees may not apply and that indemnification by the System and insurance coverage provided by the System may not apply or may be severely limited.

- b. Uncompensated Board Service

Recognizing the benefit to be derived by the System and the University from outside board service, and after thorough consideration of the time commitment that might be involved, time spent on uncompensated service on non-religious boards, other than for reimbursement of usual and customary expenses, shall be



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deemed to be service to the University and need not require the use of a person's own time.

c. **Compensated Board Service and Service to a Religious Organization**

Service on any outside board, whether for profit or not-for-profit, for which an employee is compensated, and any service to a religious organization whether or not compensated, must be on such person's own time, and if such service occurs during normal office hours, then such person must use vacation time, compensatory time, or other leave while providing such service. Any such service should be without cost to the University.

d. **Exceptions**

i. **Extension of Professional Position**

It is anticipated that employees will be asked to serve on particular outside boards because of their University-related areas of expertise or the offices or positions they hold. Such service is of particular value to the University and is actively encouraged because of the recognition it provides to the University, and the additional information, exposure, understanding, and insight the individual will receive. Such service is deemed to be service to the University and need not require the use of a person's own time and it is excluded from all portions of the policy other than the conflict of interest provisions and reporting requirements.

ii. **Personal**

The provisions of this policy do not apply to service on the board of a municipality, local religious congregation; neighborhood association; local, private, or parochial school; youth sports or recreation league; affinity group such as the local orchid society or model train collectors club; and other similar outside boards the service on which is primarily personal rather than professional in nature, and does not require the expenditure of time away from University responsibilities.

iii. **Family-owned Business**



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The provisions of this policy do not apply to service on the board of a family-owned business in instances in which such service is incidental and does not require the expenditure of time away from University responsibilities.

10. **Political Activities.** The Board of Regents recognizes the right of employees to participate in political activities provided such activities are not conducted during work hours unless the employee uses accrued compensatory or vacation leave; are in compliance with the Constitution and laws of the State of Texas; do not interfere with the discharge and performance of an employee's duties and responsibilities; do not involve the use of equipment, supplies, or services of the U. T. System or any of its institutions; do not involve the impermissible use of University facilities; do not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity; and do not involve the University in partisan politics. With the interest of the University being given first consideration, a leave of absence without pay pursuant to [Regents' Rules and Regulations Rule 30201 Section 3.1](#), [HOP Section 6.6.1 Faculty Leave of Absence without Pay](#) and [HOP Section 7.6.12 Staff Leave of Absences without Pay](#) may but need not be granted to an employee to participate in political activities. However, a leave of absence without pay shall not be granted to an employee of the University for the purpose of being a candidate for an elective public office, holding an elective public office, or directing the political campaign of a candidate for an elective public office. An employee who wishes to engage in political activity that will interfere with the performance of his or her duties and responsibilities should voluntarily terminate employment. If the President finds that the employee's political activity interferes with the performance of his or her duties and responsibilities or does not comply with the requirements of this subsection, the employee shall be subject to appropriate disciplinary action, including termination.

D. Definitions

1. *Outside Employment.* Any activity performed by an employee, other than fulfilling employment obligations at the University, for which remuneration is received.
2. *Secondary appointments.* Those appointments that cause an employee's full-time equivalency (FTE) to exceed 100%.

E. Responsibilities



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Not applicable.

F. Procedures

1. Reporting process for outside employment; secondary University appointments; service on outside boards; and positions of honor, trust, or profit with the State of Texas or the United States.

Any employee who engages in outside employment; has secondary University appointment(s); serves on any outside board not excepted by section C9(d) (ii) or (iii), above; or accepts a position of honor, trust, or profit with the State of Texas or the United States, shall file a report, the Outside Employment Application (http://portal.utpa.edu/utpa_main/dba_home/ba_forms#HR), with the appropriate Vice President annually by September 30. This report shall list each such reportable activity in which the employee proposes to be engaged, together with the following information:

- a. The number of hours normally required by such service, either monthly, quarterly, or annually,
- b. Whether such service is compensated or not compensated;
- c. Whether the activity will occur during working hours, and arrangements to cover work time obligations, if applicable, and
- d. In the case of service to outside boards, whether such service is protected by one or more policies of directors and officers liability insurance, and whether any such insurance coverage provides for general indemnification or only costs of defense.

If, during any year, an employee considers undertaking additional outside employment; secondary University appointment; outside board activity; or position of honor, trust, or profit with the State of Texas or the United States, the report provided for herein shall be supplemented to include such activity prior to engaging in it.

G. Review

The Divisional Heads for this policy are the Provost/Vice President for Academic Affairs and the Vice President for Business Affairs and this policy shall be reviewed every five years or sooner if necessary by the following Stakeholders:



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1. Vice Provost for Faculty Affairs – Senior Reviewer
2. Director of Human Resources – Senior Reviewer
3. Council of Deans
4. Faculty Senate Chair
5. Staff Senate Chair