

<b>Policies of the University of North Texas</b>	Chapter 5
<b>05.008 Dual and Outside Employment and Other Activities</b>	<b>Human Resources</b>

**Policy Statement.** The primary responsibility of University of North Texas (UNT) faculty and staff employees is to accomplish the duties and responsibilities of their positions. The university recognizes that faculty and staff members may wish to engage in work or service outside their employment responsibilities with UNT for various reasons. These outside activities, whether paid or unpaid, must not interfere or conflict with the individual's position with the university.

**Application of Policy.** All Faculty and Staff.

**Definitions.**

1. **Compensation.** "Compensation" means any form of benefit including but not limited to salary, retainer, honoraria, intellectual property rights or royalties, or promised, deferred, or contingent interest from any source other than the employee's wages earned through the regular course of employment with the university. It also includes sponsored travel or reimbursement.
2. **Conflict of Commitment.** "Conflict of Commitment" for purposes of this policy, means the situation in which an employee dedicates time to outside activities in excess of a reasonable amount of time, involvement and duration permitted by university policy, or to outside activities that detract from his or her primary responsibility to the university.
3. **Conflict of Interest.** "Conflict of Interest" for purposes of this policy, means a significant outside interest of a university 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 university 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 university 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 university responsibilities; or (3) might require or induce the employee to disclose confidential or proprietary information acquired through the performance of university responsibilities.
4. **Dual Employment.** "Dual Employment" means an activity performed by a UNT employee for another governmental entity or a public institution of higher education in the state of Texas for remuneration, including components of the University of North Texas System (UNT System). Employment within UNT that requires performance of duties other than the individual's primary responsibilities for the university is not dual employment.

5. Employee. “Employee” means an individual employed part-time, full-time or in a temporary faculty or staff capacity. For the purposes of this policy, it does not include individuals required to be a student as a condition of employment.
6. Management Plan. “Management Plan” means a written agreement that may impose conditions and prescribe actions necessary, including reduction or elimination, to manage conflicts of interest, conflicts of commitment, or outside activities.
7. Outside Activity. “Outside Activity” means dual employment, outside employment, outside service, and professional activity.
8. Outside Employment. “Outside Employment” means work performed by a UNT employee for another organization or individual (excluding dual employment) for remuneration, other than work counted in a faculty member’s workload or work necessary to fulfill a staff member’s employment responsibilities for UNT. This includes but is not limited to consulting, advising, testing or assaying, performing analyses or examinations, the practice of the employee’s profession, or similar work. Employment within UNT that requires an employee to perform duties other than the individual’s primary responsibilities for the university is not outside employment.
9. Outside Service. “Outside Service” means activity voluntarily performed by a UNT employee for an external organization or individual (excluding dual or outside employment) other than activities expected or required to fulfill the individual’s responsibilities to the university as part of faculty workload or staff job responsibilities, with or without remuneration. This service includes but is not limited to elective or non-elective offices or positions of honor, trust or profit with any governmental entity; non-elective offices with Boards, Commissions, and other state and federal entities; and service as a member of the governing body of a school district, municipality, or other governmental districts.
10. Outside Board. “Outside Board” means the governing body of a corporate, civic, professional, social, or religious organization whether for-profit or not-for-profit and whether compensated or uncompensated as defined in Regents Rule 05.800, Outside Boards.
11. Professional Activity “Professional Activity” means an activity in a faculty or staff member’s discipline or area of expertise performed by the faculty member as part of their university workload or as part of the staff member’s job responsibilities with an external organization or individual, with or without remuneration, that clearly contributes to UNT’s mission or reputation and/or that provides significant development related to the faculty or staff member’s university responsibilities. Dual and outside employment are not considered Professional Activities for purposes of this policy.

12. Reasonable Amount of Time, Involvement and Duration. “Reasonable Amount of Time, Involvement Duration” means the amount of time or percent of faculty workload effort permitted to engage in dual or outside employment, outside service, outside board, or professional activity. For the purposes of this policy, participation in outside activities is limited to twenty percent (20%) of the work time in an academic year for all outside activities, unless otherwise approved in writing by the Office of the Provost and Vice President for Academic Affairs upon recommendation of the faculty member’s chair and dean.
13. Workload. “Workload” means all activities that contribute to the accomplishment of unit-related activities and responsibilities as the job responsibilities for a faculty or staff member. For purposes of this policy, faculty workload includes teaching, research/creative activity, and service.

### **Procedures and Responsibilities.**

#### I. General.

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.

- A. University 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 for the University.
- B. Activities on behalf of outside entities or individuals must not interfere with an employees’ fulfillment of his or her duties and responsibilities to the University. Such conflicts of commitment may arise regardless of the location of these activities, the type of outside entity, or the level of compensation.

#### II. Approval.

Employees endeavoring to engage in any type of outside activity must request and obtain approval from the employee’s department head/unit administrator and dean through normal administrative channels prior to engagement. Part-time employees must obtain approval for Outside Employment and Professional Activity only when the outside activity reasonably appears to create a conflict of interest.

All requests must be submitted in writing using the official form designated by Human Resources.

- A. Outside Activity may be approved by the appropriate university official 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. The official capacity or connection of the employee to the university is not used in connection with outside employment;
  - v. It does not conflict with any federal or state law, other university policy or Regents Rule, or possess a reasonable potential for such a conflict;
  - vi. It does not create an unmanaged, actual or apparent conflict of interest; or
  - vii. It does not create an unmanaged, actual or apparent conflict of commitment with the employee's position at UNT.
- B. Prior approval is required for a faculty or staff member to hold elective or non-elective offices or positions of honor, trust or profit with any governmental entity (see section 7 below). In such cases, the President is authorized by the Board of Regents to determine whether such employment or position held or sought by any faculty or staff member would be a conflict with the individual's position with the university.
- C. Authorization to engage in an outside activity or service remains in effect for 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.
- D. Employees must submit a new request to engage in an outside activity upon change in position status or supervisor.

### III. Denial and Revocation.

- A. Nothing in this policy grants a faculty or staff member a right to engage in any Outside Activity, and the university may revoke approval to engage in such activity at any time the employment or service fails to comply with this or other applicable university policies. If the appropriate university official determines the Outside Activity no longer complies with this or any other UNT policy any time after approval has been granted, the employee must resign the Outside Activity immediately.
- B. If the appropriate university official determines that the outside work or service being requested by the employee does not comply with this or other UNT 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 university may take disciplinary action, including termination of employment.
- C. Faculty and staff members whose requests are denied may not engage in the Outside Activity.
- D. A faculty or staff employee whose request has been denied or who has been directed to terminate Outside Activity after it has been approved, may request a review of the

decision by the appropriate Vice President. The decision of the Vice President (or the President when a request is made by a Vice President) is final.

- E. Failure to comply with this policy is adequate cause for disciplinary sanctions, up to and including termination of employment and revocation of tenure.

#### IV. Use of University Resources.

- A. Use of UNT facilities, property and other resources in connection with Outside Activity is prohibited except in instances where such service 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, and the President approves such service in writing. When it is permissible to use UNT resources in connection with the outside activity, the employee is responsible for obtaining approval from the President in writing through normal administrative channels, before resources may be used.
- B. Use of UNT resources in connection with creation and development of intellectual property must comply with UNT Policy 06.032, Online Courseware Intellectual Property, and UNT Policy 08.003, Research Intellectual Property, as applicable.
- C. The use of university equipment or facilities in connection with elective office is prohibited.
- D. Outside Activity that does not benefit the university must be on an employee's own time. If such service 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 university policies.
- E. 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, including adverse judgments, attorney's fees, and court costs, unless such activity is approved as a function of the faculty or staff member's employment and university workload.

#### V. Professional Activity.

- A. Certain professional activity which clearly enhances the mission of the University and/or provides important elements of faculty or staff development related to their University responsibilities and workload are encouraged, and may include: acting in an editorial capacity for a professional journal; reviewing journal manuscripts, book manuscripts, or grant or contract proposals; assessing and/or accrediting research or educational programs; attending and presenting talks at scholarly colloquia and conferences; serving as a committee member, an officer, or board member of a professional or scholarly society; developing scholarly communications in the form of books or journal articles, reviews, movies, television productions, and similar works; reviewing textbooks or other teaching materials; and producing, performing and/or showing creative works, even when such activities result in financial gain, consistent

with intellectual property and other applicable UNT policies, System Regulations, and Regents Rules.

- B. The Provost and Vice President for Academic Affairs may approve Professional Activities in which faculty members may engage without requesting individual approval. All preapproved activities must comply with this policy. The Provost is responsible for developing guidelines for and publishing a list of preapproved activities and has sole discretion to remove an activity from the list. Professional activities that are not listed in the guidelines as preapproved require individual approval through normal administrative channels in accordance with this policy.
- C. Professional activity that is approved as part of a faculty or staff member's University responsibilities and workload are to be included as part of the faculty or staff member's periodic performance evaluation.

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

- A. A faculty or staff member may serve on an outside board when the service:
  - i. does not conflict with the interests of the university or System;
  - ii. does not interfere with the employee's duties or responsibilities;
  - iii. significantly advances or is fundamentally important to the university's or System's mission;
  - iv. is performed as an integral part of the employee's UNT job duties and responsibilities; and
  - v. does not otherwise violate UNT System Regents Rule 05.800, Service on Outside Boards, or other Regents Rules, or UNT policy.
- B. Faculty and staff who wish to serve on an outside board as a function of employment must obtain approval from the UNT System 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 a recommendation from the President, through normal administrative channels, before the request is submitted to the Board of Regents.
- C. Faculty and staff may serve on an outside board as a function of employment without approval from the Board of Regents, upon written approval by the department head/unit administrator and Dean, but may not be entitled to legal representation and indemnification by the State of Texas.
- D. Service on the board of a religious organization is permissible when the service does not create a conflict with or otherwise to legal representation the public and religious interests and the service satisfies the other provisions of this section.

VII. Service on Outside Boards which is Personal in Nature.

- A. Employees are not required to obtain prior approval from a UNT official or the Board of Regents for service on any outside board which is personal in nature, such as service with a neighborhood association; local, private, or parochial school; sports or recreation league; affinity group such as a garden club; or other similar organization.
- B. In instances where such service occurs during normal office hours, the employee must use appropriate leave in accordance with university policy.

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

- A. Faculty and staff members may hold non-elective state or federal 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) does not create a conflict of interest or conflict of commitment with the employee's position. The President must approve such appointments in writing before the employee accepts the position.
- B. Faculty or staff members 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 President.
- C. Outside activities involving non-elective and elective office must comply with all applicable university policies, including UNT Policy 05.015 – Ethics and Standards of Conduct, as well as applicable federal and state laws.

IX. Dual Employment.

- A. Dual employment must be reported to the department head/unit administrator and dean, and Human Resources department by the faculty or staff member before accepting additional employment with another Texas state agency or institution.
- B. A person who legally is employed by more than one State of Texas agency or institution of higher education, including components of the UNT System, may not receive benefits from the State in excess of those provided for one full-time employee. A person so employed is subject to the following provisions and must be informed of them before she or he becomes employed by more than one agency or institution:
  - i. Separate vacation and sick leave records must be maintained for each employment. When the person terminates from one employment, leave balances accrued under that employment may not be transferred to the remaining employment(s).

- ii. The person accrues state service credit for all purposes as if the employee had only one employment.
- iii. If applicable, the state's contribution towards the taxes imposed on the person by the Federal Insurance Contributions Act (FICA) may not exceed the overall limit specified in the General Appropriations Act and the university shall follow accounting and reporting procedures prescribed by the State Comptroller to ensure that the contribution does not exceed this limit.
- iv. The total state contribution towards the person's group insurance is limited to the amount specified in the General Appropriations Act for a full-time equivalent active employee.
- v. Overtime compensation accrues to an employment independently of every other employment with the following exception: If the person is subject to the overtime provisions of the Fair Labor Standards Act (FLSA) in either job, the employing agencies/ institutions must ensure that the person is compensated for all combined time worked in excess of 40 hours per week according to the FLSA overtime provisions. The agencies/institutions shall coordinate to determine which employer is responsible for ensuring that the employee is properly compensated according to the overtime provisions of the FLSA. See also Policy 05.062, Compensatory Leave and Overtime.

C. An employee who engages in dual employment with a component of the UNT System is responsible for monitoring compensation received for both jobs.

X. Multiple Employment within UNT

Employment within UNT that requires performance of duties other than an individual's primary responsibilities for the University is considered not dual or outside employment or outside service. Such employment must comply with UNT Policy 05.040, Supplemental Pay.

XI. Unmanaged Conflicts of Interest and Conflicts of Commitment

Unmanaged conflicts of interest and conflicts of commitment are prohibited.

- 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. All management plans related to research must be developed in conjunction with the Office of Research Integrity and Compliance.
- C. Management plans unrelated to research must be developed in conjunction with the employee's supervisor and approved by the appropriate Vice President.
- D. 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.



**References and Cross-References.**

Board of Regents Resolution, Re: Outside Employment, February 28, 1975 (President's Bulletin, Vol. 6, No. 3).

Regents Rule 05.700, System Administration Ethics and Standards of Conduct

Regents Rule 05.800, Service on Outside Boards

UNT Policy 05.015, Ethics and Standards of Conduct

UNT Policy No. 05.022 Working Hours and Flexible Work Arrangements

UNT Policy 05.040, Supplemental Pay

UNT Policy 05.062, Compensatory Leave and Overtime

UNT Policy 06.032, Online Courseware Intellectual Property

UNT Policy 08.003, Research Intellectual Property

Article XVI, Sections 33 and 40, Constitution of the State of Texas

Texas Government Code, Section 574.001

Texas Education Code, Section 61.0815

Texas Government Code, Sec. 666

[Texas State Agencies](#)

Approved: 02/01/1975

Effective: 08/01/2003

Revised: 09/01/1995; 09/01/1999; 07/01/2001; 08/01/2003\*; 05/01/2011\*\*; 10/17/2016\*\*;  
7/27/2020

\*Reviewed with no change

\*\* Format only