

THE UNIVERSITY OF TEXAS AT DALLAS
NUMBERED POLICY MEMORANDA

POLICY MEMORANDUM 79-I.3-29

Issued: July 16, 1979
Revised: April 30, 1981
Revised: April 8, 1983
Revised: August 26, 1996
Revised: November 12, 1997
Editorial Amendments: February 2, 1998
Editorial Amendments: September 1, 2000

DUAL OR OUTSIDE EMPLOYMENT

I. General Provisions

1. This policy incorporates those provisions of the Regents' Rules and Regulations (<http://www.utsystem.edu/bor/rules/>) that are pertinent to outside or dual employment. The Regents' Rules and Regulations in Part One, Chapter III, Section 13 specifically address outside employment. Additional guides are provided in Sections II and III of the U. T. System Policy on Consultant and Similar Fees, and Dual or Outside Employment. Further, Section II of this policy memorandum clarifies the amount of time which may be devoted to outside employment.
2. A full-time (either twelve-month or nine-month basis) member of the University faculty or administrative and professional staff may, with requisite prior approval by the appropriate university authority, accept employment of a consultative or advisory nature with governmental agencies, industry, or other educational institutions in cases where such activity is judged to be beneficial to the University. Prior approval is required via the Authorization for Dual or Outside Employment form appended to this policy memorandum. Employment in the context of regular, on-going routine duties with a non-UTD employer (dual or outside employment), as distinct from temporary, episodic or intermittent employment, will be subject to much closer scrutiny in terms of its impact on an individual's ability to fulfill adequately her/his obligations to the University. The assumption of teaching duties in other institutions, other than occasional lectures for presentation of results of scholarly activity or special situations specifically approved by the Executive Vice President and Provost (Provost) is inappropriate. This policy does not apply during the summer months for faculty on nine-month contracts. Prior approval is required via the Authorization for Dual or Outside Employment form appended to this policy memorandum.

3. Many forms of self-employment, such as the establishment or management of companies or corporations that make the individual's expertise or services available to others outside the University, are subject to the provisions of this policy memorandum.
4. Service on outside advisory committees without compensation (but where travel and living expenses may be reimbursed) is not subject to the provisions of this policy memorandum, but such service must also be limited so as not to impair the individual's service to the University. An "advisory committee" is primarily a recommending body and does not involve decision and/or policy making for the outside agency concerned.
5. No member of the full-time faculty or staff of U. T. Dallas (either twelve-month or nine-month basis) shall be employed in any outside work or activity 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 approved by the appropriate Dean or Department Head, or head of the organizational unit, and by the Provost or appropriate Vice President.
6. Unless advance permission has been obtained from the President and provision has been made for compensation to the System or to U.T. Dallas, no use may be made of University facilities in connection with consulting or other outside employment. Where University facilities are required to fulfill any task relating to activities outside the University, a contractual relationship with the University is the proper mechanism to use rather than a consulting agreement with an employee of the University.
7. Conflict of interest should be avoided in all instances of outside employment, and conflict of interest in an academic institution means outside activity which intrudes upon the academic functions of teaching, scholarly activities, and service to the institution or upon the mission of the University, for example, outside employment which competes with university course offerings. Faculty members engaged in outside employment are expected to continue to meet the professional standards and expectations set by their schools. No member of the faculty or staff engaged in outside remunerative activities shall use in connection therewith the official stationery of the U.T. System or of U.T. Dallas or give as a business address any building or department of the university.
8. Every member of the faculty or staff who gives professional opinions must protect The University of Texas System and U.T. Dallas 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 names of the System and the University are not in any way to be connected with the employee's name, except when used to identify the employee as the author of work related to the employee's academic or research area.

II. Portion of Time Devoted to Dual or Other Outside Employment

1. Full-time regular employment (twelve-month or nine-month basis) by the University involves the commitment of the individual's professional time, energy, and primary loyalty to the University. Such individuals are expected, at a minimum, to be available to conduct university duties during the equivalent of forty hours per week and upon request of their immediate supervisors. Outside work or other activity must not impair the individual's ability to fulfill his/her duties at the University.
2. During periods of regular employment by the University, a faculty or administrative and professional staff member, with prior approval, may engage in consulting work or other appropriate outside employment. Time spent in such outside employment activities must be in addition to, rather than a part of, the normal full-time effort expected by the University, and the employee should be able to present evidence to validate this. If there is any likelihood of interference with the primary obligations to the University, the individual should not engage in the outside employment or should request a leave of absence from, or a part-time employment agreement with, the University. The period of time over which this limitation may be averaged is the semester or summer session; time not used in one period may not be carried over into another during which the individual is employed by the University (i.e., not over 20 days between September 1 and January 15 or between January 16 and May 31, not over 39 days between September 1 and May 31, and not over 13 days between June 1 and August 31).
3. Situations involving dual employment relationships (see Section III. below) are not subject to the time limitations specified in II.2. above.

III. Dual Employment

1. Some service with State of Texas or Federal offices comes under a special provision of state law for non-elective offices or positions of honor, trust, or profit. When such service provided by a University employee involves decision and/policy making for the outside agency concerned (i.e., the individual can act officially on behalf of the outside agency or office), such service is considered to be "dual employment".
2. Consulting relationships with State or Federal offices involving expert advice to rather than decision and/or policy making for the office concerned are not considered to be dual employment relationships and are covered in the University's Policy Memorandum 96-I.3-74.
3. Subject to the other provisions of this policy memorandum, a member of the faculty or staff 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 conflict between holding the office or position and holding the original office or position for

which the member of the faculty or staff receives salary or compensation.

4. Before a member of the faculty or staff may accept an offer to serve in a non-elective office or position of honor, trust, or profit with the State of Texas or the United States, he or she must obtain from the President or the President's designee, and the Board of Regents a finding via the docket that the requirements of Regents' Rules and Regulations, Part One, Chapter III, Section 13 have been fulfilled, indicating in the request the compensation to be received for such services.
5. The President must keep a record of compensation received by each faculty or staff member from a non-elective office or position, including specifically: salary, bonuses, and per diem or other type of compensation. The individuals concerned must therefore report such activities to the Provost or appropriate Senior Vice President using the Authorization for Dual or Outside Employment form (See Section IV. below).
6. Nothing in this section or policy memorandum is intended to supersede existing policies and procedures governing joint appointments. Joint appointments are a distinct employment relationship and are subject to distinct approval, record keeping, and reporting provisions within the budgetary process.

IV. Prior Authorization Procedures

1. A full-time faculty or administrative and professional staff member seeking to engage in outside or dual employment under this policy shall receive prior approval by completing an Authorization for Dual or Outside Employment form (copy attached) and submitting it to his or her immediate supervisor.
2. After approval by the appropriate Dean or Department Head, forms will be routed to the Provost or appropriate Senior Vice President for final approval. A copy of the final, approval form is provided to the Office of Research Administration and Sponsored Projects.
3. In the case of requests for service in a non-elective office or position of honor, trust, or profit (see Section III.4.-5.), the approved form is forwarded to the Senior Vice President for Business Affairs for inclusion in the next institutional docket.

AUTHORIZATION FOR DUAL OR OUTSIDE EMPLOYMENT

FOR FULL-TIME UTD EMPLOYEES

(Complete after reviewing Policy Memorandum 79-I.3-29, Policy on Dual or Outside Employment)

Name: _____

Academic or Organizational Unit: _____

The above named employee of UTD proposes to enter into a dual or outside employment arrangement with,

Name of company, individual or organization: _____

Address _____

Effective start date of employment arrangement: _____

Expected number of days (or hours) of outside work or activity under this arrangement between the effective date thereof and the end of the fiscal year (August 31): _____

Expiration date of proposed arrangement (may be indefinite): _____

Specify nature of the outside employment (check one): Dual ☐ Consulting ☐ Other ☐

Basis of compensation: Hourly ☐ Daily ☐ Fixed Fee ☐ Profit Sharing ☐ Other ☐

Summary of proposed activities in sufficient detail to permit judgment of possible conflict of interest. (Attach separate page if needed.):

I have read and understand the regental and University rules relevant to my request, and to the best of my knowledge, this outside employment will not involve any conflict of interest as prohibited by Part One, Chapter III, Section 13, of the Regents' Rules and UTD Policy Memorandum 79-I.3-29, Dual or Outside Employment.

Signature _____

Date

APPROVED:

Department Head or Head of Organizational Unit

Date

School Dean/Director

Date

Provost/Vice President

Date

Information Copy: Office of Research Administration and Sponsored Projects

(Revised 9/1/00)