Policy Chapter:	**Chapter 5 Human Resources**
Policy Number and Title:	**05.008 Dual Employment and Other Activities**

I. 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 employees 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.

II. Application of Policy

All Faculty and Staff.

III. Policy Definitions

A. Compensation

"Compensation," in this policy, 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.

B. Conflict of Commitment

"Conflict of Commitment," in 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.

C. Conflict of Interest

"Conflict of Interest," in 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. reasonably could 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.

D. Dual Employment

"Dual Employment," in this policy, 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 compensation, 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.

E. Employee

"Employee," in this policy, 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.

F. Management Plan

"Management Plan," in this policy, means a written agreement that imposes conditions or prescribes actions necessary to manage conflicts of interest and conflicts of commitment involving outside activities, including reduction of effort or hours, or revocation of authorization to engage in the outside activity.

G. Outside Activity

"Outside Activity," in this policy, means dual employment, outside employment, and outside service, that could reasonably conflict with an employee's job responsibilities and duties with UNT, excluding activities protected under the First Amendment of the U.S. Constitution.

H. Outside Employment

"Outside Employment," in this policy, means work performed by a UNT employee for another organization or individual (excluding dual employment) for compensation, other than work counted in a faculty member's workload. 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.

I. Outside Service

"Outside Service," in this policy, 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 compensation. 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.

J. Outside Board

"Outside Board," in this policy, 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 Service on Outside Boards.

K. Professional Activity

"Professional Activity," in this policy, means an activity in an employee's discipline or area of expertise performed by a faculty member as part of their university workload or by a staff member as part of their job responsibilities with an external organization or individual, with or without compensation, that clearly contributes to UNT's mission or reputation and/or that provides significant development related to the employee's university responsibilities. Dual and outside employment are not considered professional activities for purposes of this policy.

L. Reasonable Amount of Time, Involvement and Duration

"Reasonable Amount of Time, Involvement and Duration," in this policy, 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 department head/unit administrator and dean.

M. Workload

"Workload," in this policy, means all responsibilities of an employee's position and activities that contribute to the accomplishment of unit-related activities. For purposes of this policy, faculty workload includes teaching, research/creative activity, service, and administration.

IV. Policy Responsibilities

A. 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 university.

1. 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.

2. 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 amount of compensation.

B. Approval

Employees endeavoring to engage in any type of outside activity must request and obtain approval from the employee's supervisor, department head/unit administrator, and dean in academic units 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 or conflict of commitment.

1. All requests must be submitted in writing using the form designated by Human Resources. Outside activity may be approved by the appropriate university official provided:
    a. it does not interfere with the regular work of the employee;
    b. it involves only a reasonable amount of time, involvement, and duration;
    c. it avoids unfair competition with legitimate private enterprises;
    d. the official capacity or connection of the employee to the university is not used in connection with the outside employment;
    e. 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;
    f. it does not create an unmanaged, actual, or apparent conflict of interest; or
    g. it does not create an unmanaged, actual, or apparent conflict of commitment.
2. Prior approval is required for an employee to hold elective or non-elective offices or positions of honor, trust, or profit with any governmental entity (see section H below). In such cases, the President shall determine whether such employment or position held or sought by any employee would be a conflict with the individual's position with the university.
3. Authorization to engage in an outside activity 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.

4. Employees must submit a new request to engage in an outside activity upon change in position status or supervisor.

C. Denial and Revocation

1. Nothing in this policy grants an employee 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 terminate 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.

2. An 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.

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

D. Use of University Resources

1. 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, adequate controls are in place to ensure the public purpose is met, and the President or the President's designee 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 or the President's designee in writing through normal administrative channels before resources may be used.

2. 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.

3. The use of university equipment or facilities in connection with elective office is prohibited.

4. Outside activity that does not benefit the university 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 university policies.

5. 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 employee's employment and university workload.

E. Professional Activity

1. Certain professional activity which clearly enhances the mission of the university and/or provides important elements of employee 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.

2. 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.

3. Professional activity that is approved as part of an employee's university responsibilities and workload are to be included as part of the employee's periodic performance evaluation.

F. Service on Outside Boards as a Function of Employment

1. An employee may serve on an outside board when the service:

    a. does not conflict with the interests of the university or System;

    b. does not interfere with the employee's duties or responsibilities;

    c. significantly advances or is fundamentally important to the university's or System's mission;

d. is performed as an integral part of the employee's UNT job duties and responsibilities; and

e. does not otherwise violate UNT System Regents Rule 05.800, Service on Outside Boards , or other Regents Rules, or UNT policy.

2. Employees 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.

3. Employees 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 for faculty and by the supervisor and department head for staff, but may not be entitled to legal representation and indemnification by the State of Texas.

4. Service on the board of a religious organization is permissible when the service does not intertwine the public interests and religious interests and the service satisfies the other provisions of this section and Regents Rule 05.800.

G. Service on Outside Boards which is Personal in Nature

1. 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.

2. In instances where such service occurs during normal office hours, the employee must use appropriate leave in accordance with university policy.

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

1. Employees 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.

2. 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, except that a faculty member may receive compensation for serving as a member of a governing body of a water district created under the Texas Constitution.

3. Outside activities involving non-elective and elective office must comply with all applicable university policies, including UNT Policy 04.027 Ethics, as well as applicable federal and state laws.

I. Dual Employment

1. Employees must report dual employment to the supervisor, department head/unit administrator, dean (as applicable), and Human Resources before accepting additional employment with another Texas state agency or public institution of higher education.

2. An employee who legally is employed by more than one State of Texas agency or public 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:

   a. separate vacation and sick leave records must be maintained for each employment. When the employee terminates from one employment, leave balances accrued under that employment may not be transferred to the remaining employment(s);

   b. the employee accrues state service credit for all purposes as if the employee had only one employment;

   c. 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 by state law (including 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;

   d. the total state contribution towards the person's group insurance is limited to the amount specified by state law (including the General Appropriations Act) for a full-time equivalent active employee; and

   e. overtime compensation accrues to an employment independent of other employment, except 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 UNT Policy 05.062, Compensatory Leave and Overtime.

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

J. Multiple Employment within UNT

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

K. Unmanaged Conflicts of Interest and Conflicts of Commitment

Unmanaged conflicts of interest and conflicts of commitment are prohibited.

1. 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(s) before the employee undertakes the outside activity.

2. All management plans related to research must be developed in conjunction with the Office of Research Integrity and Compliance.

3. Management plans unrelated to research must be developed in conjunction with the employee's supervisor and approved by the appropriate Vice President.

4. 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.

V. References and Cross-References

Fair Labor Standards Act
Federal Insurance Contributions Act
Constitution of the State of Texas, Art. XVI, §§ 33 & 40
Texas Education Code § 51.9337(c)
Texas Government Code § 574.001
Texas Government Code § 667
UNT System Board of Regents Resolution, Re: Outside Employment, February 28, 1975 (President's Bulletin, Vol. 6, No. 3)
UNT System Board of Regents Rule 05.700, System Administration Ethics and Standards of Conduct
UNT System Board of Regents Rule 05.800, Service on Outside Boards
UNT Policy 04.027, Ethics
UNT Policy 05.022, Flexible Work Arrangements

UNT Policy 05.040, Supplemental Compensation
UNT Policy 05.062, Compensatory Leave and Overtime
UNT Policy 06.032, Online Courseware Intellectual Property
UNT Policy 08.003, Research Intellectual Property

VI. Revision History

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