Issues to Consider in Reviewing for Potential Conflicts Involving Outside Employment, Board Service, and Substantial Interests in Business Entities

**Research:** Will the employee participate, or plan to participate, in any research at UTHealth that will be sponsored by the entity? Does the entity have the potential to provide any other financial support for the employee’s research (e.g., gifts, donations of funds or equipment, provision of devices or products to be studied in their research)?

**Education:** Will the employee direct or supervise any UTHealth academic program or continuing medical/professional education, etc. that will be sponsored (directly or indirectly) by this entity?

**Intellectual Property:** Will the employee participate, or plan to participate, in any research or academic activity at UTHealth that will utilize, study, or evaluate any technology or other intellectual property that is owned by or licensed to the entity?

**Administrative Supervision:** Will the employee supervise or mentor UTHealth employees or trainees who are involved in any activity that will be sponsored by the entity at UTHealth (e.g., sponsored research, academic programs, continuing medical/professional education) or who are involved in an employment situation with the entity (e.g., the employee or trainee being supervised or mentored is a part-time employee or contractor with the entity)?

**Institutional Authority:** Will the employee make institutional official decisions for his/her department, School, or other administrative unit regarding the acceptance of research, assignment of personnel, use of laboratory or administrative space, use of equipment, etc., that will involve the entity?

**Procurement:** Will the employee make institutional official decisions for his/her department, School, or other administrative unit regarding the review or approval of the purchase of goods or services from the entity?

**Contracts:** Will the employee negotiate, review, or sign contracts on behalf of UTHealth with the entity?

**MSRDP/DSRDP:** If the employee is a member of MSRDP or DSRDP, will the employee earn professional fees from the entity generated from patient care services, or fees from the entity for court appearances, expert witness, peer reviews, depositions, and legal consultations? (This situation does not generally represent a potential conflict; however, the activity must be approved by the department/School in advance and the fees must be directed to UTHealth.)

**Medical Devices and Implants:** Will the employee use any medical device, implant, or product that is owned by the entity in their medical practice at UTHealth?

**Other Healthcare Facilities:** Will the employee, the employee’s department, or any other UTHealth unit have the potential to refer patients or patient care services to the entity?

**Time and Travel:** Will the outside activity with the entity need to take place during the employee’s regular UTHealth work hours and involve significant time and/or travel for the outside work?

**Perception of a Conflict:** Are the employee’s UTHealth job duties so closely related to the outside activity or financial interest with the entity that it will be difficult for the employee to maintain the appearance to others of a clear separation between his/her UTHealth responsibilities and the entity?

If the answer is “yes” to any of the above, the proposed outside activity has the potential to create a conflict. Refer to the following information and request assistance from the Conflicts of Interest Office if further review is needed.
Conflicts of Interest and Conflicts of Commitment

A **Conflict of Interest** is an outside activity or financial interest that could directly or significantly affect the performance of the employee’s UTHealth job responsibilities. A conflict of interest generally involves the issue of personal or financial gain. The proper discharge of UTHealth responsibilities could be directly or significantly affected if:

- The activity or interest might tend to influence the way the employee performs his/her UTHealth responsibilities;
- The activity or interest could reasonably be expected to impair the employee’s judgment in performing his/her UTHealth responsibilities;
- The activity or interest might require or induce the employee to disclose confidential or proprietary information acquired through the performance of his/her UTHealth responsibilities; and/or
- The activity or interest has been offered with the intent to influence the employee’s conduct or decisions.

A **Conflict of Commitment** involves a situation in which the time or effort that an employee devotes to an outside activity directly or significantly interferes with the fulfillment of his/her UTHealth responsibilities. It also means that state property or other UTHealth resources have the potential to be used without authority in connection with the employee’s outside activity or interest. A conflict of commitment generally involves the issues of time and resources, for example:

- Canceling a teaching or clinic service responsibility in order to perform consulting for an outside company. The employee should not adjust or cancel his/her UTHealth work assignments in order to perform work for an outside entity.
- Using a UTHealth computer, email, equipment, supplies, or personnel (e.g., related to a personal consulting arrangement, or a personal business ownership).

**Review for potential conflicts:** Reviews performed of potential conflicts will be conducted by the employee’s supervisor or other department or School official, with the assistance of the Senior Vice President for Academic and Research Affairs and will consider:

- The employee’s UTHealth job duties and responsibilities;
- The nature of the employee’s relationship with the outside entity;
- The amount of compensation to be received;
- The value of any financial interest; and
- The potential influence the relationship may have, or appear to have, on the employee’s UTHealth academic, research, clinical, professional, and/or administrative responsibilities.

**Management of conflicts:** If a conflict is identified and determined to be manageable, the employee and his/her supervisor will work with the SVPARA to develop a formal written Management Plan that will include appropriate management strategies and oversight responsibilities. The Management Plan is signed by the employee and his/her department Chair or other similar level official.

Management Plans for non-research related activities are approved by UTHealth’s Senior Executive Vice President/Chief Operating and Financial Officer.

A potential financial conflict of interest in UTHealth research requires a separate process, requiring review by the Research Conflicts of Interest Committee. If an employee’s participation in the proposed research is approved with the conflict, a Research Conflict of Interest Management Plan is implemented by the SVPARA.

Some Management Plans will require approval by the U T System Executive Vice Chancellor for Health Affairs.

---

**Executive Vice President & Chief Academic Officer – Conflict of Interest Office**

UCT 1510

Research_COI@uth.tmc.edu