

## Decision Matrix for Approval of Outside Activities and Conflict of Interest Disclosures

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This matrix is intended as a quick reference guide. For more information, visit the [Frequently Asked Questions](#) webpage at [www.utrgv.edu/compliance/outside-activities-portal/faq/](http://www.utrgv.edu/compliance/outside-activities-portal/faq/) or contact [Compliance@utrgv.edu](mailto:Compliance@utrgv.edu).

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### General Rule

Any domestic outside activity or interest that may reasonably appear to create a conflict of interest, or interfere with an employee's University responsibilities, must be reported in the Outside Activity Portal. This requirement applies regardless of:

- category of employee (full-time, part-time, exempt, non-exempt, faculty),
- location of activity (on or off campus),
- the type of outside entity (individual, for-profit, not-for-profit, government),
- and level of compensation (compensated or not compensated).

All foreign outside activities or interests **must** be disclosed in the Outside Activity Portal. If a foreign activity is part of a talents recruitment program, it must be identified as such.

### Specific Requirements and Exemptions for Domestic Activities

<b>Category 1 - Scholarly and Professional Activities (Applies to faculty and exempt staff).</b>	<b>Prior approval required? (employees, not covered family members)</b>	<b>Activity allowed during regularly scheduled work hours / responsibilities?</b>	<b>After the Fact Reporting Required (within 30 days)?</b>
<p>Academic activities that are clearly related to UTRGV's mission, provided they do not reasonably appear to create a conflict of interest or conflict of commitment.</p> <p>Examples:</p> <ol style="list-style-type: none"> <li>1. Serving on a federal, state, or local government agency committee, panel, or commission.</li> <li>2. Acting in an editorial capacity for a professional journal.</li> <li>3. Reviewing journal manuscripts, book manuscripts, or grant or contract proposals.</li> <li>4. Attending or providing talks or honorary lectures at scholarly and professional colloquia, other academic institutions, and conferences.</li> <li>5. Developing scholarly communications in the form of books or journal articles, movies, television productions, and similar works.</li> <li>6. Serving as a committee member or as an officer of a professional, academic or scholarly society or committee.</li> </ol>	<p><b>NO*</b></p> <p>Provided they are clearly related to the University's mission and do not reasonably appear to create a conflict of interest or interfere with the employee's University duties and responsibilities.</p>	<p><b>YES</b></p> <p>Provided it does not interfere with University responsibilities.</p>	<p><b>NO*</b></p>

<b>Category 2 - Board Service or Other Activity that is Personal (applies to faculty and exempt staff).</b>	<b>Prior approval required? (employees, not covered family members)</b>	<b>Activity allowed during regularly scheduled work hours / responsibilities?</b>	<b>After-the-fact Reporting required? (within 30 days)</b>
<p>Example:</p> <p>Serving on the board of a municipality, local religious congregation, neighborhood association, public, private or parochial school; political organization, social advocacy organization, youth sports or recreation leagues, affinity groups, and other similar outside boards or activities.</p>	<p><b>NO*</b></p> <p>Provided they do not reasonably appear to create the appearance of a conflict of interest or interfere with the employee's University duties and responsibilities.</p>	<p><b>NO</b></p>	<p><b>NO*</b></p>

<b>Category 3 - Outside employment, teaching, and board service (applies to faculty and exempt staff)</b>	<b>Prior approval required? (employees, not covered family members)</b>	<b>Activity allowed during regularly scheduled work hours / responsibilities?</b>	<b>After-the-fact Reporting required? (within 30 days)</b>
<p>Employee outside activities or employment <u>other than</u> activities described in Categories 1 or 2 above.</p> <ol style="list-style-type: none"> <li>1. Outside employment or other compensated activities, such as service as a consultant or advisor to any entity.</li> <li>2. All outside teaching by faculty members, whether onsite or distance teaching, that is in or related to the same discipline as their area of teaching at UTRGV – EXCEPT serving as a thesis advisor or member of a thesis review committee.</li> <li>3. Service on outside boards regardless of whether compensation is received.</li> <li>4. Service on a board of a religious organization that provides services which the University provides (e.g., academic institution, health care services).</li> </ol>	<p><b>YES*</b></p>	<p><b>NO</b></p>	<p><b>YES*</b></p> <p><b>If it was not approved beforehand, it must still be approved after-the-fact</b></p> <p>Provided you are not engaged in research or sponsored programs, and not involved in procurement activities over \$15,000. See Categories 4 and 5 below.</p>

<p><b>Category 4 - Research and Sponsored Projects</b></p> <p><b>Applies only to employees engaged in research or sponsored programs. Applies to all such employees including part-time and non-exempt. Also includes students and, in some cases, collaborators.</b></p>	<p><b>Prior approval required? (employees, not covered family members)</b></p>	<p><b>Activity allowed during regularly scheduled work hours / responsibilities?</b></p>	<p><b>After-the-fact Reporting required? (within 30 days)</b></p>
<p>The following outside activities and financial interests received or held by the employee and/or the employee’s covered family members, <b>that reasonably appear to be related to the employee’s institutional responsibilities</b>:</p> <ol style="list-style-type: none"> <li>1. Payments received by the employee or covered family member from an outside entity related to employee’s institutional responsibilities must be disclosed. Please see note below.</li> <li>2. Interests in intellectual property and royalties and covered family members.</li> <li>3. Equity interests in any entity such as stock, stock options or other ownership interest or entitlement for the employee and covered family members.</li> <li>4. Outside employment or board service of an employee or a covered family member, compensated or not, that reasonably appear to be related to the employee’s institutional responsibilities.</li> <li>5. Gifts totaling over \$250 received in the last 12 months from a single entity, other than gifts from a covered family member.</li> <li>6. Sponsored travel (other than travel reimbursed by a federal, state, or local governmental agency, institution of higher education, an academic teaching hospital, medical center, or a research institute affiliated with an institution of higher education).</li> <li>7. Fiduciary positions for which the employee received any form of remuneration or reimbursement for expenses.</li> </ol> <p>Note: Generally, disclosure is not required under #1 if the payment originates directly from federal, state, or local governmental agencies, institutions of higher education, academic teaching hospitals, medical centers, or research institutes affiliated with institutions of higher education. However, disclosure becomes necessary if the entity is funding the employee’s research or if UTRGV is providing funding to the entity through any means.</p>	<p><b>YES</b></p> <p>For activities for which prior approval is required under Category 3, above.</p> <p><b>OTHERWISE NO*</b></p>	<p><b>NO</b></p>	<p><b>YES</b></p> <p>Unless prior approval has been requested and obtained for this activity through the Outside Activity Portal</p>

<b>Category 5 - Procurement</b> <b>Applies only to employees involved in procurement activities (meaning that they make decisions or recommendations regarding: contract terms and conditions, who is awarded a contract, preparation of a solicitation for a contract, or evaluation of a bid or proposal) with respect to purchases of \$15,000 or more. Applies to all such employees including part-time and non-exempt.</b>	<b>Prior approval required? (employees, not covered family members)</b>	<b>Activity allowed during regularly scheduled work hours / responsibilities?</b>	<b>After-the-fact Reporting required? (within 30 days)</b>
<p>The following outside activities and financial interests received or held by the employee or the employee’s covered family members:</p> <ol style="list-style-type: none"> <li>1. All outside employment or other compensated activity of the employee.</li> <li>2. All non-university employment or other compensated activity of covered family members that reasonably appear to be related to the employee’s institutional responsibilities</li> <li>3. Any outside activity, regardless of compensation, that reasonably appears to create a conflict of interest or a conflict of commitment.</li> <li>4. Outside board service, unless entirely unrelated to university business.</li> <li>5. Any substantial interest in a business entity should be disclosed within 30 days after acquiring the interest.</li> <li>6. Gifts totaling \$ 250 or more in a year from a single person or entity - other than gifts received from one’s parent, child, sibling, grandparent or grandchild; one’s spouse of the spouse of anyone mentioned immediately above; or the parent, child, sibling, grandparent, or grandchild of one’s spouse.</li> </ol>	<p><b>YES</b></p> <p>For activities for which prior approval is required under Category 3, above.</p> <p><b>OTHERWISE NO*</b></p>	<p><b>NO</b></p>	<p><b>YES</b></p> <p>Unless prior approval has been requested and obtained for this activity through the Outside Activity Portal*</p>

**\* NOTE: Faculty and exempt staff (those not eligible for overtime pay) without any outside activities or interests to report must still log into the Portal during the Annual Reporting Period, which is January, February, and March each year- to report “No Activity” for the prior year.**

## Definition of Terms Used in Decision Matrix

### What does “Engaged in Research” mean for purposes of Decision Matrix – Category 4?

- Individuals engaged in research include everyone who is responsible for the design, conduct, or reporting of research. This may include research staff and students in addition to principal investigators, co-investigators, or project directors.
- Research (in this context) means any systematic investigation, study, or experiment designed to develop or contribute to generalizable knowledge.
- A systematic investigation, study, or experiment is one that involves a prospective plan - which incorporates quantitative or qualitative data collection and data analysis - to answer a question.
- Research includes basic research, applied research, and product development.

### What does “Sponsored Project” mean for purposes of Decision Matrix - Category 4?

Sponsored projects are any project or program that receives external (extramural) funding through grants from public entities and in some cases from corporations and foundations. Generally, these are projects and programs where the terms of the grant legally obligate the university to carry out a project or program involving a defined set of activities and/or deliverables within a defined time period.

Philanthropic gifts that provide funds and restrict how they can be used without obligating the university to carry out a specific project or program are excluded from this definition of sponsored projects.

### What does “involved in Procurement Activities” mean for purposes of Decision Matrix – Category 5?

Individuals “involved in procurement activities” include employees authorized to make purchases of \$ 15,000 or more. They also include employees who make decisions or recommendations about purchases of \$ 15,000 or more regarding:

- Contract terms and conditions.
- Who is awarded a contract.
- Evaluation of a bid or proposal.

### **What is considered “Compensation” for purposes of deciding whether an outside activity requires prior approval?**

Compensation is defined as: Any form of benefit including but not limited to salary, retainers, honoraria, intellectual property rights or royalties, or promised, deferred, or contingent interest.

Compensation includes sponsored travel or reimbursement, including travel that is reimbursed or sponsored by a Federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education. These benefits do not require disclosure under [Decision Matrix](#) Categories 4 and 5 unless they are related to the employee’s institutional responsibilities, but they never-the-less require prior approval under [Decision Matrix](#) Category 3.

### **What does “Covered Family Member” mean for purposes of Decision Matrix – Categories 4 and 5?**

Covered family members include:

- a spouse;
- a dependent child or stepchild or other dependent, for purposes of determining federal income tax liability during the period covered by the disclosure statement;
- Any other person financially dependent on the individual;
- Any other person with whom the individual has joint Financial Interests, such that an objective third party could reasonably conclude that the individual’s decisions or other exercise of Institutional Responsibilities could be influenced by their effect on the other person’s Financial Interest;
- Any person may meet the above definition and be identified as a family member without regard to whether a legal or biological family relationship exists.

### **Does "Substantial Interest in a Business Entity" include mutual funds?**

No. Investment vehicles, such as mutual funds or retirement accounts, are not substantial interests in a business entity as long as the individual does not directly control the investment decisions made in those vehicles.

### **What does "Primarily Personal" mean in regard to service on outside boards?**

This refers to service that is unrelated to your position at UTRGV or your UTRGV responsibilities. Examples include boards of the following nature – a municipality; local religious congregation; neighborhood association; public, private or parochial school; political organization; social advocacy organization; youth sports or recreation league; affinity group such as the local orchid society or model train collectors club; and other similar outside boards.



### **What is “Foreign Talent Program”?**

A foreign talent program is an effort organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position).

### **When do I Disclose or Request an Outside Activity and How Frequent?**

(a) A covered individual shall submit or update a financial interest disclosure statement:

(1) not later than the 30th day of initial employment, covering the 12 months preceding the date of disclosure;

(2) annually not later than March 1; and

(3) not later than the 30th day after acquiring a new financial interest that requires disclosure under Section 2.02, such as receiving payments, an equity interest, intellectual property rights, or royalties that would require disclosure on an annual financial interest disclosure statement.

(b) A covered individual who is planning to participate in a PHS-funded research project shall submit a financial interest disclosure statement not later than the time of application for PHS funded research, except that an individual who is new to the institution and who is planning to participate in an on-going PHS-funded research project shall submit the statement not later than the 30th day of initial employment.

(c) Faculty and exempt staff (those not eligible for overtime pay) without any outside activities or interests to report must still log into the Portal during the Annual Reporting Period, which is January, February, and March each year- to report “No Activity” for the prior year.