



Institutional Handbook of Operating Procedures Policy 06.05.03	
Section: Compliance	Responsible Vice President: Senior Vice President and General Counsel
Subject: Conflicts of Interest and Ethics	Responsible Entity: Office of Institutional Compliance

I. Title

Individual Conflicts of Interest, Conflicts of Commitment, and Outside Activities

II. Policy

This policy is intended to protect patient safety and welfare and safeguard the credibility and reputation of the institution by providing a transparent system of prior approval and documentation of outside activities by UTMB Employees, as defined below. This policy serves to ensure that each Employee is free from conflicting interests and commitments when fulfilling the duties related to his or her UTMB position. The policy seeks to ensure compliance with state ethics laws, The University of Texas System (UTS) policies, and The University of Texas Board of Regents' Rules (Regents' Rules).

This policy applies to all Employees and Students, as defined below. This policy must be followed in addition to IHOP - 06.05.01 – *Research Conflicts of Interest*; IHOP - 06.05.04 – *Institutional Conflicts of Interest*; IHOP - 06.05.05 – *Gifts, Vendor and Industry Interactions, and Other Activities*; IHOP - 06.05.06 – *Code of Ethics and Standards of Conduct for State Employees*, and other IHOP policies where applicable.

The primary responsibility of UTMB Employees is the fulfillment of the duties and responsibilities assigned to one's position of appointment (UTS 180; Regents' Rule 30104, Sec. 1). To that end, it is UTMB policy that Employees must request prior approval for certain Outside Activities and make certain disclosures as outlined herein. While Employees are sometimes permitted to engage in outside work or activity, they must comply with the requirements set forth in Regents' Rule 301014, UTS 180, and this policy.

III. Procedure

- A. Ethical Standards of Conduct. UTMB Employees are State Employees of Texas and public servants (see IHOP – 06.05.06 – *Code of Ethics for State Employees*), and must perform their Institutional Responsibilities in a lawful, professional, and ethical manner benefitting the State of Texas and UTMB. To that end, Employees must not:
 1. Accept Outside Activities, Benefits, or Compensation, each as defined below, that results in an unmanageable Conflict of Interest or interferes with, or could appear to interfere with, the Employee's Institutional Responsibilities;
 2. Accept or solicit any Benefit that may reasonably tend to, or is offered with the intent to, influence the Employee in the performance of their Institutional Responsibilities;
 3. Intentionally or knowingly solicit, accept, or agree to accept any Benefit for having

exercised an Employee's official authority or for having performed their Institutional Responsibilities in favor of another person or entity;

4. Disclose confidential information acquired through their position at UTMB; or accept Outside Activities or Benefits that might reasonably require or prompt the Employee to disclose confidential information acquired in the performance of their Institutional Responsibilities;
5. Accept Outside Activities, Benefits, or Compensation that could reasonably be expected to impair, or appear to impair, an Employee's independence of judgment in the performance of their Institutional Responsibilities;
6. Use an Employee's position at or association with UTMB to further a non-UTMB interest. This includes, but is not limited to, using or referencing their position at or association with UTMB to solicit any Benefit, business, or donations for an Outside Activity or personal interest; market products or services for a business or an Outside Activity; or use their UTMB position to further the personal interest, a business interest, or financial interest of a family member or personal friend; and
7. Make personal investments that could create an unmanageable Conflict of Interest between the Employee's private interest and the institution's interests.

B. Outside Activities, Generally

1. The Institutional Official for Conflicts of Interest (IO-COI), or his/her designee; the Conflicts of Interest Office; or the Conflicts of Interest Committee (COIC) have the authority to make determinations regarding the provisions stated in this policy.
2. The primary employment responsibility of UTMB Employees is to the institution and to the accomplishment of the duties and responsibilities assigned to the individual's position of appointment at UTMB.
3. Employees must not have a direct or indirect interest, including financial and other interests, or engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of their Institutional Responsibilities. (Regents' Rule 30104, Sec. 3).
4. Outside Activities performed on behalf of outside entities or individuals must not interfere with an Employee's fulfillment of his/her duties and/or responsibilities to UTMB. Such Conflicts of Commitment may arise regardless of the location of the activities (on or off campus), the type of Outside Activity, or the level of Compensation (compensated or uncompensated). (Regents' Rule 30104, Sec. 4).
5. All Outside Activities, including board service, for which the Employee receives Compensation, must be performed on the Employee's own time except as outlined in Section III.F. below.
6. Any Outside Activity for which the Employee receives reimbursement for travel, lodging, or meals, may be performed during the Employee's normal business hours so long as

the activity is reasonably related to the mission of UTMB as determined by the IO-COI, or his/her designee, or the Conflicts of Interest Committee (COIC).

7. In addition to the requirements set forth in this policy, Employees and Students engaged in any research activity must comply with IHOP 06.05.01 – *Research Conflicts of Interest*, for periodic training and disclosure of certain financial interests and Outside Activities as required by federal regulation and U.T. System policy.
8. In addition to the requirements set forth in this policy, Employees and Students must comply with IHOP 06.05.05 – *Gifts, Vendor and Industry Interactions, and Other Activities*.
9. Institutional Personnel are strictly prohibited from participating in a “Malign Foreign Talent Recruitment Program” (definition below) and any foreign talent recruitment program by a “Foreign Adversary” nation (definition below). Institutional Personnel must disclose participation in any Foreign Talent Recruitment Program (definition below) and research personnel must certify that they are not a party to a Malign Foreign Talent Recruitment Program at the time of application for a federal research award (*See also* IHOP 06.05.01, *Research Conflicts of Interest*).
10. State resources must not be utilized for an Employee’s Outside Activity. The time, materials, and equipment used by Employees and Students while engaged at UTMB are considered state resources for purposes of this policy.
11. The following names and associated trademarks of: The University of Texas Medical Branch, UTMB, and UTMB Health, are institutional resources and therefore may not be utilized for Outside Activities or other non-institutional activities or purposes.

C. Outside Activity Request Requirements and Process

1. Subject to the exclusions in Section III.F., the following Outside Activities Require Prior Approval Annually:
 - a. Any outside employment or other activity for which the Employee receives Compensation or reimbursement for travel, lodging, and meals, regardless of whether the activity may appear to create a Conflict of Interest or a Conflict of Commitment.
 - b. Any uncompensated Outside Activity that could reasonably appear to create a Conflict of Interest or a Conflict of Commitment for the Employee. The IO-COI, or his/her designee or the COIC makes the determination of whether a particular activity constitutes a Conflict of Interest or the appearance of a Conflict of Interest. When in doubt, err on the side of submitting an Outside Activity request or contacting the Conflicts of Interest Office (coi.in@utmb.edu) for a review.
 - c. Any compensated or uncompensated outside board service, except as provided for in Section III.D. below.
 - d. Any Ownership Interest in a business entity (see definition of Ownership Interest below).
 - e. Any compensated or uncompensated services, employment, appointments, or other relationships with a foreign governmental agency, institution, business, or other entity. This

specifically includes, but is not limited to, any consulting; service; or adjunct, honorary, or visiting faculty appointment at institutions of higher education outside the United States.

2. Prohibited Outside Activities

- a. Employees must not transact any business in an official UTMB capacity with any entity of which the Employee is an officer, agent, or member, or in which the Employee holds an Ownership Interest. For purposes of this Section, Ownership Interests are not restricted to only those that are reasonably related to the Employee's Institutional Responsibilities, but rather include any ownership in any entity by Employees. Exceptions to this prohibition will be evaluated on a case-by-case basis in accordance with Section III.J. below.
- b. Employees must not accept any gift of, or reimbursement for, travel, meals, and lodging from a third-party business or its representative except as provided below:
 - i. A UTMB Department may accept unrestricted educational grants from third-party businesses so long as the UTMB Department has full control over the use of the funds.
 - ii. Employees or Students may accept travel, lodging, and related meals to attend an off-campus conference or meeting only if the Employee or Student lectures, presents a poster or a paper, participates in a panel discussion, speaks in a session at the conference or meeting, or it is otherwise important to the mission and purpose of the institution as determined by the IO-COI, or his/her designee.
 - iii. Employees may accept travel, lodging, and modest meals from a current UTMB vendor for purposes of off-campus post-purchase product or service training, advising, teaching, and support.
 - iv. The IO-COI, or his/her designee, has discretion to permit other Benefits deemed related to UTMB's mission and purpose, in collaboration with the appropriate department administrator (ASG), as needed.
- c. Employees must not accept Compensation for an Outside Activity or reimbursement for travel, lodging, gifts, and food related to an activity that is sales, marketing, or promotional in nature.
- d. Employees must not engage in "speakers bureaus" which are industry-sponsored speaking engagements that are promotional or marketing in nature. Employees must retain full control and authority over professional material presented in written or spoken format.
- e. Employees must not accept Compensation from private persons or entities for any work that is part of their Institutional Responsibilities.

3. Time and Documentation Requirements

- a. Employees must submit a prior approval request for an Outside Activity, including board service, at least 30 days prior to the start of any proposed activity.

- b. The Employee must provide the IO-COI, or his/her designee, or the Conflicts of Interest Office, with a copy of the Employee's proposed agreement or contract with the outside entity for compliance review at the time the request is submitted and before the activity may be started.

4. Disclosure Requirements for Covered Family Members

In addition to Outside Activity requests, Employees have certain disclosure requirements as noted below. If there are questions regarding whether something requires a prior approval request form or a disclosure form, contact the Conflicts of Interest Office (coi.in@utmb.edu).

- a. Employees engaged in research activities have disclosure requirements as noted in IHOP – 06.05.01 – *Research Conflicts of Interest*.
- b. Employees must disclose the nature and extent of any Outside Activity of a Covered Family Member, as defined below, that may reasonably appear to create a Conflict of Interest with the Employee's Institutional Responsibilities.
- c. Employees must disclose the nature and extent of any substantial interest in a business entity of a Covered Family Member that may reasonably appear to create a Conflict of Interest with the Employee's Institutional Responsibilities.

5. Members of the MSRDP Faculty Practice Plan – SOM (FPP)

- a. Full-time and part-time (>.49 FTE) Members of the FGPP must not personally receive any Compensation derived from the following Outside Activities:
 - i. Professional fees generated for any patient care services or those that are directly related to their Institutional Responsibilities;
 - ii. Court appearances, legal consulting, depositions, or expert testimony; and
 - iii. Gifts of cash or cash equivalents (e.g., gift cards) provided in the context of patient-care activities.
- b. Some part-time (<.50 FTE) FGPP Members may be required to adhere to the provisions of this policy as determined by the Faculty Group Practice.

6. Students and Part-Time Employees

- a. Students are not required to submit an Outside Activity request or make a disclosure unless they also hold an employment position at UTMB or are engaged in a research activity (*see* IHOP – 06.05.01 – *Research Conflicts of Interest*).
- b. Part-time Employees are only required to submit an Outside Activity request that reasonably appears to create a Conflict of Interest or a Conflict of Commitment with their Institutional Responsibilities.

7. Compensation Limits for Faculty and Administrative and Professional (A&P) Employees

a. Per Day

- i. Full-time faculty and A&P employees must not accept more than \$10,000 in Compensation for Outside Activity services lasting one day, provided that at no time the fees accepted exceed the fair market value of the services provided.

b. Per Year

- i. Full-time faculty and A&P employees must not accept Compensation for an Outside Activity from a single outside entity in an amount that exceeds 25 percent of the individual's UTMB base pay and must not accept aggregate Compensation from all outside entities exceeding 50 percent of the individual's UTMB base pay.
- ii. For purposes of calculating the 12-month period, Compensation for services is attributed at the time which services are rendered, regardless of when the Compensation is actually received by the Employee. If no specific date of service is provided, the effective date of the agreement will be used.
- iii. Compensation in the form of reimbursed or sponsored travel as part of research activities and Compensation from accredited CME activities performed on behalf of approved entities will not count towards the 25 percent or 50 percent limits.

D. Outside Board Service

1. Compensated Board Service

- a. Employees must submit an Outside Activity request for all compensated board service except as stated in subsection D.3 below.
- b. Compensated board service must be conducted on the Employee's personal time.

2. Uncompensated Board Service

- a. Employees must submit an Outside Activity request for all uncompensated board service except as stated in subsection D.3 below.
- b. Uncompensated board service should be conducted during the Employee's personal time.

3. Personal Board Service

- a. Service on an outside board for which the Employee's service is primarily personal (i.e., not related to the Employee's Institutional Responsibilities) rather than professional in nature and is conducted during the Employee's personal time does not require prior approval or disclosure so long as the service does not create a Conflict of Interest or the appearance of a Conflict of Interest with the Employee's Institutional Responsibilities.
- b. Examples of personal board service include, but are not limited to, the following:
 - i. Board of a municipality
 - ii. Local religious congregation

- iii. Public, private, or parochial school
- iv. Political organization
- v. Youth sports or recreation league
- vi. Affinity group such as a book club
- vii. Social advocacy organization

a. Honoraria

1. Acceptable Honoraria

- a. Honoraria are permissible if related to an Employee's particular area of expertise and not due to his/her official position with UTMB.
- b. Employees may accept an honorarium or a nominal gift from a United States academic institution, federal or state agency, professional service association, non-profit organization, or foundation for services pertaining to the Employee's specialty or area of expertise.
- c. Employees may be reimbursed by a United States academic institution, federal or state agency, professional service association, non-profit organization, or foundation for transportation, lodging, and meal expenses incurred during their active participation in a conference or seminar as a speaker or in some other substantive manner.
- d. Employees may retain an honorarium so long as:
 - i. The travel expenses were paid for or reimbursed by an individual or entity other than UTMB (otherwise, the honorarium must be given to UTMB to offset institution expenditures);
 - ii. The activity is scholarly or academic in nature and is important to UTMB's mission or is important for faculty or staff development; and
 - iii. They meet the requirements for prior approval of an Outside Activity as set forth in Section III.C.

2. Prohibited Honoraria

- a. Employees must not accept honoraria if the services would not have been requested but for their official position or when the honorarium is offered in lieu of a benefit that would otherwise be prohibited.
- b. Activities Not Requiring Prior Approval

Employees do not need to submit an Outside Activity request for certain activities, even if compensated, so long as the activity (1) is not funded (travel, meals, lodging) by a current or prospective vendor of UTMB, a pharmaceutical company or device manufacturer, or similar entity, (2) the Employee does not receive any personal Compensation from the entity, (3) does not reasonably appear to create a Conflict of Interest, and (4) the amount of time committed does not interfere with the individual's Institutional Responsibilities. These activities include:

- i. Activities performed on behalf of UTMB and for which compensation is received solely from UTMB and no other outside source. This includes any instance in which there is an agreement or contract between UTMB and the outside entity.

- ii. United States-based scholarly and academic activities important to UTMB's mission or which are important for professional development, including, but not limited to:
 - a. Serving on a federal, state, or local government or agency committee, panel, or commission.
 - b. Service to an academic teaching hospital consistent with the requirements set forth in this policy.
 - c. Service as a committee member, officer, or board member of a professional or scholarly society.
 - d. Acting in an editorial capacity for a professional journal.
 - e. Reviewing journal manuscripts, book manuscripts, or grant and contract proposals.
- iii. Service to a U.S. institution of higher education as defined by 20 U.S.C. 1001(a), regardless whether the activity is compensated. This exception is limited to services that are transient in nature and does not include employment (which would still require an outside activity request as set forth in this policy).
- iv. Development of scholarly communications in the form of books or journal articles, movies, television productions, webinars, and other similar works, even when such activities may result in financial gain, consistent with intellectual property and other applicable U.T. System and UTMB institutional policies and guidelines.

G. Procurement Activities

- 1. Each Employee who is involved in procurement or contract management for UTMB must disclose any potential conflict of interest that is known to the Employee with respect to any contract with a private vendor or bid for the purchase of goods and services from a private vendor by UTMB. (Texas Government Code § 2261.52).
- 2. An Employee may not participate in any procurement activities or negotiations on behalf of UTMB that involve either a financial transaction or a licensing agreement, if the Employee or a Covered Family Member has:
 - a. An Ownership Interest in the outside entity;
 - b. A Financial Interest valued at \$5,000 or more within the preceding 12-month period; or
 - c. Received any Benefit or Compensation with a cumulative value of \$5,000 or greater from the outside entity within the preceding 12-month period.

H. Avoiding Bias in Presentations and Publications

- 1. Employees and Students must ensure that their presentations and publications are free of third-party commitments, restrictions, and other influences that may bias or create the appearance of bias in the presented/published material or that may compromise scientific integrity and public trust.
- 2. Employees and Students:
 - a. Must retain full control and authorship over presentation content and must not allow presentations to be subject to prior approval by any outside entity other than approval of the use of proprietary information;

- b. Must not deliver a presentation if an outside entity has the right to dictate the content of such presentation;
 - c. Must disclose to the audience any Compensation received from an outside entity that could be perceived to bias the presentation. These disclosures should be of sufficient length and detail that a reasonable person could read and comprehend the nature and extent of the relationship;
 - d. Must not present slides or materials authored by an outside entity as their own; and
 - e. Must not deliver presentations that do not comply with this Policy, regardless of whether Compensation is received.
3. Employees and Students must disclose all Outside Activities or Benefits as required by the rules of the conference or respective journal or publication in which they are publishing.

I. Conflicts of Commitment

- 1. A Conflict of Commitment is a state in which the time or effort that an Employee devotes to an Outside Activity directly or significantly interferes, or could appear to interfere, with the Employee's fulfillment of his/her Institutional Responsibilities, or when the Employee uses UTMB property without authority in connection with the Employee's Outside Activity.
- 2. Institutional Responsibilities
 - i. An Employee's Outside Activities must not interfere with the fulfillment of his or her Institutional Responsibilities.
 - ii. The Employee's direct supervisor and/or the Executive Vice President over the Employee has the authority to determine whether the Employee's Outside Activity constitutes a Conflict of Commitment.

J. Management Plans

- 1. The IO-COI, or his/her designee, in collaboration with the COIC and others as necessary, is responsible for the development and implementation of Conflicts of Interest Management Plans under this policy.
- 2. A Management Plan must be in the form of a written agreement and may impose any condition and prescribe any action necessary to manage a Conflict of Interest.
- 3. The Management Plan must be signed by the Employee and either the IO-COI, or his/her designee, or Chair of the COIC. Depending on the nature and extent of the Conflict of Interest, it must also be reviewed and approved by the COIC and signed by the Employee's Department Chair, or Executive Vice President (EVP). The Employee and Chair or EVP, are responsible for implementation of and compliance with the Management Plan.

K. Exceptions to Policy

1. A request for an exception to any part of this policy may be submitted in writing, including justification or rationale, to the Conflicts of Interest Office (coi.in@utmb.edu).
2. The Conflicts of Interest Office, in conjunction with the IO-COI, or his/her designee, the COIC, and others as necessary, will review all exception requests and except for subsection K.3 below, make a final determination.
3. The IRB has final authority for research-related exceptions that could potentially impact human subjects' safety or welfare.

L. Rescinding Approvals

The IO-COI, or his/her designee, the COIC, or an approving manager may rescind an approved Outside Activity upon receipt of information indicating that the activity is not consistent with this policy, other institutional policy, U.T. System policy, U.T. Board of Regents' Rule, or any applicable law.

M. Compliance

1. Compliance with this policy is a condition of an Employee's employment, appointment, or enrollment as a student. Noncompliance with this policy will be evaluated by the IO-COI, or his/her designee, in collaboration with the COIC, and other institutional senior leadership as necessary.
2. Noncompliance may result in discipline, up to and including termination of employment for Employees and expulsion for students. Additional sanctions may include termination of the Outside Activity or Benefit resulting in a conflict of interest, or which violates this or another institutional policy. In the case of a violation of civil or criminal law, violators may be subject to civil or criminal penalties.

N. Appeals

1. An Employee may appeal a determination made by the Conflicts of Interest Office, IO-COI, or his/her designee, or the COIC, that a requested Outside Activity, Benefit, or other Financial Interest is not permissible under this policy.
2. An Employee may appeal the determination made by his/her supervisor that a permissible Outside Activity, Benefit, or Financial Interest is denied.
3. To appeal, the Employee must submit a written appeal to the Conflicts of Interest Office within thirty (30) days of receipt of the notice of impermissibility or denial.
4. The appeal will be directed to the Executive Vice President (EVP) overseeing the enterprise or division in which the Employee resides.
5. The EVP may then choose to do one of the following:
 - a. Affirm the denial of the activity. The EVP's decision is final.
 - b. Reverse the decision and approve the requested Outside Activity. The EVP's decision is final.
 - c. Transfer the appeal to an administrator, chair, or dean within the same enterprise or division

as the requesting employee for final determination.

- d. Transfer the appeal to the IO-COI, or his/her designee, or the COIC for final determination.

IV. Definitions

Benefit: Anything of value including Compensation or any other form of advantage as may be determined by the Institutional Official for Conflicts of Interest (IO-COI), or his/her designee, that is reasonably regarded as valuable or providing a monetary gain or advantage, including financial or monetary gains to other persons or entities in which the beneficiary has a direct and substantial interest. Examples of Benefits include, but are not limited to, cash; gifts; awards; transportation and lodging; food and beverages; tickets to entertainment and sporting events; and honoraria. *See also*, Financial Interest as defined below.

Compensation: Any form of existing or potential fiscal advantage, regardless of whether the value is readily ascertainable including, but not limited to, salary from an entity other than UTMB and any other form of payment for services, such as consulting fees; retainers; honoraria; intellectual property rights or royalties; Ownership Interests; or promised, deferred, or contingent interests; or any other form of Compensation as determined by the Institutional Official for Conflicts of Interest (IO-COI) or his/her designee. Compensation also includes sponsored travel or travel reimbursement.

Conflict of Commitment (COC): A state in which the time or effort that an Employee devotes to an Outside Activity directly or significantly interferes, or could appear to interfere, with the Employee's fulfillment of their Institutional Responsibilities, or when the Employee uses state property without authority in connection with the Employee's Outside Activity including, but not limited to, board service, consulting, ownership or investment interest in a business entity, or other activity (*see* Sec. 8, Regents' Rule 30104).

Conflict of Interest (COI): Any Benefit, Financial Interest, or Outside Activity of an Employee that could directly or significantly influence the performance of their Institutional Responsibilities. The proper discharge of an Employee's Institutional Responsibilities could be directly or significantly influenced if the Benefit, Financial Interest, or Outside Activity: (1) might tend to influence the performance of their Institutional Responsibilities, or the person knows or should know the interest is or has been offered with the intent to influence their conduct or decisions; (2) could reasonably be expected to impair their judgment in performing their Institutional Responsibilities; or (3) might require or induce an individual to disclose confidential or proprietary information acquired through the performance of their Institutional Responsibilities.

Covered Family Member: A spouse (official, traditional, or common law), or any related or non-related unmarried adult who resides in the same household as the Employee and with whom the individual is financially interdependent as evidenced, for example, by the maintenance of a joint bank account, mortgage, or investments. Covered Family Member also means any individual with whom the Employee has a relationship that could reasonably be perceived to unduly influence the performance or fulfillment of the Employee's Institutional Responsibilities.

Employee: This Policy applies to any employee who is part-time (<.50 FTE), full-time Faculty, Administrative and Professional, Classified, part of the Correctional Managed Care (CMC) workforce,

Trainees, or other individual receiving compensation from UTMB who is not considered an independent contractor. Employees are public servants of the State of Texas. See above for requirements of part-time employees.

Financial Interest: Anything of monetary value, including Compensation, whether or not the value is readily ascertainable. *See also*, Benefit as defined above.

Foreign Adversary Nation: a country on the U.S. Department of Commerce's Foreign Adversaries list (15 C.F.R. § 791.4), which includes China (including Hong Kong and Macau), Cuba, Iran, North Korea, Russia, and Venezuelan politician Nicolás Maduro (Maduro Regime), per Texas Executive Order GA-48.

Foreign Talent Recruitment Program: Any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

Consistent with Section 10632(d) of the Act, a foreign talent recruitment program does not include the following international collaboration activities, so long as the activity is not funded, organized, or managed by an academic institution or a foreign talent recruitment program on the lists developed under paragraphs (8) and (9) of Section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232):

1. Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
2. Participating in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;
3. Advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request; and
4. Engaging in the following international activities:
 - a. Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the U.S.- Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific exchanges and interactions such as providing invited lectures or participating in international peer review panels.
 - b. Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency (e.g., membership in the Pontifical Academy of Sciences or The Royal Society).
 - c. Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education

activities such as receiving a doctorate or professional certification at an institution of higher education (e.g., the University of Oxford, McGill University) that are not in conflict with the interests of the federal research agency.

d. Receiving awards for research and development which serve to enhance the prestige of the federal research agency (e.g., the Nobel Prize).

e. Other international activities determined appropriate by the federal research agency head or designee.

Honorarium: A payment for a service, such as giving a speech or presentation, or serving on a discussion panel.

Institutional Official for COI (IO-COI): The conflicts of interest official designated by the President of UTMB to determine permissibility of conflicts of interest and ethics issues related to this policy and other applicable institutional policies.

Institutional Responsibilities: Any academic or professional responsibility of an individual subject to this policy on behalf of the institution including, but not limited to, research; research consultation; teaching; professional practice; outreach; institutional committee membership; and service on an institutional research committee or panel including, but not limited to, an Institutional Review Board (IRB); Institutional Animal Care and Use Committee (IACUC); Institutional Biosafety Committee (IBC); or Data and Safety Monitoring Board (DSMB).

Malign Foreign Talent Recruitment Program:

(A) any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual—

(i) engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;

(ii) being required to recruit trainees or researchers to enroll in such program, position, or activity;

(iii) establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;

(iv) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;

(v) through funding or effort related to the foreign talent recruitment program, being limited in

the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award;

(vi) being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;

(vii) being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;

(viii) being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or

(ix) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and

(B) a program that is sponsored by—

(i) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;¹⁰

(ii) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232); or

(iii) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232).

Management Plan: A formal, written plan to address a Conflict of Interest, which can include reducing or removing the conflict.

Outside Activity: Any personal activity performed by Institutional Personnel for which Compensation is received, other than fulfilling academic or employment obligations to UTMB. This includes, but is not limited to, distance teaching; any work for a third party, such as supervising, consulting, or advisory services; or other employment for which Compensation, regular or occasional, is received. This also applies to uncompensated outside board service and any other compensated or uncompensated activity that might pose a conflict of interest or conflict of commitment.

Ownership Interest: Includes, but is not limited to, any stock; stock options; warrants; or other equity interest in any corporation, partnership, or other legal entity excluding (i) shares in mutual funds, and (ii) stock, stock options, or warrants, where the disposition or acquisition is not directly controlled by the owner and where the owner has no right to intervene in the handling of such assets, *e.g.*, stock, stock options, or warrants held in blind trusts (to the extent that the identity of the assets in the blind trust is unknown). Ownership Interest includes any license equity.

V. Relevant System Policies and Procedures

[UT Regents' Rules and Regulations](#)

[UT System Rule 180](#)

VI. Related UTMB Policies and Procedures

[IHOP - 06.05.01 – Research Conflicts of Interest](#)

[IHOP - 06.05.04 – Institutional Conflicts of Interest](#)

[IHOP - 06.05.05 – Gifts, Vendor and Industry Relationships, and Other Activities](#)

[IHOP - 06.05.06 – Code of Ethics and Standards of Conduct for State Employees](#)

VII. Additional References

[OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf \(whitehouse.gov\)](#)

[Texas Executive Order GA-48](#)

VIII. Dates Approved or Amended

<i>Originated: 08/15/2012</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
02/19/2014	02/20/2014
07/23/2015	
06/06/2022	
10/08/2024	
08/01/2025	

IX. Contact Information

Conflicts of Interest Office

Office of Institutional Compliance

coi.in@utmb.edu