**Conflicts of Interest and Conflicts of Commitment Policy and Approval Guidelines**

**8.2.18.2 Conflicts of Interest and Conflicts of Commitment**

* + - * 1. **Conflicts of Interest and Appearances of Conflicts of Interest**

Each University System of Georgia (USG) employee shall make every reasonable effort to avoid actual or apparent conflicts of interests. An apparent conflict exists when a reasonable person would conclude from the circumstances that the employee’s ability to protect the public interest, or perform public duties, is compromised by a personal, financial, or business interest. An apparent conflict can exist even in the absence of a legal conflict of interest. USG employees are referred to State Conflict of Interest Statutes O.C.G.A. § 45-10-20 through § 45-10-70 and institutional policies governing professional and outside activities.

Each USG employee has an ongoing responsibility to report and fully disclose any personal, professional, or financial interest, relationship, or activity that has the potential to create an actual or apparent conflict of interest with respect to the employee’s USG duties.

Institutions shall adopt guidelines governing conflicts of interest and may further define methods of reporting conflicts of interest, how to manage said conflicts, and terms used within this policy section, so long as such guidelines and definitions are not inconsistent with this policy.

**Conflicts of Interest – Research and Institutional**

The USG recognizes the benefits of collaboration and commercialization with the private sector and other third-party entities that supports the USG mission. The resulting relationships and agreements, however, must not undermine the public’s trust, compromise the integrity of the USG mission, or inappropriately influence teaching, research, and service activities. Under no circumstances should a grant, gift, contract or other funding be accepted that limits the ability of USG employees to conduct or report the results of research in accordance with applicable scientific, medical, professional, and ethical standards.

Institutions shall incorporate policy and review procedures within its institutional guidelines consistent with this policy.

* + - * 1. **Conflicts of Commitment**

A USG employee shall not engage in any occupation, pursuit, or endeavor that will interfere with the regular and punctual discharge of that employee’s official duties.

* + - * 1. **Outside Activities**

**Compensated Outside Activities of Faculty and Staff**

Each USG employee with a work commitment of 30 or more hours per week (.75 or >FTE), and faculty members on contracts of nine months or more must obtain written approval prior to engaging in compensated outside activities that relate to the employee’s expertise or responsibilities as a USG employee. Such activities include consulting, teaching, speaking, and participating in business, professional, or service enterprises.

Employees at USG institutions must obtain written approval from the institution President or the President’s designee utilizing institutional procedures for defining and managing potential and apparent conflicts of interest. System Office employees and USG Presidents must obtain approval from the Chancellor or the Chancellor’s designee. Direct reports of USG Presidents and those with a title of Vice President or equivalent must obtain approval from the USG institution President, whose authority cannot be delegated, using procedures established by the Chancellor.

Each USG employee, with a work commitment of less than 30 hours per week (.75 FTE or <), and faculty members on a contract term of less than nine months a year do not need written approval in advance of engaging in compensated outside activities so long as the outside activity does not create a conflict of interest or otherwise violate Board policy.

**Required Leave and Honoraria for Compensated Outside Activities**

Except as authorized for eligible faculty employees, as set forth in Section 8.2.18.2.4, appropriate leave must be used by USG employees for outside activities during the employee’s work hours consistent with the USG procedures governing the use of leave.

Non-faculty employees may not receive Honoraria, as defined in Section 8.2.18.2.4, for activities during the employee’s work hours.

**Consulting for USG Vendors**

USG institution employees are generally prohibited from consulting with or otherwise receiving compensation from a current vendor of, or an entity seeking a vendor relationship with, the USG institution where the employee works. System Office employees are generally prohibited from consulting with or otherwise receiving compensation from a current System Office vendor or an entity seeking a vendor relationship with the System Office.

Exceptions to this provision may be granted by the institution President or President’s designee for USG institution employees that do not supervise, regularly interact with, or participate in the selection of vendors for that employee’s institution or in those instances where the employee seeking to consult for a vendor or potential vendor is not involved in any way with supervising, regularly interacting with, or selecting said vendor or potential vendor. Similar exceptions for System Office employees and USG Presidents may be granted by the Chancellor or Chancellor’s designee. This prohibition does not apply to vendor or service relationships between the USG and other government entities.

**8.2.18.2.4 Institution Guidelines for Faculty Outside Consulting**

**Definitions**

“Compensation” is defined as any payment, deferred payment, equity, or deferred equity provided in exchange for the expectation that the faculty member will perform work or services for the benefit of the outside payer. Compensation does not include standard Honoraria.

“Honoraria” are defined as any payments given for professional or voluntary services that are rendered nominally without charge, and any payments in recognition of these services typically forbids a price to be set. See Section 8.2.18.4 Gratuities for guidance on accepting expense reimbursement from outside parties.

“Faculty Primary Responsibilities” are defined as teaching, research, clinical practice, service, administrative duties, and other appropriate duties assigned by the institution to the faculty member.

“Faculty Secondary Responsibilities” are defined as professional activities or affiliations traditionally undertaken by faculty outside of the immediate institution employment context but where the faculty member represents the institution and his or her affiliation to it. Secondary Responsibilities may or may not entail the receipt of Honoraria, remuneration, or the reimbursement of expenses.

“Outside Consulting” is defined as any activity for Compensation other than Primary Responsibilities or Secondary Responsibilities that a faculty member may engage in that, (1) is based upon professional knowledge, experience, and abilities of the faculty member that relate to the faculty member’s expertise or responsibilities as a USG faculty member, and (2) is performed for any business, self-employment, or public or private entity other than his or her institution.

“Faculty” is defined in accordance with Section 3.2 Faculties, and includes full-time research and extension personnel and duly certified librarians on the basis of comparable training.

**Required Institutional Guidelines**

Recognizing that teaching, research, and public service are the primary responsibilities of USG faculty members, it is reasonable and desirable for faculty members to engage in additional activity beyond duties assigned by the institution, which are professional in nature and based in the appropriate discipline for which the individual receives additional compensation during the contract year.

Each USG institution shall adopt guidelines governing outside consulting activities of faculty members that shall include the following:

1. Time that faculty may engage in outside consulting during work hours, if any;
	1. If faculty outside consulting is permitted during work hours, the maximum limit is, on average, one day per week.
	2. Unless express permission is granted by the institution President, whose approval authority may not be delegated, twelve-month faculty who earn annual leave must take leave consistent with USG and institutional procedures governing the use of leave when engaged in consulting during the faculty member’s work hours.
2. A determination of what institutional resources may be used for outside consulting work;
3. A plan for reimbursing the institution for non-incidental use of the institution’s personnel, facilities, equipment, and materials consistent with rates charged outside groups or persons;
4. A procedure for obtaining prior approval of the President or President’s designee; and,
5. A procedure for defining and managing conflicts of interest and conflicts of commitment regarding outside faculty consulting.

## Employee Outside Activities/On-Campus Activities Approval Form

Employee Name:       Department:

School/College:       Date of Request:

**Outside Activity - All Full-time Faculty (contract of 9 months or more) and Staff (30 or more hours/week) (Check all that apply):**

[ ]  Outside Activity involving consulting, teaching, research, speaking, or participation in business, professional, or service enterprises (with or without compensation).

 Name of Outside Entity:

 Will there be compensation above expenses? YES NO

[ ]  Outside Activity involving compensation from a vendor

 Name of Vendor:

 Do you or have you participated in the selection of this vendor? YES NO

Is the vendor a current vendor at Clayton State University? YES NO

To the best of your knowledge, is the vendor currently seeking a relationship with Clayton State University? YES NO

**Outside Activities:**

[ ]  Does the outside activity occur within your normal work hours? YES NO

 If yes, appropriate leave must be taken, and you should file an absence request once you have approval for the activity.

[ ]  Does the outside activity exceed one day per week? YES NO

 Nine-month Faculty: Cannot exceed one day per week

 Twelve-month faculty: Must take annual leave for consultations during normal work hours unless the President grants permission otherwise.

[ ]  Will institutional resources be used for the outside activity (e.g., faculty issued laptop)? YES NO

 If yes, please describe in the Activity Description Section below. If approved, you will be responsible for reimbursing the institution for non-incidental use of personnel, facilities, equipment, and materials consistent with rates charged to outside groups or persons.

[ ]  Does the activity involve sponsored research that could result in a potential conflict of interest for either you or Clayton State University? YES NO

 If yes, schedule an appointment with the Internal Auditor prior to completing the remainder of this form.

**Activity Terms:**

***Activity Type:***

[ ]  Off-Campus Activity

[ ]  On-Campus Activity involving more than one business day of time commitment in a week

***Record of Time Commitment:***

Beginning Date and Time:       Ending Date and Time:

Frequency of Activity: (one time, once per month, etc.):

Total Time Commitment (hr.):

Please Note that if you will be paid for this On Campus Activity-you are required to comply with all Supplemental Pay and Extra Compensation Procedures and submit these before engaging in the activity.

|  |
| --- |
| **Activity Description (include: dates that the employee will be away from duties, method for reimbursing the institution for the use of its resource, if applicable):**      |

**Certification:**

I certify that the activity:

1. will not constitute a conflict of interest under Georgia state law;
2. will not constitute a conflict of interest or conflict of commitment as described in Board of Regents Policy 8.2.18.2, the University System of Georgia, and Clayton State University; and,
3. will not interfere with the punctual discharge of my official duties.

 Employee Signature Date

**Approvals:**

 Department Head Date

 Academic Dean Date

 Provost (faculty approvals only) Date

 President Date